

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 142

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO BEAR LAKE; AMENDING CHAPTER 43, TITLE 67, IDAHO CODE, BY THE  
2 ADDITION OF A NEW SECTION 67-4313, IDAHO CODE, TO PROVIDE THAT CER-  
3 TAIN LANDS ARE DECLARED TO BE DEVOTED TO PUBLIC USE IN CONNECTION WITH  
4 PRESERVATION OF THE LAKE AS A HEALTH RESORT AND RECREATION PLACE, TO  
5 PROVIDE FOR MAXIMUM STORAGE, TO RECOGNIZE PROVISIONS OF THE BEAR RIVER  
6 COMPACT, AND TO AUTHORIZE THE IDAHO WATER RESOURCE BOARD TO APPLY FOR  
7 AND OBTAIN CERTAIN WATER RIGHTS AND TO ACQUIRE EASEMENTS.  
8

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

10 SECTION 1. That Chapter 43, Title 67, Idaho Code, be, and the same is  
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
12 ignated as Section 67-4313, Idaho Code, and to read as follows:

13 67-4313. BEAR LAKE -- LANDS DEVOTED TO HEALTH, RECREATION, IRRIGATION  
14 AND OTHER BENEFICIAL USES. (1) The lands belonging to the state of Idaho be-  
15 tween the ordinary high and low water marks at Bear Lake, as well as other  
16 lands adjacent to the lake that are not held in trust for the beneficiaries  
17 of the endowed institutions, are hereby declared to be devoted to a public  
18 use in connection with the preservation of Bear Lake as a health resort and  
19 recreation place for the inhabitants of the state. As a complementary use,  
20 the state lands are also inundated by the storage of water diverted from the  
21 Bear River to the lake and are subsequently exposed when water from Bear Lake  
22 is delivered downstream of the lake for irrigation and other uses. The state  
23 lands belonging to the state of Idaho between the ordinary high and low water  
24 marks at Bear Lake are also hereby declared to be devoted to a public use in  
25 connection with the storage of water for downstream beneficial use.

26 (2) The complementary dual purposes of Bear Lake for recreation and  
27 storage for downstream beneficial use mandates that the state of Idaho cap-  
28 ture and retain maximum storage water in Bear Lake to ensure adequate water  
29 for downstream beneficial uses in Idaho and to maintain adequate lake levels  
30 for recreational values, while also protecting downstream landowners from  
31 flooding.

32 (3) The Bear River compact, recognized and codified by chapter 34,  
33 title 42, Idaho Code, grants to the state of Idaho the first one hundred  
34 twenty-five thousand (125,000) acre-feet of depletions of the Bear River  
35 basin from and including Bear Lake downstream to the Idaho-Utah state line.  
36 Water stored in Bear Lake is and can be a source of water for these additional  
37 authorized depletions, either by water being retained in the lake or by ben-  
38 efiticial use downstream.

39 (4) The Idaho water resource board is authorized and directed to apply  
40 for and obtain water rights for the additional storage of water in Bear Lake.  
41 Current and future water right filings by the Idaho water resource board for  
42 storage in Bear Lake shall include storage use components for recreation,

1 fish and wildlife, aesthetics, and storage for irrigation and other down-  
2 stream beneficial uses.

3 (5) The Idaho water resource board is authorized to acquire easements,  
4 including flood easements on the Bear River, or other property necessary to  
5 store additional water in Bear Lake.