

MINUTES
Approved by the Committee
Natural Resources Interim Committee
Thursday, October 15, 2020
9:00 A.M.
Room WW02
Boise, Idaho

Cochair Bair called the meeting to order at 9:02 a.m.; a silent roll call was requested.

Members present: Cochair Senator Steve Bair and Senators Jim Patrick, Lee Heider, Bert Brackett, Michelle Stennett (via vc), and Maryanne Jordan (Ad Hoc)(via vc); Cochair Representative Marc Gibbs and Representatives Scott Bedke (Speaker), Terry Gestrin, Ilana Rubel (via vc), Megan Blanksma (Ad Hoc), and Britt Raybould (Ad Hoc); LSO staff Katharine Gerrity, Rob Sepich (via vc), and Jennifer Kish. Absent and Excused: Representative Mike Moyle.

Audience attendance was not recorded.

NOTE: Presentations and handouts provided by the presenters/speakers are posted to the Idaho Legislature website <https://legislature.idaho.gov/sessioninfo/2020/interim>; and copies of those items are on file at the Legislative Services Office in the State Capitol.

Cochair Bair called upon Roger Chase, Chairman of the Idaho Water Resource Board, to kick off the meeting. Mr. Chase noted the results of the recharge efforts and noted that new areas needed to be scouted, especially with the growing population of the state (slides 1-5, [Update on Eastern Snake Plain Aquifer Management Update](#)).

- Sen. Patrick wondered how aggressive the effort to expand recharge to the Middle Snake area would be. Mr. Chase responded that it would be a steadfast effort and the fact remained that there was only so much water to disperse. He noted that there were still areas that had shortages but they had to honor the agreement with the pumpers.

At 9:10 a.m., Brian Patton, Executive Officer of the Idaho Water Resource Board and Bureau Chief of the Idaho Department of Water Resources, continued with the presentation's details on the aquifer management (slides 6-23).

- Speaker Bedke asked whether the Egin Phase III project (slide 18) would help achieve the 2026 annual ground water level target. Mr. Patton responded that the modeling predicted that none of those proposed projects would affect the sentinel wells to the degree needed. He noted that the modeling for the lower valley was showing more effective results. Speaker Bedke inquired whether the appropriate sentinel wells had been identified for the model. Mr. Patton felt that the model was correct but that the wells may not be measuring it correctly. Speaker Bedke noted that the sentinel well model was not the most accurate method to measure the aquifer but that there was other data was showing that there was enough water. Mr. Patton agreed, with the condition that as all water users agreed on the data. Cochair Bair asked whether it was viable to use sentinel wells located further upriver for a more accurate measurement. Mr. Patton agreed that it was an option and provided that another option would be to measure the "wet water" within the river rather than using the wells. Speaker Bedke asked whether there was another way to model the aquifer to acquire viable data. Mr. Patton had requested studies on how the proposed projects would impact sentinel wells, reach gains to the river, the Thousand Springs flow, and the aquifer level as a whole.
- Speaker Bedke asked about the cost if the cloud seeding program was increased to affect the recharge. Mr. Patton did not have that information.

- Cochair Gibbs inquired whether there was evidence of additional runoff occurring downstream due to the cloud seeding. Mr. Patton responded that there generally was not additional runoff since the cloud seeding only increased an already small percentage of precipitation by 10%.
- Sen. Brackett asked whether cloud seeding could be used to increase precipitation for the Milner area. Mr. Patton explained that cloud seeding occurred in the winter and could affect the snow accumulation for that area, which would increase the recharge as snow melt. He added that there were flow rights that needed to be considered.
- Cochair Gibbs requested that the IWRB coordinate efforts with the state of Utah to increase water flow for the Bear River Basin, possibly with the cloud seeding program. Rep. Bedke agreed that many of the projects to improve the water recharge could be assisted by the cloud seeding efforts. He cautioned that water rights needed to be consulted in order to fulfill the water agreements; possibly state statutes needed to be modified to reflect the changes occurring with cloud seeding efforts.

Mr. Patton gave an update on the Anderson Ranch Reservoir Enlargement Project (slides 24-31) and the Priest Lake Project (slides 32-34). There were no questions from the members on these topics.

At 10:15 a.m., Clive Strong and Norm Semanko gave their joint presentation on the [Lemhi River Water Use Settlement](#).

- Cochair Bair inquired whether the federal government was participating in the discussion. Mr. Strong responded that the decision had been not to invite federal government entities into the discussion at this time.

At 10:37 a.m., Shelley Keen, Water Allocation Bureau Chief for the Idaho Department of Water Resources, began his [presentation](#) covering the Clark Fork-Pend Oreille River Basin Adjudication, the Bear River Basin Adjudication, and the water rights program.

- Sen. Heider, in regard to the Bear River Basin adjudication, requested clarification that water rights passed to the current land owner. Mr. Keen responded that water rights were pertinent to the land but the issue was more on how the rights were decreed on how the water was used and the date that use was recorded. He acknowledged that a water right in its original use may be irrelevant 100+ years later.
- Cochair Bair asked about the Bear River Basin adjudication cost over the expected 10-year span. Mr. Keen predicted that it would be approximately \$1 million/year for administrative needs to review the claims. Cochair Bair inquired whether a fiscal request to cover this year's expenses had been submitted to the governor. Mr. Keen noted that the department had not submitted a request and was not sure how the department would proceed.
- Rep. Bedke wondered how federal stock water permittees in sections 11, 13, 15, and 17 of the Bear River Basin should be advised on claims. Mr. Keen admitted that he had not considered that issue yet but submitted that stock water users could file their own claims to the federal land water right.
- Rep. Raybould questioned what changes the department had made in regard to HB329 (2020), which allowed for receipt of documents on media other than paper for water rights. Mr. Keen responded that the department was on firm ground to move forward because that bill allowed for the department to receive claims online and also was preparing for online application of rights; the department was also exploring a new document management system.

At 11:25 a.m., Gary Spackman, Director for the Idaho Department of Water Resources, reported on rulemaking issues for the department. He noted that the department was participating in the governor's red-tape reduction act to reduce and eliminate out-of-date rules over the next five years. He shared that other states often questioned how Idaho was able to effectively register its water rights, negotiate water users issues, and administer the water basin recharge; and he complimented those that had worked hard to meet those goals that other states weren't able to accomplish.

From 11:45 a.m. to 1:32 p.m., the committee recessed for lunch.

Upon reconvening, Paul Arrington, Executive Director and General Counsel for the Idaho Water Users Association, provided comments on the agenda for the upcoming IWUA committee meeting and other issues: the Columbia River Basin Partnership had completed phase #2 and a report would be issued soon; the governor's Idaho Salmon Work Group report would be issued before the 2021 legislative session; and the work of Dr. Tim Petty, Assistant Secretary for Water and Science from the Department of the Interior and keynote speaker at past IWUA legislative banquet, who helped provide an opportunity for federal stakeholders to better communicate with each other and had resulted in the creation of the Water Subcabinet. No questions were asked by committee members.

At 1:45 p.m., Kresta Davis, Water Resources and Policy Senior Manager for Idaho Power, gave her portion of the [presentation from Idaho Power](#) (slides 1-13).

- Sen. Patrick inquired whether the January 2020 data was typical. Ms. Davis responded that a few dry months were typical.
- Rep. Bedke asked about the overall cost to start a seeding program. Ms. Davis reported that an aircraft was about \$600,000-650,000 while generators were \$28,000 to purchase and \$10,000/year to operate. Rep. Bedke observed that the cost of operation would be \$5.11/per acre/ft to provide more water, which seemed an inexpensive and untapped resource that should be pursued.
- Cochair Bair asked about Idaho Power's demand being met by its own facilities versus that purchased from other facilities. Ms. Davis reported that Idaho Power purchased just 27% from other providers. Rep. Bedke asked what would replace the 16% operational share of coal that was being phased out. Ms. Davis submitted that Idaho Power would access available solar and wind from other markets.

At 2:14 p.m., Ralph Myers, Environmental Manager for Idaho Power, covered his portion of the presentation (slides 14-27).

- Sen. Brackett inquired whether the temperature of the water was able to be measured to provide proof of the cooling. Mr. Myers explained that the measurement was difficult due to other factors. Sen. Brackett asked about the goals of the island project. Mr. Myers explained that the water quality's improvement was the ultimate goal.

At 2:58 p.m., Ed Schriever, Director of the Idaho Department of Fish and Game, began the [department's multi-topic presentation](#) with a report on wolf management (slides 2-9), discussed crop depredation prevention and compensation (slides 10-11, [IDFG Depredation Program](#), and [Depredation Program Overview & Update](#)), and spoke to changes planned for the 2021 hunting season (slides 23-24). Craig White, Magic Valley Regional Supervisor, spoke on mountain lion conflict management (slides 12-14). Scott Reinecker, Deputy Director of IDFG, covered chronic wasting disease (slides 14-18 and [handout](#)) and the expanded pheasant hunting opportunity (slides 19-22). Paul Kline, Deputy Director of IDFG, discussed [rulemaking](#) and proposed legislation for the upcoming legislative session.

- Sen. Heider inquired whether the IDFG would be adjusting the number of permits issued or the bag limit for Unit #54 where the devastating fire had occurred this summer. Mr. Schriever reported that the situation was still being evaluated but it was expected that refunds or a rain checks would be offered for this year's season. Mr. White agreed that the area would continue to be evaluated and, going forward, the department may adjust the hunting opportunities for the upcoming years. Rep. Bedke encouraged the department to be proactive because the lack of vegetation was causing wildlife to expand its search for food in an area that already had depredation issues. Mr. White reported that the department was encouraging landowners to leave fall stubble or put in fall plantings to provide feed for the winter.

At 3:52 p.m., Jess Byrne, newly appointed Director for the Department of Environmental Quality, introduced himself to the committee via video conference. Mr. Byrne previously served as the Deputy Director of the department. No questions were asked by committee members.

At 4:00 p.m., Dustin Miller, Director of the Idaho Department of Lands, participated via video conference and provided updates on the past fire season ([fire season report](#) and [map of fires](#)), the [Good Neighbor Authority](#), the [Shared Stewardship Program](#), and items to be addressed with the [rulemaking](#) process. Craig Foss, Idaho State Forester and Administrator of Forestry & Fire for IDL, joined via video conference also. No questions were asked by committee members.

With no further business, the meeting was adjourned at 4:15 p.m.