

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Monday, January 30, 2017

**TIME:** 1:30 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Bair, Vice Chairman Vick, Senators Siddoway, Brackett, Heider, Bayer, Johnson, Stennett, and Jordan

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Bair** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 1:30 p.m. **Chairman Bair** welcomed the Idaho Water Resource Board (IWRB) members and the director of the Idaho Department of Water Resources (IDWR), Gary Spackman.

**GUBERNATORIAL APPOINTMENT CONSIDERATION:** **Senator Brackett** moved to send the Gubernatorial appointment of Jerry R. Meyers to the Idaho Fish and Game Commission to the floor with recommendation that he be confirmed by the Senate. **Senator Heider** seconded the motion. **Senator Stennett** cautioned the Committee regarding political party affiliation and to follow the statute. The motion carried by **voice vote**. Senator Brackett will be the floor sponsor.

**GUBERNATORIAL APPOINTMENT CONSIDERATION:** **Senator Heider** moved to send the Gubernatorial appointment of Gregory Clark Cameron to the Idaho Fish and Game Commission to the floor with recommendation that he be confirmed by the Senate. **Senator Bayer** seconded the motion. The motion carried by **voice vote**. Senator Anthon will be the floor sponsor.

**PRESENTATION:** **Roger Chase**, IWRB chairman, gave a PowerPoint presentation on Idaho Water Issues. **Mr. Chase** said that one of Idaho's greatest assets for sustainability is its water. Some of the existing problems affecting sustainability are: using more water than we have; protecting water quality; and educating people about water issues. Growing problems affecting sustainability are: climate variability; species issues; increased storage and reuse needs; and recreation and wildlife issues.

**Mr. Chase** talked about the adjudication of water rights in the Coeur d'Alene Basin. In the Coeur d'Alene area, studies are being conducted to defend our water as the state of Washington is aggressively looking for ways to take some of that water. A \$300,000 study is underway for the protection of Priest Lake. Lewiston and Moscow also have problems, as the aquifer under Moscow is being depleted very rapidly.

**Mr. Chase** said that one of their most successful programs is the salmon recovery efforts on the Lermhi River. A broad base of people helped with those efforts which included landowners, the Audubon Society, and the Bonneville Power Association. The salmon were brought back inexpensively and the project was done as a State project.

In the Bear River area, a small dam was rebuilt for efficiency. **Mr. Chase** said his greatest fear for the Bear River is the State of Utah wanting Idaho's water. **Mr. Chase** emphasized that Idaho needs to protect that water. **Mr. Chase** also said that we need to work hard to respect the State's current needs which are agriculture, industry, wildlife, and recreational opportunities.

**Mr. Chase** said that the Snake River Plain, from the Wyoming border to the Oregon border, is affected by what is done upstream and it is a complicated system. Thirty percent of the water comes from tributary underflow and seepage, with 70 percent coming from incidental recharge. **Mr. Chase** said one of the great challenges is taking care of the incidental recharge. The largest managed recharge site is at mile post 31, running at 200 cfs per day. When the structure is completed, it will be doubled in capacity.

**Mr. Chase** discussed the challenges to the aquifer stabilization. First, a water right is needed, then the infrastructure, which requires money. There are declines in aquifer levels which could hurt existing industries and cities, which could lead to possible curtailments in the future.

Swan Falls Dam was the next item to be discussed. It is the oldest dam on the Snake River to still be standing and was built when Silver City was conducting mining operations. There is an agreement with Idaho Power to keep the water flow at a certain level in the Snake River.

Another challenge is how cities use their water. **Mr. Chase** stated that cities and canal companies need to work together to better utilize city-owned canal shares. He suggested that cities be creative in reusing water and finding new water sources, such as planting species of trees and plants that require less water.

**Mr. Chase** listed the current projects that are underway in the Boise area and the Treasure Valley and remarked briefly about them. They include:

- Treasure Valley Aquifer Ground Water Model
- Cooperative Cloud Seeding Program
- Treasure Valley Recharge Study
- Eagle/Star Foothills Recharge Infiltration Study
- Treasure Valley DCMI Water Conservation Study
- Anderson Ranch Enlargement Feasibility Study
- Boise Project Board of Control Lake Lowell Water Conservation Project.

**Mr. Chase** indicated that the Mountain Home Air Force Base water supply and pipeline project is moving forward. IDWR is working on utility service agreements and the advisory work is in progress. **Mr. Chase** said that the entire project is on track for completion in 2021.

**Mr. Chase** said IDWR has found great success with cloud seeding. It started in Boise and is now used in the Wood River Valley and the Upper Basin. In some areas, IDWR is getting as high as ten percent more moisture. One station reported 14 percent. This is done in a cooperative manner with Idaho Power and the agricultural users.

Metering and monitoring are important parts of water management and conservation efforts. Meters are used to make sure the right amounts are being used by the groundwater pumpers. Domestic issues need to be addressed as there are 157,000 domestic wells, using 80 million gallons of water each day. **Mr. Chase** said that our water quality must be protected and also recognize that the water resources are limited. Stabilizing and recovering the aquifer will be difficult, but working together can make it happen.

**GUBERNATORIAL APPOINTEE:** **Chairman Bair** said the four Gubernatorial appointees to the Idaho Water Resource Board have been reappointed by the Governor and awaiting confirmation by the Senate. Their terms commenced January 1, 2017 and will expire on January 1, 2021. He invited Vince Alberdi to speak first.

**Vince Alberdi** is from Kimberly and said that the past eight years on IWRB has gone by quickly. He was an engineer and hydrographer for the North Side Canal Company from 1967 to 1971. From 1987 to 1992, he served as assistant manager for the same company. In 1992, he became the general manager at the Twin Falls Canal Company, serving there until 2008.

**Mr. Alberdi** said that recharge has been a challenge and what is frustrating is the time it takes for the infrastructure to be completed. **Mr. Alberdi** stated that he enjoys working on projects in his area, as well as projects within the State. Some of the projects that he sees are building on what they have learned. The knowledge gained thus far is helping to guide the IWRB.

**Senator Siddoway** said that he sincerely appreciates the work that Mr. Alberdi and the other IWRB members do for the State with regards to protecting Idaho's water.

**Senator Heider** asked how serving as general manager of the Twin Falls Canal Company has helped Mr. Alberdi to manage Idaho's water. **Mr. Alberdi** replied that he developed and learned about water and how it is managed, water rights, and issues within the State and it became a great base to gain the expertise that is needed to serve on the IWRB.

**ACKNOWLEDGEMENT:** **Chairman Bair** acknowledged and welcomed Representative Dell Raybould, Chairman of the House Environment, Energy and Technology Committee and member of the House Resources and Conservation Committee to the meeting.

**GUBERNATORIAL APPOINTEE:** **Albert Barker** stated that the nice thing about the IWRB that the Governor has assembled is that the IWRB has a diversity of interests, but all pulling together as a team. **Mr. Barker** said that he brings a different perspective to the IWRB as most of his work has been in Southwestern Idaho and Northern Idaho.

**Chairman Bair** asked what two critical issues are facing the IWRB that are in the Boise Valley. **Mr. Barker** said that growth and development in the Boise area that are without existing water rights are a concern and the IWRB needs to find a way to maximize the amount of water that this Basin can capture. **Mr. Barker** said the IWRB has been working with the U.S. Army Corps of Engineers (Corps) who are doing a study on it. The IWRB has reached out to the Corps, the Bureau of Reclamation, and water users in the Basin to find a way to accomplish capture in this Basin.

**GUBERNATORIAL APPOINTEE:** **Chairman Bair** thanked Mr. Barker and then welcomed Roger Chase and asked if he had any further comments. **Mr. Chase** said that he agreed with Mr. Barker in stating that the IWRB is a team trying to find solutions to the water issues.

**Senator Siddoway** said a concern of his with regard to the water problems in the State is increasing the storage of water in the upper regions and asked Mr. Chase for his thoughts on the subject. **Mr. Chase** responded by saying the IWRB probably doesn't talk enough about it. IDWR does have some ongoing projects. One is at Island Park Reservoir with the reservoir to be extended. Another project is with the Bureau of Reclamation to possibly raise the amount of water at Anderson Ranch Dam. Lost Valley, in the Weiser area, is being considered as another possible storage project. **Mr. Chase** also suggested using beaver ponds as a possibility for water storage.

**Senator Brackett** asked for an update on the Galloway Dam. **Mr. Chase** replied that the Board has become frustrated with what has happened with the Galloway Dam. The IWRB is trying to find ways to make it happen. The price of natural gas has been an obstacle. It is cheaper for the power companies to build hydro plants than it is to build dams. Also, opposition from federal officials regarding using that water for fish flush has been a problem and IDWR is working to resolve that issue.

**GUBERNATORIAL APPOINTEE:** John Stevenson was the next appointee to speak. **Mr. Stevenson** is from Rupert and apologized for not bringing forth some of the solutions that Chairman Bair and others suggested for the ground water agreement. For 20 years, the IWRB thought it was more prudent to pay technicians and attorneys, rather than to sit down and resolve the issues. **Mr. Stevenson** thanked Chairman Bair and Speaker Bedke for their suggestions.

**Mr. Stevenson** said he appreciates being able to serve on the IWRB and doesn't bring anything different to the IWRB, except he has been at it for more years than most. **Mr. Stevenson** said the water in the State is one of the most critical issues to solve. He thanked the Legislature for providing money to make projects happen.

**Chairman Bair** said one issue is the flood curve that is decades old. With the climate changing and the snow coming off earlier, he asked if there has been discussions to try to adjust the flood curves so that they more accurately depict what is actually happening. **Mr. Stevenson** responded by saying the Bureau of Reclamation is extremely careful in making adjustments. **Mr. Stevenson** said IWRB have talked about using some of the water that comes below Minidoka, as well as some of the water above. A lot of the water below Milner Dam is made available for recharge and is used for power production for the Bureau of Reclamation. **Mr. Stevenson** indicated that IDWR could compensate in other areas.

**PRESENTATION:** **Chairman Bair** welcomed Director Spackman and turned the meeting over to him.

**Director Spackman** stated that it was always a pleasure to meet with the Committee and he appreciates the support and friendship. **Director Spackman** said that he wanted to express his admiration for the IWRB and the amount of work that they are doing.

**Director Spackman** said that several questions had been raised during Mr. Chase's presentation. One of the questions was regarding the completion date of the adjudication in North Idaho. **Director Spackman** said that his estimation is 10 to 15 years and it also depends if there is an expansion into the Pend Orielle River Basin. IDWR received financial authorization by the Joint Finance and Appropriations Committee to move into the Palouse Basin and the Attorney General's office has filed a petition for the opening of the adjudication.

The second question was regarding metering on domestic wells. IDWR has no desire to meter single family domestic wells as it would be an astronomical job that IDWR would not want to take on, both in terms of manpower and collection of data. **Director Spackman** feels the IDWR can estimate the amount of usage, rather than using meters on every single domestic well.

Flood control rule curves and changes was another question that was raised. **Director Spackman** said that he knows of one area, the Ririe Reservoir, that the U.S. Army Corps of Engineers has been willing to look at the rule curves and has been able to adjust some of the releases from the reservoir. This is contingent upon the water users keeping the Willow Creek channel open. There is a congressional effort to authorize the Corps to modify the flood control rule curves on the reservoir.

**Director Spackman** referred to charts and graphs, using the PowerPoint presentation, relating to snow depth and water content in the various river basins. All the basins from the Owyhees to Bear River have more than 100 percent of snow water equivalent. Basins that are north of the Eastern Snake Plain are nearly all in excess of 100 percent. Basins north of the Boise, Big Lost, and Big Wood are all less than 100 percent. **Director Spackman** said that it is alarming to look at the Panhandle area as it is at 63 percent. It could be a low water year for Priest Lake and monitoring will be needed.

**Director Spackman** said that he spent time on the road with some of his staff and talked to some of the legislators about the possible creation of a ground water management area and also an area that would encompass all the tributary basins, as well. **Director Spackman** indicated that in November 2016, he issued an order that did create an Eastern Snake Plain Aquifer Ground Water Management Area.

**Director Spackman** referred to a graph regarding pending applications for transfer with IDWR. An early goal as Director was to bring the backlog down and 100 pending applications is viewed as being probable maintenance.

Other notable events include:

- Surface Water Coalition Delivery Call Settlement Agreement - Ground Water Users' Plans
- Settlement of Hagerman Valley Spring Users Delivery Calls
- Reservoir Refill After Flood Control Releases - Litigation
- Excessive Releases by the Bureau of Reclamation from Palisades Reservoir During Fall and Winter
- Stock Water Rights on Federal Lands.

**Director Spackman's** remarks regarding notable events are summarized as follows:

- The Ground Water Users' plans for implementation are credible. If the plans are implemented, they should make a difference in the water levels in the aquifer.
- The Hagerman Valley settlement regarding delivery calls has one agreement left and it is on the table.
- The flood control releases are a complex issue and he will talk individually to the Committee members.
- A letter was sent to the Bureau of Reclamation objecting to the excessive releases.

- Stock water rights are being pursued by Senator Brackett and the Director made no comment.

**Director Spackman** thanked Chairman Bair and the Committee for the opportunity to update them on Idaho's water issues. **Chairman Bair** requested a copy of the letter sent to the Bureau of Reclamation and thanked the IWRB and the Director for their presentation.

**Senator Siddoway** thanked Director Spackman and stated that his concern is regarding the settlement agreement of the individuals who volunteered to reduce their utilization of the water. **Director Spackman** replied that there are credible plans that have been put together. Whether the users execute on those plans is another question. **Director Spackman** said that he shares the Senator's fear, but it is not the job of the IDWR to go out and enforce the terms of those individual agreements and implementation in each of the groundwater districts.

**Senator Stennett** inquired as to the priority sites for recharge. **Director Spackman** said that one of the most important factors is water availability. The second priority is retention time in the aquifer. Another factor is the ability of the ground to accept the recharge water. The IWRB's focus is on the reach between the American Falls Reservoir and Milner Dam, which include the Milner-Gooding Canal, the Northside Canal, the Twin Falls Canal, and the Southwest Irrigation District. **Director Spackman** said those are the four entities where the IWRB has focused because of the water availability and areas where the water will stay in the aquifer over a long period of time.

**Chairman Bair** thanked Director Spackman for his presentation and said that at a future date, a presentation may be made on the status of recharge and the progress that is being made. **Chairman Bair** said that he would like to give the IWRB an "A" on their report card, meaning the IWRB is doing an exceptional job.

**ADJOURNED:** There being no further business at this time, **Chairman Bair** adjourned the meeting at 2:55 p.m.

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Senator Bair  
Chair

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Juanita Budell  
Secretary