

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Tuesday, February 05, 2013

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

**PLACE:** Room EW40

**MEMBERS:** Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking

**ABSENT/  
EXCUSED:** None.

**GUESTS:** Jim Tucker, Idaho Power; Lynn Tominaga, IGWA; Courtney Washburn, BRS; Shelley Dunn, BRS; Norm Semanko, IWUA; Teresa Molitor, Great Feeder Canal Co.; Angela Rossman, ACFGL; Matthew May, ISCAC; Ann Vonde, AG; Neil Colwell, Avista Corp.

**Chairman Denney** called the meeting to order at 1:34 p.m.

**H 38:** **Peter Van Der Meulen**, Idaho Water Resource Board, introduced **Ms. Helen Harrington**, and **Mr. Clive Strong** to give the presentation.

**Ms. Helen Harrington**, Planning Section Manager, Idaho Water Resources Board, stated that the Idaho State Water Plan was adopted by the Idaho Water Resource Board, approved by the Legislature, and signed by the Governor. She said state agencies are required to exercise their duties in a manner consistent with the Plan. The Plan provides guidance and direction for water planning, management, conservation, and development.

**Ms. Harrington** said the first state water plan was adopted in 1976. The 5-year review process was dropped but it is still recognized that plans are needed. Ms. Harrington, stated that statewide policies include optimum use, conservation, management in the Snake River Basin, Bear River Basin, Panhandle Basins, and Salmon-Clearwater basin. The plan is specific to the different basins.

**Mr. Clive Strong**, Deputy Attorney General for the State of Idaho, spoke about Snake River Basin policies. He said there are many competing demands for the water that affect the management of the river, for instance, irrigation, hydroelectricity, supply, flood control, recreation, fish, and wildlife management. Government agencies regulate activities that affect the use of the waters. This plan provides for guidance for management for the public interest.

In answer to questions from the committee, Mr. Strong stated that the Plan is a policy, not a law.

**Mr. Strong** stated that general policies remain generally the same, the major difference is the extended detail and adoption of implement strategies. Policy 4A describes the minimum streamflow which is a framework for the development and management of the Snake River. Policy 4B reaffirms the Milner Zero minimum average daily flow policy that guides the optimum development of unappropriated flows of the Snake River above Milner Dam. Policy 4C addresses reallocation of Snake River trust water. Policy 4D addresses conjunctive management of the Eastern Snake Plain Aquifer and the Snake River. Policy 4E addresses the need for development of storage in the Snake River Basin, Policies 4F through 4J sets forth policies for agriculture, DCMI (domestic, commercial, municipal and industrial), hydropower, navigation, fish, wildlife, recreation, and scenic values.

**Mr. Strong** said that policy 4C, was a point of great contention in 2006 but has been resolved. As part of The Swan Falls agreement, the conflict of flow of the Snake River for hydropower, agriculture, and other uses was resolved.

**Mr. Strong** said that the plan established minimum stream flow for hydropower purposes below Milner Dam and for irrigation purposes above Milner Dam. Trust water rights were issued with a term and are coming up for a renewal and need to be reviewed. He said these policies include surface storage, raising of Minidoka Dam when budgeted, water studies at Henry Forks/Teton River Basins and, Weiser Galloway, resolving conflicts over management flows in Thousand Springs, fish and wildlife, recreation and scenic resources, and wild and scenic river use. **Mr. Strong** said some water is provided through the rental of water to the federal government but there are no federal rights in the Hells Canyon area. He said they are looking at a holistic system so they don't create unintended consequences.

**Mr. Strong**, in response to questions from the committee, stated that riparian habitat of wetlands are managed through the federal government, this plan represents the state plan; The Corps of Engineers manages wetlands. **Mr. Brian Patton**, Planning Bureau Chief, Idaho Water Resources Board, was asked to respond, he stated that sedimentation has not been a huge problem in Idaho, but studies allow for some space for sediment to occur. **Ms. Harrington** reviewed the Columbia Basin water transaction program which balances the different needs and meets the minimum stream flow to keep communities whole. **Mr. Patton** stated the board purchases easements of water rights. The water board has purchased dry year easement from people who are willing to enter in the agreement. The Board has the authority to issue bonds for larger projects and a number of ways to raise money.

The Committee asked if passing these policies found within the plan would mean future legislatures would be told they must pass a new law to implement those policies. **Mr. Strong** replied the legislature is not bound by agency policy and do not have to pass laws to match policies. He clarified that agency policies are not law.

**Mr. Lynn Tominaga**, Executive Director, Idaho Groundwater Appropriators, stated they participated in most of the meetings and provided input on those policies. He said they are concerned about the economic impact to the state; when the water is taken away from the land, the land is not worth much but no one has gone out of business. He said they are actively involved in managing fish facilities, and providing money for recharge, and they are trying to do recharge farther away from the river.

**Mr. Tominaga**, in response to committee questions, stated they are trying to provide water for future development. He stated most new industries do not need a lot of water, but it is the difference in new jobs and businesses coming to the communities.

**Mr. Norm Semanko**, Executive Director, Idaho Water Users, said it has been 16 years since the State Water Plan has been updated. He said the policies are set forth and are not going to change. He stated the plan needs to be accurate and up to date and there are a lot of changes in water needs. He said this Plan is about appropriating the water for the state to the people of the state.

**Mr. Semanko**, in response to committee questions, said there is still unappropriated water available and Idaho has to appropriate our water first, so someone else does not get it. Idaho does not have most of their water in storage. There is only about 20% of Idaho's water in storage.

**MOTION:** **Representative Andrus** made a motion to **Hold H 38** subject to the Call of the Chair. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 3:46 p.m.

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Representative Denney  
Chair

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Rosee Winder  
Secretary