

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 595

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1  
2 RELATING TO GROUND WATER MANAGEMENT AREAS; AMENDING SECTION 42-233b, IDAHO  
3 CODE, TO REMOVE LANGUAGE REGARDING WHEN AN ORDER MAY BE GIVEN AND MAY BE  
4 EFFECTIVE AND TO PROVIDE THAT WATER RIGHT HOLDERS PARTICIPATING IN AN  
5 APPROVED GROUND WATER MANAGEMENT PLAN SHALL NOT BE SUBJECT TO ADMINIS-  
6 TRATION ON A TIME PRIORITY BASIS UNDER SPECIFIED CONDITIONS.

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

8 SECTION 1. That Section 42-233b, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 42-233b. GROUND WATER MANAGEMENT AREA. "Ground water management area"  
11 is defined as any ground water basin or designated part thereof which the di-  
12 rector of the department of water resources has determined may be approach-  
13 ing the conditions of a critical ground water area. Upon designation of a  
14 ground water management area the director shall publish notice in two (2)  
15 consecutive weekly issues of a newspaper of general circulation in the area.

16 When a ground water management area is designated by the director of the  
17 department of water resources, or at any time thereafter during the exist-  
18 tence of the designation, the director may approve a ground water management  
19 plan for the area. The ground water management plan shall provide for manag-  
20 ing the effects of ground water withdrawals on the aquifer from which with-  
21 drawals are made and on any other hydraulically connected sources of water.

22 Applications for permits made within a ground water management area  
23 shall be approved by the director only after he has determined on an indi-  
24 vidual basis that sufficient water is available and that other prior water  
25 rights will not be injured.

26 The director may require all water right holders within a designated wa-  
27 ter management area to report withdrawals of ground water and other neces-  
28 sary information for the purpose of assisting him in determining available  
29 ground water supplies and their usage.

30 The director, upon determination that the ground water supply is insuf-  
31 ficient to meet the demands of water rights within all or portions of a wa-  
32 ter management area, shall order those water right holders on a time priority  
33 basis, within the area determined by the director, to cease or reduce with-  
34 drawal of water until such time as the director determines there is suffi-  
35 cient ground water. ~~Such order shall be given only before September 1 and~~  
36 ~~shall be effective for the growing season during the year following the date~~  
37 ~~the order is given~~ Water right holders participating in an approved ground  
38 water management plan shall not be subject to administration on a time prior-  
39 ity basis so long as they are in compliance with the ground water management  
40 plan.