

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

IN THE SENATE

SENATE BILL NO. 1083, As Amended

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO DOMESTIC WATER USES; AMENDING SECTION 42-111, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DEFINITION OF DOMESTIC PURPOSES AND TO PROVIDE FOR MULTIPLE WATER RIGHTS; AMENDING SECTION 42-227, IDAHO CODE, TO REVISE PROVISIONS REGARDING DRILLING AND USE OF WELLS FOR DOMESTIC PURPOSES; AMENDING SECTION 42-351, IDAHO CODE, TO REVISE PROVISIONS REGARDING ILLEGAL DIVERSION OR USE OF WATER; AMENDING CHAPTER 17, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1701C, IDAHO CODE, TO PROVIDE FOR THE ENFORCEMENT OF DOMESTIC PURPOSE AND DOMESTIC USE LIMITATIONS; AMENDING SECTION 42-1805, IDAHO CODE, TO REVISE A PROVISION REGARDING THE POWERS OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES; REPEALING SECTION 31-3805, IDAHO CODE, RELATED TO DELIVERY OF WATER; AMENDING CHAPTER 38, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3805, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE DELIVERY OF WATER WITHIN SUBDIVISIONS; AMENDING SECTION 31-3806, IDAHO CODE, TO REVISE PROVISIONS REGARDING CIVIL ACTIONS; AMENDING SECTION 50-1334, IDAHO CODE, TO REVISE A PROVISION REGARDING THE REVIEW OF WATER SYSTEMS; AMENDING SECTION 67-6508, IDAHO CODE, TO REVISE PROVISIONS REGARDING PLANNING DUTIES; AMENDING SECTION 67-6537, IDAHO CODE, TO REMOVE A PROVISION REGARDING THE USE OF SURFACE WATER FOR IRRIGATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

31-3805. DELIVERY OF WATER WITHIN SUBDIVISIONS. (1) The provisions of this section shall apply to any proposed subdivision, as defined in chapter 13, title 50, Idaho Code, within the state of Idaho or to a subdivision subject to a more restrictive county or city zoning ordinance.

(2) For any subdivision that lies within the service area or area of city impact of a municipal provider, the following requirements apply:

(a) If a shared well or public water system is installed, it shall be designed to meet requirements of that municipal provider and be planned to integrate with and connect to the municipal provider's system when appropriate. The requirements of this paragraph shall not apply if an agreement is reached with the municipal provider;

(b) The municipal provider shall be consulted in the design of the shared well or public water system to ensure proper integration; and

(c) Upon connection to the municipal provider's system, the water rights associated with the subdivision's shared well or public water system shall be conveyed to the municipal provider.

(3) If surface water for irrigation is reasonably available to all or any part of a subdivision, as provided in section 67-6537, Idaho Code, then no subdivision plat, amendment to a subdivision plat, or any other plat or map recognized by the city or county for the division of land will be accepted, approved, and recorded unless the owner or entity has provided for the irrigation of lots within the subdivision using the available surface water.

(4) For subdivisions using water provided by an irrigation entity, as required by section 67-6537, Idaho Code, the subdivision plat or with the

26 plat mat as an exhibit shall include a description of the system used to de-
27 liver irrigation water from the irrigation entity's point of delivery to the
28 individual lots. In such cases:

29 (a) For proposed subdivisions within the incorporated limits of a city,
1 the irrigation system must be approved by the city zoning authority or
2 the city council, as provided by city ordinance, with the advice of the
3 irrigation entity charged with the delivery of water to such lands; and

4 (b) For proposed subdivisions located outside an incorporated city,
5 the irrigation system must be approved by the board of county commis-
6 sioners, with the advice of the irrigation entity charged with the
7 delivery of water to such lands.

8 (5) For subdivisions receiving water from an irrigation entity, the
9 subdivision plat or amendment to a subdivision plat shall contain notes
10 stating the following:

11 (a) That the subdivision or a portion of it is located within the ser-
12 vice area of the irrigation entity and the name and contact information
13 for the irrigation entity;

14 (b) That a system for the delivery of irrigation water to lots within
15 the subdivision has been provided;

16 (c) That the system has been approved as required by subsection (4) of
17 this section;

18 (d) That the purchaser of each lot shall remain subject to all assess-
19 ments levied by the irrigation entity; and

20 (e) That unpaid irrigation entity assessments are a lien on the land
within the irrigation entity.