

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 372

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO WATER RIGHTS; AMENDING SECTION 42-221, IDAHO CODE, TO PROVIDE A FEE FOR APPLICATIONS TO CHANGE ONLY THE LEGAL DESCRIPTION FOR THE PLACE OF USE OR THE POINT OF DIVERSION UNDER SPECIFIED CONDITIONS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 42-221, Idaho Code, be, and the same is hereby amended to read as follows:

42-221. FEES OF DEPARTMENT. The department of water resources shall collect the following fees, which shall constitute a fund to pay for legal advertising, the publication of public notices and for investigations, research, and providing public data as required of the department in the performance of its statutory duties:

A. For filing an application for a permit to appropriate the public waters of this state:

1. For a quantity of 0.2 c.f.s. or less or for a storage volume of 20 acre feet or less ..... \$100

2. For a quantity greater than 0.2 c.f.s. but not exceeding 1.0 c.f.s. or for a storage volume greater than 20 acre feet but not exceeding 100 acre feet ..... \$250

3. For a quantity greater than 1.0 c.f.s. but not exceeding 20 c.f.s., or for a storage volume greater than 100 acre feet but not exceeding 2,000 acre feet ..... \$250 plus \$40.00 for each additional c.f.s. or part thereof or 100 acre feet or part thereof over the first 1.0 c.f.s. or 100 acre feet.

4. For a quantity greater than 20.0 c.f.s. but not exceeding 100 c.f.s. or for a storage volume greater than 2,000 acre feet but not exceeding 10,000 acre feet ..... \$1,010 plus \$20.00 for each additional c.f.s. or part thereof or 100 acre feet or part thereof over the first 20.0 c.f.s. or 2,000 acre feet.

5. For a quantity greater than 100.0 c.f.s. but not exceeding 500.0 c.f.s., or for a storage volume greater than 10,000 acre feet but not exceeding 50,000 acre feet ..... \$2,610 plus \$10.00 for each additional c.f.s. or part thereof or 100 acre feet or part thereof over the first 100 c.f.s. or 10,000 acre feet.

6. For a quantity greater than 500 c.f.s., or for a storage volume greater than 50,000 acre feet ..... \$6,610 plus \$2.00 for each additional 1.0 c.f.s. or part thereof or 100 acre feet or part thereof over the first 500.0 c.f.s. or 50,000 acre feet.

B. For filing an application for an extension of time within which to resume the use of water under a vested water right ..... \$100

C. For filing application for amendment of permit ..... \$100

- 1 D. 1. For filing claim to use right under section 42-243, Idaho  
2 Code ..... \$100  
3 2. For filing a late claim to use a water right under section 42-243,  
4 Idaho Code, where the date filed with the department of water resources  
5 or, the postmark if mailed to the department of water resources, is:  
6 i. After June 30, 1998 ..... \$250  
7 ii. After June 30, 2005 ..... \$500  
8 iii. For every ten (10) years after June 30, 2005, an addi-  
9 tional ..... \$500  
10 E. For filing an assignment of permit .....\$25.00  
11 F. For readvertising application for permit, change, exchange, or ex-  
12 tension to resume use .....\$50.00  
13 G. For certification, each document .....\$1.00  
14 H. For making ~~photo-copies~~ photocopies of office records, maps and doc-  
15 uments for public use . A reasonable charge as determined by the department.  
16 I. For filing request for extension of time within which to submit proof  
17 of beneficial use on a water right permit .....\$50.00  
18 J. For tasks requiring in excess of one (1) hour research or for comput-  
19 erized data provided for public use .....  
20 ..... A reasonable charge as determined by the department.  
21 K. For filing proof of beneficial use of water and requests for water  
22 right license examinations, a fee based upon the rate of diversion claimed in  
23 the proof of beneficial use:  
24 1. For a quantity of 0.2 c.f.s. or less, or for a storage volume of 20  
25 acre feet or less ..... \$50.00  
26 except no fee shall be charged for domestic use for which a permit is not  
27 required.  
28 2. For a quantity greater than 0.2 c.f.s. but not exceeding 1.0 c.f.s.,  
29 or for a storage volume greater than 20 acre feet, but not exceeding 100  
30 acre feet .....\$100  
31 3. For a quantity greater than 1.0 c.f.s., or for a storage volume  
32 greater than 100 acre feet ..... \$100  
33 plus \$25.00 for each additional c.f.s. or part thereof, or 100 acre feet  
34 or part thereof, over the first 1.0 c.f.s. or 100 acre feet with a maxi-  
35 mum fee not to exceed \$600.  
36 L. For filing a protest or request to intervene in a protes-  
37 ted matter .....\$25.00  
38 M. For filing an application to alter a stream channel pursuant to chap-  
39 ter 38, title 42, Idaho Code:  
40 1. Application for recreational dredge permits by residents of the  
41 state .....\$10.00  
42 2. Application for recreational dredge permits by nonresidents of the  
43 state .....\$30.00  
44 3. Other applications .....\$20.00  
45 N. For receipt of all notices of application within a designated area, a  
46 reasonable annual charge as determined by the department.  
47 O. For filing an application to change the point of diversion, place,  
48 period or nature of use of water under a vested water right:  
49 1. For a quantity of 0.2 c.f.s. or less, or for a storage volume of 20  
50 acre feet or less .....\$200

- 1           2. For a quantity greater than 0.2 c.f.s. but not exceeding 1.0 c.f.s.,  
2           or for a storage volume greater than 20 acre feet but not exceeding 100  
3           acre feet .....\$500
- 4           3. For a quantity greater than 1.0 c.f.s. but not exceeding 20 c.f.s.,  
5           or for a storage volume greater than 100 acre feet but not exceeding  
6           2,000 acre feet .....\$500  
7           plus \$80.00 for each additional c.f.s. or part thereof or 100 acre feet  
8           or part thereof over the first 1.0 c.f.s. or 100 acre feet.
- 9           4. For a quantity greater than 20.0 c.f.s. but not exceeding 100  
10          c.f.s., or for a storage volume greater than 2,000 acre feet but not  
11          exceeding 10,000 acre feet .....\$2,020  
12          plus \$40.00 for each additional c.f.s. or part thereof or 100 acre feet  
13          or part thereof over the first 20.0 c.f.s. or 2,000 acre feet.
- 14          5. For a quantity greater than 100 c.f.s. but not exceeding 500 c.f.s.,  
15          or for a storage volume greater than 10,000 acre feet but not exceeding  
16          50,000 acre feet .....\$5,220  
17          plus \$20.00 for each additional c.f.s. or part thereof or 100 acre feet  
18          or part thereof over the first 100 c.f.s. or 10,000 acre feet.
- 19          6. For a quantity greater than 500 c.f.s., or for a storage volume  
20          greater than 50,000 acre feet .....\$13,220  
21          plus \$4.00 for each additional c.f.s. or part thereof or 100 acre feet  
22          or part thereof over the first 500 c.f.s. or 50,000 acre feet.
- 23          7. For any application to change the nature of use of water under one (1)  
24          or more vested water right(s), an additional fee of \$250 shall apply.
- 25          8. For an application to change only the legal description for the place  
26          of use or the point of diversion when there will be no physical change in  
27          the location of the place of use or the point of diversion and no unau-  
28          thorized physical change in the location of the place of use or the point  
29          of diversion has occurred inconsistent with the decree, license or  
30          transfer defining the water right, the total filing fee shall be \$50.00  
31          per water right.
- 32          P. For filing a notice of land application of effluent as required by  
33          section 42-201(8), Idaho Code .....\$150
- 34          All fees received by the department of water resources under the provi-  
35          sions of this chapter shall be transmitted to the state treasurer for deposit  
36          in the water administration account.