

**MINUTES**  
**NATURAL RESOURCES INTERIM COMMITTEE**  
**MEETING - October 23, 2007**  
**9:00 a.m. to 12:00 Noon**  
**Room 204, Capitol Annex**  
**Boise, Idaho**

The meeting was called to order at 9:00 a.m. by **Cochairman Senator Schroeder**. Other members present were **Cochairman Representative Dell Raybould**, Senator Brad Little, Senator Chuck Coiner, Senator Jeff Siddoway, Senator Clint Stennett, Representative Bert Stevenson, Representative Scott Bedke, Representative Mike Moyle, Representative Donna Pence and Ad hoc members Representative Jim Patrick, Representative JoAn Wood and Representative Steven Bair. Ad hoc members Senator Dean Cameron, Senator Lee Heinrich and Representative Jim Clark, were absent and excused.

Others attending the meeting included Kent Lauer, Idaho Farm Bureau; Rich Rigby and Gail McGary, Bureau of Reclamation; Rich Hahn, Idaho Power; Roger Seiber, Capitol West; Clete Edmunson, Governor's Office; Tim Page and Paul J. Deveau, Boise Project Board of Control; Neil Colwell, Avista Corporation; Brenda Tominaga and Lynn Tominaga, Idaho Ground Water Appropriators; Linda Lemmon, Thousand Springs Water Users; Norm Semanko, Idaho Water Users Association; Peter Anderson, Trout Unlimited; Clive Strong, Attorney General's Office; and Director Dave Tuthill, Brian Patton and Bob McLaughlin, Idaho Department of Water Resources.

After opening remarks from **Cochairman Senator Schroeder**, **Representative Stevenson** moved that the minutes from the August meeting be approved. **Representative Raybould** seconded the motion and the minutes were unanimously approved by voice vote.

**Cochairman Representative Raybould** recounted the motion made at the last meeting for the chairmen to meet with the Idaho Department of Water Resources in relation to the Department's projected costs for aquifer management throughout the state. The chairmen were also to meet with the Governor's office to request that the budget include these costs. **Representative Raybould** told the Committee that a meeting was held with Mr. Wayne Hammond of the Governor's office who was very receptive to the idea. **Representative Raybould** noted that the projected costs would cover a ten year plan to study the aquifers throughout the state.

**Representative Raybould** went on to report that the Western Water and Public Lands Committee, of which he is the chairman, has held several very important meetings this year. He said the meetings were quite relevant to the water issues that Idaho is facing. He stated that it is his hope that Idaho can learn and begin planning based on the experiences, some of which have been very serious, of other western states.

**Representative Raybould** went on to say that a primary topic of discussion was related to western water supplies in light of global warming. He said that he is still not convinced that humans are the cause of global warming but we do have to face the fact that our climatic conditions are changing and we are going to have to deal with it, particularly in light of the statistical information, weather patterns, and Idaho's experience over the last seven years.

**Representative Raybould** stated that over the last several years we have seen indicators that our water conditions will be difficult to manage. He stated that Idaho has not had sufficient planning of our water resources to be able to accommodate the growth that is taking place in the west and in Idaho. Representative Raybould went on to say that cities don't appear to be taking water resources into consideration when approving new subdivisions or when annexing new sections into city limits. He noted that this has happened throughout the west and that areas throughout the country are affected by water shortages such as Atlanta, Georgia which is down to less than 80 days of stored water.

**Representative Raybould** indicated that he believes it was a good decision to suggest that the state be responsible to plan for Idaho's water use and supply. He said it is imperative that Idaho continue with adjudication and get water rights identified. He said that this is very important with regard to interstate agreements. He noted that people who testified at the conference said they were at risk because they did not have state adjudicated water rights prior to the time conflicts arose with other states. These interstate conflicts wind up in federal court and without state adjudicated water rights, the federal government allocates waters to the individual water rights that are claimed. He said this is especially important for Northern Idaho because of its water connection with the State of Washington. It is important to be able to show that individuals have an adjudicated water right.

**Representative Raybould** said that prior to visiting with the Governor's office, the cochairmen also talked with the Department about current statutes, particularly Section 42-620, Idaho Code. He reminded the Committee that this statute provides for the payment of costs associated with administration of water rights on the Eastern Snake Plain Aquifer beginning in fiscal year 2008. After reviewing what it would cost the Department to set up a collection agency, and the problem of actually collecting money from each individual domestic well, it was felt that this is actually a state obligation and that all of the taxpayers of the state should participate. He noted that in his opinion, Section 42-620, Idaho Code, should be repealed.

**Senator Schroeder** said he was pleased to hear **Representative Raybould** address the importance of the North Idaho adjudication and it seems to him that the state should be able to fund an adjudication court for that area. **Senator Schroeder** also noted that the concern in Northern Idaho is that there will be a tax or fee on domestic wells.

**Director Dave Tuthill, Idaho Department of Water Resources** was introduced to give an update on water planning in Idaho. His topics for discussion included the present status, surface storage opportunities, aquifer studies and a brief update of the North Idaho adjudication process. His complete PowerPoint presentation is available at the Legislative Services Office.

**Director Tuthill** noted that in many ways water year 2007 was a good year. He stated that there is concern about water year 2008 and the future. He noted that water supply is becoming a worldwide concern.

**Director Tuthill** stated that water planning in Idaho for the 21<sup>st</sup> century includes all the 20<sup>th</sup> century needs of irrigation storage, hydropower and flood control as well as endangered species requirements, increased urbanization, ground water mitigation and climate change. He said that now is a good time for water planning in Idaho because there is engagement of all branches of government, water users and the public, and because of drought and a growing recognition of climate change.

**Director Tuthill** said that one thing that can be done is strategic planning. Strategic planning is necessary for all units of government. Currently, it is very important that the Idaho Water Resource Board be looking at strategic planning for water supplies of the future as mandated by the Constitution. In addition, the Idaho Department of Water Resources has conducted a strategic planning process and hope to have an updated plan by March 2008. He noted that land use planning and water use planning are becoming very connected and are coming more to the forefront.

**Director Tuthill** went on to discuss storage water opportunities. He noted that one of his statutory requirements as director is to look for storage opportunities.

**Senator Schroeder** asked whether any states have started to realize that small domestic wells do add up and have an impact on water supply. **Director Tuthill** said that there is probably no other issue that has been discussed more. He said he is not aware of any state that has actually moved to limit the exemption on domestic well uses. He noted that there are 4,000 to 5,000 permits for domestic wells in Idaho per year and issuing water right permits could be difficult for the department. **Senator Little** clarified that these domestic wells are already required to get permits, even though it is not for a water right. **Director Tuthill** said there is a proforma drilling permit that is required and is subject to rules. **Representative Raybould** agreed that he does not believe any other states have put limits on domestic wells. He added that Idaho allows a significant amount to be diverted on a daily basis, up to 13,000 gallons a day.

**Senator Schroeder** commented that not all states have constitutions like the Idaho Constitution in regard to requirements relating to water. He asked whether this is a hindrance or a help for Idaho that water must be distributed for beneficial use to the extent water is available. **Director Tuthill** said to the extent water is available in other

states, it is distributed. He said the issue here is the water being made available to domestic users even when certain sources are found to be lacking. This goes beyond the constitutional provision. **Senator Little** asked whether any other states have limits on domestic use either statutorily or judicially. **Director Tuthill** said he is not aware of any limits but there has been a lot of discussion about this issue. He noted the significant impact that would be put on agencies if certain limitations were placed on domestic uses.

**Representative Bedke** commented that, in his opinion, if state legislators and leaders do not apply what is now known about the issue, regardless of political ramifications, they will be shirking their responsibility.

**Senator Schroeder** noted that as commodity crisis and energy crisis come together and impact water in the west, he believes there will also be environmental interests to deal with. He said that the challenge is to find a way to manage our water resources, taking all of these factors into consideration. **Representative Raybould** added that it takes about 1,000 gallons of water to make one gallon of ethanol.

**Director Tuthill** continued with his discussion of storage. His PowerPoint presentation contains charts showing storage and flows in the upper Missouri compared to the Snake River at King Hill and the Boise River at Parma and Natural Flow from Lucky Peak. According to the Director, this information indicates that Idaho is not over stored at this point. He said this is just one snapshot. However, he added that in his opinion, there is ample opportunity for additional storage recognizing that there are environmental and in-stream issues that need to be considered.

**Director Tuthill** said Idaho has not looked at storage opportunities for some time. He said that when the Teton Dam was built in the 1970s, it showed that a reservoir project could be done that survived environmental challenges, and that there was sufficient water to fill the reservoir to make it workable. He said he has asked the Bureau of Reclamation to conduct a reconnaissance level study to look at the possibility of another Teton Dam. The study is being done with Bureau of Reclamation dollars to look at the Upper Snake to see if it might be possible. He noted that some people in the area have expressed interest. Minidoka Dam, Twin Springs Dam and the Galloway Dam have also been identified as potential surface storage sites in Idaho. In response to a question from **Senator Schroeder**, **Director Tuthill** said that fish passage would have to be part of any design consideration.

**Senator Schroeder** asked whether the federal government invests money in feasibility studies that are done on these sites. **Director Tuthill** said there is usually some sort of match and cost sharing of these studies. He noted that feasibility studies have been done in many parts of Washington and they are encouraging because some of the sites identified as feasible seem questionable and more costly to him. He said he would get more information regarding storage before the next legislative session.

**Senator Schroeder** commented that if there was a major crop failure in a major area of the world, the way we look at the world from a production standpoint would change overnight. He said hungry people drive policy quickly.

**Director Tuthill** moved on to discuss aquifer studies. Aquifer study priorities are as follows:

- Eastern Snake River Plain Aquifer
- Lower Boise/Treasure Valley
- Spokane Valley-Rathdrum Prairie
- Moscow-Pullman
- Big Wood
- Bear
- Teton
- Big Lost
- Portneuf
- Blackfoot

His PowerPoint presentation shows more in-depth information on each aquifer.

The preceding table summarizes the projected costs of studies for the various aquifers. This information was presented to the Governor's office in the budget request. **Director Tuthill** added that he was not prepared to discuss what the Governor's office will do with the budget request at this time.

**Senator Schroeder** asked whether the studies could be accelerated if more money was made available sooner. **Director Tuthill** said that could be done or the additional money could be put into a fund with the Idaho Water Resource Board for use in the future. **Senator Schroeder** summarized that if the extra money was made available the Department could manage to do some studies sooner than projected. **Director Tuthill** agreed but added that it would be much more difficult than if there was a sustainable study period due to the workload. The current projected studies are doable with three additional staff members over the ten year period. **Senator Schroeder** said he was afraid that if the money is not made available at the beginning of the project, down the road they could get in the middle of a study and funds could be cut off. He is in favor of getting the money whenever it is available. **Representative Raybould** stated that along with these studies there will also be possible funding of new projects for new storage.

**Senator Schroeder** emphasized that instead of spilling water when there is an excess, it needs to be kept in storage. **Representative Raybould** added that two years ago from about February 15 to March 10, over 300,000 acre feet of water went past Hells Canyon, over and above Idaho Power's ability to use even if all of its generators were running at full capacity. A portion of that water could have been diverted to canals early

and some recharge could have been accomplished. He agreed that in those years of high water flows, Idaho needs to have facilities available for storage. Underground storage is probably the best place to store water but facilities must be available to get it there. **Director Tuthill** noted that an important factor for all of the aquifers is recharge.

**Representative Patrick** asked whether the \$30 million that is being requested is for a study of the aquifers or whether that money includes management of them. **Director Tuthill** said it is a combination of both. He said the money for the Eastern Snake River Plain Aquifer is for additional study or management. It is a study to enable management. **Senator Schroeder** clarified that it is a study that will lead to development of management plans.

**Senator Little** asked if the Department bought water with this \$30 million, whether it would dry up 50,000 acres a year. **Director Tuthill** said that the water is worth almost what the land is worth and it depends on the location. He clarified that \$20 per acre foot is the cost of storage water this year. The question is whether landowners would be willing to dry up land for \$20 per acre foot. He said the owners of the storage were selling the excess water and they sold water they did not really want to sell to enable the mitigation plan to work this year. He noted that people are not signing up for CREP to dry up irrigated land at \$130 per acre.

**Representative Raybould** commented that in his opinion, what the Director is saying reflects back to his original comments that our local cities, counties, municipalities and districts need information to be able to properly plan for expansion that includes water usage.

**Senator Little** commented that irrigated acres are being replaced by houses. He asked whether the state should spend money on the study when farm ground can be dried up and used for subdivisions. **Director Tuthill** agreed that urbanization will take the place of farm ground but he thinks they are talking about water for agriculture. Subdivisions will take water for agriculture and if nothing is done, agriculture will lose out to other uses.

**Senator Schroeder** asked where the state would be today if we had not developed the model for the Eastern Snake Plain Aquifer. **Director Tuthill** said the danger is not in municipal uses, the conflict happens with competing ag uses and without the model, the Department would not be able to administer water as fairly and would not be able to anticipate supplies and so on. **Senator Schroeder** commented that Northern Idaho aquifers need additional management to help identify where they are going in the future even though they do not use water for irrigation. **Director Tuthill** said the primary driver is instream flow.

**Director Tuthill** went on to discuss some background of the North Idaho adjudication. This is explained in more detail in his PowerPoint presentation and in a copy of a letter

he sent to legislative members. Both of these are available in the Legislative Services Office.

**Director Tuthill** noted that the current law says the Department is supposed to go forth and commence an adjudication. It says the Idaho Department of Water Resources shall petition the district court to commence adjudications within the terms of the McCarran amendment, 43 U.S.C. section 666, of the water rights from surface water and ground water sources in Northern Idaho through initiation of three proceedings. They are to file three separate petitions for the Coeur d'Alene River basin, the Palouse River basin, and the Kootenai and Clark Fork-Pend Oreille River basins. The filing of each petition shall be contingent on legislative funding approval. **Director Tuthill** said funding is already available for the first petition. His PowerPoint shows projected fiscal year milestones through fiscal year 2015 for each of these three areas. For the first area in 2008, the Department hopes to commence adjudication, conduct informational meetings and take claims. He noted that the commencement of the adjudication is started by the Department filing a petition with the court.

**Director Tuthill** went on to discuss the following issues that have arisen with the North Idaho adjudication:

- 1. Senate Bill No. 1205 - IDAHO DEPARTMENT OF WATER RESOURCES Funding Bill for FY08
  - SECTION 5. It is legislative intent that work on the Northern Idaho Adjudication be limited in this fiscal year to the Rathdrum Prairie water rights and to Idaho-Washington cross-border water issues.

**Director Tuthill** said when he first saw this language he understood it to mean that the Department was to hold off in fiscal year 2008 and not commence the adjudication. Later on in the legislative session a meeting was held that he understood told the Department to go forward and initiate commencement of the adjudication and not take claims anywhere but in the Rathdrum Prairie. There are still some questions about this.

- 2. Boundary Lines
  - 1966 -- Original IDAHO DEPARTMENT OF WATER RESOURCES basin boundaries drawn using USGS topographic maps
  - 2005 -- Initial USGS publication on Spokane Valley -- Rathdrum Prairie Aquifer
  - 2007 -- Final publications on Spokane Valley -- Rathdrum Prairie Aquifer (Approved for publication March 19, 2007)
  - 2007 -- IDAHO DEPARTMENT OF WATER RESOURCES basin boundaries officially revised and published August 16
- 3. Is Idaho Department of Water Resources seeking a Post-SRBA role?
  - NIA funding is in addition to IDAHO DEPARTMENT OF WATER RESOURCES operations
  - IDAHO DEPARTMENT OF WATER RESOURCES is understaffed for existing and future operations, not including NIA

- Funding from fees is 1/3 of projected NIA cost
- 4. Should domestics be required to file?
  - In North Idaho, domestic uses constitute a larger share of total water use than in the SRBA
  - The last two adjudications in North Idaho (Hayden Lake and Twin Lakes) were initiated by domestic conflicts
  - This summer numerous domestic conflicts in North Idaho were reported to Idaho Department of Water Resources

In response to questions from **Senator Coiner and Senator Little**, **Director Tuthill** explained that this does mean domestics, not municipalities and that the original driver of this was a municipal dispute between Spokane and the Rathdrum Prairie. Since that time it has become apparent that domestic disputes are much more prevalent. The conflicts between domestic uses are due to the fact that the aquifers do not have enough water to even provide for the domestic uses.

**Senator Little** asked whether new domestic wells are being curtailed due to disputes from existing domestic users. **Director Tuthill** said no because there are not water districts in that area. Water rights have not been decreed, so there is no curtailment. The department acknowledges that there are problems but that is all they can do.

**Senator Little** asked whether someone can go to civil court for private property rights without using the Idaho Department of Water Resources. **Director Tuthill** said yes and that it has happened. He noted that these disputes are very difficult if the state is not involved.

- 5. Will Idaho Department of Water Resources require meters on domestics?
  - IDAHO DEPARTMENT OF WATER RESOURCES has not done this anywhere in the State of Idaho
  - The cost of reading the meters is high compared to the benefit
  - Tens of thousands of small domestic water rights exist in the state
- 6. Will annual fees be added to domestics?
  - Collection of fees from domestic users is inefficient
  - The Legislature is moving toward use of the General Fund to provide water management funding where domestic water rights might have impact
- 7. Is pumping in the Rathdrum Prairie really the problem?
  - One primary driver for adjudication is the flow of the Spokane River
  - USGS/Washington/Idaho studies now reveal that the Rathdrum Prairie contributes only a portion of the flow of the Spokane River

**Director Tuthill** summarized the letter he sent to legislators as saying the Department has received pushback and has conducted subsequent meetings in the area with county commissioners in North Idaho. There is a document being signed by the counties that asks for additional time to be spent on review of the issue. The letter is asking for guidance from the Legislature as to how to proceed.

**Senator Schroeder** stated that in anticipation of adjudication he had heard that the Coeur d'Alene Tribe is preparing their legal documents to participate in this. If there is too long of a delay, could the Coeur d'Alene Tribe file documents in federal court?

**Director Tuthill** said that did happen in New Mexico and they tried very hard to get the case back to the state because that is the best place for it to be handled. **Senator Schroeder** asked why the Tribe would wait indefinitely to file the documents. **Mr. Clive Strong, Attorney General's Office** commented that there is not a clear answer to that question. He said there are a lot of variables involved in the state and federal courts. There will be a lot of strategic decisions that need to be made by the Tribe and the federal court if this were to take place.

**Mr. Strong** went on to discuss the need for improved monitoring. He noted that other states are worse off than Idaho due to lack of monitoring and planning. The question is not whether there should be monitoring, the question is how to monitor so that it is meaningful.

**Mr. Strong** said the first step in this direction was Section 42-620, Idaho Code. He said this was a good step forward but there were a few complaints. The first was that it is inequitable because it excludes domestic water users in the assessment process. The second is that it is difficult to implement because of uncertainty of allocation between water districts. Another concern is that the assessment formula may encourage more conservation when that is not necessarily beneficial.

**Mr. Strong** stated that he had been asked by **Representative Raybould** to draft some alternatives to Section 42-620, Idaho Code, as it exists today that would focus on moving this effort to a general fund appropriation. He commented that these drafts were not necessarily the position of the Attorney General's Office or himself.

The first draft addresses the Eastern Snake Plain Aquifer as the current Section 42-620, Idaho Code, does. The proposal is based on the strawman proposal that was part of the interim committee's efforts in 2004. The strawman proposal's monitoring and measuring section was vetted extensively through the ground water and surface water communities. This draft involves measuring and monitoring activities in the Eastern Snake Plain Aquifer to make sure certain activities occur. This draft focuses specifically on what the measuring data needs might be.

The second alternative is a statewide solution that directs the Idaho Department of Water Resources to develop a statewide measuring and monitoring program for areas in need and to develop a budgeting process on an annual basis.

**Mr. Strong** said there are a number of different ways this can be drafted and suggested the Committee use these drafts as starting points and move forward from there. He said there is a need to find ways to get better monitoring and measuring programs in place that have a steady supply of funding.

**Representative Patrick** commented that regarding draft legislation and the monitoring system, he does not see anything about the actual use of water that might not be necessary. He said that to encourage conservation it might be possible to measure water used on farms based on crops grown and so on. If someone raises crops that use less water, perhaps that farmer could sell part of his water right or water to someone growing more water intensive crops. **Mr. Strong** said that in developing the strawman proposal, they did try to promote something along this line.

**Senator Coiner** said he was more in favor of the statewide legislation. He suggested changing the language to read “ the director of the Department of Water Resources shall develop an ongoing water measurement and monitoring program as he deems necessary for the administration of water rights.” He suggested leaving out the words “hydraulically connected surface and ground water sources.” **Representative Stevenson** commented that Section 42-620, Idaho Code, identifies hydraulically connected ground and surface water rights and if the statute is amended that would have to be taken out of existing code. He said he agrees that measuring and monitoring need to involve the entire state.

**Mr. Strong** said that Section 42-620, Idaho Code, was intended to identify the need for and to start a monitoring program. He agreed that there is a need to have monitoring for the entire state. He said it is a policy choice for the Committee as to what type of water monitoring program to develop.

**Representative Raybould** agreed with **Senator Coiner** and **Representative Stevenson**. He suggested that the Committee recommend two or three versions to the germane committees for further discussion and suggested that the language of “hydraulically connected” be included in the discussion.

**Representative Raybould** moved that the Committee recommend repeal of Section 42-620, Idaho Code, and substitute it with language that would accomplish a statewide administration and study of our aquifers to the germane committees. **Senator Siddoway** seconded and the motion passed by voice vote.

**Senator Schroeder** asked whether water users understand the realities of what may happen next year regarding curtailment. **Director Tuthill** said his staff did an analysis projecting various scenarios for the upcoming water year. They found that for the Upper Snake system, that if Idaho has a 105% above normal water year, like in 2006, they expect the reservoirs to fill and the call made by the surface water coalition will not require mitigation. If there is another year like this year, and the reservoirs don't fill, there the will be very little water available for mitigation. In this situation, the Department would expect to have to curtail 500,000 acres of irrigated land. If there was an even worse year similar to 1977, that could increase the number of acres curtailed to 800,000. This would apply to the surface water coalition call only. He reminded the Committee that there is also the Thousand Springs call. He said that the mitigation for

that call this year was made through the purchase of storage water. So next year, if there is no storage water, the Thousand Springs calls could be very problematic.

**Director Tuthill** noted that this information has been set forth in a letter with a map, and sent last week to 2,700 junior water right holders whose water is drawn from southern Idaho's Eastern Snake Plain Aquifer. The information was also sent to newspapers around the state with the intent to provide early warning, recognizing that everything does depend on mother nature. The Department wanted to share the uncertainty of the water year.

In response to a question from **Representative Bedke**, **Director Tuthill** said that if we get only an 80% of normal water year, close to 250,000 acres would be curtailed. **Representative Bedke** asked if all the water was put on the table to be used in the most efficient way, and we have a 66% of normal water year, what would that 500,000 acres look like. **Director Tuthill** said the challenge is with the appropriation doctrine. Currently there is no incentive for senior water right holders to accept less than minimum full supply. He said there could be a voluntary approach where a company would only take 90% of its full supply and allow the rest of the water to go to someone else. He noted that the Boise area has had a voluntary system in place since the 1920's where everyone is curtailed to 75% before anyone is cut off and then it goes down to 60% and so on.

**Representative Bedke** said regardless of any economic models that were used, 500,000 acres of curtailed crops will have a big impact on the general fund. He asked where can the state insert itself to minimize that impact. **Director Tuthill** said there is hope that there would be willing cooperation between uses and there are opportunities for that to happen.

**Representative Stevenson** voiced concern that the news media sometimes pits users against each other rather than trying to find solutions.

In response to **Representative Bedke's' comments**, **Senator Coiner** said that the surface water users have been talking for many years and are still working on finding solutions. He said this year the surface water users curtailed themselves 20%. **Senator Coiner** added that another element is the ground water to ground water call. **Director Tuthill** said that a hearing has been set for March, 2008, and notices have been sent out to over 200 involved parties. He added that this situation has been going on since 1994.

**Representative Raybould** commented that municipal water use is junior to agricultural use except for the domestic use portion of that municipal use. He clarified that this means that a municipality can only, by eminent domain, condemn an agricultural well if the municipal water supply was not adequate for domestic purposes such as drinking water, restroom facilities, etc., He added that municipalities could not condemn an

agricultural well for street washing, lawn watering, golf course watering and similar uses. **Director Tuthill** agreed.

**Senator Siddoway** asked how water right calls will work if next year mirrors this year. He asked whether certain rights that are junior will be shut off at a certain date or whether water will be shut off immediately if reservoirs are not full on the April 1 survey. **Director Tuthill** said there is a very real possibility that curtailment will happen. He said if they are not able to come up with enough water, the Department would administer in accordance with the prior appropriation doctrine and curtail in order of priority date. It is their intent to order curtailment as early as possible.

**Senator Stennett** asked whether the model predicted the Sandy Pipeline would satisfy the Thousand Springs calls. **Mr. Brian Patton, Idaho Department of Water Resources** said, based on his understanding, these ponds were constructed by the North Snake Ground Water District because the old version of the model suggested mitigation would be necessary. The new model found that reach to be a futile call, therefore the ground water districts get no mitigation credit for using the Sandy Pipeline. **Mr. Patton** stated the total project cost was about \$1.1 million. He added that \$300,000 invested by the Idaho Water Resource Board has been paid back and that there was some other money that did not require repayment. He stated that the project is not used to give ground water districts mitigation credits. He said that if there was a change in terms of considering them futile calls, that could change.

**Representative Stevenson** moved that the Committee recommend that the Legislature support the budget request of the Idaho Department of Water Resources for the study of aquifer management. **Representative Bedke** seconded.

**Senator Bair** voiced concern that this would be a hard sell to JFAC to ask for all of the \$29 million up front. He asked whether the intent is to break that up over the next ten years. **Director Tuthill** said the request was presented as shown on the slide so it was requested over time. He said they realize this year there might be some one time funds available to speed up the process. The department has defined the need and the project will work most efficiently with \$3 million per year over 10 years regardless of how they receive it.

**Senator Schroeder** commented that everyone recognizes that water is very important and the sooner they accomplish the objectives the better. He understands they can't launch all studies at once and complete them. He suggested it might be better to get the money up front and put it in a fund for use over ten years.

**Motion carried on voice vote unanimously.**

**Representative Raybould** moved that the Department confer with legislators in affected areas in North Idaho, explain what could happen if adjudication does not

**occur and make recommendations to the Legislature on how to proceed with the North Idaho adjudication. Senator Coiner seconded. The motion carried by voice vote.**

**Representative Bedke** asked whether the motion had a timetable because this needs to happen as soon as possible. **Representative Raybould** said, in his opinion, there will be enough time, even if this happens in January, to make a decision. He thinks the state is better off with adjudicated water rights before federal courts get involved.

**Representative Wood** commented that comments are due on a Snake River Activity Operations Plan Environmental Assessment on October 25. She said that Southeastern Idaho legislators would like to request a 30 day extension in that deadline in order to review the document and make comments.

**Representative Raybold so moved and Representative Bedke seconded. The motion carried by voice vote.**

The meeting was adjourned at 12:01 p.m.