

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 411

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO WATER; AMENDING SECTION 42-1805, IDAHO CODE, TO AUTHORIZE THE
2 DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES TO ORDER THAT APPLICA-
3 TIONS SUBMITTED PRIOR TO AND AFTER THE EFFECTIVE DATE OF A MORATORIUM
4 ORDER SHOULD BE RETURNED TO THE APPLICANT WITHOUT PROCESSING IN CERTAIN
5 MORATORIUM AREAS.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 42-1805, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 42-1805. ADDITIONAL DUTIES. In addition to other duties prescribed by
11 law, the director of the department of water resources shall have the follow-
12 ing powers and duties:

13 (1) To represent the state in all matters pertaining to interstate and
14 international water rights affecting Idaho water resources; and to cooper-
15 ate with all agencies, now existing or hereafter to be formed, within the
16 state or within other jurisdictions, in matters affecting the development of
17 the water resources of this state.

18 (2) To prepare a present and continuing inventory of the water re-
19 sources of this state, ascertain means and methods of conserving and
20 augmenting these and determine as accurately as possible the most effective
21 means by which these water resources may be applied for the benefit of the
22 people of this state.

23 (3) To conduct surveys, tests, investigations, research, examina-
24 tions, studies, and estimates of cost relating to availability of unappro-
25 priated water, effective use of existing supply, conservation, storage,
26 distribution and use of water.

27 (4) To prepare and compile information and data obtained and to make the
28 same available to interested individuals or agencies.

29 (5) To cooperate with and coordinate activities with the director of
30 the department of environmental quality as such activities relate to the
31 functions of either or both departments concerning water quality. Such co-
32 operation and coordination shall specifically require that:

33 (a) The director meet at least quarterly with the director of the de-
34 partment of environmental quality and his staff to discuss water qual-
35 ity programs. A copy of the minutes of such meeting shall be transmitted
36 to the governor.

37 (b) The director transmit to the director of the department of envi-
38 ronmental quality reports and information prepared by him pertaining to
39 water quality programs, and proposed rules pertaining to water quality
40 programs.

41 (c) The director shall make available to the director of the department
42 of environmental quality and the director of the department of envi-

1 ronmental quality shall make available to the director all notices of
2 hearings relating to the promulgation of rules relating to water qual-
3 ity, waste discharge permits, and stream channel alteration, as such
4 directly affect water quality, and notices of any other hearings and
5 meetings which relate to water quality.

6 (6) To perform administrative duties and such other functions as the
7 board may from time to time assign to the director to enable the board to
8 carry out its powers and duties.

9 (7) After notice, to suspend the issuance or further action on permits
10 or applications as necessary to protect existing vested water rights or to
11 ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or
12 to prevent violation of minimum flow provisions of the state water plan. The
13 director may order that pending applications submitted prior to and after
14 the effective date of a moratorium order should be returned to the applicant
15 without processing if the director determines that the water supply in the
16 moratorium area is fully appropriated or insufficient for the purposes for
17 which the applications are sought to be appropriated.

18 (8) To promulgate, adopt, modify, repeal and enforce rules implement-
19 ing or effectuating the powers and duties of the department.

20 (9) To seek a preliminary or permanent injunction, or both, or a tempo-
21 rary restraining order restraining any person from violating or attempting
22 to violate (a) those provisions of law relating to all aspects of the appro-
23 priation of water, distribution of water, headgates and measuring devices;
24 or (b) the administrative or judicial orders entered in accordance with the
25 provisions of law.

26 (10) To develop, coordinate and provide, through contract or by other
27 means, for weather modification projects involving cloud seeding that are
28 designed to increase the water supplies of the state by enhancing natural
29 precipitation and which conform to state water planning objectives. To ac-
30 complish these purposes the director is authorized to accept and use funds
31 acquired through legislative appropriation or by gift, grant, contribution
32 or funding received from any private or public individual or entity. All
33 funds accepted under this provision shall be transmitted to the state trea-
34 surer for deposit in the water administration fund and shall be reserved and
35 made available until expended as ordered by the director for weather modifi-
36 cation purposes determined by the director to be beneficial.

37 (11) To develop and implement a plan for data gathering to determine any
38 effect of the weather modification efforts in which the department is in-
39 volved.