

IN THE SENATE

SENATE BILL NO. 1005

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO WATER DISTRICTS; AMENDING SECTION 42-612, IDAHO CODE, TO AUTHO-
2 RIZE CERTAIN WATER DISTRICTS TO CHARGE FEES TO WATER DELIVERY ORGANI-
3 ZATIONS AND WATER USERS INSTEAD OF ASSESSMENTS UNDER SPECIFIED CIRCUM-
4 STANCES.
5

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

7 SECTION 1. That Section 42-612, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 42-612. PROPOSED WATER DISTRICT BUDGET FOR SUCCEEDING YEAR -- ADOP-
10 TION AND CONTENTS OF BUDGET -- DEBT OF WATER USER. (1) Each watermaster
11 shall, at least fourteen (14) days prior to the annual meeting of the water
12 users of the water district, prepare a proposed budget for the succeeding
13 year, together with a distribution of the pro rata amounts of the budget as-
14 sessed to the respective water users or water delivery organizations using
15 the actual volume of water delivered for the past season or seasons. The
16 proposed budget and distribution of pro rata assessments shall be presented
17 to the water users for consideration and approval at the next annual meeting.

18 (2) At any annual meeting, the water users must adopt a budget covering
19 the estimated expenses of delivering the water of the district for the en-
20 suing year and by resolution determine that the budget shall be collected.
21 The compensation of the watermaster and the watermaster's assistants and any
22 other expenses of delivering the water of the district to the users thereof,
23 including the costs of the advisory committee in implementing resolutions
24 adopted by the water users of the district for activities other than the pay-
25 ment of the salary and operating expenses of the watermaster and assistants,
26 shall be paid in the manner hereinafter, in this section, provided.

27 (3) To the extent possible, funding for advisory committee expenses as-
28 sociated with implementing resolutions adopted by the water users for other
29 than the payment of the salary and operating expenses of the watermaster
30 and assistants shall come from funds available pursuant to section 42-613A,
31 Idaho Code. If funds available pursuant to section 42-613A, Idaho Code,
32 are not sufficient to cover expenses incurred in implementing resolutions
33 adopted by the water users, then such expenses shall come from assessments.

34 (4) The budget shall show the aggregate amount to be collected from all
35 the water users in the district and the amount to be paid by each water de-
36 livery organization or other water user. For the purpose of computing the
37 respective amounts to be paid by each water user, the actual volume of water
38 delivered to each water delivery organization or other water user during the
39 past season or seasons, not exceeding five (5) seasons, shall be used as a ba-
40 sis. If a right has not previously been assessed or if past season delivery
41 records are not available, the watermaster may, by resolution of the water
42 users, estimate the volume of water delivered or reasonably used when water

1 was available under the priority of the right during the past season or sea-
2 sons. Notwithstanding other provisions of this section, if a water delivery
3 organization or water user diverts water pursuant to a valid water right from
4 a natural waterway that is regulated and assessed by one water district, and
5 that water is then conveyed through and rediverted from a different natural
6 waterway pursuant to section 42-105(1), Idaho Code, that is regulated by a
7 second water district, the second water district may, by resolution of the
8 water users, charge a fee instead of an assessment for the water that is redi-
9 verted sufficient to pay the costs and expenses for watermaster services for
10 data collection, water measurement, conveyance of water, and record keeping
11 directly attributable to the conveyance of the water that is rediverted. A
12 fee charged pursuant to this subsection is not an assessment. A water deliv-
13 ery organization or a water user that is charged a fee is not eligible to vote
14 at an annual water district meeting as set forth in section 42-605, Idaho
15 Code, unless the water delivery organization or water user holds other water
16 rights that are assessed by the water district and voting is based upon those
17 assessed water rights.

18 (5) Upon the adoption of the budget, the amount payable by each water
19 delivery organization or other water user, as shown by the budget, shall
20 become the debt of each respectively and shall become due and payable as
21 hereinafter provided. Other provisions of chapter 6, title 42, Idaho Code,
22 notwithstanding, water users may at the annual meeting by resolution provide
23 for an annual minimum charge not to exceed two hundred fifty dollars (\$250)
24 per water user for watermaster services. The minimum charge is applicable
25 whenever the prorated charge against any water delivery organization or
26 other water user is less than the minimum charge.

27 (6) Other provisions of chapter 6, title 42, Idaho Code, notwithstand-
28 ing, water users at the annual meeting may provide, by resolution, that the
29 respective amounts owed by each water user as shown in the adopted budget
30 shall constitute a final determination of the amount due for that year with-
31 out the need to carry forward any water user debits or credits to the follow-
32 ing year.