

STATEMENT OF PURPOSE

RS25264

This legislation is a companion to additional draft legislation that codifies the Idaho Supreme Court's holding in Joyce Livestock Company v. United States of America, 144 Idaho 1, 156 P.3d 502 (2007). In Joyce, the Court held that the federal government could not appropriate a water right for watering stock on federal lands by beneficially using the water unless the federal government owns the stock drinking the water. The Joyce decision recognizes that the owner of the stock grazing and watering on federal lands is entitled to the stockwater right established by beneficial use.

In the Snake River Basin Adjudication ("SRBA"), small stockwater and domestic water right holders were not required to file claims in the adjudication, but could defer the filing until a later time. Claims filed in the SRBA for these uses are referred to as "deferrable claims." Many of the stockwater uses that the Joyce decision addressed qualify as deferrable claims.

Because the SRBA is, for the most part, final, deferrable claims filed with the SRBA Court are late claims. Late, deferrable claims can be filed, but the claimant must: (1) pay a filing fee of \$25 per claim; (2) publish notice of the claim; and (3) pay the estimated cost of investigation of, assistance with, and recommendation of the claim by the Idaho Department of Water Resources ("IDWR").

This legislation encourages stockmen grazing livestock on federal lands to file the deferrable claims by limiting the filing fee payment to no more than \$100 (the filing fee for four claims), and to exempt the stockmen from any cost of publication, or any costs of investigation, assistance, and recommendation by IDWR. The legislation also contemplates that IDWR will assume the costs of investigation, assistance, and recommendation. There shall be no other fees or costs imposed for such claims.

FISCAL NOTE

The estimated impact to the general fund is \$265,000 annually and one time expenditure of \$35,000 in the first year to initiate claims taking. The components of the General Fund costs are as follows:

Ongoing Costs:

Two FTE's at \$75,000/FTE	\$150,000
Operating expense for two FTE's	15,000
Publishing notice of claims	<u>100,000</u>
TOTAL	\$265,000

One-Time Initial Costs:

Initial notice of claims taking	\$ 15,000
Equipment costs for two FTE's	<u>20,000</u>
TOTAL	\$ 35,000

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).



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