

IN THE SENATE

SENATE BILL NO. 1032

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO THE WATER MANAGEMENT ACCOUNT; AMENDING SECTION 42-1760, IDAHO
2 CODE, TO REVISE PROVISIONS REGARDING EXPENDITURES, TO PROVIDE FOR THE
3 SELECTION OF PROJECTS, TO REVISE PROVISIONS REGARDING LOANS AND GRANTS,
4 AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PRO-
5 VIDING AN EFFECTIVE DATE.
6

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

8 SECTION 1. That Section 42-1760, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 42-1760. WATER MANAGEMENT ACCOUNT. (1) There is hereby created and es-
11 tablished in the trust and agency fund the water management account. All
12 moneys in the account are appropriated continuously to the water resource
13 board to be used and administered by it for the purposes specified in sub-
14 section (2) of this section and shall not be subject to the provisions of
15 the standard appropriations act of 1945 or section 67-3516, Idaho Code. The
16 state treasurer shall invest the idle moneys of the account, and the interest
17 earned on such investments shall be retained by the account.

18 (2) The board may expend, loan, or grant moneys from the water man-
19 agement account for water projects, including studies, that conserve or
20 increase water supply, improve drought resiliency, address water sustain-
21 ability, or support flood management. The board shall have the authority to
22 determine which water projects ~~are undertaken~~ receive funds subject to the
23 ~~reporting requirements of subsection (3) of this section.~~

24 (a) Expenditures from the water management account shall be subject to
25 the following provisions:

26 (i) Expenditures may be made from the account to provide pub-
27 lic moneys for participation in any project constructed with funds
28 from the water resource board revolving development account pro-
29 vided by section 42-1756, Idaho Code.

30 ~~(b) Grants and loans may be made by the board from the account for any~~
31 ~~project in the public interest for the projects authorized by this~~
32 ~~section; no single annual grant shall exceed fifty thousand dollars~~
33 ~~(\$50,000) unless legislative approval has been obtained. This provi-~~
34 ~~sion shall not apply to projects selected by the board under paragraph~~
35 ~~(c) of this subsection or for flood management grants as may be autho-~~
36 ~~rized by the board.~~

37 ~~(c) Expenditures may include but are not limited to the state's partic-~~
38 ~~ipation in the costs of the following projects:~~

39 ~~(i) The construction of a raise of Anderson ranch dam, located on~~
40 ~~the south fork of the Boise river;~~

41 ~~(ii) The Mountain Home air force base water delivery and treatment~~
42 ~~systems; and~~

1 ~~(iii) The identification, study, and construction of managed~~
2 ~~aquifer recharge sites above Milner dam to benefit existing water~~
3 ~~rights, including to meet the state's commitments under settle-~~
4 ~~ment agreements.~~

5 ~~(d) Any project selected pursuant to paragraph (c) of this subsection~~
6 ~~must protect all existing water rights and consider the effects of such~~
7 ~~projects on other water uses, such as water quality, fish and wildlife,~~
8 ~~recreation, and hydropower, that provide economic value, stability,~~
9 ~~water sustainability, drought resiliency, and other benefits to the~~
10 ~~citizens of the state.~~

11 (ii) Expenditures may include but are not limited to the state's
12 participation in the costs of the following projects:

13 1. The construction of a raise of Anderson ranch dam, lo-
14 cated on the south fork of the Boise river;

15 2. The Mountain Home air force base water delivery and
16 treatment systems; and

17 3. The identification, study, construction, or enlargement
18 of managed aquifer recharge sites, ground water to surface
19 water conversion projects, and water measurement infra-
20 structure above Milner dam that, based on scientific data
21 and technical analysis, address the restoration of the east-
22 ern Snake plain aquifer and advance the state's commitments
23 under senate concurrent resolution 136 and senate concur-
24 rent resolution 138, adopted by the second regular session
25 of the sixty-third Idaho legislature.

26 (iii) When selecting a project pursuant to subparagraph (ii) of
27 this paragraph, the board shall consider:

28 1. The effects of such project on existing water rights, wa-
29 ter quality, fish and wildlife, recreation, hydropower, and
30 other water uses that provide economic value, stability, wa-
31 ter sustainability, drought resiliency, and other benefits
32 to the citizens of the state; and

33 2. Public input on the projects.

34 (b) The board may issue loans from the water management account based on
35 terms and conditions approved by the board.

36 (c) The board may issue grants from the water management account.
37 The board shall develop criteria, considering the public's input, for
38 grants issued by the board, which shall be competitive, matching grants
39 that prioritize projects based on the public benefits they provide.
40 Considerations of public benefits should include:

41 (i) The protection of existing water rights;

42 (ii) Water quality, fish and wildlife, recreation, hydropower,
43 and other water uses that provide economic value, stability, wa-
44 ter sustainability, drought resiliency, and other benefits to the
45 citizens of the state;

46 (iii) Anticipated future water needs; and

47 (iv) Addressing aging water storage and delivery infrastruc-
48 ture, including projects that provide irrigation, environmental,
49 safety, or recreational benefits.

1 ~~(e)~~ (d) Preference for the distribution of funds shall be given with at
2 least fifty percent (50%) matching funds provided by parties other than
3 the state. In the event of in-kind contributions, the board shall de-
4 termine the value of the in-kind contribution.

5 (3) On or before the first day of each regular legislative session, the
6 board shall submit to the legislature a report relating to the prior and cur-
7 rent fiscal year that includes the following information:

8 (a) A list of all projects considered by the board to receive funds from
9 the water management account;

10 (b) A statement of all projects receiving moneys from the water manage-
11 ment account, including:

12 (i) A description of how the project meets the purposes of the
13 water management account, as identified in subsection (2) of this
14 section;

15 (ii) A statement of all moneys expended or obligated from the wa-
16 ter management account for the project; and

17 (iii) A status report on the project, including identification of
18 work begun or completed and any anticipated further work within
19 the next calendar year; and

20 (c) Any anticipated future projects for which funding may be requested
21 from the water management account.

22 This information shall also be included as part of the board's budget report
23 to the joint finance-appropriations committee during each legislative ses-
24 sion.

25 (4) The director of the department of water resources shall assist the
26 board in any way the board deems necessary to fulfill the policy and purpose
27 of the water management account, including technical evaluation of proposed
28 projects and coordination in state and federal agencies.

29 SECTION 2. An emergency existing therefor, which emergency is hereby
30 declared to exist, this act shall be in full force and effect on and after
31 July 1, 2023.