

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, March 05, 2014

TIME: 1:30 PM or upon adjournment

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); Rep. Boyle

GUESTS: Gary Spackman, Idaho Department of Water Resources; Brian Patton, Idaho Department of Water Resources; Gloria Totoricaguena, Pacific Northwest Economic Region; Norm Semanko, Idaho Water Users Association; Harold Mohlman, A&B Irrigation District, Senator Nonini; John J. Williams, BPA; Nancy Merrill, Idaho Department of Parks and Recreation; Brett Wilder, Food Producers; and Russell Westerberg.

Chairman Denney called the meeting to order at 1:33 p.m.

**HJM 9
RS 23090:**

Rep. Batt stated Idaho needs to encourage the U.S. Department of State to support certain positions in negotiations with Canada regarding any modification or future implementation of the Columbia River Treaty. She stated the treaty was originally created in 1964 to reduce impacts from flooding and to increase power generation. She stated the treaty should be modified or terminated in 2014. Rep. Batt indicated there is a significant effort to fundamentally change the Columbia River Treaty from a pact dealing with the impacts of flood control and power generation to a document that will or potentially could be used as a mechanism to govern all water use in the Pacific Northwest, or at least in the Columbia River Drainage. She further indicated Canada receives compensation from the U.S. for providing water storage. She explained in 2024, all U.S. storage projects in the Columbia River Basin must be utilized for system-wide flood control before Canadian reservoirs will be utilized to provide flood control space. Rep. Batt further explained the U.S. entity has proposed revising the treaty to include an ecosystem-based function in addition to the flood control and power generation, which is beyond the scope of the treaty and in contravention of Idaho's sovereignty over its water resources.

Chairman Denney indicated the House Resources and Conservation Committee is not a privileged committee and would need to seek the Speaker's approval prior to voting on **RS 23090**. Chairman Denney received the Speaker's approval in writing for the Committee to vote on **RS 23090**.

Brian Patton, Idaho Department of Water Resources, indicated the Idaho Water Resource Board has been working with **Jim Yost** in this process on **HJM 9**. He stated Mr. Yost's position is consistent with positions of the Idaho Water Users Board and supports **RS 23090**. He further stated, in 2014, either country, Canada or the U.S., can start the process identifying their intentions under this treaty. He explained the stakeholders in this treaty will declare and submit their recommendations to the U.S. Department of State for the negotiations with Canada. His concern is U.S. water storage will have to be at maximum capacity prior to requesting Canada for flood control storage beginning in 2024.

Gloria Tyconderoga, Idaho Council of Pacific Northwest Economic Region, commented on the Columbia River Treaty process, but not the content of this legislation. She explained the river flows and water ways in the Pacific Northwest.

Norm Semanko, Idaho Water Users Association, stated this is an enormous issue for the Idaho Department of Water Resources regarding flood control and water availability. He stated the U.S. has guaranteed flood control space in Canada to help with flood control, but in 2024, the U.S. will go to a called upon system under the treaty when U.S. projects are at full water capacity. He encouraged representatives that we must clearly communicate our position in negotiations to the U.S. Department of State. Mr. Semanko indicated the impact for Idaho is the reservoirs may be empty or at very low levels for water storage availability resulting in a water shortage for irrigation, and recreation.

Rep. Raybould indicated that our reservoirs will be emptied to provide adequate water storage and if we have a mild winter or dry season, our reservoirs would remain empty or below optimal water levels for irrigation, fish, wildlife, recreation and public water use. Rep. Raybould described such a situation as extremely devastating.

MOTION: **Rep. Wood(35)** made a motion to introduce **RS 23090** and recommend it be sent to the Second Reading Calendar and to **HOLD HJM 9** in committee. **Motion carried by voice vote.** **Rep. Batt** will sponsor the bill on the floor.

H 526: **Rep. Morse** referred to an Idaho Attorney General's opinion regarding the construction of a pipeline from Lake Pend Oreille to the Rathdrum Prairie Aquifer (RPA) in response to Spokane's acute water shortage. (See attached.) He eluded to a feasibility study conducted on water discharge from the RPA. He stated this pipeline into the Rathdrum Prairie Aquifer would release water into Idaho to increase water supplies and alleviate the water shortage in Spokane. He said Idaho Code 42-401 currently refers to transporting water out-of-state and requires a permit from the Idaho Department of Water Resources. The Idaho Attorney General's Office recommended removal of the word "transport" from Idaho Code Section 42-401.

Gary Spackman, Director of Idaho Water Resources, spoke in favor of **H 526**. Mr. Spackman stated **Rep. Eskridge** brought this situation to his attention. He was unaware of the feasibility study until contacted by Rep. Eskridge. He recommends the removal of the word "transport" and to use the word "used" which could mean transport also.

MOTION **Rep. Eskridge** made a motion to send **H 526** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Morse** will sponsor the bill on the floor.

S1346: **Sen. Nonini** stated the float homes at Hidden Lake by Coeur d'Alene, Idaho need to be hooked up to the sewer system. He stated DEQ would provide a loan of \$1 million for the hook up to the sewer system and the floater home lessees would payback the money to DEQ. The float home lessees needed a 30-year lease, as opposed to a 10-year lease, to afford to payback the \$1 million to DEQ for the sewer hook up. The Idaho Department of Parks and Recreation negotiated leases with the float homes. The float homes lessees pay rent to the Idaho Department of Parks and Recreation.

Nancy Merrill, Director of Idaho Department of Parks and Recreation, supports this bill.

MOTION: **Rep. Shepherd** made a motion to send **S1346** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Morse and Shepherd** will sponsor the bill on the floor.

S 1279: **Norm Semanko**, Idaho Water Users Association, stated Idaho Code, Section 43-318 has not been amended in forty years regarding the sale of personal or real property of an irrigation district. He stated the dollar amount should be increased from \$20,000 to \$50,000 to avoid the costs of an independent appraisal, notice or competitive bidding process.

MOTION: **Rep. Erpelding** made a motion to send **S 1279** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Erpelding** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:32 p.m.

Representative Denney
Chair

Jennifer Smith
Secretary