

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

- DATE:** Monday, March 09, 2020
- TIME:** 1:30pm or Upon Adjournment
- PLACE:** Room EW40
- MEMBERS:** Chairman Gibbs, Vice Chairman Gestrin, Representatives Moyle, Shepherd, Wood, Boyle, Vander Woude, Mendive, Kauffman, Blanksma, Addis, Lickley, Moon, Raybould, Rubel, Toone, Mason, Necochea
- ABSENT/
EXCUSED:** Representative(s) Rubel
- GUESTS:** Shelley Keen and Gary Spackman, Idaho Department of Water Resources; Travis Thompson, City of Twin Falls; Johanna Bell, Association of Idaho Cities; Chris Meyer, Givens Pursley; Paul Arrington, Idaho Water Users Association; Lynn Tominaga, Idaho Ground Water Association
- Chairman Gibbs** called the meeting to order at 2:40pm.
- MOTION:** **Rep. Toone** made a motion to approve the minutes of the February 27, 2020 meeting. **Motion carried by voice vote.**
- S 1273:** **Shelley Keen**, Water Allocation Bureau Chief, Idaho Department of Water Resources, stated **S 1273** will remove the June 30, 1988 limitation from the beneficial use claim filing exception in **Idaho Code, 42-245**. He explained, the 1988 date only works for the Snake River Basin Adjudication and without this change the statute could be interpreted that water users included in an ongoing or future adjudication would not have complied with the requirement and would have to file two claims for the same water use. He continued, there are distinct and often substantial filing fees required for each type of claim. **S 1273** gives water users the opportunity to file only one claim, and pay only one filing fee, for a water right.
- Paul Arrington**, Executive Director, Idaho Water Users Association, stood in support of **S 1273**.
- MOTION:** **Rep. Wood** made a motion to send **S 1273** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Mendive** will sponsor the bill on the floor.
- S 1289:** **Paul Arrington**, Executive Director, Idaho Water Users Association, explained irrigation canals were developed to deliver water to large tracts of lands. Over time these canals are being used more and more to deliver water to small tracts of lands, which is more time consuming and more costly due to additional delivery points and the associated infrastructure. Currently, **Section 43-732, Idaho Code** authorizes an irrigation district to assess a service charge, in addition to regular assessments, when the cost of delivering water to small tracts of lands is substantially greater than the cost of delivery of water to other lands in the district. He remarked, this authorization only applies to lands in two groupings; less than two acres or two to ten acres; the dividing point being two acres. Mr. Arrington stated, **S 1289** amends **Section 43-732, Idaho Code** acknowledging the experience of irrigation districts that utilize this authority, that a more appropriate dividing point between the groups should be one acre because that better reflects modern subdivision trends of one acre or less in size.

In response to a question regarding irrigation districts fees, **Mr. Arrington** responded not all irrigation districts have elected to adopt the service charge option, but for districts that do assess a service charge, those charges are based on the individual costs of delivering water to the smaller tracts.

Rep. Blanksma declared Rule 80 stating a potential conflict of interest.

MOTION: **Rep. Blanksma** made a motion to send **S 1289** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Blanksma** will sponsor the bill on the floor.

S 1290: **Paul Arrington**, Executive Director, Idaho Water Users Association, stated **S 1290** would amend **Section 43-206, Idaho Code** to allow irrigation districts of 15,000 acres or less, upon resolution of the Board of Directors, to combine all election precincts into one polling location, which would be the district office. It also allows the Board to provide one elector from each precinct to serve as judges of election at the combined polling place.

Rep. Blanksma declared Rule 80 stating a potential conflict of interest.

MOTION: **Rep. Blanksma** made a motion to send **S 1290** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Blanksma** will sponsor the bill on the floor.

S 1316: **Travis Thompson**, Attorney, City of Twin Falls, stated **S 1316** modifies the current process for issuing permits and licenses to cities and other providers of municipal water for reasonably anticipated future needs, also known as RAFN water rights. He explained, a RAFN water right authorizes a city to secure a long term municipal water supply and develop the municipal water use over an extended period of time, known as the planning horizon. This helps cities ensure that economic development will not be hampered by uncertain or inadequate municipal water supplies. Under current law, proof of beneficial water use for a RAFN water right is often due years or decades before the planning horizon ends. As a result, the Idaho Department of Water Resources must issue a water right license based on an estimate of the amount of water the city will beneficially use by the end of the planning horizon. He continued, **S 1316** fixes the unintended glitch in the existing statute by extending the development period for RAFN water rights to make it match the planning horizon. Then, the Department can issue incremental licenses based on demonstrated beneficial use. Mr. Thompson concluded by stating **S 1316** provides a more efficient and streamlined process and more certainty to cities and municipal providers, their patrons, and the Department as to the licensing process and planning for future water demands.

MOTION: **Rep. Raybould** made a motion to send **S 1316** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Raybould** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:03pm.

Representative Gibbs
Chair

Tracey McDonnell
Secretary