

IDAHO WATER USERS ASSOCIATION, INC.

2012 LEGISLATIVE REPORT

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

61st Idaho Legislature – 2nd Regular Session
FINAL - April 5, 2012
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BILL NO./ POSITION	TITLE AND SHORT DESCRIPTION	HOUSE ACTION	SENATE ACTION	FINAL ACTION
H-396 Supports	RATHDRUM CAMP – Approves the Rathdrum Comprehensive Aquifer Management Plan (CAMP).	Passed 2/23 61-7-2	Passed 3/15 33-0-2	Law
H-397 Supports	IRRIGATION DISTRICT ELECTIONS – For uncontested elections, eliminates requirement that the board meet within 5 days to certify winner, to allow at next regular meeting.	Passed 2/22 67-0-3	Passed 3/15 33-0-2	Law
H-398 Supports (replaced by S-1383)	LIABILITY FOR CANAL & DITCH MAINTENANCE – Codifies common law to require reasonable care, not strict liability and provides there is no liability for actions of third parties or acts of God.	Passed 2/22 57-11-2	State Affairs	
H-399 Supports	WATER APPROPRIATIONS – Requires consent to be obtained from irrigation facility owner or operator for any appropriation that proposes to use facilities.	Passed 2/22 66-0-4	Passed 3/15 33-0-2	Law
H-400 Supports	STREAM CHANNEL ALTERATIONS – Establishes a two-year statute of limitations for stream channel alteration violations.	Passed 2/22 67-0-3	Passed 3/15 33-0-2	Law
H-401 Supports	TRANSFER OF LANDS – Provides for the transfer of lands between irrigation districts; requires approval of both irrigation districts.	Passed 2/22 67-0-3	Passed 3/15 33-0-2	Law
H-464 No Position	OIL AND GAS DRILLING – Water language provides exemption for low-temperature geothermal use, provided that the director can create a contested case and require the applicant to show no injury/adverse impact on the resource.	Passed 2/17 54-13-3	Passed 3/14 24-10-1	Law
H-608 Neutral	WASTE DISPOSAL – Provides exemption from permitting requirement for use of existing water rights for disposal of waste/sewage that is required by state or federal law.	Passed 3/8 62-0-8	Passed 3/22 33-0-2	Law
H-628a Supports	WIDTH OF HIGHWAYS – Clarifies that highways are 50 feet wide unless historic/actual width, including maintenance and utilities, is of a lesser width.	Passed 3/20 53-14-3	Transportation	
HJR002a No Position (replaced SJR-106)	RIGHT TO HUNT & FISH – Proposes a Constitutional amendment recognizing right to hunt, fish and trap; provides for no impact on rights to divert and use water, and no minimum amount of water required in any water body.	Adopted 3/22 63-4-3	Adopted 3/27 31-3-1	Adopted
S-1289 Supports	APPEALS – Clarifies the provisions that apply to appeals from irrigation district decisions by replacing antiquated references.	Passed 3/19 67-0-3	Passed 2/24 31-0-3	Law
S-1290 Supports	DRAINAGE DISTRICTS – Provides a process for reapportionment of benefits within a drainage district.	Passed 3/19 67-0-3	Passed 2/24 31-0-3	Law
S-1320 Hold	ABSENTEE VOTING – Establishes a process for absentee voting in irrigation districts.		Res/Env	
S-1364 No Position	PUC – Relating to Renewable Energy Credits.		State Affairs	
S-1378 Hold (replaced S-1288)	FLOOD PLAIN ZONING LAWS – Clarifies that flood plain permits are not required to be obtained from local governments for irrigation and drainage facilities.		Res/Env	
S-1379 Supports (replaced S-1287)	MUNICIPAL IRRIGATION SYSTEMS – Authorizes extension of municipal irrigation systems to city areas of impact; codifies common law that eminent domain can't be used to condemn existing irrigation operations.		State Affairs	
S-1383a Supports (replaced H-398)	LIABILITY FOR CANAL & DITCH MAINTENANCE – Codifies common law to require reasonable care, not strict liability and provides there is no liability for actions of third parties or acts of God.	Passed 3/26 63-6-1	Passed 3/22 26-7-2	Law
SCR-116 Supports	NPDES PRIMACY – Provides for an interim study of state primacy of the NPDES program under the Clean Water Act, with a report to be provided next session.	3 rd Reading Calendar	Adopted 2/22 Voice Vote	
SCR-120 No Position	MINIMUM LAKE LEVEL – Disapproves proposed minimum lake level for Cocolalla Lake.	Adopted 3/21 62-0-8	Adopted 2/28 Voice Vote	Adopted
SCR-127 No Position	PUC - Directs Interim Committee on Energy to study renewable energy credits, with a report to be provided next session.		State Affairs	
SJR-106 No Position (replaced by HJR-002a)	RIGHT TO HUNT & FISH – Proposes a Constitutional amendment recognizing right to hunt, fish and trap; provides for no impact on rights to divert and use water, and no minimum amount of water required in any water body.	Res/Con	Adopted 2/27 34-0-0	