

TITLE 42
IRRIGATION AND DRAINAGE -- WATER RIGHTS AND RECLAMATION

CHAPTER 33
COMMISSIONS TO NEGOTIATE COMPACTS WITH OTHER STATES

42-3301. APPOINTMENT OF MEMBERS OF COMMISSION TO SERVE ON JOINT COMMISSION RELATING TO WATERS OF BEAR RIVER. The governor of the state of Idaho is hereby authorized to appoint a commission consisting of three (3) commissioners, of which the director of the department of water resources may be one (1), and up to two (2) alternate commissioners, to represent the state of Idaho on a joint commission to be composed of commissioners representing the states of Wyoming, Utah, and Idaho, and a commissioner that may be appointed to represent the United States of America, to be constituted by said states for the purpose of negotiating and entering into a compact or compacts, agreement or agreements, between the said states, with consent of congress, respecting the lawful diversion, distribution, and the further utilization and disposition of the waters of Bear River, and all streams tributary thereto, with due regard to the priority rule controlling the use of water, and fixing and determining a method of regulation, administration and control of the waters of said river; provided, however, that any compact or agreement so entered into on behalf of said states shall not be binding or obligatory upon either of said states or citizens thereof until and unless the same shall have been ratified and approved by the legislatures of the said three (3) states and by the congress of the United States.

[42-3301, added 1943, ch. 90, sec. 1, p. 180; am. 2017, ch. 74, sec. 1, p. 187.]

42-3302. LEGAL, ENGINEERING AND OTHER ASSISTANTS. As soon as the commissioners of the state of Idaho shall have been appointed and shall have entered upon the performance of their duties, as herein provided, they shall be furnished such legal, engineering and other assistants as the governor and attorney general and director of the department of water resources of the state of Idaho may deem advisable and necessary.

[42-3302, added 1943, ch. 90, sec. 2, p. 180.]

42-3303. AUTHORITY AND DUTIES OF COMMISSIONERS. Said commissioners, or alternate commissioners in the absence of appointed commissioners, for the state of Idaho shall have authority to make full investigations of Bear River and its tributaries and the drainage area thereof, as may be necessary in order to determine the facts as to physical conditions obtaining upon said river, and of the present and future needs of the state of Idaho and its citizens, to the proper use and benefits of the waters of said stream and to perform such other duties as may be necessary to sufficiently determine such facts and to secure the necessary information in order that they may properly perform their duties as commissioners of the state of Idaho upon said joint commission.

[42-3303, added 1943, ch. 90, sec. 3, p. 180; am. 2017, ch. 74, sec. 2, p. 187.]

42-3304. DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES AND ATTORNEY GENERAL TO RENDER ASSISTANCE. It shall be the duty of the director of the department of water resources of the state of Idaho, and the attorney general

of said state, to aid and assist the commissioners to be appointed for the state of Idaho whenever necessary in order to facilitate their work in carrying out the intent and purposes of this act.

[42-3304, added 1943, ch. 90, sec. 4, p. 180.]

42-3305. REQUEST FOR RECIPROCAL LEGISLATION AND PROPER CONGRESSIONAL RESOLUTION. The governor of Idaho shall advise the governors of the states of Utah and Wyoming and the President of the United States of this enactment and request that reciprocal legislation be enacted by said states and that a proper resolution be adopted by the congress of the United States giving permission to the states of Idaho, Utah and Wyoming to enter into a compact or agreement respecting the control and use of the waters of Bear River and its tributaries.

[42-3305, added 1943, ch. 90, sec. 5, p. 180.]

42-3306. TENURE OF OFFICE -- REMUNERATION AND EXPENSES -- REDUCTION OF NUMBER. The tenure of office of said commissioners shall be at the pleasure of the governor, and their remuneration and expenses shall be fixed by him; provided, however, that if the states of Utah and Wyoming shall appoint but one (1) commissioner to perform such services for said respective states, then and in that event, the governor of the state of Idaho may, in his discretion, reduce the number of commissioners of the state of Idaho from three (3) to one (1), who shall exercise all the rights and duties imposed by this act.

[42-3306, added 1943, ch. 90, sec. 6, p. 180.]

42-3307. COMPACT WITH UNITED STATES AND NEVADA AUTHORIZED RELATIVE TO WATER RIGHTS OF SALMON FALLS CREEK. Authority shall be and is hereby granted unto the governor of the state of Idaho to cause a compact to be entered into by the state of Idaho, with the state of Nevada and the United States, concerning the acquiring of water rights and the distribution of water within the respective states of Idaho and Nevada from Salmon Falls Creek, the North Fork of which heads in Idaho and flows through Nevada, and the South Fork of which heads in Nevada and joins with the North Fork in Nevada, and which thence flows into Idaho where it empties into the reservoir, situated in Townships Fourteen (14) and Fifteen (15) South, Ranges Fourteen (14) and Fifteen (15) E.B.M., Twin Falls County, State of Idaho, of the Salmon River Canal Company, Ltd., a corporation organized and existing under and by virtue of the laws of the state of Idaho.

[42-3307, added 1943, ch. 44, sec. 1, p. 89.]

42-3308. APPOINTMENT OF COMMISSIONER -- TERM -- REMUNERATION -- DUTIES. For the purpose of carrying this act into effect, a commissioner for the state of Idaho shall be appointed by the governor, whose term of office shall be at the pleasure of the governor, and whose remuneration shall be fixed by the governor, and whose duties shall embrace, gathering and compiling data, attending meetings of the commission of which said commissioner shall be a member, carrying on negotiations for an agreement or compact between the state of Idaho, the state of Nevada, and the United States concerning the acquiring of water rights and the distribution of water within the states of Idaho and Nevada, and to generally perform such duties as shall be required by the governor of the state of Idaho in carrying out the purpose and intent of this act.

[42-3308, added 1943, ch. 44, sec. 2, p. 89.]

42-3309. REQUEST FOR RECIPROCAL LEGISLATION AND APPOINTMENT OF NEVADA COMMISSIONER. The governor (a) Shall advise the executive branch of the state of Nevada and the President of the United States of the enactment of this legislation, and request that reciprocal legislation be enacted by the state of Nevada, and that proper resolution be adopted by the congress of the United States giving permission to the states of Idaho and Nevada to enter into a compact or agreement respecting the acquiring of water rights and the distribution of water in the states of Idaho and Nevada, and concerning the disposition, distribution and apportionment of the waters of Salmon Falls Creek, and its tributaries hereinabove more particularly described, between the states of Idaho and Nevada.

(b) And shall request the executive branch of the government of the state of Nevada to cause a commissioner to be appointed to carry such reciprocal legislation as may be enacted by the state of Nevada into effect. And shall request the President of the United States to cause a commissioner to be appointed, pursuant to proper resolution of congress, to whom shall be delegated such authority as shall be needed, to the end that permission shall be granted by the United States to the states of Idaho and Nevada to enter into such compact or agreement.

[42-3309, added 1943, ch. 44, sec. 3, p. 89.]

42-3310. COMPOSITION OF COMMISSION -- PURPOSE. The commissioner appointed by the governor of the state of Idaho, pursuant to this act, and a commissioner who shall be appointed pursuant to legislation enacted by the state of Nevada, and a commissioner who shall be appointed by the President of the United States pursuant to resolution of the congress, shall constitute a commission for the purpose of formulating a compact or agreement concerning the acquiring of water rights and the distribution of water on said Salmon Falls Creek within the states of Idaho and Nevada.

[42-3310, added 1943, ch. 44, sec. 4, p. 89.]

42-3311. EFFECTIVE DATE OF COMPACT. Any compact or agreement negotiated under the terms of this act and reciprocal legislation of the state of Nevada and joint resolution of the congress of the United States shall become effective upon its approval and ratification by the legislature of the state of Idaho.

[42-3311, added 1943, ch. 44, sec. 5, p. 89.]

42-3312. INSTITUTION OF LEGAL PROCEEDINGS TO SECURE APPORTIONMENT UPON FAILURE TO COMPACT. Should it be determined by the governor of the state of Idaho that a compact or agreement cannot be negotiated or carried into effect concerning the acquiring of water rights and the distribution of water within the states of Idaho and Nevada of the said Salmon Falls Creek, pursuant to the terms of this act, then and in that contingency the governor of the state of Idaho shall be, and he is hereby, authorized to direct the attorney general of the state of Idaho to institute appropriate legal proceedings on behalf of the state of Idaho against the state of Nevada in the Supreme Court of the United States, or other court or courts, to obtain an equitable apportionment and distribution between the states of Idaho and Nevada of the waters of the said Salmon Falls Creek, which said direction shall be carried into effect by the attorney general of the state of Idaho; to the end that priority rights on the stream shall be established.

[42-3312, added 1943, ch. 44, sec. 6, p. 89.]

42-3313. COMMISSION TO SERVE ON JOINT COMMISSION RELATING TO WATERS OF SNAKE RIVER. The governor of the state of Idaho is hereby authorized to appoint a commission of ten (10) members, of which the director of the department of water resources shall be one (1), to represent the state of Idaho on a joint commission to be composed of commissioners representing the states of Wyoming and Idaho and a commissioner that may be appointed by the President of the United States, to be constituted by said states for the purpose of negotiating and entering into a compact or compacts, agreement or agreements, between the states, with the consent of congress, respecting the lawful diversion, distribution, and further utilization and disposition of the waters of the Snake River and all streams tributary thereto, with due regard to vested rights, mutual benefits and equitable apportionment, and fixing and determining a method of regulation, administration and control of the waters of said river; provided, however, that any compact or agreement so entered into on behalf of said states shall not be binding or obligatory upon either of said states or citizens thereof until and unless the same shall have been ratified and approved by the legislatures of both states and by the congress of the United States.

[42-3313, added 1949, ch. 11, sec. 1, p. 11.]

42-3314. LEGAL, ENGINEERING AND OTHER ASSISTANCE. As soon as the commissioners of the state of Idaho shall have been appointed and shall have entered upon the performance of their duties, as herein provided, they shall be furnished such legal, engineering and other assistance as the governor and attorney general and director of the department of water resources and the board of examiners of the state of Idaho may deem advisable and necessary.

[42-3314, added 1949, ch. 11, sec. 2, p. 11.]

42-3315. AUTHORITY AND DUTIES OF COMMISSION. The said commissioners for the state of Idaho shall have authority to make full investigations of Snake River and its tributaries and the drainage area thereof, as may be necessary in order to determine the facts as to physical conditions obtaining upon said river, and of the present and future needs of the state of Idaho and its citizens, to the proper use and benefits of the waters of said stream and to perform such other duties as may be necessary to sufficiently determine such facts and to secure the necessary information in order that they may properly perform their duties as commissioners of the state of Idaho upon said joint commission.

[42-3315, added 1949, ch. 11, sec. 3, p. 11.]

42-3316. DIRECTOR OF DEPARTMENT OF WATER RESOURCES AND ATTORNEY GENERAL TO RENDER ASSISTANCE. It shall be the duty of the director of the department of water resources of the state of Idaho, and the attorney general of said state, to aid and assist the commissioners to be appointed for the state of Idaho whenever necessary in order to facilitate their work in carrying out the intent and purposes of this act.

[42-3316, added 1949, ch. 11, sec. 4, p. 11.]

42-3317. REQUEST FOR RECIPROCAL LEGISLATION AND PROPER CONGRESSIONAL RESOLUTION. The governor of Idaho shall advise the governor of the state of Wyoming and the president of the United States of this enactment and request that reciprocal legislation be enacted by said state and that a proper resolution be adopted by the congress of the United States giving permission to

the states of Idaho and Wyoming to enter into a compact or agreement respecting the control of the waters of Snake River and its tributaries.

[42-3317, added 1949, ch. 11, sec. 5, p. 11.]

42-3318. TENURE OF OFFICE -- REMUNERATION AND EXPENSES -- REDUCTION OF NUMBER. The tenure of office of said commissioners shall be at the pleasure of the governor, and their remuneration and expenses shall be fixed by him; provided, however, that if the state of Wyoming shall appoint but one (1) commissioner to perform such services for said state, then and in that event, the governor of the state of Idaho may, in his discretion, reduce the number of commissioners of the state of Idaho from ten (10) to one (1), who shall exercise all the rights and duties imposed in this act.

[42-3318, added 1949, ch. 11, sec. 6, p. 11.]

42-3319. COMMISSION TO SERVE ON JOINT COMMISSION RELATING TO WATERS OF COLUMBIA RIVER. The governor of the state of Idaho is hereby authorized to appoint a commission of five (5) members, of which the director of the department of water resources shall be one (1), to represent the state of Idaho on a joint commission to be composed of commissioners representing the states of Washington, Oregon, Wyoming, Montana, Utah, Nevada and Idaho, and a commissioner that may be appointed by the president of the United States, to be constituted by said states for the purpose of negotiating and entering into a compact or compacts, agreement or agreements, among the states, or so many of them, not less than five (5), as shall agree thereto, with the consent of congress, respecting the lawful diversion, distribution, and further utilization and disposition of the waters of the Columbia River and all streams tributary thereto, including the Snake River, with due regard to vested rights, mutual benefits and equitable apportionment, and fixing and determining a method of regulation, administration and control of said river, and its tributaries; provided, however, that any compact or agreement so entered into on behalf of said states shall not be binding or obligatory upon any of said states or citizens thereof until and unless the same shall have been ratified and approved by the legislatures of at least five (5) of the states, including the states of Washington, Oregon, Montana and Idaho and by the congress of the United States.

[42-3319, added 1951, ch. 61, sec. 1, p. 89.]

42-3320. LEGAL, ENGINEERING AND OTHER ASSISTANCE. As soon as the commissioners of the state of Idaho shall have been appointed and shall have entered upon the performance of their duties, as herein provided, they shall be furnished such legal, engineering and other assistance as the governor and attorney general and director of the department of water resources and the board of examiners of the state of Idaho might deem advisable and necessary.

[42-3320, added 1951, ch. 61, sec. 2, p. 89.]

42-3321. AUTHORITY AND DUTIES OF COMMISSION. The said commissioners for the state of Idaho shall have full authority to make full investigations of the Columbia River and its tributaries, including the Snake River, and the drainage thereof, as may be necessary in order to determine the facts as to physical conditions obtaining upon said river, and its tributaries, and of the present and future needs of the state of Idaho and its citizens, to the proper use and benefits of the waters of said river, and its tributaries, and to perform such other duties as may be necessary to sufficiently determine

such facts and to secure the necessary information in order that they may properly perform their duties as commissioners of the state of Idaho upon said joint commission.

[42-3321, added 1951, ch. 61, sec. 3, p. 89.]

42-3322. DIRECTOR OF DEPARTMENT OF WATER RESOURCES AND ATTORNEY GENERAL TO RENDER ASSISTANCE. It shall be the duty of the director of the department of water resources of the state of Idaho, and the attorney general of said state, or whoever they may appoint, to aid and assist the commissioners to be appointed for the state of Idaho, whenever necessary in order to facilitate their work in carrying out the intent and purposes of this act.

[42-3322, added 1951, ch. 61, sec. 4, p. 89.]

42-3323. REQUEST FOR RECIPROCAL LEGISLATION AND CONGRESSIONAL ENABLING LEGISLATION. The governor of Idaho shall advise the governors of the states of Washington, Oregon, Montana, Utah, Wyoming and Nevada, and the president of the United States of this enactment and request that reciprocal legislation be enacted by said states and that a proper resolution or statute be adopted by the congress of the United States granting permission to the states of Washington, Oregon, Montana, Utah, Wyoming, Nevada and Idaho to enter into a compact or agreement respecting the control of the waters of the Columbia River and its tributaries.

[42-3323, added 1951, ch. 61, sec. 5, p. 89.]

42-3324. TENURE OF OFFICE -- REMUNERATION AND EXPENSES. The tenure of office of said commissioners shall be at the pleasure of the governor, and their remuneration and expenses shall be fixed by him.

[42-3324, added 1951, ch. 61, sec. 6, p. 89.]