

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Wednesday, February 25, 2015

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

**PLACE:** Room WW55

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

**ABSENT/ EXCUSED:** All present, with a vacancy

**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.

**MINUTES:** **Senator Stennett** moved to approve the Minutes of February 16, 2015. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**ANNOUNCEMENT:** **Chairman Bair** said that he wished to announce that Director Langhorst, Idaho Department of Parks and Recreation (IDPR), had sent an e-mail (see attachment 1) to the Committee. The Director stated in his e-mail that he felt that he did a poor job of answering some of the questions that were asked of him at a previous meeting, and he wished to make it clear to the Committee that they can count on IDPR using the legislative rulemaking procedure should **S 1098** become law. A copy of the e-mail is in each Committee member's blue folder.

**S 1059** **Mr. Norm Semanko**, Executive Director, Idaho Water Users Association (IWUA), presented this bill. He said this legislation authorizes irrigation districts to protect district facilities from damage caused by drainage off of specific lands within the district. He said that some landowners cause the problems and it isn't fair to the rest of the landowners to be taxed for damages caused by someone else. **Mr. Semanko** stated that there is a lack of authority in the code and the Association of Idaho Cities (AIC) would like clarification.

**Mr. Semanko** said there is a copy of an amendment that has been provided to the Committee, prepared by him and AIC. He would like **S 1059** be sent to the 14th Order for amending.

**TESTIMONY:** **Mr. Dave Shenk**, a board member of the Gem Irrigation District, spoke on behalf of the board members and testified in support of **S 1059**. Mr. Shenk submitted written testimony (see attachment 2) indicating that after many years of sending out notices of the problem and services available, they have found that the few with unacceptable tail water returns are the same people. District managers have met with these individuals and pointed out the offending runoff with no success.

**Mr. Shenk** said that many downstream water users, along with the municipality of Homedale, have complained and threatened the Gem Irrigation District with legal action to offset the costs for silt removal they have incurred. Stories abound yearly of pump failures, premature sprinkler nozzle wear, dirt-coated feed forages, and folks hiring labor to shovel out silt-filled ditches. He said the board has asked for this bill and believe it has broad support.

**TESTIMONY:** **Mr. Jim Lowe**, representing the Food Producers of Idaho, said they have deliberated on this legislation and are in support of **S 1059**.

**TESTIMONY:** **Mr. Albert Barker**, a partner with the law firm of Barker, Rosholt and Simpson is representing the South Board of Control, located in Homedale. He worked with IWUA to write the legislation for **S 1059**. He said the assessments are sent out in November and are due in December, and there are opportunities to be heard if a landowner should disagree.

**MOTION:** After a brief discussion, **Senator Cameron** moved that **S 1059** be referred to the 14th Order for amendment. **Senator Stennett** seconded the motion. The motion carried by **voice vote**. Senator Cameron is the floor sponsor.

**S 1100** **Mr. Semanko** presented **S 1100**. This legislation allows the water users in a water district to authorize the watermaster to participate in weather modification projects involving cloud seeding, in order to enhance water supplies.

**TESTIMONY:** **Mr. Rex Barrie**, Boise River Watermaster for Water District No. 63, testified in support of **S 1100**. He said that Water District No. 63 covers the entire Boise River Basin. The Boise River is operated under the 1906 Stewart Decree where all natural flow water rights are reduced from 100 percent to 75 percent, then to 60 percent based on natural flow coming into the system. If weather modification can increase the runoff by up to 10 percent, that would allow for not only extended natural flow, but increased carryover for the following year insuring a more reliable supply for agriculture and all water users in the basin.

Idaho Power Company has approached Water District No. 63 with a request to partner with them in weather modification in the Boise Basin. Also, the Idaho Water Resources Board has agreed to partner with Idaho Power in this program. A copy of Mr. Barrie's complete testimony is attached (see attachment 3).

**TESTIMONY:** **Mr. John Bowling**, an engineer for Idaho Power Company, was asked to explain the science of cloud seeding, and if done in one region, would it affect another region. **Mr. Bowling** replied that Idaho Power has three meteorologists on staff that operates their cloud seeding program 24 hours a day, 7 days a week. During the cloud seeding season, which is winter, you only fly your aircraft if there is super cooled liquid water that can be coaxed out of the atmosphere. Research has shown that there are beneficial effects downstream from the cloud seeding program.

In the 11 years that Mr. Bowling has been involved in cloud seeding in the Payette Basin, the average increase in snow pack has been 14.4 percent. They have been producing an acre-foot of water for around \$6.00. When asked about the number of storms per season, he replied that some storms are not seedable, but an average would be six to seven good storms a year.

**TESTIMONY:** **Mr. Jim Lowe**, representing the Food Producers of Idaho, said they are in support of **S 1100**.

**TESTIMONY:** **Mr. Vernon Case**, representing the Wilder Irrigation District, commented that everyone in the Boise Basin benefits from the cloud seeding program in a short water year. He asked for support of this bill.

**TESTIMONY:** **Mr. Brian Patton**, representing the Idaho Water Resource Board, said cloud seeding has been identified by the Water Board as a water management and aquifer stabilization strategy in the State Water Plan, as well as in other water planning efforts. Cloud seeding numbers in Idaho are designed to augment winter snow pack, which then, in turn, increases surface water supplies. Idaho Power started a program in the Upper Snake Basin, and they are now in the process of beginning programs in the Wood River Basin and the Boise River Basin.

**MOTION:** **Senator Heider** moved that **S 1100** be sent to the floor with a **do pass** recommendation. **Senator Nuxoll** seconded the motion. The motion carried by **voice vote**. Senator Heider will be the floor sponsor.

- SCR 107**      **Senator Keough** said that **SCR 107** encourages the Idaho State Board of Land Commissioners, when it is in the State's best interest, to enter into land exchanges including multiparty land exchanges. She said this resolution also declares legislative support in exploring a devoted effort within the Idaho Department of Lands regarding land exchanges, including multi-party land exchanges.
- TESTIMONY:**      **Senator Cliff Bayer**, co-sponsor of this legislation, thanked the Interim Committee for their considerations regarding this legislation. He stated that in this bill, they are also asking for authorization for the Interim Committee to meet on the endowment asset subject matter which is separate.
- TESTIMONY:**      **Mr. Jason Kreizenbeck**, a contract lobbyist with the firm, Lobby Idaho, and representing their client, Priest Lake State Lessees Association. He said that he has been working with them for several years to try to resolve the issue of the purchase of state lots. They were one of several multi-parties that tried to put together exchanges previously and are in support of what the Land Board has done so far. They are in support of the resolution.
- MOTION:**      **Senator Siddoway** moved that **SCR 107** be sent to the floor with a **do pass** recommendation. **Senator Brackett** seconded the motion. The motion carried by **voice vote**. Senator Keough will be the floor sponsor.
- HJM 2**      **Representative Romrell** presented **HJM 2**. The purpose of this joint memorial is to let the President and other federal officials know that not only local voters are opposed to further national monument designations in Fremont County, but also the State Legislature opposes such action.
- TESTIMONY:**      **Mr. John Robinson**, Idaho Conservation League, testified that they are opposed to this joint memorial because the resolution opposes any national monument designation in the Caldera area of the Island Park region in eastern Idaho. They feel that a national monument designation is an important tool for communities to have in their tool box should the right opportunity present itself.
- MOTION:**      **Senator Siddoway** moved that **HJM 2** be sent to the floor with a **do pass** recommendation. **Senator Nuxoll** seconded the motion. The motion carried by **voice vote**. Senator Siddoway will be the floor sponsor.
- ADJOURNED:**      **Chairman Bair** apologized to the sponsors of bills that did not get a hearing today, but will be rescheduled. **Chairman Bair** adjourned the meeting at 3 p.m.

---

Senator Bair  
Chair

---

Juanita Budell  
Secretary