

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 182

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1  
2 RELATING TO WATER; AMENDING CHAPTER 2, TITLE 42, IDAHO CODE, BY THE ADDITION  
3 OF A NEW SECTION 42-222B, IDAHO CODE, TO PROVIDE FOR IRRIGATION CORPORA-  
4 TION BOUNDARY ADJUSTMENTS.

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

6 SECTION 1. That Chapter 2, Title 42, Idaho Code, be, and the same is  
7 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
8 ignated as Section 42-222B, Idaho Code, and to read as follows:

9 42-222B. IRRIGATION CORPORATION BOUNDARY ADJUSTMENTS. (1) A change to  
10 the generally described place of use of a water right held by any corporation  
11 organized for the operation, control, or management of an irrigation project  
12 or canal system may be made without applying for a change in use of the cor-  
13 poration's water right under the provisions of section 42-222, Idaho Code.  
14 The corporation must file with the department of water resources a map por-  
15 traying the changes to the generally described place of use within which the  
16 corporation's water rights will be exercised. For this filing requirement,  
17 it is sufficient to provide a drawing on a seven-and-one-half (7.5) minute  
18 quadrangle map having a scale of one to twenty-four thousand (1:24,000) that  
19 shows the changes to the generally described place of use to include each  
20 quarter-quarter section within which irrigation occurs. The corporation  
21 may alternatively submit a digital file depicting a map that shows the bound-  
22 aries of the generally described place of use, delineated at a minimum scale  
23 of one to twenty-four thousand (1:24,000), with a defined projection, and  
24 in a format that can be opened using standard geographic information system  
25 software and includes each quarter-quarter section within which irrigation  
26 occurs.

27 (2) The director shall review the change to the generally described  
28 place of use filed with the department to verify that it will not result in  
29 an increase in either the rate of flow diverted or in the total number of  
30 acres irrigated as authorized by the water right, shall not result in an en-  
31 largement of other water rights within the place of use of the corporation's  
32 water rights, and shall cause no injury to other water rights. Upon request  
33 from the director, the corporation shall submit information to support the  
34 director's inquiry regarding the review criteria.

35 (3) Following the director's review and approval or denial, if the  
36 holder of any water right or the corporation seeks to challenge the di-  
37 rector's decision, the challenge may be commenced only by requesting a  
38 hearing pursuant to 42-1701A(3), title 42, Idaho Code, thereby initiating a  
39 contested case before the department, pursuant to the administrative proce-  
40 dures act, chapter 52, title 67, Idaho Code.