

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, March 09, 2016

TIME: 1:30 pm or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

**ABSENT/
EXCUSED:** Youngblood

GUESTS: Andy Waldera, Pioneer Irrigation District; Sarah Higer, Idaho Power; Shawn Parkinson, Idaho Power; Jon Bowling, Idaho Power; Norman Semanko, Idaho Water Users Association; Andy Briner, Idaho Water Users Association; Senator Mark Harris, Idaho Senate

Chairman Raybould called the meeting to order at 1:29 p.m.

MOTION: **Rep. Pence** made a motion to approve the minutes of the February 15, 2016, joint meeting. **Motion carried by voice vote.**

MOTION: **Rep. Boyle** made a motion to approve the minutes of the February 25, 2016, meeting. **Motion carried by voice vote.**

RS 24674: **Rep. Fred Wood** stated that **RS 24674** rejects a rule docket of the Idaho Department of Fish and Game relating to the Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals due to the consensus of opinion of this committee that IDFG lacked authority to promulgate rules.

MOTION: **Rep. Gestrin** made a motion to introduce **RS 24674**. **Motion carried by voice vote.**

RS 24700: **Rep. Marc Gibbs** stated that quagga mussels are a threat as more boats come into Idaho, and stepping up boat inspection is needed to fight the threat. However, more funding is needed to keep priority checking stations open all night or for extended hours. The costs to the Department of Parks and Recreation currently are \$1,199,000, and **RS 24700** would add another \$2 million.

MOTION: **Rep. Burtenshaw** made a motion to introduce **RS 24700** and recommended it be sent directly to the Second Reading Calendar.

Committee discussion expressed concern about small kayaks used only at home being subject to increased fees and a lack of comfort in sending **RS 24700** to the Second Reading Calendar.

MOTION WITHDRAWN: **Rep. Burtenshaw** withdrew his motion to introduce **RS 24700** and recommendation it be sent to the Second Reading Calendar.

MOTION: **Rep. Burtenshaw** made a motion to introduce **RS 24700**. **Motion carried by voice vote.**

Chairman Raybould turned the gavel over to **Vice Chairman Gestrin**

H 569: **Chairman Raybould** presented **H 569**, stating that statute allows for counties and other organized areas to organize a water improvement district to provide for flood control in their area to prepare for area flooding. Many counties organized their water improvement districts, but they did not function, having no board of directors or funds. Legislation is needed to dissolve non-functioning districts without local county commissioners having to hold an election or otherwise go to the expense of a dissolution. **H 569** says that any districts that fail or have ceased to function for more than 2 years may be dissolved by county commissioners on their own volition or by petition of tax payers.

MOTION: **Rep. Bateman** made a motion to send **H 569** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Chairman Raybould** will sponsor the bill on the floor.

Vice Chairman Gestrin turned the gavel over to **Chairman Raybould**.

S 1240: **Norman M. Semanko**, Executive Director, Idaho Water Users Association (IWUA), stated that **S 1240** deals with administrative charges by canal companies. In 1890, express authority was put into Idaho Code to allow canal companies to assess an administrative fee for office work, which was limited to \$10 in 1980. **S 1240** does not request an increase to the fee, but requests the ability to properly categorize the portion that is administrative. For example, if a bill is \$100 and 15% is administrative, charging only \$10, doesn't change the fact that it costs \$15, necessitating \$5 be categorized as other than administrative. **S 1240** cleans up a bookkeeping and compliance issue.

MOTION: **Rep. VanOrden** made a motion to send **S 1240** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. VanOrden** will sponsor the bill on the floor.

S 1241: **Norman M. Semanko**, IWUA, explained **S 1241** is legislation bought by irrigation districts. A strict reading of Idaho Code splits assessments into two parts, like property taxes due in December and June. If an assessment payment is postmarked on June 20th and it arrives on the 21st, it is technically late according to code. It does not embrace the mail room rule where an item postmarked on the due date (20th) but not received until the following business day (21st) is considered to have been received on the due date (20th), and if the due date falls on a Saturday or Sunday, if it is postmarked the following Monday, it is still deemed timely. **S 1241** aligns mailed irrigation district assessment payments with the mail rule. Passing **S 1241** will also relieve the irrigation districts from having to staff people on Saturday to pick up payments.

MOTION: **Rep. Boyle** made a motion to send **S 1241** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Boyle** will sponsor the bill on the floor.

S 1242: **Norman M. Semanko**, IWUA, presented **S 1242**, stating that irrigation districts (district) issue tax assessments, and if someone does not pay their assessment, a tax certificate is issued which can ultimately be sold to anyone. Tax certificates are an authorized vehicle, but not something a district has to do, and many districts like to work out the assessment without a tax certificate or by selling a tax certificate. Persons have walked into a district office saying they want to buy a tax certificate when it has not been issued. **S 1242** makes statutory language clear that district issuance and selling of tax certificates is discretionary.

In response to questions from the committee, **Mr. Semanko** yielded to **Mr. Waldera**, Attorney at Law, Sawtooth Law Offices, who spoke on behalf of Pioneer Irrigation District, in explaining tax certificates are an extension of a lien on the real property. An irrigation assessment goes out, and when a bill becomes delinquent, it automatically becomes a lien in favor of the irrigation district; however, it has a 3-year redemption period. After 3 years a district has to take a tax deed, but during the interim period, tax certificates can be sold to anybody who wants to pay off the delinquency for the amount of the current year in that 3-year period.

MOTION: **Rep. Gestrin** made a motion to send **S 1242** to floor with a **DO Pass** recommendation. **Motion carried by voice vote.** **Rep. Miller** will sponsor the bill on the floor.

S 1278: **Norman M. Semanko**, IWUA, said **S 1278** eliminates an unnecessary layer of red tape for the production of hydropower, using water that is already flowing in existing irrigation canals. Domestic wells have to get drilling permits and deal with water rights, but under **S 1278**, if a canal operator already has a water right, he can use the water in the canal for incidental generation of hydropower with no additional water right application being required if the water use is not more consumptive, the power is not generated outside of the canal and the hydropower use is fully subordinated. An increase in the amount of water diverted from the river would not be allowed.

MOTION: **Rep. Bateman** made a motion to send **S 1278** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Bateman** will sponsor the bill on the floor.

S 1304: **Norman M. Semanko**, IWUA, said **S 1304** clarifies irrigation districts will not be required to conduct an election of landowners for construction of large projects, such as hydroelectric plants, that incur no indebtedness for the project. Where there is no indebtedness, it is a waste of time and resources to require an election of all of the landowners.

MOTION: **Rep. VanOrden** made a motion to send **S 1304** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. VanOrden** will sponsor the bill on the floor.

RS 24710: **Mat Weaver**, Deputy Director, Idaho Department of Water Resources, stated **RS 24710** deletes the September 1 deadline for issuing an order of curtailment. The fixed date for issuance of orders has proved impracticable for water rights in the past and has acted as an obstacle for IDWR directors who have considered groundwater management of the area in the past. The determination of injury cannot be made as far in advance as September 1 of the year prior to the year being administered. Mr. Weaver said, currently, if the Director (IDWR) concludes that the groundwater supply in an area is insufficient to meet the demands of existing water users, then the Director is required to curtail groundwater users until such time there is sufficient ground water to meet the needs. Even if there is a groundwater management plan in place and groundwater users are participating in it, Idaho Code 42-233b currently does not provide express authority to exempt them from the curtailment process. **RS 24710** modifies this by recognizing that junior groundwater users who are participating in approved groundwater plans within a groundwater management area and are in compliance with that plan are exempt from curtailment.

MOTION: **Rep. Wood** made a motion to introduce **RS 24710** and recommended it be sent directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Wood** will sponsor the bill on the floor.

Jen Visser, Idaho Power Company (IPC), introduced her team from IPC: **Shaun Parkinson**, Weather Modification Specialist and Water Resource Leader; **Jon Bowling**, Engineer Leader, Water Planning; **Sarah Higer**, Legal Team; and **Rich Hahn**. **Shaun Parkinson** spoke on cloud seeding, remarking it is an activity we depend upon. It is a term used to describe fog suppression at airports, hail suppression, rainfall enhancement and snowpack enhancement/augmentation. IPC's focus is in snowpack enhancement, in particular, winter orographic cloud seeding. Cloud seeding depends upon an abundance of supercooled liquid water. Cloud seeding provides storms additional efficient ice nuclei that work at warmer temperatures allowing ice formation sooner. This occurs at 23 degree Fahrenheit, but is more effective at 17 degrees Fahrenheit. IPC uses a couple of methods using different equipment, including a remotely operated ground generator and modified aircraft. Mr. Parkinson reviewed IPC's history of cloud seeding and its equipment inventory and history. IPC's cloud seeding flight activity by flight hours and burn-in-place flares by locations and ground generator activity operations by feeding hours and locations were examined.

Mr. Parkinson presented information on benefits estimates. IPC uses multiple approaches to assess benefits; Target Control, which is a statistical based approach; hydrologic modeling using the IPC River Forecast System, and Weather Modeling (WRF) developed by the National Center for Atmospheric Research. Going into the future, IPC has received some cooperative funding for development of the program, and Mr. Parkinson shared plans for the Payette, Boise, Wood and Upper Snake areas. Looking at project costs, it will take approximately a half a million dollars to build out the Upper Snake with current equipment. The Boise and Wood projects at build out will be about another \$720,000.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 3:04 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary