

IN THE SENATE

SENATE BILL NO. 1101

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO WATER; AMENDING SECTION 42-1414, IDAHO CODE, TO LIMIT THE FEES  
IMPOSED FOR STOCK WATERING CLAIMS.

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

SECTION 1. That Section 42-1414, Idaho Code, be, and the same is hereby  
amended to read as follows:

42-1414. FEES FOR FILING NOTICE OF CLAIMS WITH THE DIRECTOR. (1) In  
order to provide an adequate and equitable cost-sharing formula for financ-  
ing the costs of adjudicating water rights the department of water resources  
shall accept no notice of claim required under the provisions of section  
42-1409, Idaho Code, unless such notice of claim is submitted with a filing  
fee based upon the fee schedule set forth below. Failure to pay the variable  
water use fee in accordance with the timetable provided shall be cause for  
the department to reject and return the notice of claim to the claimant. The  
fee schedule set forth below applies to adjudication proceedings commenced  
or enlarged on or after January 1, 1985.

(a) Flat fee per claim filed:

(i) Claims for domestic and/or stock watering rights .....\$25.00  
Provided however, and notwithstanding any other provision of law, fees  
for stock watering right claims, regardless of the number of claims  
filed, shall only be imposed on the first four (4) claims per claimant,  
and there shall be no other fees or costs imposed for such claims.

(ii) Claims for all other rights .....\$50.00

(b) Additional variable water use fee for claims filed based upon  
acreage, power generating capacity, c.f.s., or equivalent volume of  
water:

(i) Irrigation use (one fee irrespective of number of claims):  
..... \$1.00 per acre

(ii) Power: ..... \$3.50 per kilowatt of capacity (manufacturer's  
nameplate rating), or \$250,000, whichever is less

(iii) Aquaculture: .....\$10.00 per c.f.s.

(iv) Municipal, industrial, commercial, mining, heating, cool-  
ing: .....\$100.00 per c.f.s.

(v) Public instream flow, public lake level maintenance,  
wildlife: .....\$100.00 per c.f.s.

1 (c) All fees collected by the department pursuant to this section shall  
2 be placed in the water resources adjudication account established in  
3 section 42-1777, Idaho Code.

4 (2) If a claimant increases in an amended notice of claim the amount of  
5 water claimed, the amount of land irrigated, or the kilowatt capacity of the  
6 generating facility, the claimant shall pay upon filing the amended notice  
7 of claim an additional variable fee in accordance with the rates set forth in  
8 subsection (1) of this section. Claimants shall be entitled to a return of  
9 filing fees or late fees only where the fee was miscalculated at the time the  
10 original or amended notice of claim was filed.

11 (3) If a claimant files a notice of claim after the date set by the di-  
12 rector in the notice mailed or served in accordance with subsections (2),  
13 (3), or (4) of section 42-1408, Idaho Code, or with subsection (7) of sec-  
14 tion 42-1409, Idaho Code, the claimant shall pay the fee set forth in subsec-  
15 tion (1) of this section, and in addition, the amount of fifty dollars (\$50)  
16 or fifteen percent (15%) of the original filing fee, whichever is greater.  
17 The director may waive the late processing fee or a portion thereof for good  
18 cause.