

REVISED

STATEMENT OF PURPOSE

RS27284C1 / H0382

This legislation authorizes the initiation of general water rights adjudication for the Bear River Basin. The legislation authorizes the adjudication of all rights in those portions of Bannock, Bear Lake, Caribou, Cassia, Franklin, Oneida, and Power Counties within the Bear River Basin.

The Bear River Basin is located in the southeast corner of Idaho. The Bear River begins in Utah, flows into Wyoming, back into Utah, back into Wyoming, into Idaho and back into Utah where it terminates. Because the River crosses state lines, interstate agreements were necessary to apportion the water from the Bear River among Idaho, Utah, and Wyoming. The 1958 Bear River Compact as amended in 1980 governs, through the Bear River Commission, the allocation of water to the three states through which the Bear River flows.

The Bear River and its surface tributaries are appropriated to the extent that flows are not adequate to fully satisfy all existing water rights during all or part of every year. Many of the existing decreed or licensed water rights are not used as described in the historical decrees or licenses. The statutory claims on record with IDWR have never been confirmed. Many beneficial use water rights ("constitutional" or "grandfather" water rights) exist in the basin but are unrecorded. These beneficial use rights, while sometimes the oldest, are the first curtailed because of the unrecorded status. This results in disputes between water users, uncertainty regarding water rights in property transactions, and difficulty in water administration. The Bear River Basin Adjudication will accurately record all existing water rights to resolve uncertainty and help ensure fair and accurate water administration.

FISCAL NOTE

The projected cost for the adjudication of all water rights in the Bear River Basin is \$8 to 10 million over a ten year period, plus funding for the negotiation of federal claims. It is estimated there will be between 14,000 to 20,000 claims in the Bear River Adjudication. The claim filing fees are anticipated to provide for about ten percent of the cost of the Adjudication.

Contact:

Representative Marc Gibbs
Representative Chad Christensen
Senator Mark Harris
(208) 332-1000

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).