

IN THE SENATE

SENATE BILL NO. 1341

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO WATER; AMENDING CHAPTER 2, TITLE 42, IDAHO CODE, BY THE ADDI-
2 TION OF A NEW SECTION 42-233c, IDAHO CODE, TO CLARIFY THE LOCATION OF THE
3 AREA HAVING A COMMON GROUND WATER SUPPLY, TO PROVIDE FOR THE EXPANSION
4 OF THE AREA HAVING A COMMON GROUND WATER SUPPLY, TO PROVIDE FOR A PROCE-
5 DURE PRIOR TO ENTRY OF AN ORDER, TO PROVIDE FOR ENTRY OF AN ORDER, AND TO
6 PROVIDE FOR APPEAL; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFEC-
7 TIVE DATE.
8

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

10 SECTION 1. That Chapter 2, Title 42, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 42-233c, Idaho Code, and to read as follows:

13 42-233c. EASTERN SNAKE PLAIN AQUIFER AREA HAVING COMMON GROUND WATER
14 SUPPLY. (1) The area having a common ground water supply for the eastern
15 Snake plain aquifer, as that term is used in the administration of water
16 rights pursuant to the rules for the conjunctive management of surface and
17 ground water resources, is the aquifer underlying the eastern Snake river
18 plain as described in model calibration report, eastern Snake plain aquifer
19 model version 2.2. of May 2021.

20 (2) The director of the department of water resources may expand the
21 area having a common ground water supply for the eastern Snake plain aquifer
22 to include tributary basins that affect the eastern Snake river plain
23 aquifer. The director shall not expand the area having a common ground water
24 supply for the eastern Snake plain aquifer to include areas that have been
25 designated as a critical ground water area or a ground water management area
26 and that have approved ground water management plans unless the director
27 determines that the existing ground water management plan for such tributary
28 basin is insufficient to manage the effects of ground water withdrawals on
29 the aquifer from which withdrawals are made and on any other hydraulically
30 connected sources of water, including the eastern Snake plain aquifer.

31 (3) Before entering an order expanding the eastern Snake plain aquifer
32 area of common ground water supply pursuant to subsection (2) of this sec-
33 tion, the director shall, by regular mail, send notice of the proposed action
34 to the owner of each water right proposed to be administered in the tributary
35 basin. The notice shall describe the proposed action to be taken, the rea-
36 sons therefore, and the time and place of a hearing to be held concerning the
37 proposed action, and shall provide a time period within which written com-
38 ment on the action will be accepted. The hearing shall not be held sooner
39 than ten (10) days after the mailing of the notice, and the written comment
40 period shall not close sooner than ten (10) days after the hearing. Instead
41 of mailing notice, the director may publish notice describing the proposed
42 action, the time and place for the hearing, and the deadline for receiving

1 written comment. The notice shall be published once a week for two (2) weeks
2 in a newspaper having general circulation within the tributary basin, with
3 the second publication appearing at least ten (10) days before the date set
4 for the hearing. The hearing shall be held within the tributary basin or at
5 some nearby location convenient to the affected water users. The department
6 shall allow for both oral and written comments to be provided.

7 (4) The director may issue an order expanding the eastern Snake plain
8 aquifer area of common ground water supply after the hearing. Any person
9 aggrieved by the action of the director may contest such action pursuant to
10 section 42-1701A(3), Idaho Code.

11 SECTION 2. An emergency existing therefor, which emergency is hereby
12 declared to exist, this act shall be in full force and effect on and after
13 July 1, 2024.