

**IDAHO WATER USERS ASSOCIATION, INC.  
2004 LEGISLATIVE REPORT**

**TED DIEHL, CHAIRMAN  
LEGISLATIVE COMMITTEE  
(208) 324-2319**

**57<sup>th</sup> Idaho Legislature – 2<sup>nd</sup> Session  
April 5, 2004 - FINAL**

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<b>BILL NO./ POSITION</b>	<b>TITLE AND SHORT DESCRIPTION</b>	<b>SENATE ACTION</b>	<b>HOUSE ACTION</b>	<b>FINAL ACTION</b>
<b>S-1232a SUPPORT</b>	<b>AQUACULTURE – DAMAGE</b> – Criminal penalties for damage caused to aquaculture operations.	Passed 2/27 33-0-2	Passed 3/17 66-1-3	Law
<b>S-1278 SUPPORT</b>	<b>LOANS</b> – DEQ may use interest from wastewater and drinking water loans for operation costs.	Passed 2/20 34-0-1	Passed 3/4 65-0-5	Law
<b>S-1279a SUPPORT</b>	<b>DRINKING WATER/WASTEWATER SYSTEMS</b> – Transfers licensing of program from DEQ to Bureau of Occupational Licenses.	Passed 3/18 35-0-0	Passed 3/11 66-0-4	Law
<b>S-1286 OPPOSE/ AMEND</b>	<b>FLOODING ROADS</b> – Provides that flooding on roads must be corrected within 24 hours of notice by government agency.	14 <sup>th</sup> Order		
<b>S-1295 SUPPORT</b>	<b>TRANSFERS</b> – IDWR may give notice as deemed appropriate for change in point of diversion or place of use that does not impact water rights.	Passed 2/24 25-7-3	Passed 3/9 57-10-3	Law
<b>S-1296 SUPPORT</b>	<b>GEOTHERMAL RESOURCES</b> – Requires filing of water right permit application when geothermal resource well will decrease ground water.	Passed 2/24 33-0-2	Passed 3/9 68-0-2	Law
<b>S-1367 SUPPORT</b>	<b>IRRIGATION LATERALS</b> – Authorizes repairs, improvements and maintenance of laterals by irrigation delivery entities.	Passed 2/27 33-0-2	Passed 3/16 67-0-3	Law
<b>S-1415 SUPPORT</b>	<b>IDWR BUDGET</b> – Appropriates funds to operate IDWR during Fiscal Year 2005 (\$21.1 million).	Passed 3/8 27-8-0	Passed 3/11 64-0-6	Law
<b>H-503 NO POSITION</b>	<b>APPROPRIATIONS – WATER RESOURCES DEPARTMENT</b> – Appropriates an additional \$41,000 to IDWR for Fiscal Year 2004.	Passed 1/30 32-0-3	Passed 1/26 67-0-3	Law
<b>H-539a NO POSITION</b>	<b>UTILITIES – FISH MITIGATION COSTS</b> – Provides procedure for including costs of fish mitigation in utility bills.	Passed 3/18 21-12-2	Passed 3/20 45-15-10	Law
<b>H-544a SUPPORT</b>	<b>WAGS</b> – Requires that total maximum daily load must be developed in consultation with Watershed Advisory Group and provides process for UAAs.	Passed 3/18 25-5-5	Passed 3/20 55-8-7	Vetoed
<b>H-592 SUPPORT</b>	<b>DAMS – INSPECTIONS</b> – Provides all dams or mine tailings impoundments regulated by IDWR shall be inspected once every five years.	Passed 3/18 29-1-5	Passed 3/1 61-0-9	Law
<b>H-593 NEUTRAL</b>	<b>DAMS - FEES</b> – Provides a minimum fee for IDWR dam safety design work.	Passed 3/15 30-0-5	Passed 2/27 58-5-7	Law
<b>H-606 OPPOSE</b>	<b>BLACKFOOT POND</b> – Exempts from need for water right by defining as part of river.		State Affairs Comm	
<b>H-633 SUPPORT</b>	<b>FORFEITURE – DEFENSE</b> – Provides defense to forfeiture for nonuse from mitigation.	Passed 3/16 35-0-0	Passed 2/27 63-0-7	Law

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<b>H-634a SUPPORT</b>	<b>CANAL RIGHTS-OF-WAY – ENCROACHMENTS</b> – Provides written permission must be obtained to place encroachments in canal rights-of-way.	Passed 3/18 18-17-1	Passed 3/4 61-0-9	Law
<b>H-635a SUPPORT</b>	<b>DAMS – JURISDICTION</b> – Further defines the term “dam” to clarify jurisdiction of IDWR.	Passed 3/16 29-0-6	Passed 3/20 64-0-6	Law
<b>H-636a SUPPORT W/AMEND</b>	<b>CONSUMPTIVE USE</b> – Further defines “consumptive use” to allow for most consumptive crop without need for transfer of water right.	Passed 3/19 35-0-0	Passed 3/4 62-0-8	Law
<b>H-745a SUPPORT</b>	<b>NATURAL STREAMS</b> – Canals and drains constructed for irrigation are not natural streams.	Passed 3/18 27-7-1	Passed 3/20 55-6-9	Law
<b>H-760a NO POSITION</b>	<b>TAX CREDIT</b> – Provides investment tax credit for low impact hydro and other renewable resources.	Passed 3/19 32-0-3	Passed 3/20 62-0-8	Vetoed
<b>H-761a NO POSITION</b>	<b>TAX CREDIT</b> – Provides an income tax credit for low impact hydro and other renewable resources.	Passed 3/19 32-0-3	Passed 3/20 61-0-9	Vetoed
<b>H-788 NO POSITION</b>	<b>TAX CREDIT</b> – Provides an income tax credit for best management practices.		Rev & Tax Comm	
<b>H-827 NO POSITION</b>	<b>TAX EXEMPTION</b> – Provides a sales tax exemption for equipment used for alternative energy generation.		Rev & Tax Comm	
<b>H-836 SUPPORT</b>	<b>AQUACULTURE COMMISSION</b> – Establishes Aquaculture Commission to promote products.	Passed 3/19 35-0-0	Passed 3/16 64-4-2	Law
<b>H-843 SUPPORT</b>	<b>APPROPRIATIONS</b> – Provides \$2 million to implement one-year settlement of conjunctive management issues.	Passed 3/20 32-0-3	Passed 3/19 66-0-4	Law
<b>H-848 SUPPORT</b>	<b>CONJUNCTIVE MANAGEMENT</b> – Provides certain junior priority groundwater rights will mitigate senior priority rights beginning 4/1/04.	Passed 3/20 31-0-4	Passed 3/20 60-0-10	Law
<b>H-849 NO POSITION</b>	<b>MITIGATION PLAN</b> – Adopts Eastern Snake Plain Aquifer Mitigation Plan for 2004, on file with IDWR.	Res & Env Comm	Passed 3/20 61-0-9	
<b>HJR-11 NO POSITION</b>	<b>HUNTING &amp; FISHING</b> – Proposes constitutional amendment supporting hunting and fishing rights (makes clear will not affect water rights).	Res & Env Comm	Passed 3/2 54-13-3	
<b>HJM-23a SUPPORT</b>	<b>SALMON LAWSUIT</b> – Oppose federal lawsuit filed by environmental groups, which seeks more storage water to meet flow targets for salmon.	Passed 3/18 Voice Vote	Passed 3/12 62-8-0	Adopted
<b>HJM-24 SUPPORT</b>	<b>ADDITIONAL WATER SUPPLIES</b> – Supports identification and development of additional water supply projects, including storage and recharge.	Passed 3/18 Voice Vote	Passed 3/12 Voice Vote	Adopted
<b>HJM-27 SUPPORT</b>	<b>SALMON SURVIVAL</b> – Requesting that federal government conduct survival evaluations during 2004 spill year.	Passed 3/20 Voice Vote	Passed 3/20 Voice Vote	Adopted
<b>HCR-56 SUPPORT</b>	<b>NATURAL RESOURCE COMMITTEE</b> – Expands study committee to include water supply and management issues.	Passed 3/20 31-0-4	Passed 3/19 63-0-7	Adopted