

IDAHO DEPARTMENT OF WATER RESOURCES
LEGISLATIVE UPDATE (2020)
Updated September 10, 2020

RS/Bill	TITLE	I.C.	STATEMENT OF PURPOSE/SUMMARY	STATUS
RS 27373 HB 0329	Digital media	42-1805	This legislation gives the Director of IDWR the authority to receive, file, record, or retain documents of record on media other than paper. The legislation makes clear that IDWR can use media other than paper for long term storage of documents.	<ul style="list-style-type: none"> • PASSED HOUSE 69-0-1 • PASSED SENATE 33-0-2 • Reported signed by Governor on 3/9/20; Effective: 7/1/20
RS/Bill	TITLE	I.C.	STATEMENT OF PURPOSE/SUMMARY	STATUS
RS27297 H0366	Relating to water districts	42-605 42-610 42-612 42-613 42-619 42-615 repealed 42-617 repealed 42-618 Repealed	This is a housekeeping bill related to water districts. This legislation amends Chapter 6, Title 42, Idaho Code. This bill consolidates language and reduces duplication of sections related to the collection of water district assessments; clarifies requirement for counties that collect water district assessments; corrects errors; consolidates the requirements for watermaster reporting into one section; authorizes watermasters to estimate the amount of water delivered to water users where actual delivery data are not available for purposes of assessment; and amends requirements for water district annual meeting notices.	<ul style="list-style-type: none"> • PASSED HOUSE 69-0-1 • PASSED SENATE 32-0-2 • Reported signed by Governor on 3/9/20; Effective: 7/1/20
RS/Bill	TITLE	I.C.	STATEMENT OF PURPOSE/SUMMARY	STATUS
RS27284C1 H0382	To provide for the Bear River water rights adjudication	42-1406C	This legislation authorizes the initiation of a general water rights adjudication for the Bear River Basin . <ul style="list-style-type: none"> • Authorizes accomplished transfers for the Bear that occur prior to date of commencement. • Authorized enlargements for Bear and modified enlargement date for existing NIA adjudications. Previously 1987 was cutoff. Now, enlargement cutoff is the date of the commencement of the adjudication. 	<ul style="list-style-type: none"> • PASSED HOUSE 70-0-0 • PASSED SENATE 33-0-2 • Reported signed by Governor on 3/9/20; Effective: 7/1/20

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RS/Bill	TITLE	I.C.	STATEMENT OF PURPOSE/SUMMARY	STATUS
RS27785 H0565	Flood Control Districts	42-3129 42-3130 42-3131 42-3132 42-3133 42-3134	Makes it easier for flood control districts to annex lands.	<ul style="list-style-type: none"> • PASSED HOUSE 56-12-2 • PASSED SENATE 30-2-3 • Reported signed by Governor on 3/24/20; Effective: 7/1/20
RS/Bill	TITLE	I.C.	STATEMENT OF PURPOSE/SUMMARY	STATUS
RS27905C1 H0592	Stockwater Rights	42-224	Amends, repeals, and adds to existing law to provide for forfeiture of de minimis stockwater rights.	<ul style="list-style-type: none"> • PASSED HOUSE 68-0-2 • PASSED SENATE 32-0-3 • Reported signed by Governor on 3/24/20 Effective: 7/1/20
RS/Bill	TITLE	I.C.	STATEMENT OF PURPOSE/SUMMARY	STATUS
RS27932 H0609	Water and Sewer Districts	42-3219	Amends existing law to revise provisions regarding the exclusion of certain lands from water and sewer districts.	3/6: Introduced, read first time, referred to JRA for printing; reported printed and referred to Local Government
RS/Bill	TITLE	I.C.	STATEMENT OF PURPOSE/SUMMARY	STATUS
RS27940 H0615	Forfeiture of Water Rights	42-222 42-223	This legislation codifies certain forfeiture standards established in Idaho case law. The bill codifies that forfeiture of a water right must be proven by “clear and convincing evidence.” The bill also codifies the doctrine of “resumption of use” as outlined in <i>Sagewillow, Inc. v. Idaho Dep't of Water Res.</i> , 138 Idaho 831, 835, 70 P.3d 669, 673 (2003).	<ul style="list-style-type: none"> • PASSED HOUSE 65-0-5 • PASSED SENATE 32-0-3 • Reported signed by Governor on 3/24/20 Effective: 7/1/20
RS/Bill	TITLE	I.C.	STATEMENT OF PURPOSE/SUMMARY	STATUS
RS 27207 SB 1217	Emergency Response to Release of	42-201	This legislation authorizes state and local emergency response teams to divert water without a water right if necessary to clean up releases of petroleum or other hazardous substances	<ul style="list-style-type: none"> • PASSED SENATE 35-0-0 • PASSED HOUSE 70-0-0

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	Hazardous Substance		that threaten public health and the environment. DEQ must report to IDWR the location, need, and expected duration of the emergency response within 72 hours and shall consult IDWR on maintaining delivery of existing water rights during cleanup.	<ul style="list-style-type: none"> • Reported signed by Governor on 2/11/20; Effective: 7/1/20
RS/Bill	TITLE	I.C.	STATEMENT OF PURPOSE/SUMMARY	STATUS
SB 1265	Reporting by local governing entities	67-450E	This bill eliminates a notification requirement for certain local governing entities (including water districts) to notify their appointing authority that they have complied with reporting requirements.	<ul style="list-style-type: none"> • PASSED SENATE 34-0-1. • HELD IN HOUSE
RS/Bill	TITLE	I.C.	STATEMENT OF PURPOSE/SUMMARY	STATUS
RS27214 SB 1273	Removes date restriction associated with statutory claims	42-245	This legislation removes the June 30, 1988, limitation from the statutory claim filing exception in Idaho Code 42-245. With the change, a claimant would not be required to file a statutory claim pursuant to Idaho Code 42-243 if a claim is filed in any general water rights adjudication.	<ul style="list-style-type: none"> • PASSED SENATE 34-0-1 • PASSED HOUSE 68-0-2 • Reported signed by Governor 3/16/20; Effective: 7/1/20
RS/Bill	TITLE	I.C.	STATEMENT OF PURPOSE/SUMMARY	STATUS
RS27351C1 SB 1283	Waiver of a rule	67-5230	This bill provides a method for any person to request a waiver, variance, or amendment of an existing Idaho rule.	<ul style="list-style-type: none"> • PASSED SENATE 32-3-0 • PASSED HOUSE 66-0-4 • Reported signed by Governor 03/24/20; Effective: 07/01/20
RS/Bill	TITLE	I.C.	STATEMENT OF PURPOSE/SUMMARY	STATUS
RS27499 S1289	Irrigation Districts, Land Grouping	43-732	Amends existing law to revise provisions regarding the grouping of certain lands for assessment purposes.	<ul style="list-style-type: none"> • PASSED SENATE 34-0-1 • PASSED HOUSE 69-0-1

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			Current state law allows irrigation districts to assess an additional service charge to cover higher costs associated with serving small-tract and subdivided land. Current law establishes two groupings: 2 acres or less, and 2 to 10 acres. This bill would change these to an acre or less and 1 to 10 acres.	<ul style="list-style-type: none"> • Reported signed by Governor 3/18/20; Effective: 7/1/20
RS/Bill	TITLE	I.C.	STATEMENT OF PURPOSE/SUMMARY	STATUS
RS27500 S1290	Irrigation Districts, Polling Place	43-206	Amends existing law to provide that certain irrigation districts may combine precincts into one combined polling place, to provide for the location, and to provide for judges of election.	<ul style="list-style-type: none"> • PASSED SENATE 34-0-1 • PASSED HOUSE 69-0-1 • Reported signed by Governor 03/18/20; Effective: 07/01/20
	TITLE	I.C.	STATEMENT OF PURPOSE/SUMMARY	STATUS
RS27498 SB 1316	Water permits – RAFN water rights	42-204	This legislation modifies the current process for issuing permits and licenses to municipal providers for reasonably anticipated future needs (“RAFN”) water rights. It authorizes IDWR to license a RAFN water right in incremental steps based upon beneficial use up to the end of the development period.	<ul style="list-style-type: none"> • PASSED SENATE 34-0-1 • PASSED HOUSE 68-0-2 • Reported signed by Governor 3/17/20; Effective: 7/1/20
RS/Bill	TITLE	I.C.	STATEMENT OF PURPOSE/SUMMARY	STATUS
RS27812 SB1363	Idaho Administrative Procedure Act	58-122 67-5201 67-5206 67-5240 67-5252 67-5280 67-5281 67-5282 67-5283 67-5284	Amends and adds to existing law to revise procedures for contested cases and hearing officers. Neither IDWR nor the IWRB are directly affected by this change. The bill makes clear that IDWR/IWRB contested cases are not heard by hearing officers from the Office of Administrative Hearings	<ul style="list-style-type: none"> • FAILED IN SENATE 15-19-1

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RS/Bill	TITLE	I.C.	STATEMENT OF PURPOSE/SUMMARY	STATUS
		67-5285 67-5286 67-5287 67-5288 67-5303		
RS27710 SJM 110	Columbia-Snake River System	SJM 110	Stating findings of the legislature, opposing the removal or breaching of the dams on the Columbia-Snake River System and its tributaries, and recognizing certain benefits provided by the Port of Lewiston	<ul style="list-style-type: none"> • ADOPTED BY SENATE – voice vote • ADOPTED BY HOUSE 61-3-6.
RS27898 SCR 137	Lemhi Basin	Concurrent resolution	Stating findings of the Legislature and directing the Idaho Water Resources Board to work expeditiously with local water users to develop a comprehensive settlement regarding supply demands in the Lemhi Basin.	<ul style="list-style-type: none"> • ADOPTED BY SENATE – voice vote • ADOPTED BY HOUSE 69-0-1
RS27908 SCR 138	John Rosholt	Concurrent resolution	Stating findings of the Legislature, recognizing and honoring the life of John Rosholt and his commitment and contributions to the people and the State of Idaho, and designating the water law collection at the Idaho State Law Library as the John Rosholt Memorial Water Law Collection.	<ul style="list-style-type: none"> • ADOPTED BY SENATE – voice vote • ADOPTED BY HOUSE – voice vote