

Testimony of Alan Hansten in Support of Amendment to
Idaho Code 42-612(4)

February 1, 2021

Thank you Mr. Chairman and members of the Senate resources & environment committee for allowing me to speak today on Senate Bill 1005. I am Alan Hansten, general manager for North Side Canal Company and we are in favor of this bill.

This legislation would clarify the interaction between section 42-105 and how water that is diverted in one water district and conveyed in the natural channel of another district is billed. It allows water users who are fully assessed by one water district the opportunity to not be fully charged a second assessment by a second water district. This would be similar to having your car registered in one county and you work in another. The latter county would not be able to charge you the same registration fee.

Map 1

This map shows the Snake River, North Side's main canal, the Little and Big Wood Rivers, and North Side's Y and Z Canals. North Side pays Water District #1, roughly \$100,000 per year to have its Snake River water rights administered in priority and conveyed to the company's point of diversion at Milner Dam. Approximately 10% or 300 cfs, of the Snake River water is delivered by canal to a portion of the Big Wood River near Gooding. My next map shows this area here outlined in green in greater detail.

Map 2

North Side's water is measured and recorded by North Side at the X Drop, and then comingled with water in the Little and Big Wood Rivers that are administered by Water District 37. This comingled water then flows 10 miles down the Big Wood and Malad Rivers. North Side's Snake River water is re-diverted from this flow into the Y and Z canals, providing water to shareholders in the Bliss and King Hill areas.

Assessment

Each of the last 2 years, Water District 37 has assessed North Side about \$60,000 to administer its Water District 37 water rights, 2 stockwater rights totaling 35 cfs and an irrigation water right for 15 cfs, along with its Snake River irrigation water of 300 cfs.

North Side paid a flat fee for this delivery for some time in the 1930s and 40s, for the past several years, North Side's Snake River water that is transported through the Big Wood and Malad has been fully assessed by both Water District 1 and Water District 37 with Water District 1 providing priority administration and the water only moving through Water District 37.

Voting

The Water District 37 full assessment has also caused North Side to be granted voting rights that were determined using the water flow volumes from the Snake River water rights. In other words, North Side's voting power in District 37 is largely composed of the water it diverts from District 1, which has nothing to do with administration and actions in the Wood River basin.

Bill Language

North Side believes that a separate fee should be allowed to be charged by water districts that would cover the administrative costs and expenses for watermaster services for data collection, water measurement, conveyance of water, and record keeping directly attributable to the conveyance of the water that is re-diverted. This would make it consistent with what a water user is authorized to do in section 42-105.

Water District Costs

Water district budgets and assessments are based on the costs associated with administering the water rights within the district, one example being cloud seeding. North Side pays the Water District 1 assessment to cover a portion of the costs for cloud seeding in the Upper Snake River basin. Water District 37 also pays for cloud seeding for the benefit of the water rights administered in the district. As a result of the historical practice of setting assessments within water District 37, North Side has been helping pay for Water District 37 cloud seeding costs for which its Snake River water rights have received no benefit from.

Currently, there is no state law that clearly allows a water district to charge a separate fee in lieu of an assessment for water that only moves through its jurisdictional streams with no priority administration required. The proposed amendment to Idaho Code 42-612(4) would allow a water district to charge a fee instead of an assessment for water conveyed through its jurisdiction as I have described today. Also, this amendment would correct the inflated voice that North Side has been granted in voting rights concerning issues that only pertain to Water District 37 water rights such as cloud seeding or other administrative matters.

Water District 37 Cost Redistribution

North Side recognizes that there will be a re-distribution and an increase in individual assessments to those in Water District 37 and respects the concerns of those water users if a fee is to be charged to North Side for its Snake River water as a result of this amendment passing. However, this issue has been allowed to occur over several years with North Side paying more than its fair share, having greater voting power than it should, and paying for priority administration matters that only concern water rights in Basin 37.

Closing

Members of the Idaho Water User's Association have participated in the development of this amendment and the association supports it. We believe that now is the time to amend 42-612(4) for the benefit of not only North Side, but other water user's that may have the same issue occurring. The legislation would provide opportunities to ensure water users are not double charged for the same water.

Thank you Mr. Chairman and members of the committee. I ask for your support of this bill and will try to answer any questions you may have.