

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Monday, February 27, 2023

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

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Burtenshaw, Vice Chairman Adams, Senators Guthrie, Harris, Okuniewicz, Schroeder, Semmelroth, and Taylor

**ABSENT/ EXCUSED:** Senator Den Hartog

**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 Burtenshaw** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 2:13 p.m.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Jeffery Raybould of St. Anthony, Idaho to the Idaho Water Resources Board** for a term commencing January 1, 2023 and expiring January 1, 2027. **Mr. Raybould** presented before the Committee and shared he was first appointed to the Idaho Water Resources Board (Board) in 2010. He had served for almost 12 years and was serving as Chairman. He farmed for about 40 years with his dad, Dell, who retired. They raised potatoes, malt, barley, and alfalfa. He now farms with his son and daughter.

**DISCUSSION:** **Senator Harris** asked what topic Mr. Raybould thought was most pressing. **Mr. Raybould** responded there were a number of topics where all the red lights were blinking, including a groundwater management plan for the Eastern Snake River Plain Aquifer, raising the carry over water level in Bear Lake for more drought resiliency, rebuilding the diversion works at Priest Lake, raising Anderson Ranch Dam, and getting a reliable water supply to the Mountain Home Air Force Base.

**GUBERNATORIAL APPOINTMENT:** **Committee Consideration of the Gubernatorial Appointment of Marc Gibbs of Grace, Idaho to the Idaho Water Resources Board** for a term commencing January 16, 2023 and expiring January 1, 2025. **Mr. Gibbs** presented before the Committee and shared he had been active in water issues since 1970, when he started farming in Grace. He had been on the Board of Directors of the Last Chance Canal Company for 45 years, where he served as president for about 20 years. He served on the Idaho Fish Game Commission from 1999 until 2006. He served in the Idaho Legislature for 14 years, where he served on the House Resource Committee for 12 years, and as the committee's chairman for the last six years.

**DISCUSSION:** **Senator Harris** asked if Mr. Gibbs had a goal in serving on the Board. **Mr. Gibbs** responded that there was a tremendous problem in Idaho due to being the fastest growing state with a static water supply, and they needed to figure out ways to make our water supply go farther. He also noted the competition for water with Utah, especially over the Bear River, which was the largest water tributary to the Great Salt Lake, was one of the largest challenges.

**GUBERNATORIAL APPOINTMENT:** **Committee Consideration of the Gubernatorial Appointment of Pat McMahon of Sun Valley, Idaho to the Idaho Water Resources Board** for a term commencing January 16, 2023 and expiring January 1, 2027. **Mr. McMahon** presented before the Committee and shared he was the general manager of the Sun Valley Water and Sewer District, where he had worked for 30 years. He looked forward to expanding his local water experience with his position on the Board.

**DISCUSSION:** **Senator Adams** shared that he was able to speak with Mr. McMahon earlier in the appointment process and he was looking forward to voting on his confirmation. **Chairman Burtenshaw** asked if Mr. McMahon was a native of Idaho. **Mr. McMahon** responded that he moved to Sun Valley in 1981 from Nebraska.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Jo Ann Cole-Hansen of Lewiston, Idaho to the Idaho Water Resources Board** for a term commencing January 1, 2023 and expiring January 1, 2027. **Ms. Cole-Hansen** presented before the Committee and shared she was a fourth generation Idahoan on her father's side, and a fifth generation Idahoan on her mother's side. She was born and raised in Grangeville, Idaho, and she still had a family farm in Grangeville. She had spent the last 17 years working for the Lewiston Orchards Irrigation District, which was a complex system with groundwater, surface water, endangered species, and tribal trust issues.

**DISCUSSION:** In response to a question from Senator Schroeder, **Ms. Cole-Hansen** shared that her oldest ancestor, John M. Crooks, met the Nez Perce at Tolo Lake during the Nez Perce War of 1877, and tried to get them to call off the war.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Dale Van Stone of Hope, Idaho to the Idaho Water Resources Board** for a term commencing January 1, 2023 and expiring January 1, 2027. **Mr. Van Stone** presented before the Committee and shared he was a lifelong resident of Idaho and had lived in Bonner County almost all his life. He grew up on a dairy farm and had moved pipe to irrigate his hay fields. He had served as a Bonner County Commissioner and a Panhandle Health Board member, and currently served on the Bonner Soil and Water Conservation Board and the Bonner County Weed Board. He believed the Board did an outstanding job.

**DISCUSSION:** In response to a question from Chairman Burtenshaw, **Mr. Van Stone** shared that Hope, Idaho was 20 miles east of Sandpoint.

**PRESENTATION:** **Water Project Updates: Introduction.** **Roger Batt**, Treasure Valley Water User's Association stated the presenters were here to talk about some of the natural resource grant programs that the legislature funded over the last few years. He referred the Committee to the PowerPoint presentation (Attachment 1) for all presenters.

**Idaho's Agricultural Best Management Practices Program.** **Dr. Mary Ann Nelson**, Surface and Wastewater Division Administrator for the Idaho Department of Environmental Quality (IDEQ) provided an overview of the Agricultural Best Management Practices Program funded by the State through IDEQ. She explained this program was established in 2017 to provide grants to support the implementation of best management practices that help water bodies throughout Idaho meet water quality standards. She reviewed the program's funding history and a list of fiscal year 2023 individually funded projects. She explained this program also provided grants to nonprofit organizations and soil conservation districts that sought to support a grant program of their own, and she reviewed an example, the Lower Boise Watershed Council, and some of their successful funded projects.

**Concentrated Animal Feeding Operation (CAFO) Best Management Practices Program.** Rick Naerebout, Executive Director, Idaho Dairyman's Association, provided an overview of the CAFO Improvement Fund, which was established by the Idaho State Legislature in 2022 to help dairies, feedlots, and other concentrated animal feeding operations implement on-site environmental improvement projects. He reviewed establishment of the fund committee and funding criteria. He reviewed the initial number of applications received and their associated project costs. He stated they awarded 5 million dollars in grants to 13 applicants and these applicants provided matching funds of 22.8 million dollars. He reviewed some examples of funded projects, which included manure systems from slope schemes separators to advanced manure technologies using reverse osmosis.

**Water Quality Program for Agriculture (WQPA).** Delwyne Trefz, Administrator, Idaho Soil and Water Conservation Commission, provided an overview of WQPA, which provided cost assistance for conservation projects on private land. He explained local conservation districts working with landowners administered the majority of projects. He shared the program had been unfunded from 2011 until last year. He stated projects eligible for WQPA included soil and water conservation projects, water delivery and drainage rehabilitation and improvement projects, and implementation of agricultural best management practices. He reviewed the status of approved projects, the amount of funds paid, and plans for future funding.

**Flood Management and Water Infrastructure.** Brian Patton, Executive Officer, Idaho Department of Water Resources (IDWR), provided an overview of the Flood Management Grant Program and the Aging Irrigation Infrastructure Program. He reviewed the funding available, award criteria, and 2022 grant awards for both programs. He stated the Legislature established the Flood Management Grant Program in 2017 with the goal to repair flood damaged stream channels, to improve stream channels to prepare for flooding, and to complete flood risk reduction and flood prevention projects. He explained the 2022 Legislature provided funds for grants to rehabilitate and improve aging irrigation, water storage, and delivery infrastructure, and as a result, IDWR created the Aging Irrigation Infrastructure Program.

**Closing Comments and Financial.** Paul Arrington, Idaho Water User's Association, expressed his gratitude to the Legislature for providing funds for these projects, and to the team of people working hard to protect Idaho's water resources.

**ADJOURNED:** There being no further business as this time, **Chairman Burtenshaw** adjourned the meeting at 2:56 p.m.

---

Senator Burtenshaw  
Chair

---

Shelly Johnson  
Secretary