

STATEMENT OF PURPOSE

2026-215-002

The purpose of this legislation is to formalize the consolidation of the Idaho Soil and Water Conservation Commission within the Idaho Department of Water Resources that was initiated in the 2026 legislative session with H0503 and guided by SCR115. This consolidation is expected to maximize government efficiencies and deliver improved services to the citizens of Idaho because it will streamline administrative functions, consolidate overlapping responsibilities, and reduce redundant expenditures.

Consistent with the 2025 Legislature's Idaho Code Cleanup Act, this bill also updates Section 22-2718(1), Idaho Code, by removing dated language used to establish terms of commissioners. This became unnecessary after Commissioner terms were established in 2022. This "code cleanup" is a carryover from comments received from the Legislative Services Office from the previous legislative session.

DRAFT BILL

LEGISLATURE OF THE STATE OF IDAHO
Sixty-ninth Legislature First Regular Session - 2027

IN THE _____
_____ BILL NO. _____
BY _____ COMMITTEE

[LSO WILL WRITE TITLE]

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

SECTION 1. That Section 22-2717, Idaho Code, be, and the same is hereby amended to read as follows:

22-2717. DEFINITIONS. Whenever used or referred to in this chapter, unless a different meaning clearly appears from the context:

~~(1) "Administrator" means the administrator for the Idaho state soil and water conservation commission.~~

~~(2)~~(1) "Agency" includes the government of this state and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of this state.

~~(3)~~(2) "Agricultural pollution abatement plan" or "ag plan" means the document developed by the state soil and water conservation commission and approved by the commission and the department of environmental quality, that provides appropriate technical, programmatic, informational and educational processes, guidelines and policies for addressing agricultural pollution.

~~(4)~~(3) "Best management practices" or "BMPs" means practices, techniques, or measures developed or identified by the designated agency and identified in the state water quality management plan which are determined to be a cost-effective and practicable means of preventing or reducing pollutants generated from nonpoint sources to a level compatible with water quality goals.

~~(5)~~(4) "Commission" or "state soil and water conservation commission" means the agency created in section 22-2718, Idaho Code.

~~(6)~~(5) "Conservation plan" means a description of identified natural resource issues and a specific schedule of implementation of component practices necessary to resolve those specific resource issues as agreed upon by the landowner.

~~(7)~~(6) "Designated agency" is as defined in section 39-3602, Idaho Code.

~~(8)~~(7) "District," "conservation district," "soil conservation district," or "soil and water conservation district" means a governmental subdivision(s) of this state, and a public body corporate and politic, organized in accordance with the provisions of this chapter, for the purposes, with the powers and subject to the restrictions hereinafter set forth.

~~(9)~~(8) "Due notice" means notice published at least twice, with an interval of at least seven (7) days between the two (2) publication dates, in a newspaper or other publication of general circulation within the appropriate area, or if no such publication of general circulation be available, by posting at a reasonable number of conspicuous places within the appropriate area, such posting to include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs generally. At any hearing held pursuant to such notice, at the time and place designated in such notice, adjournment may be made from time to time without the necessity of renewing such notice for such adjournment dates.

~~(10)~~(9) "Eligible applicant" means an individual agricultural owner, operator, partnership, corporation, conservation district, irrigation district, canal company or other agricultural or grazing interest.

(10) "Executive Director" means the executive director for the Idaho state soil and water conservation commission.

(11) "Government" or "governmental" includes the government of this state, the government of the United States, and any

subdivisions, agency, or instrumentality, corporate or otherwise, of either of them.

(12) "Landowner" or "owner" includes any person, firm, or corporation who shall hold title to any lands lying within a district organized under the provisions of this chapter. A buyer on contract, who is the occupier of land, shall be construed as landowner.

(13) "Land user" means any entity with a lease, permit or similar business agreement with a landowner to implement, manage or utilize such land for activities related to use of the land.

(14) "Natural resources conservation service" or "NRCS" means the agency governed by the provisions of 16 U.S.C. sections 590a through 590d and 590f.

(15) "Nominating petition" means a petition filed under the provisions of section 22-2721, Idaho Code, to nominate candidates for the office of supervisor of a soil conservation district.

(16) "Participant" means an individual agricultural owner, operator, partnership, private corporation, conservation district, irrigation district, canal company, or other agricultural or grazing interest approved by the commission or an individual agricultural owner, operator, partnership, or private corporation approved for implementation of conservation improvements, projects, or the water quality program for agriculture.

(17) "Project sponsor" means a conservation district, irrigation district, canal company, or other agricultural or grazing interest, as determined appropriate by the commission, that enters into a conservation improvement or water quality project agreement with the commission.

(18) "Qualified elector" means any person who is qualified to vote pursuant to the requirements of section 34-104, Idaho Code.

(19) "Riparian land" means the beds of streams, the adjacent vegetation communities and the land thereunder, which are predominately influenced by their association with water and are privately owned.

(20) "Specifications" means the materials, operations and procedures necessary to obtain the desired standards of construction and installation.

(21) "Standards" means the minimum limits of technical excellence of a component practice for its planning, design and construction.

(22) "State" means the state of Idaho.

(23) "Supervisor" means one (1) of the members of the governing body of a district elected or appointed in accordance with the provisions of this chapter.

(24) "Total maximum daily load" is as defined in section 39-3602, Idaho Code.

(25) "United States" or "agencies of the United States" includes the United States of America, the natural resources conservation service of the United States department of agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

SECTION 2. That Section 22-2718, Idaho Code, be, and the same is hereby amended to read as follows:

22-2718. IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION.
(1) There is hereby established and created in the department of water resources of the state of Idaho the Idaho state soil and water conservation commission which shall perform all functions conferred upon it by this chapter and shall be a nonregulatory agency.

(a) The commission shall consist of seven (7) members appointed by the governor from divisions of the Idaho association of soil conservation districts as follows: one (1) member from division I, one (1) member from division II, one (1) member from division III, one (1) member from division IV, one (1) member from division V, one (1) member from division VI, and one (1) at-large member appointed at the governor's discretion.

(b) Commission members shall be chosen with due regard to their demonstrated expertise, including knowledge of conservation districts and their functions, knowledge of production agriculture, knowledge of banking or other similar financial experience, or experience as a county commissioner.
~~(c) Commissioners serving on July 1, 2022, will be assigned to the divisions that they would represent. On July 1, 2022, current commissioners, at the will of the governor, will be reappointed to the position representing the divisions in which they live.~~

~~(d)~~(c) For divisions that have vacant positions, or divisions with no current commissioner residing there, the division shall submit a list of up to three (3) names for each open commission position. The governor shall appoint commission seats from the list submitted.

~~(e)~~(d) The term of each commissioner shall be for five (5) years, with the ability to serve two (2) terms; ~~except that on July 1, 2022, the terms of each commission position will be reset: The term of the commissioners from districts I and IV will be set for two (2) years. The term of the commissioners from districts II and V will be set for three (3) years. The term of the commissioners from districts III and VI and the at-large commissioner will be set for four (4)~~

~~years. From and after the initial appointment or reappointment, commissioners may serve two (2) full terms of five (5) years, in addition to their initial appointment. From and after the initial appointment, the corresponding division shall provide the list of three (3) names to the governor to choose from on or before July 1 of each year with a vacancy.~~

~~(f)~~(e) Each vacancy on the commission shall be filled by appointment by the governor following the guidelines set forth in this subsection. A vacancy that occurs in an unexpired term shall also be filled for its remainder by the governor's appointment following the guidelines set forth in this subsection. Each commissioner appointed to fill an unexpired term may serve the length of the unexpired term and be eligible to be reappointed for an additional two (2) full terms.

~~(g)~~(f) All appointments shall be confirmed by the senate. Commission members shall serve at the pleasure of the governor. The commission may invite the state conservationist of the United States department of agriculture natural resources conservation service, the dean of the university of Idaho college of agricultural and life sciences or his designated representative, the director of the department of water resources, or any other person or entities the commission deems appropriate to serve as nonvoting advisory members of the commission. The commission shall keep a record of its official actions, shall adopt a seal, which seal shall be judicially noticed, and may perform such acts, hold such public hearings, and promulgate such rules as may be necessary for the execution of its functions under this chapter.

~~(2) The state soil and water conservation commission shall appoint the administrator of the state soil and water conservation commission. The state soil and water conservation commission may employ such technical experts and such other agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. The director of the department of water resources shall, upon the advice of the state soil and water conservation commission, hire an employee to serve as executive director of the state soil and water conservation commission. The executive director shall be an employee of the department of water resources and be qualified by reason of education, training, knowledge, and demonstrated ability or experience in natural resource conservation of agricultural lands. The executive director shall work full-time for the administration of Chapter 27, Soil Conservation Districts, and support the commission in the performance of its duties.~~

(3) Upon the advice of the director of the department of water resources, the executive director may hire such technical experts and such other agents and employees, permanent and temporary, as required to support the commission in the performance of its duties, and shall determine their qualifications, duties and compensation. The commission may call upon the attorney general of the state for such legal services as it may require. It shall have authority to delegate to its chairman, to one (1) or more of its members, or to one (1) or more agents or employees, such powers and duties as it may deem proper. The commission may establish offices, incur expenses, enter into contracts and acquire services and personal property as may be reasonable for the proper administration and enforcement of this chapter. Upon request of the commission, for the purpose of carrying out any of its functions, the supervising officer of any state agency, or of any state institution of learning, shall insofar as may be possible under available appropriation, and having due regard to the needs of the agency to which the request is directed, assign or detail to the commission members of the staff or personnel of such agency or institution of learning, and make such special reports, surveys or studies as the commission may request.

~~(3)~~(4) The commission shall designate its chairman, and may from time to time, change such designation. A majority of the commission shall constitute a quorum and the concurrency of a majority in any matter within their duties shall be required for its determination. The chairman and members of the commission shall be compensated as provided by section 59-509(h), Idaho Code. The commission shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, and orders issued or adopted; and shall provide for a periodic management review of the accounts of receipts and disbursements as determined by the legislative auditor pursuant to section 67-702, Idaho Code.

~~(4)~~(5) In addition to the duties and powers hereinafter conferred upon the state soil and water conservation commission, it shall have the following responsibilities:

(a) To offer such assistance as may be appropriate to the supervisors of soil conservation districts in the carrying out of any of their powers and programs.

(b) To keep the supervisors of each of the several soil conservation districts informed of the activities and experience of all other soil conservation districts and to facilitate an interchange of advice and experience between such districts and cooperation between them.

(c) To coordinate the progress of the several soil conservation districts so far as this may be done by advice and consultation.

(d) To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this state, in the work of such districts.

(e) To disseminate information throughout the state concerning the activities and programs of the soil conservation districts in areas where their organization is desirable.

~~(5)~~(6) In addition to other powers, functions and duties of soil conservation districts and the state soil and water conservation commission provided in this chapter, the commission shall have the following additional powers, functions and duties:

(a) The commission shall conduct, in cooperation with appropriate federal and state agencies and the owners and operators of privately owned forest lands, rangelands and agricultural lands in this state, conservation improvements on or in respect to these lands for the purposes of implementing conservation systems to conserve and improve natural resource conditions;

(b) The commission shall assist and advise soil conservation districts and other entities in implementing the conservation improvements, projects and the water quality program for agriculture. To the extent that there are available general funds, the commission shall provide for grants and cost-share opportunities and, as legislatively designated, utilize the resource conservation and rangeland development fund for loans for conservation improvements. Provided however, that the commission shall determine whether general or resource conservation and rangeland development funds are available before approving any conservation improvements, projects and cost-share opportunities and, after having made such determination, shall enter into the necessary contracts for implementation;

(c) The commission shall be the agency responsible for the administration of funds accruing to the resource conservation and rangeland development fund ~~and for all general funds appropriated as a separate and distinct action of the legislature to implement the powers, functions and duties of soil conservation districts and the commission;~~

(d) On or before March 1 of each year, the commission shall report to the senate agricultural affairs committee and the house agricultural affairs committee; and

(e) The commission shall promulgate such rules as are necessary to carry out the purposes of this chapter.

SECTION 3. That Section 22-2727, Idaho Code, be, and the same is hereby amended to read as follows:

22-2727. ALLOCATION OF FUNDS TO DISTRICTS. (1) A public hearing shall be held by the state soil and water conservation

commission on or before June 15 of each year and twenty (20) days' written notice of such hearing shall be given to each soil conservation district and to all other persons requesting notice of such hearing. At the hearing the state soil and water conservation commission shall consider the needs of each soil conservation district and shall base its request for state funds for the soil conservation districts upon the budgets, budget requests, district programs and work plans, and work load analysis of the various soil conservation districts.

(2) All funds appropriated by the state for the various soil conservation districts shall be appropriated to the ~~Idaho state soil and water conservation commission~~ Idaho department of water resources and shall be allocated by the state soil and water conservation commission equally to the various soil conservation districts on the basis of the criteria established in subsection (1) of this section.

(3) Funds appropriated to the state soil and water conservation commission for distribution to soil conservation districts shall be allocated by the commission equally to the various soil conservation districts in a sum not to exceed eight thousand five hundred dollars (\$8,500) per district. All funds appropriated to the state soil and water conservation commission for distribution to soil conservation districts in excess of eight thousand five hundred dollars (\$8,500) per district shall be allocated by the commission to the various soil conservation districts in a sum not to exceed twice the amount of funds or services allocated to each district by the county commissioners in the previous fiscal year and funds or services allocated to each district by authorized officials or other local units of government or organizations in the previous fiscal year, provided that any such allocation by the commission shall not exceed fifty thousand dollars (\$50,000) to any one (1) district in a fiscal year.

(4) The state soil and water conservation commission shall adopt rules necessary to carry out the purposes of this section.

SECTION 4. That Section 22-2733, Idaho Code, be, and the same is hereby amended to read as follows:

22-2733. GRANTS FROM STATE SOIL AND WATER CONSERVATION COMMISSION GENERAL FUND -- APPLICATION -- APPROVAL -- GRANT AGREEMENT. (1) Eligible applicants or participants may file an application with the local soil conservation district or the state soil and water conservation commission for a grant from the ~~state soil and water conservation commission~~ department of water resources general fund for the purpose of financing conservation improvements, projects and implementation of the water quality

program for agriculture. Grants shall be considered by the state soil and water conservation commission and, upon the advice of the director of the department of water resources, may be awarded from general funds dedicated to state soil and water conservation commission programs. Such application shall be filed in such a manner and shall be in such form, and be accompanied by such information as may be prescribed by the commission; provided however, any 19 such application filed with the district or the commission under the provisions of this section shall:

(a) Describe the nature and purpose of the improvements or conservation plan implementation project;

(b) Set forth or be accompanied by an improvement project plan approved by the local soil conservation district or the commission that identifies the practices to be applied, together with such technical and economic feasibility data and estimated costs as may be required by the commission;

(c) State whether money other than that for which application is made under this section will be used for improvement project or conservation plan implementation costs, and whether such money is available or has been sought for this purpose; and

(d) Show that the applicant or participant holds or can acquire title to all lands or has necessary easements and rights-of-way to implement the project plan.

(2) The commission and local soil conservation district will keep each other informed of grant applications received. Within thirty (30) days of receipt of an application, the local soil conservation district or the commission shall review and evaluate and, if deemed necessary, investigate all aspects of the proposed improvement, project or conservation plan. As part of such investigation, the district or the commission shall determine whether the project plan is satisfactory. If the district or the commission determines that the plan is unsatisfactory, it shall return the application to the applicant or participant and the district or the commission may make such recommendations to the applicant or participant as are considered necessary to make the plan satisfactory. If the commission determines either the plan or a plan revised pursuant to recommendation of the district or commission is satisfactory, it shall be considered for funding.

(3) The commission may approve a grant if after review, evaluation and investigation if necessary, it finds that:

(a) The applicant or participant is qualified and responsible;

(b) The improvement, project or conservation plan demonstrates public benefits; and

(c) That money in the state soil and water conservation commission general fund is available for the grant.

(4) If the commission approves a grant, the applicant or participant shall enter into an agreement covering the grant offer and acceptance of the grant for implementing the improvement, project or conservation plan. The agreement shall be improvement, project or conservation plan specific. The terms and conditions shall be those specified by the commission.

(5) Upon approval of the grant and securing all necessary documents, the commission will make available, in the approved form, project or contract funding.

SECTION 5. That Section 22-2734, Idaho Code, be, and the same is hereby amended to read as follows:

22-2734. COST-SHARE FROM STATE SOIL AND WATER CONSERVATION COMMISSION GENERAL FUND -- APPLICATION -- APPROVAL. (1) Eligible applicants or participants may file an application with the local soil conservation district or the state soil and water conservation commission for a cost-share contract or project from the ~~state soil and water conservation commission~~department of water resources general fund for the purpose of financing agricultural, grazing or other conservation improvements, projects or implementation of the water quality program for agriculture. Cost-share contracts or projects shall be considered by the state soil and water conservation commission and, upon the advice of the director of the department of water resources, may be awarded from general funds dedicated to state soil and water conservation commission programs. Such application shall be filed in such a manner and shall be in such form and be accompanied by such information as may be prescribed by the commission; provided however, any such application filed with the district or the commission under the provisions of this section shall:

(a) Describe the nature and purposes of the improvements and projects requiring cost-sharing;

(b) Set forth or be accompanied by a plan that identifies the conservation improvements or projects, together with such technical and economic feasibility data and estimated costs as may be required by the commission;

(c) State whether money other than that for which application is made under this section will be used for costs, and whether such money is available or has been sought for this purpose; and

(d) Show the proposed project is feasible from a technical standpoint and is economically justified.

(2) The commission and the local soil conservation district will keep each other informed of cost-share applications received. Within thirty (30) days of receipt of an application, the local soil conservation district or the commission shall review and

evaluate and, if deemed necessary, investigate all aspects of the proposed contract or project. As part of such investigation, the district or the commission shall determine whether the plan for development of the conservation improvements or projects is satisfactory. If the district or the commission determines the plan is unsatisfactory, it shall return the application to the applicant or participant and the district or the commission may make such recommendations to the applicant or participant as are considered necessary to make the application satisfactory. When the commission determines either the application or an application revised pursuant to recommendation of the district or commission is satisfactory, it shall be considered for funding.

(3) The commission may approve a cost-share contract to an applicant or participant for conservation projects and improvements if, after review, evaluation and investigation, it finds that:

(a) The applicant or participant is qualified and responsible;

(b) The conservation improvement or project demonstrates public benefit;

(c) There is reasonable assurance that the applicant or participant will adhere to contract terms; and

(d) Money is available in the state soil and water conservation commission general fund for cost-share.

(4) Upon approval of the cost-share contract or cost-share grant, and securing of all necessary documents, the commission will make funding available.

SECTION 6. That Section 22-2735, Idaho Code, be, and the same is hereby amended to read as follows:

22-2735. PAYMENTS BY THE STATE SOIL AND WATER CONSERVATION COMMISSION -- RULES -- APPROVAL OF ATTORNEY GENERAL -- AUDIT OF PAYMENTS. (1) The commission may make payments not to exceed the estimated reasonable cost of an eligible improvement, project or plan.

(2) The commission may, in the name of the state of Idaho, enter into contracts with approved applicants, and any such approved applicants may enter into a contract with the commission concerning eligible improvements, projects or plans. Any such contract may include such provisions as may be agreed upon by the parties thereto, and shall include, in substance, the following provisions:

(a) An estimate of the reasonable cost of the improvements, projects or plans as determined by the commission;

(b) The terms under which the commission may unilaterally terminate the contract and/or seek repayment from the applicant of sums already paid pursuant to the contract for noncompliance by the applicant with the terms and conditions of the contract and the provisions of this chapter;

(c) An agreement by the applicant binding for the life of the eligible improvements, projects or plans:

(i) To develop water quality plans for landowners and provide payments to landowners for installation of best management practices;

(ii) To determine payment rates in conjunction with the commission for best management practices;

(iii) To establish a method for administration and provisions for technical assistance to landowners in conjunction with the commission;

(iv) To allow the state to make payments up to the estimated reasonable cost for best management practices installation, technical assistance and project administration of an eligible project;

(v) To develop and to secure the approval of the commission of plans for operation of the eligible project;

(vi) To ensure that the local matching share of the cost is provided as applicable;

(vii) To assure an adequate level of landowner participation and application of best management practices to ensure water quality goals are met.

(3) The commission may enter into contracts to provide technical assistance to applicants that have entered agreements pursuant to this chapter. Any such contract may include such provisions agreed upon by the parties thereto and shall include, in substance, the following provisions:

(a) An estimate of the reasonable cost of technical assistance;

(b) The terms under which the commission may unilaterally terminate the contract, and/or seek repayment of sums paid pursuant to the contract, for noncompliance by the applicants with the terms and conditions of the contract, the provisions of this chapter, or rules adopted pursuant thereto.

(4) The commission may enter into contracts and establish procedures to be followed in applying for eligible improvements, projects and plans herein authorized as shall be necessary for the effective administration of the water quality program for agriculture.

(5) All contracts entered into pursuant to this section shall be subject to approval by the attorney general as to form. All payments by the state pursuant to such contracts shall be made

after audit and upon warrant as provided by law on vouchers approved by the chairman and the ~~administrator~~executive director of the commission.

(6) All grant agreements and contracts previously entered into with the state board of health and welfare, soil conservation districts and the commission pursuant to section 39-3627, Idaho Code, for payments and administration are now to be administered and payments implemented solely by the commission.

SECTION 7. That Section 42-1701, Idaho Code, be, and the same is hereby amended to read as follows:

42-1701. CREATION OF DEPARTMENT OF WATER RESOURCES -- DIRECTOR -- QUALIFICATIONS -- DUTIES. (1) There is hereby created the department of water resources, which shall, for the purposes of section 20, article IV, of the constitution of the state of Idaho, be an executive department of the state government.

(2) The executive and administrative authority of the department, except such authority as is specifically assigned by law to the water resource board or the state soil and water conservation commission, shall be vested in a director of the department of water resources who shall be: a licensed civil or agricultural engineer with not less than five (5) years of experience in the active practice of such profession; a registered geologist with not less than five (5) years of experience in the active practice of hydrology; or a hydrologist holding a bachelor's or advanced degree in hydrology from a college or university accredited by a nationally recognized accrediting organization and with not less than five (5) years of experience in surface water and ground water modeling, water delivery and water measurement. The director of the department of water resources shall also demonstrate experience and expertise in interpreting and applying Idaho water law and shall be familiar with irrigation and other water use practices in Idaho.

(3) The director may delegate such duties as are imposed upon him by law to an employee of the department of water resources whenever in the opinion of the director, such delegation is necessary for the efficient administration of his duties.

(4) The director shall organize the department into such divisions and other administrative subunits as may be necessary in order to efficiently administer the department and to fulfill the statutory obligations to administratively support the water resources board and the state soil and water conservation commission in conformance with the provisions of section 42-1805. All employees of the department, except the director, shall be selected and appointed by the director in conformance with the provisions of chapter 53, title 67, Idaho Code.

(5) The director and/or employees of the department of water resources may make reasonable entry upon any lands in the state for the purpose of making investigations and surveys, or for other purposes necessary to carry out the duties imposed by law.

(6) (a) Any authorization or order of the Idaho public utilities commission, under the provisions of section 61-328, Idaho Code, approving the sale, assignment or transfer of hydropower water rights used in the generation of electric power shall be issued only upon such conditions as the director of the department of water resources shall require as necessary to prevent any change in use of water under the water rights held for hydropower purposes that would cause injury to any water rights existing on the date of the sale, assignment or transfer. Any such conditions shall ensure that the public interest, as it pertains to the use of water under the hydropower water rights, will not be adversely affected. Conditions, if any, imposed by the director shall be subject to review under section 42-1701A(4), Idaho Code.

(b) Subsection (6)(a) of this section may be satisfied by a written agreement between the holder of a water right held for hydropower purposes and the governor, which agreement has been ratified by the 2 legislature of the state of Idaho. The agreement between the governor and the Idaho power company dated October 15, 1984, and ratified by the legislature of the state of Idaho pursuant to section 42-203B, Idaho Code, and the subordination provisions relating to the Idaho power company's water rights satisfy subsection (6)(a) of this section.

SECTION 8. That Section 42-1805, Idaho Code, be, and the same is hereby amended to read as follows:

42-1805. Additional duties. In addition to other duties prescribed by law, the director of the department of water resources shall have the following powers and duties:

(1) To represent the state in all matters pertaining to interstate and international water rights affecting Idaho water resources; and to cooperate with all agencies, now existing or hereafter to be formed, within the state or within other jurisdictions, in matters affecting the development of the water resources of this state.

(2) To prepare a present and continuing inventory of the water resources of this state, ascertain means and methods of conserving and augmenting these and determine as accurately as possible the most effective means by which these water resources may be applied for the benefit of the people of this state.

(3) To conduct surveys, tests, investigations, research, examinations, studies, and estimates of cost relating to availability of unappropriated water, effective use of existing supply, conservation, storage, distribution and use of water.

(4) To prepare and compile information and data obtained and to make the same available to interested individuals or agencies.

(5) To cooperate with and coordinate activities with the director of the department of environmental quality as such activities relate to the functions of either or both departments concerning water quality. Such cooperation and coordination shall specifically require that:

(a) The director meet at least quarterly with the director of the department of environmental quality and his staff to discuss water quality programs. A copy of the minutes of such meeting shall be transmitted to the governor.

(b) The director transmit to the director of the department of environmental quality reports and information prepared by him pertaining to water quality programs and proposed rules pertaining to water quality programs.

(c) The director shall make available to the director of the department of environmental quality and the director of the department of environmental quality shall make available to the director all notices of hearings relating to the promulgation of rules relating to water quality, waste discharge permits, and stream channel alteration, as such directly affect water quality, and notices of any other hearings and meetings which relate to water quality.

(6) To perform administrative duties and such other functions as the water resource board or state soil and water conservation commission may, from time to time, assign to the director to enable the board or commission to carry out its powers and duties.

(7) After notice, to suspend the issuance or further action on permits or applications, including permits or applications for domestic purposes or uses as defined in section 42-111, Idaho Code, required pursuant to section 42-227, Idaho Code, as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of minimum flow provisions of the state water plan.

(8) To promulgate, adopt, modify, repeal and enforce rules implementing or effectuating the powers and duties of the department.

(9) To seek a preliminary or permanent injunction, or both, or a temporary restraining order restraining any person from violating or attempting to violate:

(a) Those provisions of law relating to all aspects of the appropriation of water, distribution of water, headgates and measuring devices; or

(b) The administrative or judicial orders entered in accordance with the provisions of law.

(10) To develop, coordinate and provide, through contract or by other means, for weather modification projects involving cloud seeding that are designed to increase the water supplies of the state by enhancing natural precipitation and that conform to state water planning objectives. To accomplish these purposes, the director is authorized to accept and use funds acquired through legislative appropriation or by gift, grant, contribution or funding received from any private or public individual or entity. All funds accepted under this provision shall be transmitted to the state treasurer for deposit in the water administration account and shall be reserved and made available until expended as ordered by the director for weather modification purposes determined by the director to be beneficial.

(11) To develop and implement a plan for data gathering to determine any effect of the weather modification efforts in which the department is involved.

(12) To receive, file, record, or retain documents of record on media other than paper.

SECTION 9. EFFECTIVE DATE. 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, 2027.