

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Friday, February 06, 2015

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Bair, Vice Chairman Vick, Senators Cameron, Siddoway, Brackett, Heider, Nuxoll, Stennett and Buckner-Webb

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Bair** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 1:30 p.m.

RS 23465 **Mr. Norm Semanko**, Executive Director, Idaho Water Users Association (IWUA), presented **RS 23465**. He stated that this legislation would permit the irrigation districts to hold monthly and special meetings in alternate locations within the boundaries of the district when alternate meeting locations are deemed more convenient or necessary.

MOTION: **Senator Siddoway** moved to print **RS 23465**. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

RS 23467 **Mr. Semanko** said **RS 23467** brings code up to current standards. It provides irrigation district patrons the option to pay their annual assessments through additional methods of payment.

MOTION: **Vice Chairman Vick** moved to print **RS 23467**. **Senator Cameron** seconded the motion. The motion carried by **voice vote**.

RS 23469C1 **Mr. Semanko** said **RS 23469C1** authorizes irrigation districts to protect district facilities from damage caused by drainage off of specific lands within the district.

MOTION: **Senator Brackett** moved to print **RS 23469C1**. **Senator Cameron** seconded the motion. The motion carried by **voice vote**.

RS 23470 **Mr. Semanko** asked to withdraw **RS 23470** as it needs some additional work.

WELCOME: **Chairman Bair** welcomed Roger Chase, Chairman of the Board, Idaho Department of Water Resources (IDWR), and Gary Spackman, Director, IDWR, to the Committee. Mr. Chase and Director Spackman provided a PowerPoint presentation on an overview of the Department's activities (see attachment 1), and Director Spackman presented to the Committee the Director's Annual Report as required by law (see attachment 2).

SPEAKER: **Mr. Chase** said that he wished to talk about what they have accomplished this past year and what they hope to accomplish this next year. He thanked the Committee for the support that they gave the Water Board last year. **Mr. Chase** said water issues are tough and they never go away, but last year the Committee put them in a position to work hard on some of the issues they have.

In 2014, the Legislature funded several projects for IDWR. They received \$15 million in one-time funds for recharge, storage, Mountain Home, Northern Idaho and the water supply bank. Five million dollars was given in ongoing funds from the cigarette tax for statewide aquifer stabilization. The Eastern Snake Plain Aquifer (ESPA) has first priority, but there are other aquifers that have needs too.

Mr. Chase reviewed the \$15 million appropriation for the projects involving Mountain Home, Northern Idaho, Galloway, Arrowrock Enlargement, Island Park Enlargement, the Water Supply Bank Computer Infrastructure and the ESPA Recharge Infrastructure.

Mr. Chase stated that he wanted to explain why the stabilization of the ESPA is essential. It is to prevent further ground water user versus surface water user conflicts on the Eastern Snake Plain and to also meet the State's Swan Falls Agreement obligations to maintain minimum flows at Murphy Gage.

Mr. Chase said that years ago the Snake River Plain was flood irrigated, the aquifer filled, and some water rights were given. Fish farmers who got their water from the springs had senior water rights. As the flow dropped, they are not getting the water that is due them. **Mr. Chase** said that is what led to the recent call. To recharge one spring, the entire aquifer would have to be raised. If the call would have happened, it would have shut down 157,000 acres of agriculture, 14 cities, and 500 dairies. That would have been devastating to the State of Idaho. **Mr. Chase** said that he can report that the water needed to keep that call from taking place started flowing today.

Some of the things that the Board has done recently was to undertake "winter recharge" to increase amounts. They need to increase recharge to 250,000 acre-feet per year to stabilize and to rebuild the aquifer. Since October 27, they have recharged about 35,000 acre-feet at a cost of about \$135,000. Since October 27, due to lack of capacity, they have spilled about 130,000 acre-feet past Milner.

IDWR is working with canal companies to increase winter recharge capacity and to maximize recharge of water available at Milner. They are also working with canal companies located above American Falls Reservoir to prepare for recharge deliveries if water becomes available. In the Magic Valley, groundwater users have put up \$50 million to help with these projects. The Hagerman area, which involved the Rangen water call, is critical in getting the aquifer stabilized. Junior ground water users have paid for below-the-rim mitigation projects. A loan of \$1.26 million for the Rangen mitigation pipeline was made by the Idaho Ground Water Association (IGWA).

In the Mountain Home area, another project has been the development to replace the water supply for the Mountain Home Air Force Base. Also, the purchase of the senior Snake River water rights from the Simplot family was completed. These efforts were made to keep the air base in Idaho.

Mr. Chase said IDWR has partnered with the Rathdrum Prairie communities and the University of Idaho to determine future water needs from the aquifer. They are looking at downstream water demands, including instream flow rights being established by the state of Washington. A study was conducted to determine pumping effects, and the most impact to river flows came from the Washington pumping.

The Board is working to evaluate needs in other aquifers and to develop a process for the evaluation of projects. Over the next year, they anticipate involvement in the Big Wood, Treasure Valley, and Palouse. One of the things they want to accomplish in the Treasure Valley is to make sure the same situations are not made that were made in the Eastern Snake Plain.

Mr. Chase discussed snow packs; comparing December 29 to February 2. He thinks the reservoirs will fill, with the Boise system at 58 percent of capacity; the Payette system at 68 percent of capacity; and the Upper Snake at 74 percent of capacity. They are working on unique projects for storage. The Weiser-Galloway Dam would allow 750,000 acre-feet of water. Geotechnical studies have been completed and the operational studies are nearly complete. They have received a FERC preliminary permit, and their next project is to relocate the Weiser River Trail.

The enlargement of the Island Park Reservoir is to be 30,000 acre-feet, caused by raising the spillway 3 feet. The big issue right now is the impact on the land. Storage at Arrowrock would be increased by 300,000 acre-feet after the enlargement is completed. One of the things that drives this project is that it provides flood control for the valley.

Mr. Chase said they are extremely proud of what is happening in the Upper Salmon Basin and that is the recovery of the salmon in the Lemhi, Pahsimeroi, and Salmon Rivers. All the efforts have been voluntary and it is one of the most successful salmon recovery systems in the nation.

Mr. Chase closed by discussing the sustainability of water supplies. The Governor asked the Board last year to come up with a plan. **Mr. Chase** said the Board needs to ensure that there are water supplies for existing uses, for future growth, and for environmental purposes. One change is the trend of switching to higher paying crops that use more water (corn and alfalfa) and that will cause an increase in demand on some of the fields, and he said they will have to stay on top of that issue. **Mr. Chase** said that when they talk about conservation, no one does a better job than agriculture. Some examples are: 1) the city of Pocatello went from using 18,000 acre-feet per year to 16,000 acre-feet per year. This was accomplished by using meters in the city where meters had not been installed; 2) the city of Meridian constructed a system to deliver treated wastewater for park irrigation; and 3) the Twin Falls Canal Company built a pond to help reduce operational spills.

Mr. Chase stated that their task as a Board is to find a way to take care of all the those needs and to do it in a smart and sustainable way. Their commitment is to ensure efficient and effective use of funds to address water challenges.

Chairman Bair thanked Mr. Chase for his presentation. He then called on Director Spackman, IDWR.

SPEAKER:

Director Spackman reported on the snow water survey for Idaho, noting that northern Idaho has a lower percentage than the rest of the State, which he said is unusual. The hydrologists from the Bureau of Reclamation told the Department that even before the last series of storms, there was enough snow in the hills and water retained in the reservoirs that the Snake River reservoirs could be filled.

Director Spackman talked about the General Fund Appropriation for the last ten years. He said it had steadily declined, then flat-lined the past few years. He said he had requested from JFAC a very austere budget this year. The reason for that was because of the result of the generosity of the Legislature last year dedicating money to the Water Board for various projects. The budget presentation to JFAC included the decision to request the initiation of the adjudication in the Palouse Basin. The Northern Idaho adjudication was authorized several years ago, but the legislation stated that authorization was needed for each of the three sub-basins: Coeur d'Alene-Spokane River adjudication (which is on-going); Palouse; and the Clarkfork-Pend Orielle. The purpose of adjudication is intended to protect and quantify those water rights.

Director Spackman spoke briefly about reservoir fill and refill, which he said is a complex subject. Flood control releases have to be refilled by excess water and there are always reservoirs to be filled. The dispute is a result of high water as the Bureau of Reclamation attempts to release water out of the reservoirs to vacate space for the estimated flood waters predicted to come.

The next topic **Director Spackman** talked about was the surface water coalition call. A remand from Judge Wildman required a rewrite of the order to determine deficient supply to senior surface water users. The three requirements were: 1) pre-season prediction of supply and mitigation; 2) mid-season adjustment and additional mitigation; and 3) safety factors to protect senior surface water users against inaccurate predictions.

Director Spackman stated that due to time, he would not talk about well depths and the seals that are required as he did for the House Committee, as they had specifically inquired about it.

Director Spackman provided several graphs that included information on: 1) protested and unprotested transfer applications; 2) permits requiring a field exam; 3) water supply bank lease applications pending; and 4) water supply bank rental applications pending.

Chairman Bair thanked Director Spackman for his report. He then called for motions for the consideration of the gubernatorial appointments.

MOTION: **Senator Cameron** moved to send the gubernatorial appointment of Charles Cuddy to the Idaho Water Resource Board to the floor with recommendation that he be confirmed by the Senate. **Senator Siddoway** seconded the motion. The motion carried by **voice vote**. Senator Nuxoll will be the floor sponsor.

MOTION: **Senator Siddoway** moved to send the gubernatorial appointment of Jeffery Raybould to the Idaho Water Resource Board to the floor with recommendation that he be confirmed by the Senate. **Senator Heider** seconded the motion. The motion carried by **voice vote**. Senator Siddoway will be the floor sponsor.

MOTION: **Senator Stennett** moved to send the gubernatorial appointment of Peter Van Der Meulen to the Idaho Water Resource Board to the floor with recommendation that he be confirmed by the Senate. **Senator Cameron** seconded the motion. The motion carried by **voice vote**. Senator Stennett will be the floor sponsor.

MOTION: **Vice Chairman Vick** moved to send the gubernatorial appointment of Dale Van Stone to the Idaho Water Resource Board to the floor with recommendation that he be confirmed by the Senate. **Senator Heider** seconded the motion. The motion carried by **voice vote**. Senator Keough will be the floor sponsor.

MOTION: **Senator Siddoway** moved to hold the gubernatorial appointment of Gary Spackman to the Idaho Water Resource Board subject to the call of the Chair. **Senator Nuxoll** seconded the motion.

SUBSTITUTE MOTION: **Senator Stennett** moved to send the gubernatorial appointment of Gary Spackman to the Idaho Water Resource Board to the floor with recommendation that he be confirmed by the Senate. **Senator Buckner-Webb** seconded the motion. The motion failed.

ORIGINAL MOTION: Voting was then held on the original motion, which passed by **voice vote**.

ADJOURNED: **Chairman Bair** thanked the Committee for their work. With no further business to come before the Committee, he adjourned the meeting at 2:55 p.m.

Senator Bair
Chair

Juanita Budell
Secretary