

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, February 09, 2015
TIME: 1:30 P.M.
PLACE: Room EW40
MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel
**ABSENT/
EXCUSED:** None
GUESTS: Lynn Tominaga, IGWA; John Simpson, BRS; Brandt Bullock, IWUA; Brad Hunt, OARC; Jane Wittmeyer.

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

MOTION: **Rep. Youngblood** made a motion to approve the minutes of February 3, 2015.
Motion carried by voice vote.

Reps. Bateman, Van Orden, Burtenshaw, Andrus, Miller, Raybould, Pence, Wood, and Youngblood declared Rule 50 as a possible a conflict of interest on **Docket No. 37-0311-1101**, but all intend to vote.

**DOCKET NO.
37-0311-1101** **Gary Spackman**, Director of Idaho Department of Water Resources (IDWR), stated a 2010 petition from Clear Springs Foods promulgated revisions to Rule 50 and he commenced negotiated rule making proceedings due to water delivery calls in the Eastern Snake Plain Aquifer (ESPA). He said IDWR determined that Rule 50 did not reflect current technical information. He stated multiple public meetings were held and due to ongoing work related to the ESPA model and issues related to delivery calls in the Eastern Snake Plain Aquifer, the department decided to stay the rulemaking proceedings. Mr. Spackman restarted the negotiated rulemaking process and additional public meetings were held. Mr. Spackman stated there are several alternatives, but none of the alternatives are very good in his opinion. He stated he chose the best of bad alternatives. Mr. Spackman's decision was to repeal Rule 50.

Rich Rigby, senior advisor at IDWR and now retired, works for IDWR on as needed basis. Mr. Rigby indicated Rule 50 and the ESPA model are no longer accurate scientific information and some areas contribute or have more affect on ground water supply than other areas. He stated some arguments of common ground water supply areas affected by each call will depend upon facts. Mr. Rigby stated that to repeal Rule 50 results in no definition of boundary for common ground water supply and the IDWR Director will make a determination on each case.

Gary Spackman, Director of Idaho Department of Water Resources (IDWR), indicated accurate modeling information is expensive and slow and could take 2 to 5 years to be accurate outside of the Eastern Snake Plain Aquifer. Mr. Spackman agreed with Legislators that IDWR needed definite information to make accurate and fair calls. Mr. Spackman added that IDWR staff is expanding the monitoring network and their efforts will intensify in the future. He noted it takes time to gather background data, enter data into the model, and years of data will be needed to accurately analyze the results.

Lynn Tominaga, Executive Director of IGWA, stated the IGWA is split on this issue. Mr. Tominaga expressed concern with IDWR using a model with uncertainty and more folks would be included as they would be required to contribute ground water to the water call area. Mr. Tominaga stated some of the water users would not make a difference in water as the distance of their property is too far from the location of the water needed or the location of the water call. He further stated that some water would just disappear into the river bed prior to reaching the water call area due to the distance.

MOTION: **Rep. Andrus** made a motion to reject **Docket No. 37-0311-1101**. **Motion carried by voice vote. Rep. Gibbs, Wood, Bateman, Pence and Erpelding** requested that they be recorded as voting **NAY**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:50 p.m.

Representative Raybould
Chair

Jennifer Smith
Secretary