

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, February 13, 2014

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Denney, Vice Chairman Gibbs, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Rubel

**ABSENT/
EXCUSED:** Representative(s) Anderson(1)

GUESTS: The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

Chairman Denney called the meeting to order at 1:32 p.m.

H398: **Sharon Kiefer**, Deputy Director of Idaho Department of Fish and Game, spoke regarding **H 398**. Ms. Kiefer said **H 398** expands the current authority by extending to multiple years (up to three years), nonresident, and discounting licenses, permits, and tags for sportsmen purchasing these items on a consistent basis.

MOTION: **Rep. Wood(27)** made a motion to send **H 398** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Miller** requested that he be recorded as voting **NAY**. **Rep. Wood(27)** will sponsor the bill on the floor.

H 399: **Sharon Kiefer**, Deputy Director of Idaho Department of Fish and Game, spoke regarding **H 399** that lowers the age to hunt big game to ten years of age from twelve years of age and must be accompanied by an adult. Ms. Kiefer explained safety issues have been addressed through their mentoring program. Ms. Kiefer explained this legislation includes a technical correction for individuals purchasing a three year hunting license to include three days of fishing each year.

Dennis Davis from Caldwell has a ten year old grandchild affected by this legislation. Mr. Davis states his grandson enjoys hunting, is responsible, and he has spent a significant amount of time with his grandson educating him on firearms and safety. Mr. Davis supports this legislation and looks forward to the possibility of hunting with his ten year old grandson.

Dakota Moore, National Rifle Association ("NRA"), expresses support for **H 399** and believes this age group has an interest in the sport of hunting. Mr. Moore feels the legislation could have a positive fiscal impact for the Idaho Department of Fish and Game, outfitters and guides, and the retail industry for clothing and hunting accessories. Mr. Moore stated the NRA was proposing similar legislation if the Idaho Department of Fish and Game had not brought this legislation forward in Idaho. He urges legislators to pass this legislation.

MOTION: **Rep. Gestrin** made a motion to send **H 399** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Pence, Erpelding, Rubel** requested that they be recorded as voting **NAY**. **Rep. Boyle** will sponsor the bill on the floor.

H 410: **Matt Anders**, Idaho Department of Water Resources (IDWR), provided clarification for the definition of Injection Well. Mr. Anders asserts the E.P.A. has advised the Idaho Department of Water Resources that Idaho's Underground Injection Well rules may be at risk unless the definition is clarified.

MOTION: **Rep. Pence** made a motion to send **H 410** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Pence** will sponsor the bill on the floor.

H 411: **Mat Weaver**, Idaho Department of Water Resources (IDWR), states **H 411** amends Idaho Code for returning pending applications in moratorium areas. IDWR is required to accept applications and filing fees to hold applications indefinitely. He explained that IDWR is currently holding approximately 700 applications and this legislation would address the backlog situation. Mr. Weaver indicated the filing fee is \$50 and he believes there to be about \$50,000 that IDWR would payout to return the applications and filing fees which would be distributed over a couple years making it feasible for IDWR's budget. He addressed concerns by stating an applicant's priority date would not be preserved if the application and filing fee were returned. Mr. Weaver further explained that no interest would be paid to applicants whose applications have been held for over twenty years. Mr. Weaver addressed several options such as notifying the applicants and providing the applicant with a choice of (1) leaving their application with IDWR, or (2) having IDWR return their application and filing fee, therefore foregoing their priority date for water rights. Mr. Weaver agreed that a moratorium is not always a situation that lasts forever and can change such as the Treasure Valley area had a moratorium and it was lifted once studies were performed.

Robert Harris, an attorney at Holden, Kidwell, Hahn & Crapo, P.L.L.C., represents his clients, Idaho Falls water right users, who oppose **H 411** and are very concerned over this proposed legislation. Mr. Harris indicated the representatives of the House Resources and Conservation Committee echo his concerns. He said this issue is a housekeeping concern that may result in negative legal impacts. Mr. Harris believes that Idaho doesn't have a water problem, we have a storage problem. He explained to return the applications may violate the Idaho Constitution by not providing a hearing. In conclusion, he applauded IDWR for their hard work and improvements made to the agency.

Norm Semanko, apologized to the representatives and stated **H 411** should have been addressed through the Board of the Idaho Water Association prior to legislation.

Lynn Tominaga, Idaho Ground Water Appropriators, indicated that most of the applications are for supplemental wells and no new development has occurred in the area for a period of time due to the moratorium and backlog of applications. He suggested in the future, the applications have an end date to prevent the backlog of applications being held for twenty or more years.

MOTION: **Rep. Raybould** made a motion to **HOLD H 411** in committee. **Motion carried by voice vote.**

H412: **Mat Weaver**, Idaho Department of Water Resources (IDWR), states **H 412** amends Idaho Code to revise and broaden the qualifications for the position of the IDWR Director. The Idaho Water Users Association supports these revisions.

MOTION: **Rep. Raybould** made a motion to send **H 412** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gibbs** will sponsor the bill on the floor.

H 413: **Rep. Morse** presented **H 413** prohibiting exploding targets on public lands.

MOTION: **Rep. Miller** made a motion to send **H 413** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Morse** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 3:12 p.m.

Representative Denney
Chair

Jennifer Smith
Secretary