

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

IN THE SENATE

SENATE BILL NO. 1084

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO THE WATER SUPPLY BANK; AMENDING SECTION 42-1764, IDAHO CODE, TO
REVISE A PROVISION REGARDING WATER RIGHT FORFEITURE; AND DECLARING AN
EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 42-1764, Idaho Code, be, and the same is hereby
amended to read as follows:

42-1764. SUBSTITUTION FOR TRANSFER PROCEEDING -- RIGHTS NOT SUBJECT
TO FORFEITURE -- NO DEDICATION OF RIGHTS. (1) The approval of a rental of wa-
ter from the water supply bank may be a substitute for the transfer proceed-
ing requirements of section 42-222, Idaho Code.

(2) Water rights obtained by the board or by a local committee appointed
by the board and credited to the water supply bank are not subject to forfei-
ture for nonuse pursuant to section 42-222(2), Idaho Code, while retained in
or rented from the water supply bank. The five (5) year period of nonuse for
forfeiture of a water right shall begin to ~~accrue~~ run anew upon removal of a
right from the bank ~~by the owner of the right if a period of nonuse did not oc-~~
~~cur prior to the date of acceptance of the right into the bank. The five (5)-~~
~~year period of nonuse shall continue to accrue if a period of nonuse occurred~~
~~prior to the effective date of acceptance of the right into the bank and the~~
~~right was not beneficially used while in the bank.~~

(3) The rental of water rights from the water supply bank shall not con-
stitute a dedication to the lands of any renter since the rental or distri-
bution of water by the water bank is only incidental to its primary purposes
listed in section 42-1761, Idaho Code.

SECTION 2. An emergency existing therefor, which emergency is hereby
declared to exist, this act shall be in full force and effect on and after
July 1, 2025.