

**IDAHO WATER DISTRICT 67
RESOLUTION 1
FEBRUARY 6, 1995**

This measure would declare that Idaho Water District 67 respectively requests the First Session of the Fifty-Third Idaho Legislature to declare an emergency and repeal Idaho Code 42-1763A which allows Idaho water to be sent outside the borders of Idaho to be effective immediately.

WHEREAS, water is the lifeblood of the state of Idaho, to her people in their inherent rights to life, liberty, and the pursuit of happiness guaranteed to them under both the United States & Idaho Constitutions; and,

WHEREAS, the use of Idaho water for over 100 years has allowed Idaho to become a great state; and

WHEREAS, water flowing within the boundaries of the state of Idaho belongs to the state of Idaho; and

WHEREAS, this state-owned water is under the direction of the Idaho Department of Water Resources to be used by the citizens of Idaho through water rights based on beneficial use; and

WHEREAS, according to the Idaho Constitution Article XV, Section 3 the use of said water shall have a priority of the following order of domestic, agricultural, manufacturing, mining if outside a mining district; and,

WHEREAS, according to the Idaho Constitution Article XV, Section 1 the use of all waters now appropriated, or that may hereafter be appropriated for sale, rental, or distribution, is subject to the regulations and control of the state in the manner prescribed by law; and,

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WHEREAS, water applied to the land for agricultural use has been declared a beneficial use the Idaho Department of Water Resources; and,

WHEREAS, Agriculture makes up a substantial portion of Idaho's economy and Idaho leads the United States in the production of potatoes and trout, second in sugarbeets, plums and prunes, third in hops, mint, barley, and onions all of which require a steady reliably supply of water; and

WHEREAS, Idaho Code 42-1763A was only designed as interim authority for experimental study purposes to augment lower Snake River flows during the migration of Snake River Salmon; and

WHEREAS; science has not proved conclusively that these augmental flows have helped the Snake River Salmon; and,

WHEREAS; Idaho has done its part in providing water for this experiment for the past three (3) years; and

WHEREAS, allowing Idaho water to be taken beyond Idaho's borders for five (5) consecutive years could constitute "implied consent;" and,

WHEREAS, a case could be made that rental rights of water sold to the federal government could become permanent federal rights; and

WHEREAS, there are now federal agencies who threatened that water supply both for agriculture and domestic use which will negatively affect the Idaho economy and Idahoans well-being; and

WHEREAS, the drawing down and flushing of Idaho water has harmed the Idaho economy and her people, and with the threat of "implied consent" by allowing this action to continue; now, therefore, be it

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RESOLVED BY IDAHO WATER DISTRICT 67, respectively request that the First Session of the Fifty-Third Legislature of the State of Idaho declare an emergency and nullify immediately Idaho Code 42-1763A which allows Idaho water to be taken out of Idaho's borders.

RESOLVED, copies of the above Resolution be transmitted to the Speaker of the Idaho House of Representatives, President pro Tempore of the Idaho Senate, Governor of the State of Idaho, Idaho Attorney General, Idaho Secretary of State, Idaho members of the Northwest Power Planning Council, Idaho Department of Water Resources, Idaho Board of Water Resources, members of the House and Senate Resource Committees, members of the House and Senate Agriculture Committees, members of the House and Senate State Affairs Committees, and members of the Idaho Congressional Delegation, and all other Idaho Water Districts.