

WATER DISTRICT 37
Proposed Resolution No. 15

Whereas:

The North Side Canal Company (NSCC) owns water rights to sources in the Malad River Basin and the Snake River Basin; and

Whereas:

Water District 37 has assessed NSCC for total water diverted at various rates in the past, including assessing at the same rate for all district water users for the total amount of water diverted through NSCC's points of diversion regardless of the original source of the water; and

Whereas:

NSCC is assessed for all of its Snake River water diverted at Milner Dam by Water District 01; and

Whereas:

In the past, only non-consumptive water users could request and receive a reduced assessment rate as provided for in 42-605A; and

Whereas:

In 2021, the Idaho Legislature amended I.C. § 42-612(4) to allow a water district to charge a fee instead of an assessment for water that is diverted by a right holder in one district, where that water is conveyed and rediverted from a waterway in a second water district;

THEREFORE, LET IT BE RESOLVED:

That the water users of Water District 37 approve charging NSCC a fee instead of an assessment for water that is diverted from the Snake River and ultimately rediverted within Water District 37. As provided by the statute, the fee will be sufficient to pay for watermaster services including data collection, water measurement, conveyance of water and record keeping. The fee will be negotiated between NSCC and the Water District 37 Advisory Committee and ratified by the Water District members at the annual meeting. The Chair of the Water District 37 Advisory Committee is authorized to sign negotiated fee agreements. Water users that pay a fee and not an assessment will not be eligible to vote at an annual water district meeting as set forth in section 42-605, Idaho Code, unless the water delivery organization or water user holds other water rights that are assessed by the water district and voting is based upon water diverted pursuant to those assessed water rights.