

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, February 24, 2025

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Burtenshaw, Vice Chairman Hart, Senators Guthrie, Harris, Okuniewicz, Cook, VanOrden, Kohl, and Taylor

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

GUBERNATORIAL REAPPOINTMENT VOTE: **Vice Chairman Hart** moved to send the Gubernatorial reappointment of **John Ford Elsaesser** of Priest River, Idaho to the Lake Pend Oreille Basin Commission to the floor with recommendation that he be confirmed by the Senate. **Senator Okuniewicz** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT: **Committee Consideration of the Gubernatorial Appointment of Cortney Liddiard of Rexburg, Idaho to the Idaho Parks and Recreation Board** to serve a term commencing August 28, 2024 and expiring June 30, 2030. **Mr. Liddiard** presented before the Committee and told them a bit about himself. He shared he was from East Idaho, where he had lived for 30 years. He recently stepped down from his position as Chief Executive Officer for Ball Ventures and he was looking for a position where he was able to make a difference. He believed his experience in real estate and in general business was a good fit for this appointment.

DISCUSSION: **Senator Okuniewicz** asked what Mr. Liddiard had on his to-do list for this job. **Mr. Liddiard** responded that he wanted to look at making the most of the State's assets by understanding the assets, running more efficiently, controlling expenses, and maximizing revenue. **Senator Kohl** asked for Mr. Liddiard's thoughts on maximizing profit in the Idaho Department of Parks and Recreation (IDPR). **Mr. Liddiard** responded that he would need some time to see how government versus private industry differed, but one suggestion he offered was initiating demand pricing. **Senator Okuniewicz** asked what kind of time commitment this position required. **Mr. Liddiard** responded that the formal commitment was attendance at a board meeting once per quarter, but although he expected his informal commitment between meetings to be significant, this was still an unknown.

DOCKET NO. 13-0107-2401 **Rules Governing Taking of Wildlife - Pending Rule.** **Jim Fredericks**, Director, Idaho Fish and Game, stated this rule was before the Committee earlier in the legislative session, and there were some questions from committee members. He noted that additional information was since provided to members of the Committee. He hoped that this had addressed their concerns, but he was prepared to answer any further questions.

MOTION: **Senator Harris** moved to approve **Docket No. 13-0107-2401**. **Senator Cook** seconded the motion. The motion carried by **voice vote**.

DOMESTIC WATER USE - Amends existing law related to domestic use of water and to provide for delivery, planning, and enforcement. Senator **Anthon** stated this legislation intended to address water supply issues, particularly in the Eastern Snake River Aquifer (ESRA), throughout the State of Idaho. Specifically, it addressed domestic wells. He explained that under Idaho law, a homeowner with one home on one half acre could use 13,000 gallons of water per day, and they were not subject to any regulation, oversight, or administration. In recent years, farmers had been told they had to shut off their water, while housing around them used water without limitations.

Paul Arrington referred the Committee to his handouts "S1083: Idaho's Domestic Use Exemption" (Attachment 1) and proposed amendments to **S 1083** (Attachment 2). He explained the first handout provided some background information, addressed four concerns about the legislation, and answered some common questions.

Mr. Arrington explained this legislation amended Idaho Code regarding Domestic Use Exemption and the use of water in subdivisions. Specifically, the legislation:

1. Amended Idaho Code § 42-227(4) to provide that, in subdivisions within an area that had been designated as a Ground Water Management Area, Critical Ground Water Area, or Moratorium Area, the Domestic Use Exemption would only apply to in-home or stockwatering purposes. All other uses, including irrigation, would require an Application for Permit.
2. Created Idaho Code § 42-111(3) to allow multiple domestic exempt uses to be combined into a single well. This only applies to in-home water use.
3. Created Idaho Code § 42-1701C to provide a streamlined process for ensuring compliance with the domestic use exemption.
4. Amended local government code sections to require that community wells within municipal service areas or areas of impact be compatible with the municipal system and that surface water be used for irrigation when available.

Mr. Arrington outlined the proposed amendments to this legislation as listed on Attachment 2.

DISCUSSION:

Senator Okuniewicz asked how this legislation would work with existing users versus new construction, how they would ease the transition for existing users, what kind of notice would be given, and what options people had if they felt like they were losing some rights. **Mr. Arrington** clarified that this legislation was prospective and did not apply to existing wells, except for the new Idaho Code regarding enforcement and compliance with the domestic use exemption, which applied to all domestic wells.

Senator Guthrie asked why the fiscal note stated no fiscal impact, but also recognized that there would be an increased workload, and how they would employ the penalty phase of this legislation without installing measuring devices.

Mr. Arrington responded that the need for additional staff was at some level an unknown. He stated that they decided not to require meters in this legislation because they wanted to focus their efforts on enacting the more significant parts of this legislation, and they did not believe in-home uses overall included a significant amount of water.

Senator Taylor thanked Mr. Arrington for his work on this legislation and stated he thought it was a step in the right direction.

TESTIMONY:

Tom Points, Idaho Water Utility Council, **Shelley Roberts**, Idaho Rural Water Association, **Richard Durrant**, **August Christensen**, Mayor of Driggs, **Doug Barrie**, **Braden Jensen**, Idaho Farm Bureau, and **Seth Grigg**, Idaho Association of Counties, testified in favor of **S 1083**. **Mr. Points** referred to a letter of support from the Idaho Water Utilities Council. (Attachment 3). Testimony generally praised the process used to develop this legislation, expressed a common concern about the large number of private wells being drilled throughout Idaho, and favored administrative fairness regarding water use. Some expressed concerns about water quality and contamination from domestic wells. **Mr. Christensen** specifically expressed concerns with the difference between the legal requirements when obtaining water for housing development for cities versus counties, and believed this legislation would revise the requirements to be the same for both. **Mr. Grigg** spoke in praise of the additional language requiring planning and zoning commissions to take into consideration the availability, source, and quality of water when they developed and updated their comprehensive plans.

Matt Wilke, **Max Pond**, Idaho Realtors, **Mark Jones**, and **Ken Burgess**, Idaho Homebuilders, testified against **S 1083**. Testimony generally criticized government oversight over domestic water users in order to provide minimal relief to water users in the Eastern Snake River Plain. Some believed this legislation was lengthy and confusing, and some criticized the increased authority given to irrigation districts.

DISCUSSION:

Senator Okuniewicz asked Mr. Wilke how he thought this legislation would impact his property if it passed. **Mr. Wilke** responded that this did not apply to his current property, but he was considering future small rural residential properties.

Senator Kohl asked for the cost of a community well versus a traditional domestic well. **Mr. Wilke** explained that community wells were deeper, had to maintain a higher gallon permit for displacement, and had to maintain community drinking water standards, which required federal oversight.

Senator Harris asked Mr. Wilke if he had a water right on the water he used. **Mr. Wilke** responded that his property was 3.3 acres. He had a half acre irrigation water from his well for his lawn and gardens. His property was contiguous to the irrigation district, so it also had surface water rights, which he used for a couple of acres of pasture. **Senator Harris** asked for clarification that Mr. Wilke had a water right and was not using the domestic exemption. **Mr. Wilke** confirmed that he had two water rights, a domestic water right for year round use, and a surface water right during the irrigation season.

Senator Kohl asked Ms. Roberts if there was precedent for contamination events out of domestic wells. **Ms. Roberts** responded that she was not aware of an incidence of a larger water system being contaminated by a private well, although as Idaho became more populated, properties were becoming closer and closer together.

Senator Van Orden asked Mr. Jones to clarify what his business was. **Mr. Jones** responded that he was a real estate broker specifically dealing with farm and ranch and rural development properties, and he farmed and ranched in Twin Falls.

Mr. Arrington addressed some concerns mentioned in testimony and clarified that there was nothing in this legislation that required a community well or a public water system.

MOTION:

Senator Harris moved to send **S 1083** to the 14th Order of Business for possible amendment. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

**AGENCY
UPDATE**

Chairman Burtenshaw stated due to lack of time, the Idaho Department of Fish and Game Agency Update, Wolf and Grizzly Management Update, and Chronic Wasting Disease Update would be rescheduled.

ADJOURNED:

There being no further business at this time, **Chairman Burtenshaw** adjourned the meeting at 2:48 p.m.

Senator Burtenshaw
Chair

Shelly Johnson
Secretary