

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, March 05, 2015

TIME: 1:30 pm or upon adjournment

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:** Representative(s) Andrus, Shepherd, Gibbs, Bateman

GUESTS: Jack Lyman, Idaho Mining Association; Eric Slayton, Pioneer Irrigation District; Doug Conde, Idaho Department of Environmental Quality; Curt Fransen, Idaho Department of Environmental Quality; Barry Burnell, Idaho Department of Environmental Quality; Justin Hays, Idaho Conservation League; Brandt Bullock, Idaho Water Users Association; Monte Stewart, McMillan #2 Lateral; Dawn Justice, Idaho Bankers; and Andy Waldera, attorney for Pioneer Irrigation District.

Chairman Raybould called the meeting to order at 1:29 p.m.

MOTION: **Rep. Youngblood** made a motion to approve the Minutes of February 17, 2015.
Motion carried by voice vote.

H 197: **Jack Lyman**, Idaho Mining Association provided information on the ground water quality plan for the extraction of minerals from above and in ground water. Mr. Lyman indicated there is a baseline for ground water quality for a mining area and the water quality compliance is pre-set by the water quality outside of a mining area. He explained this process would minimize the impact on ground water from around the mine area. Mr. Lyman stated a "cap and cover" method with native materials, such as native plants and vegetation, would be used when the mining operation is completed to protect the aquifer. Mr. Lyman provided 3 aquifer categories and the levels of protection for each category for the public, commercial or private use to resolve the conflict that exists with DEQ rules.

Justin Hays, Program Director for Idaho Conservation League, stated the ICL neither supports nor opposes the legislation.

MOTION: **Rep. Wood** made a motion to send **H 197** to floor with a **DO PASS** recommendation.
Motion carried by voice vote. Rep. Wood will sponsor the bill on the floor.

S 1057: **Norm Semanko**, Director of Idaho Water Users Association, stated this bill was initiated by Pioneer Irrigation District to resolve meeting location limitations under current law. Mr. Semanko indicated an irrigation district cannot meet at another location other than their district office. Mr. Semanko stated the district office limits space and public participation. Mr. Semanko claimed irrigation districts need flexibility to utilize other meeting locations in the district and the open meetings law requires notice and identification of meeting locations.

MOTION: **Rep. VanOrden** made a motion to send **S 1057** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. VanOrden** will sponsor the bill on the floor.

S 1058: **Norm Semanko**, Director of Idaho Water Users Association, stated water districts would like to update their payment methods to improve customer service and convenience for methods of payment. Mr. Semanko stated the water districts' current payment code is old and outdated. He indicated water users are currently allowed to pay a water district only by bank draft or check and not by credit, debit cards, Paypal, etc. Mr. Semanko indicated additional fees for alternative or convenient payment methods may be forthcoming.

Erica Slayton, Pioneer Irrigation District, stated there may or may not be a convenience charge for payment on the website as it had not been decided and the logistics have not been discussed as of yet.

Andy Waldara, Sawtooth Law Office, legal counsel for Pioneer Irrigation District, indicated there may be a charge for a non-sufficient funds check as allowed by statute. Mr. Waldara added a payor would be notified prior to the payment transaction if a fee will be charged for their method of payment. Mr. Waldara indicated the website payment system would be designed similar to the Idaho Department of Transportation's payment website.

MOTION: **Rep. Burtenshaw** made a motion to send **S 1058** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Burtenshaw** will sponsor the bill on the floor.

S 1099: **Norm Semanko**, Idaho Water Users Association, stated lateral associations of irrigation districts are common in urban areas. Mr. Semanko stated a lateral manager will use water from a ditch or main canal to distribute to others. He said the lateral associations hold annual meetings, set a budget, and hire a lateral manager with user assessments ranging between \$20 to \$25. Mr. Semanko indicated lateral associations do not currently have any lien authority to assess with their members to help pay operational costs to keep the water flowing. He stated a small number of the water user population do not pay the assessments and the lateral association uses small claims court which is costly and time consuming. Mr. Semanko states this bill would provide lien authority to lateral associations although the lien would not be superior to the irrigation district or canal company. Mr. Semanko added a lien would not necessitate foreclosure, but the lien would be paid off when the property was sold at some time in the future. He stated this process is similar to water users of canal and irrigation companies.

Monte Stewart, Director of the Board for McMillian Lateral Association, explained the McMillian Lateral Association has a budget of \$18,000 with one paid ditch rider as an employee. Mr. Stewart said lateral association members may pay an assessment of \$17 per year and this assessment money is used to provide the upkeep on the irrigation system. Mr. Stewart estimated that 8% don't pay their annual assessment year after year. Mr. Stewart stated currently he uses the small claims court system which is costly in time and money to both parties.

MOTION: **Rep. Miller** made a motion to send **S 1099** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Miller** will sponsor the bill on the floor.

SCR 107: **Rep. Vander Woude**, stated **SCR 107** is a resolution for the board of land commissions to enter into multiparty land exchanges. Rep. Vander Woude indicated multiparty land exchanges are necessary to consolidate parcels of land for land tracks that are isolated and have limited financial returns. He said it is the board of land commissioners' constitutional responsibility to seek the highest possible return on lands.

MOTION: **Rep. Wood** made a motion to send **SCR 107** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Vander Woude** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:20 p.m.

Representative Raybould
Chair

Jennifer Smith
Secretary