

LEGISLATURE OF THE STATE OF IDAHO
Sixty-eighth Legislature First Regular Session - 2025

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 445

BY APPROPRIATIONS COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF WATER RESOURCES; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2026; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE REVOLVING DEVELOPMENT FUND TO THE AQUIFER PLANNING AND MANAGEMENT FUND FOR FISCAL YEAR 2026; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE WATER MANAGEMENT FUND FOR FISCAL YEAR 2026; PROVIDING REAPPROPRIATION AUTHORITY FOR THE ARPA STATE FISCAL RECOVERY FUND; DIRECTING THAT MONEYS APPROPRIATED FOR GENERAL STREAM ADJUDICATIONS COUNT TOWARD FILING FEES FOR FISCAL YEAR 2026; DIRECTING THE USE OF FUNDS FOR WATER MANAGEMENT FUND PROJECTS; PROVIDING FOR CONDITIONS, LIMITATIONS, AND RESTRICTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Water Resources the following amounts to be expended according to the designated programs and expense classes from the General Fund for the period July 1, 2025, through June 30, 2026:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Management and Support Services			\$432,400	\$432,400
Planning and Technical Services		\$30,058,700		30,058,700
Water Management	<u>\$456,100</u>	<u>90,000</u>	<u>60,500</u>	<u>606,600</u>
TOTAL	\$456,100	\$30,148,700	\$492,900	\$31,097,700

SECTION 2. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Department of Water Resources is hereby increased by four (4.00) for the period July 1, 2025, through June 30, 2026.

SECTION 3. CASH TRANSFER FOR AQUIFER MONITORING. There is hereby appropriated to the Department of Water Resources and the Office of the State Controller shall transfer \$716,000 from the Revolving Development Fund to the Aquifer Planning and Management Fund on July 1, 2025, or as soon thereafter as practicable for the period July 1, 2025, through June 30, 2026, to be used for aquifer monitoring, measurement, and modeling.

1 SECTION 4. CASH TRANSFER FOR WATER PROJECTS. There is hereby appropri-
2 ated to the Department of Water Resources and the Office of the State Con-
3 troller shall transfer \$30,000,000 from the General Fund to the Water Man-
4 agement Fund on July 1, 2025, or as soon thereafter as practicable for the pe-
5 riod July 1, 2025, through June 30, 2026, to be used for water projects.

6 SECTION 5. REAPPROPRIATION AUTHORITY FOR THE ARPA STATE FISCAL RE-
7 COVERY FUND. There is hereby reappropriated to the Department of Water
8 Resources any unexpended and unencumbered balances appropriated or reappro-
9 priated to the Department of Water Resources in the Planning and Technical
10 Services Program from the ARPA State Fiscal Recovery Fund to be used for non-
11 recurring expenditures related to water infrastructure projects for fiscal
12 year 2025 for the period July 1, 2025, through June 30, 2026. The Office
13 of the State Controller shall confirm the reappropriation amount, by fund,
14 expense class, and program, with the Legislative Services Office prior to
15 processing the reappropriation authorized herein.

16 SECTION 6. FILING FEES FOR FISCAL YEAR 2026. Notwithstanding the
17 provisions of Section 42-1414(1)(c), Idaho Code, it is the intent of the
18 Legislature that moneys appropriated to the Department of Water Resources
19 for Idaho's general stream adjudications from the General Fund count toward
20 the filing fees required under Section 42-1414(1)(a) and (b), Idaho Code,
21 for water right claims filed in Idaho's general stream adjudications by the
22 Idaho Water Resource Board and the Governor based on instream flow, public
23 lake level maintenance, or recreation. If the General Fund appropriation
24 exceeds the amount required for the Idaho Water Resource Board's and the Gov-
25 ernor's filing fees in the current fiscal year, the excess shall be counted
26 toward future filing fees required for those same purposes. If the General
27 Fund appropriation does not meet or exceed the fee required for claims of the
28 Idaho Water Resource Board or the Governor, the Director of the Department of
29 Water Resources shall grant an extension of time to the Idaho Water Resource
30 Board or the Governor to file the claim, and the General Fund appropriation
31 for the following fiscal year shall be counted toward the balance of the
32 filing fee.

33 SECTION 7. WATER MANAGEMENT FUND PROJECTS. Of the amount appropriated
34 in Section 1 of this act, \$30,000,000 shall be used for water projects pur-
35 suant to the following criteria:

36 (1) The Water Resource Board shall use the funds for planning, con-
37 struction, rehabilitation, reconstruction, and improvement of water infra-
38 structure throughout the state. Projects shall prioritize:

39 (a) Aquifer recharge, ground water management, and other projects
40 aimed at sustaining aquifer health and long-term water availability;

41 (b) Development and rehabilitation of water storage and conveyance
42 systems, including reservoirs, diversion structures, pipelines, and
43 canals;

44 (c) Water supply and delivery improvements that enhance efficiency and
45 conservation; and

46 (d) Emergency water infrastructure repairs and upgrades to ensure the
47 resilience of vital water systems.

1 (2) Of the moneys appropriated in a single year, no more than fifty per-
2 cent (50%) of the funds appropriated in this section may be used within a sin-
3 gle board district, as defined in section 42-1732, Idaho Code, unless there
4 are no competing funding applications for water infrastructure projects in
5 other districts for the current fiscal year. For fiscal year 2026, fifty
6 percent (50%) of the appropriation for water projects shall be allocated for
7 use in board district 3 and fifty percent (50%) shall be allocated for use in
8 board district 4 for the purpose of supporting the 2024 Stipulated Mitiga-
9 tion Plan entered into by surface and ground water users on the Eastern Snake
10 Plain.

11 (3) The Department of Water Resources shall provide a report to the
12 Joint Finance-Appropriations Committee, to the relevant germane legisla-
13 tive committees, and to the Budget and Policy Analysis Division of the
14 Legislative Services Office no later than December 5, 2025. This report
15 shall include information required in Section 42-1760(3), Idaho Code, in a
16 format determined in consultation with the Budget and Policy Analysis Divi-
17 sion of the Legislative Services Office.

18 SECTION 8. CONDITIONS, LIMITATIONS, AND RESTRICTIONS. Appropriations
19 made pursuant to this act are subject to the conditions, limitations, and re-
20 strictions specified in this act.

21 SECTION 9. An emergency existing therefor, which emergency is hereby
22 declared to exist, this act shall be in full force and effect on and after
23 July 1, 2025.