

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Thursday, January 19, 2012

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

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

**ABSENT/  
EXCUSED:** None.

**GUESTS:** John Simpson, self; Jeff Peyoech, Brian Patton, Shelley Keen, IDWR; Max Greenlee, Risch Pisca; Mane Callaway Kellner, Idaho Conservation League; Daren Coon, Nampa/Meridian Irrigation Dist.; Jason Kreizenbeck, Lobby Idaho; Tom Barry, Dave Miles, City of Meridian; Shelley Davis, Barker Resholt; Teresa Moulitor, Great Feeder Canals, Hecla Mining; Brenda Tominaga, IGWA; Gary Spackman, IDWR; Norm Semanko, IWUA; Neil Colwell, Avista Corp.; Kent Lauer, Id. Farm Bureau; Zach Hage, Capitol West; Beth Markley, ICIE.

**Chairman Stevenson** called the meeting to order at 1:31 p.m.

**MOTION:** **Rep. Lacey** made a motion to approve the minutes of Tuesday, January 17, 2012.  
**Motion carried by voice vote.**

**Chairman Stevenson** announced that the Committee's last day to introduce legislation is Monday, February 13, 2012

**Gary Spackman**, Interim Director, Idaho Department of Water Resources, said he was asked to highlight the successes of the Department. He reviewed the directive of the Department and how the Department and the Idaho Water Resources Board have accomplished these broad directives. Mr. Spackman reviewed the issues with the Swan Falls Dam litigation, saying it caused tremendous turmoil and uncertainty in the water user community. He said the decisions issued by the courts did not assure any of the parties of absolute success. He said rather than litigation, an agreement was signed between the State of Idaho and Idaho Power, called the Swan Falls Agreement. Mr. Spackman reviewed the major components of the agreement.

**Mr. Spackman** said the Snake River Basin Adjudication is one of the largest water adjudications initiated in the United States and the accomplishment is unprecedented in the Western United States. As a result of the litigation before the Swan Falls Agreement, the Director created water districts for the administration of water rights. Through time consuming efforts, the Department, has issued orders that are being challenged and the rights of the parties are being defined, and certainty of right and obligation is being established.

**Mr. Spackman** reviewed the progress of the Eastern Snake River Comprehensive Management Plan. He said to adequately administer water they had to improve technical competency and efficiently understand the complex relationships with ground water and surface water users. He said the statewide monitoring program has significantly expanded since 2007. He said the Department has automated many of the measurement sites so measurements are recorded remotely without an onsite visit every time a measurement is needed.

**Mr. Spackman** noted the Department's agreement with the Shoshone-Bannock Tribe to coordinate water measurement and other monitoring. He also noted the Department and the University of Idaho jointly received a national efficiency in government award for their technical ability to evaluate water use by crops by evaluating infrared reflective intensity of crop images taken by satellites.

**Mr. Spackman** addressed the issue of backlogs of applications that were preventing the needed immediate response for a temporary water supply. He said in the last year, the backlog in both leases to the bank and the backlog in rentals from the bank have been reduced to essentially zero. He said they are now trying to address another backlog in issuing water right licenses.

**Mr. Spackman** said through limited resources the Department is maintaining its safety of dams, stream channel alteration, and well construction programs. Mr. Spackman reviewed two other efforts by the Department, the study for the Galloway dam site and the Mountain Home area ground water issue. Mr. Spackman answered questions from the Committee.

**DOCKET NO.  
37-0302-1101:**

**Shelley Keen**, Water Rights Section Manager, Department of Water Resources, gave a background of the Rule and reviewed some changes. He said the water rights program focus has been on the backlog of water right transfers with good success. But the transfer focus came at the expense of the licensing program which created a backlog. He said the Department would like to address this backlog as it did the other backlog and these rule changes will address this issue. Mr. Keen reviewed the key changes to the Rule.

**Mr. Keen** answered questions from the Committee saying if the Department issues a license it would be regulated by stream rate only. He clarified other points in the Rule and reviewed several ways an examiner fee could be paid.

**MOTION:**

**Rep. Wood(35)** made a motion to approve **Docket No. 37-0302-1101. Motion carried by voice vote.**

**RS 20890:**

**Brian Patton**, Dept. of Water Resources, said the purpose of this proposed legislation is to approve the Comprehensive Aquifer Management Plan. He said the plan establishes long term strategies and reviewed the major strategies established in the plan.

**MOTION:**

**Rep. Wood(27)** made a motion to introduce **RS 20890. Motion carried by voice vote.**

**RS 20937:**

**Norm Semanko**, Idaho Water Users Assoc., said this proposed legislation will allow the declaration of an unopposed irrigation district director candidate to be declared at the next regularly scheduled meeting of the board of directors instead of five days from the election.

**MOTION:**

**Rep. Raybould** made a motion to introduce **RS 20937. Motion carried by voice vote.**

**RS 20938:**

**Mr. Semanko** said this proposed legislation clarifies that the owner of a ditch, canal, conduit or other aqueduct is not liable for wasting water or damage to others that is caused by the acts of a third party or acts of God. Mr. Semanko gave examples of when this is an issue.

**MOTION:**

**Rep. Gibbs** made a motion to introduce **RS 20938. Motion carried by voice vote.**

**RS 20939:**

**Mr. Semanko** said this proposed legislation will clear up an inconsistency in the law, and will require permission from the canal company or irrigation district when there is a proposed appropriation of water. He said the Department of Water Resources will also be required to notify the canal company or irrigation district.

**MOTION:** **Rep. Wood(35)** made a motion to introduce **RS 20939. Motion carried by voice vote.**

**RS 20940:** **Mr. Semanko** said this is another inconsistency in law and the proposed legislation will establish a statute of limitations of two years for stream channel alteration violations. He said this is identical to the existing limitation for environmental quality violations already in Idaho Code.

**MOTION:** **Rep. Higgins** made a motion to introduce **RS 20940. Motion carried by voice vote.**

**RS 20956:** **Mr. Semanko** said this issue was identified a couple years ago when neighboring irrigation districts decides one is better equipped to serve the other district, this proposed legislation will provide a process for the transfer of lands between districts through exclusion from one district and annexation into the other district.

**MOTION:** **Rep. Pence** made a motion to introduce **RS 20956. Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the Committee the meeting adjourned at 2:54 p.m.

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Representative Stevenson  
Chairman

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Susan Werlinger  
Secretary