

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

- DATE:** Tuesday, February 11, 2020
- TIME:** 1:30 P.M.
- 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) Shepherd, Raybould
- GUESTS:** Bert Stevenson, IWRB; Brian Patton, Rob Whitney, Shelley Keen, and Tim Luke, Idaho Department of Water Resources; Paul Arrington and Lauren Markuson, IWUA; Norman Semanko, Parsons Behle
- Chairman Gibbs** called the meeting to order at 1:32pm.
- MOTION:** **Rep. Toone** made a motion to approve the minutes of the February 3, 2020 meeting. **Motion carried by voice vote.**
- H 329:** **Shelley Keen**, Water Allocation Bureau Chief, Idaho Department of Water Resources, stated this bill gives the Director of the Department of Water Resources clear authority to receive and retain official documents on media other than paper. He explained, although the Department strives to lead in the delivery of records and information by digital means, they still require original paper documents for many processes, so retain records, for example water rights files, in paper form. He stated the Department will gradually introduce a records management program which will include digital records retention practices and digital filing opportunities for some records, saving time and effort for their customers and staff.
- Paul Arrington**, Executive Director, Idaho Water Users Association, stood in support of **H 329**.
- MOTION:** **Rep. Lickley** made a motion to send **H 329** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Raybould** will sponsor the bill on the floor.
- H 366:** **Tim Luke**, Water Compliance Bureau Chief, Idaho Department of Water Resources, stated this bill amends **Chapter 6, Title 42, Idaho Code** to consolidate language and reduce duplication of sections related to the collection of water district assessments, correct errors, consolidate the requirements for watermaster reporting into one section, authorize watermasters to estimate the amount of water delivered to water users where actual delivery data isn't available for purposes of assessments, and to amend requirements for water district's annual meeting notices.
- MOTION:** **Rep. Blanksma** made a motion to send **H 366** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Blanksma** will sponsor the bill on the floor.

Brian Patton, Executive Officer, Idaho Water Resource Board, presented a ten year progress report of the Eastern Snake Plain Aquifer (ESPA) Comprehensive Aquifer Management Plan (CAMP). He first provided background on the ESPA. From 1912 through 1952, up to 40% of all water diverted through leaky unlined irrigation canals was returned to the ESPA, creating an artificially enhanced aquifer, totalling approximately 17 million acre feet (af) of recharged water. Then, from 1952 through 2015, 13 million of that increase was lost due to dry years, increased demands on water, and changing irrigation practices. That loss equated to approximately 215,000 af annually. Mr. Patton explained when the aquifer level is up, so is the discharge from the Thousand Springs and other springs throughout the system, and when the aquifer is down, so is the discharge from the springs. He stated with that correlation, there were concerns regarding low flows at the Swan Falls dam when the flows go to zero at Milner Dam, generally in late summer and in winter. As a result of reoccurring low flows, discussions began, and in 1984 the Swan Falls Agreement between the State of Idaho and Idaho Power Company was reached which set minimum flow standards of 3,900 cubic feet per second (cfs) during the irrigation season and 5,600 cfs during the non-irrigation season for hydropower generation purposes. With concerns created by low flow years and a decline in the ESPA, the Comprehensive Aquifer Management Plan, or CAMP, was created to help solve water use conflicts.

Mr. Patton explained the ESPA CAMP was adopted by the Water Board and approved by the Legislature as part of the 2009 State Water Plan. CAMP set goals for management of the ESPA by proposing a 600,000 af goal through management actions which include: aquifer recharge, demand reduction, ground water to surface water conversions, and cloud seeding. In May of 2019, **Speaker Bedke** requested the Water Board conduct a ten year review of CAMP actions and implementation. The Water Board approached this review by inventorying aquifer management actions, reviewing reports of aquifer levels, spring flows, reach gain responses, and reviewing reports on finances provided by the State for aquifer management.

Mr. Patton described the following major management actions in CAMP that have been implemented. Aquifer recharge: the Water Board implemented a 250,000 af average annual program with State funding and Legislative direction; Demand Reduction: ground water users agreed to reduce use by 240,000 af in the 2015 Surface Water Coalition-Idaho Ground Water Appropriators (SWC-IGWA) Settlement; Ground Water to Surface Water Conversions: several projects, totalling 87,000 cfs contributed to the 240,000 af reduction; and Cloud Seeding: a cooperative program put into place as a joint venture between Idaho Power, the State, and water users in the Upper Snake, Wood, and Boise River Basins. He stated there were other actions that also contributed to the aquifer management, and when adding up all actions, a total of 554,000 af contributed towards the goal of 600,000 af identified in the CAMP. The CAMP estimated a time table of 30 years but through recent wet years and the many actions, they have almost attained the goal within ten years.

Mr. Patton discussed a few other key topics of the CAMP including ongoing discussions on how the Water Board is trying to define an annual average. The Board is considering proposing a 30 year rolling average due to the fact there are wet years when the recharge exceeds the annual average of 250,000 cfs and dry years where the annual average may not be met. Additionally, he discussed the role of private recharge by others, for example Ground Water Districts, storage water recharge by the Water Board, and how all water going into the recharge program is extensively monitored for quality before, during, and after recharge. The last topic he discussed was finances as they relate to the CAMP. He explained the State is paying for the aquifer recharge and part of the cloud seeding while ground water users are paying for the demand reduction through reduced use and crop production, and through installation of ground water to surface water conversion

projects to reduce ground water use, and finally, cities and food processors are also bearing costs. The CAMP estimates it will cost approximately \$600 million over 30 years to achieve 600,000 af of water.

In response to questions regarding cloud seeding contributions to the recharge and costs, **Mr. Patton** explained Idaho Power operates the cloud seeding program which produces approximately 537,000 af annually across the Eastern Snake Plain. He stated that number will vary because in dry years there are less storm clouds to seed so there is less production, and in wet years cloud seeding would be terminated when there are concerns for avalanches and flooding. He explained, in the winter additional snowpack is created from cloud seeding, then during the spring when the snow melts, that flowing water gets allocated out according to priority water rights. Those priorities include irrigation rights, additional reservoir storage, aquifer recharge, and allowing water to flow past Milner Dam downstream for hydropower. The Water Board is currently working with Idaho Power on an analysis to determine how much water is actually going to each of those priorities. He explained currently any gains from the cloud seeding program are already imbedded in the aquifer recharge number. He also stated there are additional ways they could increase the recharge by doing more cloud seeding as well as being more opportunistic during wet years. In response to the cost of cloud seeding, he stated it varies between \$2.5 million and \$4 million annually and is currently split between Idaho Power, the State, and water users. The goal is to try and get the costs covered equally between the three parties, but currently the water users are only at about 20% of the overall cost, with the State at one-third, and Idaho Power covering the remaining costs.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:49pm.

Representative Gibbs
Chair

Tracey McDonnell
Secretary