

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Wednesday, January 29, 2020

TIME: 1:30 P.M.

PLACE: Room WW55

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

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 Heider** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 1:31 p.m.

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

DOCKET NO. 37-0000-1900 Department of Water Resources, Water Resource Board, omnibus pending rule, under IDAPA 37, page 252.

Mathew Weaver, Deputy Director, Idaho Department of Water Resources (IDWR), introduced himself and informed that he was the IDWR designated Rules Regulation Officer. He then introduced other IDWR staff in attendance who are subject matter experts over the rule chapters and available to answer detailed questions if necessary: Brian Patton, Shelley Keen, Tim Luke, Tom Neace, John Falk, Remington Buyer, and Board member Burt Stevenson.

He stated that this omnibus rulemaking docket reauthorizes four non-fee rule chapters, each of which was previously reviewed and approved by the Legislature. He reported that in line with Governor Little's Red Tape Reduction Act IDWR identified and eliminated rules that were obsolete, outdated, and contrary to federal law. He assured the changes were nonsubstantive. These changes represented an approximate 21 percent reduction in restrictions from last year. He clarified that IDWR received two comments from the public regarding stream channel alteration rules and well construction standards rules; both instances requested the addition of substantive requirements which was contrary to the guidance from the governor through the reauthorization process, therefore IDWR did not change the rule. He confirmed that IDWR and the IDWR Board coordinated rulemaking with the Idaho Water Users Association.

DISCUSSION: **Senator Stennett** and **Mr. Weaver** discussed the Comprehensive State Water Plan Rules, the Shoshone-Bannock Tribal Water Supply Bank rules, and the Conjunctive Management rules, and what changed under the Comprehensive State Water Plan that was significant. **Mr. Weaver** passed out and then discussed two summary tables that showed the exact rule changes made (see attachment 1).

In response to Committee questions, **Brian Patton**, Executive Officer, Board Bureau Chief, IDWR discussed that the IDWR Board is looking at and considering initiating a review of the state water plan, especially as it pertains to agreements and structure of aquifer management, to perhaps incorporate management efforts into a new version of the plan.

MOTION: **Senator Stennett** moved to approve **Docket No. 37-0000-1900**. **Senator Patrick** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 37-0000-1900F Department of Water Resources, Water Resource Board, omnibus pending fee rule, under IDAPA 37, page 308.

Mr. Weaver discussed that his previous comments regarding the omnibus rulemaking process applied to how they approached and edited their 12 chapter fee rules which had been previously reviewed and approved by Legislature. **Mr. Weaver** emphasized and detailed that no fee amounts were changed.

MOTION: **Chairman Heider** moved to approve **Docket No. 37-0000-1900F**. **Senator Jordan** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Brackett passed the gavel back to the Chairman Heider.

RS 27214 Relating to Water; to remove a date restriction associated with certain water rights.

Shelley Keen, Water Allocation Bureau Chief, IDWR, explained the legislation proposal eliminates an unnecessary filing requirement for water rights included in an adjudication and dates back to 1967. He detailed this requires water users with established water rights, through diversion and beneficial use or constitutional method, to file a claim with IDWR which creates a record of an adjudicated water use. He explained this claim is not confirmed by IDWR nor a court of law. He reviewed that Idaho Code § 42-245 states that water users who fail to comply will relinquish their water rights unless they file a claim commenced by June 30, 1988, and the Snake River Basin Adjudication commenced in 1987. He reviewed that removing the 1988 cutoff date gives water users, in ongoing and future adjudications, the opportunity to file just one claim for a water right. He clarified that IDWR presented this proposal to the Idaho Water Users Association committee and received a favorable vote with no discussion.

MOTION: **Senator Bair** moved to send **RS 27214** to print. **Senator Mortimer** seconded the motion. The motion passed by **voice vote**.

RS 27453 Relating to the Rangeland Resources Commission; to revise nomination provisions for Commission seats.

Vice Chairman Brackett advised that this routing slip needs technical correction and will not be considered by the Committee today, and it will be held in Committee to make necessary corrections.

ADJOURNED: There being no further business at this time, **Chairman Heider** adjourned the meeting at 2:00 p.m.

Senator Heider
Chair

Erin Miller
Secretary