

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 329

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO WATER RESOURCES; AMENDING SECTION 42-1805, IDAHO CODE, TO AUTHO-
2 RIZE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES TO RECEIVE, FILE,
3 RECORD, OR RETAIN DOCUMENTS OF RECORD ON MEDIA OTHER THAN PAPER AND TO
4 MAKE TECHNICAL CORRECTIONS.
5

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

7 SECTION 1. That Section 42-1805, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 42-1805. ADDITIONAL DUTIES. In addition to other duties prescribed by
10 law, the director of the department of water resources shall have the follow-
11 ing powers and duties:

12 (1) To represent the state in all matters pertaining to interstate and
13 international water rights affecting Idaho water resources; and to cooper-
14 ate with all agencies, now existing or hereafter to be formed, within the
15 state or within other jurisdictions, in matters affecting the development of
16 the water resources of this state.

17 (2) To prepare a present and continuing inventory of the water re-
18 sources of this state, ascertain means and methods of conserving and
19 augmenting these and determine as accurately as possible the most effective
20 means by which these water resources may be applied for the benefit of the
21 people of this state.

22 (3) To conduct surveys, tests, investigations, research, examina-
23 tions, studies, and estimates of cost relating to availability of unappro-
24 priated water, effective use of existing supply, conservation, storage,
25 distribution and use of water.

26 (4) To prepare and compile information and data obtained and to make the
27 same available to interested individuals or agencies.

28 (5) To cooperate with and coordinate activities with the director of
29 the department of environmental quality as such activities relate to the
30 functions of either or both departments concerning water quality. Such co-
31 operation and coordination shall specifically require that:

32 (a) The director meet at least quarterly with the director of the de-
33 partment of environmental quality and his staff to discuss water qual-
34 ity programs. A copy of the minutes of such meeting shall be transmitted
35 to the governor.

36 (b) The director transmit to the director of the department of envi-
37 ronmental quality reports and information prepared by him pertaining to
38 water quality programs, and proposed rules pertaining to water quality
39 programs.

40 (c) The director shall make available to the director of the department
41 of environmental quality and the director of the department of envi-
42 ronmental quality shall make available to the director all notices of

1 hearings relating to the promulgation of rules relating to water qual-
2 ity, waste discharge permits, and stream channel alteration, as such
3 directly affect water quality, and notices of any other hearings and
4 meetings which relate to water quality.

5 (6) To perform administrative duties and such other functions as the
6 board may, from time to time, assign to the director to enable the board to
7 carry out its powers and duties.

8 (7) After notice, to suspend the issuance or further action on permits
9 or applications as necessary to protect existing vested water rights or to
10 ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or
11 to prevent violation of minimum flow provisions of the state water plan.

12 (8) To promulgate, adopt, modify, repeal and enforce rules implement-
13 ing or effectuating the powers and duties of the department.

14 (9) To seek a preliminary or permanent injunction, or both, or a tempo-
15 rary restraining order restraining any person from violating or attempting
16 to violate:

17 (a) ~~Those~~ provisions of law relating to all aspects of the appropria-
18 tion of water, distribution of water, headgates and measuring devices;
19 or

20 (b) ~~The~~ administrative or judicial orders entered in accordance with
21 the provisions of law.

22 (10) To develop, coordinate and provide, through contract or by other
23 means, for weather modification projects involving cloud seeding that are
24 designed to increase the water supplies of the state by enhancing natural
25 precipitation and ~~which~~ that conform to state water planning objectives.
26 To accomplish these purposes, the director is authorized to accept and use
27 funds acquired through legislative appropriation or by gift, grant, contri-
28 bution or funding received from any private or public individual or entity.
29 All funds accepted under this provision shall be transmitted to the state
30 treasurer for deposit in the water administration ~~fund~~ account and shall be
31 reserved and made available until expended as ordered by the director for
32 weather modification purposes determined by the director to be beneficial.

33 (11) To develop and implement a plan for data gathering to determine any
34 effect of the weather modification efforts in which the department is in-
35 volved.

36 (12) To receive, file, record, or retain documents of record on media
37 other than paper.