

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, January 17, 2019

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, Erpelding, Rubel, Mason, Toone

**ABSENT/
EXCUSED:** Representative(s) Lickley

GUESTS: The sign-in sheet will be retained in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Gibbs called the meeting to order at 1:30pm.

H 1: **Rep. Scott Bedke**, District 27, stated this is the same legislation that was presented during the interim Joint Resources committee meeting on June 6, 2018, and represents significant closure on a big water issue in the Treasure Valley. He stated water is a scarce and valuable resource in Idaho and drives the economy; everyone wants clean and abundant water, whether it's for rural, urban, or agriculture uses. Rep. Bedke remarked that for the purposes of this legislation, Bear Lake is considered off river storage.

Rep. Bedke explained the Boise River system, which includes three reservoirs (Lucky Peak, Arrowrock, and Anderson Ranch) has two functions; irrigation and flood control. After the significant flood control releases in early 2017, many irrigators, who are water rights holders, became concerned because they believed their water was being used up in flood control efforts at a time early in the year when they couldn't use the water. He stated it is because of years like 2017 that their water rights need to be protected and is the genesis for this bill. Rep. Bedke explained this bill addresses water storage and the rights of users to the refill waters in the Boise River system after a flood release. This bill specifically outlines how the Idaho Department of Water Resources will account for stored water after flood control measures and how water rights will be satisfied. He further explained this bill specifies new storage, and the filling of new storage, is classified as anything over 1,000 acre feet, and that new fillings come after the filling of existing storage. For example, recharge, out of basin refills, and most hydro will not jump ahead of existing storage.

Gary Spackman, Director, Idaho Department of Water Resources, stated he is **in support** of this bill. He described this is a product of long and difficult negotiations and many efforts by Legislators to work with people to find common grounds. Mr. Spackman thanked **Speaker Bedke** and **Reps. Moyle and Vander Woude** for all of their efforts in order to reach this settlement agreement. He stated this dispute is a classic example of conflicting instructions he has had to deal with as the Director for the Department. He explained he is responsible for protecting the senior water right holders based on "first in time first in right." Secondly, he is responsible for optimizing beneficial use of the waters of the state of Idaho. Sometimes those two mandates collide, but this bill will help guide him with these differing mandates while protecting water rights.

Those speaking **in support** were **Paul Arrington**, Executive Director and General Counsel, Idaho Water Users Association; **Al Barker**, Attorney, Boise Project Board of Control; **Dan Steenson**, Attorney, Sawtooth Law Offices, representing multiple water user groups in the Treasure Valley; **Rex Barrie**, Boise River Water Master, Basin 63; **Richard Durant**, third generation producer in the Treasure Valley; **Ron Platt**, Wilder Irrigation District; **Mark Zirschky**, Pioneer Irrigation District; **Allen Funkhouser**, Drainage District #2; **Clintin Pline**, Nampa-Meridian Irrigation District; and **Will Patterson**, Nampa-Meridian Irrigation District. They were of the opinion that **H 1** was necessary to clarify water storage and the rights of users to refill waters after a flood control release first before any new storage is authorized.

Chairman Gibbs requested the record reflect nobody came forward to testify in opposition to **H 1**.

In closing, **Rep. Bedke** stated this is a very complicated system built on trust and agreements throughout the years, and has worked well most of the time. It needed this extra piece of legislation, plus this agreement, to make sure all water users have access to water as Idaho continues to grow.

MOTION: **Rep. Moyle** made a motion to send **H 1** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Bedke** will sponsor the bill on the floor.

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

DOCKET NO. 13-0110-1801: **Sharon Kiefer**, Deputy Director, Idaho Department of Fish and Game, stated this proposed rule changes **IDAPA 13.01.10** to not approve possession, importation, transport, sale, barter, or trade of wild elk, moose, mule deer, white-tailed deer, fallow deer, or muntjac deer because of concerns about transmission of Chronic Wasting Disease. Ms. Kiefer clarified this does not apply to fur farms, fish farms, and domestic cervidae managed by the Department of Agriculture, as these are considered agricultural pursuits.

There were concerns raised by several committee members regarding confusion over whether the Fish and Game or Department of Agriculture has purview over the importation of wild elk, and there is some confusion over what is defined as "wild." As a result, it was suggested the Department try to better define wild versus domestic, and to provide more clarification that Fish and Game should be the managing agency for importation of wild elk relative to Chronic Wasting Disease.

MOTION: **Rep. Wood** made a motion to reject **Docket No. 13-0110-1801.** **Motion carried by voice vote.**

DOCKET NO. 13-0109-1805: **Sharon Kiefer**, Deputy Director, Idaho Department of Fish and Game, stated this proposed rule creates an administrative framework for the Fish and Game Commission to adopt Landowner Permission Hunt (LPH) seasons for turkeys in areas of the state to manage turkey depredation on private lands, and to provide landowners with turkey hunting opportunities where turkey hunting is controlled. Landowners must own more than 79 acres to qualify for this program. These LPH tags would be sold on a first-come-first-serve basis at the headquarters or regional offices of the Idaho Department of Fish and Game for both spring and fall hunts.

Doug Bates, representing self, spoke **in support** of this proposed rule. He stated he has been suffering severe turkey depredation on his property and is in favor of this change to allow LPH seasons for turkey on private lands.

MOTION: **Rep. Gibbs** made a motion to approve **Docket No. 13-0109-1805.** **Motion carried by voice vote.**

Due to time constraints, **Vice Chairman Gestrin** announced the remaining Dockets on the agenda will be carried over to the next committee meeting on Monday, January 21, 2019.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:58pm.

Representative Gibbs
Chair

Tracey McDonnell
Secretary