

REVISED

## STATEMENT OF PURPOSE

RS27940 / H0615

This amendment will codify long-standing standards relating to the forfeiture of water rights, as most recently stated by the Idaho Supreme Court in *Sagewillow, Inc. v. Idaho Department of Water Resources*, 138 Idaho 831 (2003), and *Barnes v. Jackson*, 163 Idaho 194 (2018). The amendment codifies the requirement that forfeiture of a water right must be proved by clear and convincing evidence, and the circumstances under which a water right owner may avoid a forfeiture by resuming use of the right before a third party establishes a claim of right to the water.

## FISCAL NOTE

This amendment will have no impact to the General Fund because it codifies existing standards applicable to water right forfeitures, and does not impose new or additional administrative requirements.

### Contact:

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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).