

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Wednesday, February 20, 2019

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Vice Chairman Brackett, Senators Bair, Johnson, Mortimer, Patrick, Guthrie, Stennett, and Jordan

ABSENT/ EXCUSED: Chairman Heider

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

S 1056 **TJ Budge**, attorney, presented on behalf of the Idaho Ground Water Association and stated two concerns that were raised from the last Committee hearing. The first concern was the bill's potential impact to the General Fund if the Idaho Department of Water Resources (IDWR) is required to add staff or increase their workload to implement **S 1056**. Since the last meeting, the IDWR and Ground Water districts signed a Memorandum of Understanding (MOU) that would allow IDWR to charge additional enforcement costs to the ground water districts. The second issue that has been discussed is a concern about IDWR's authority to curtail pumpers who don't pay their assessments.

DISCUSSION: **Senator Patrick** asked Mr. Budge the process of shutting off water for delinquent users and if meters are required. **Mr. Budge** replied that meters are required and IDWR can't use the power company to shut off the wells; instead, the IDWR uses manual mechanisms. **Senator Guthrie** asked if **S 1056** takes the Director of IDWR's authority away outside of water districts. **Mr. Budge** responded that within a water district, the water master does the curtailing, and outside of a water district the Director of IDWR does the curtailing.

TESTIMONY: **Lynn Carlquist**, Chairman of the North Snake Groundwater District; **Dean Stevenson**, Chairman of the Magic Valley Groundwater District; **John Simpson**, attorney for the Surface Water Coalition; **Gary Spackman**, Director of the Idaho Department of Water Resources; and **Lynn Tominaga**, Idaho Ground Water Association, all spoke in favor of **S 1056**.

DISCUSSION: **Senator Guthrie** asked Director Spackman if he had ever shut any user off for a non-payment of assessment. **Mr. Spackman** responded that he does not recall ever curtailing anyone for refusal to pay assessment to a groundwater district and does not believe he has the authority to shut off someone for nonpayment; he can only shut off for failure to curtail water rights. However, there is an opportunity for the water master to come in and shut people off. **Senator Mortimer** asked what happens to water users that have either paid their assessment, or curtailed their water in the past. **Mr. Spackman** responded that if they have not participated in the mitigation plan, they would still be subject to curtailment.

Senator Stennett asked Director Spackman if he had any recommendations about the situation of being forced to curtail somebody who is out of compliance, but not because there is a lack of water. **Mr. Spackman** responded that they have struggled with this and tried to find language that would pass legal muster. **Senator Guthrie's** asked Mr. Tominaga a question about the fiscal note. **Mr. Tominaga** stated that whether it's an MOU or a contract, the Groundwater Association and the IDWR will come in and provide those resources to clarify the fiscal note if necessary.

MOTION: **Senator Bair** moved to hold **S 1056** to a date certain of Monday, February the 25th. **Senator Jordan** seconded the motion. The motion carried by **voice vote**.

To make better use of time for the Representatives and Senators who had other committee obligations, **Vice Chairman Brackett** announced that **H 67** and **S 1088** would be heard before the other legislation on the agenda.

H 67 **Representative Terry Gestrin**, District 8, presented **H 67** and stated this legislation has to do with geothermal wells and water rights. **Representative Gestrin** stated that the first time the State entered this particular piece of code was in 1990. The purpose was to protect the value of geothermal water and protect the rights of those who are using geothermal water. This bill intends to prevent a situation when someone drills a well and hits 85 degrees Fahrenheit, they do not have to cap the well as long as it doesn't affect adjacent water rights.

TESTIMONY: **Lynn Tominaga** of the Ground Water Users Association spoke in favor of **H 67** because these exemptions will save homeowners money if they are planning on using these wells for domestic purposes. Furthermore, the two believed that these amendments will improve the IDWR's ability to review applications for use of low temperature geothermal water while still protecting those existing users and the heat value of the low temperature geothermal water.

MOTION: **Senator Johnson** moved to send **H 67** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Brackett passed the gavel to Senator Bair.

S 1088 **Vice Chairman Brackett** stated that the purpose of this bill is to ensure that the most deserving disabled veterans receive the big game tags under the Idaho Division of Veterans Services (IDVS). IDVS is directed to screen applications for the five big game tags allocated to disabled veterans to ensure that the most deserving are prioritized. Under the terms of the bill, two of the five tags will be allocated to a hunt designed by IDVS, while the remaining three tags will be designated by the Idaho Fish and Game Commission.

DISCUSSION: **Senator Jordan** asked about the criteria for determining the "most deserving" veterans. **Vice Chairman Brackett** responded with a brief answer that both the IDVS and Idaho Department of Fish and Game will be making these determinations.

TESTIMONY: **Sharon Kiefer**, Idaho Department of Fish and Game, and **Bill Mulder**, Treetop Ranchers, testified in favor of **S 1088**. Both **Ms. Kiefer** and **Mr. Mulder** gave background information about the success of these hunts in the past, and what this new legislation would do for disabled veterans going forward.

MOTION: **Senator Patrick** moved to send **S 1088** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion was carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Senator Bair** adjourned the meeting at 3:01 p.m.

Senator Heider
Chair

Tyler Brock
Secretary