

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, March 03, 2021

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Davis, Mathias

**ABSENT/
EXCUSED:** Representative(s) Vander Woude

GUESTS: Jake Cluff, Benn Brocksome and Associates; Brian Patton, Idaho Department of Water Resources; Paul Arrington, Idaho Water Users Association; Steven Keyser, self

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

MOTION: **Rep. Mathias** made a motion to approve the minutes of the February 23, 2021 meeting. **Motion carried by voice vote.**

Chairman Gibbs announced the Resources and Conservation committee has been granted privileged status by **Speaker Bedke** for the purpose of introducing RSs today.

RS 28704: **Rep. Moyle**, District 14, standing in for **Rep. Troy**, stated this proposed legislation revises the provisions for distribution of funds, designated to the Idaho Department of Fish and Game, from fines and forfeitures to the Public Shooting Range Fund.

MOTION: **Rep. Blanksma** made a motion to introduce **RS 28704**. **Motion carried by voice vote.**

SCR 104: **Paul Arrington**, Executive Director, Idaho Water Users Association, stated this legislation supports changes in the winter flood control rule curves of the Ririe Reservoir project to more properly balance Ririe Reservoir's water supply and irrigation supplies with adequate flood control.

Chairman Gibbs requested the record reflect no one signed up for remote testimony and no one from the audience came forward to testify.

MOTION: **Rep. Blanksma** made a motion to send **SCR 104** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Manwaring** will sponsor the bill on the floor.

S 1072: **Paul Arrington**, Executive Director, Idaho Water Users Association, stated this legislation amends **Idaho Code, Section 43-209**, which addresses a gap in the water code regarding appointment of individuals to fill Irrigation District board vacancies. He explained, Irrigation Districts are divided into divisions, which are geographical areas within the districts. Generally, an individual is qualified to serve on the board if he/she lives within the division to be represented. In recent years, it has become increasingly difficult to find qualified individuals to serve on the board. As a result, if a district opts into the expanded board member residency rules, this amendment allows for an individual to represent a division if he/she owns land within 15 miles of the irrigation district boundary.

Chairman Gibbs requested the record reflect no one signed up for remote testimony and no one from the audience came forward to testify.

MOTION: **Rep. Yamamoto** made a motion to send **S 1072** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wood** will sponsor the bill on the floor.

S 1073: **Paul Arrington**, Executive Director, Idaho Water Users Association, stated this legislation amends **Idaho Code, Section 42-1208**, which involves limitations on claims of adverse possession against water infrastructure such as canals, laterals, ditches, drains, and headgates. He explained, adverse possession is the occupation of land to which another person has title with the intent of taking possession. He stated, currently this section provides that easements and rights of way of Irrigation Districts, Canal Companies, Ditch Associations, and Drainage Districts are not subject to adverse possession, but this section is silent as to the property owned by these entities. Because this section only protects easements, not real property from adverse possession, this amendment will add "real property" to the list of water user property interests protected from adverse possession.

Chairman Gibbs requested the record reflect no one signed up for remote testimony and no one from the audience came forward to testify.

MOTION: **Rep. Wood** made a motion to send **S 1073** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wood** will sponsor the bill on the floor.

Chairman Gibbs turned the gavel over to **Vice Chair Lickley**.

H 266: **Rep. Gibbs**, District 32, stated cloud seeding has been done in various areas of Idaho for many years. This legislation establishes a new Chapter; **Idaho Code, Title 42, Chapter 43**, to provide for cloud seeding in Idaho, it defines cloud seeding, and provides that the Idaho Water Resources Board is responsible to authorize cloud seeding and may participate in the cloud seeding program. **Rep. Gibbs** explained after many years of negotiating with stakeholders over who would benefit from "developed water," this legislation defines water generated through cloud seeding will be administered in accordance with the prior appropriation doctrine and limits liability for participation in certain cloud seeding projects. He indicated this legislation is only the start and more legislation will follow in the coming years as technology is developed to assist in determining how future water distribution will take place. He stated currently there are three airplanes and 57 ground generators used in cloud seeding projects to augment low water levels in the Wood, Payette, and upper Snake River Basins.

In response to committee questions regarding the use of silver iodide and what other elements are being used in cloud seeding, **Brian Patton**, Idaho Department of Water Resources, stated silver iodide is the most common method being used although dry ice and propane have also been used. He explained the Department of Environmental Quality (DEQ) did a study on the effects of putting silver iodide into the atmosphere and if it would negatively impact the environment. That study found silver iodide levels fall well below the threshold that would require air or water quality permits.

Paul Arrington, Executive Director, Idaho Water Users Association, stated there has been quite a lot of discussion on cloud seeding to get the ball rolling with still more studies and work to be done. He remarked the Association has not yet taken a position but are supportive of cloud seeding efforts and are interested in seeing the program expanded.

Steven Keyser, self, spoke **in opposition** to **H 266** indicating he believes it is too soon to send this legislation forward because there are still too many unanswered questions. He spoke with concern that cloud seeding could be harmful to people and the environment.

Monica McKinley, self, stood in opposition to **H 266** due to concerns of the expense of the program and how that might impact people living in the areas where cloud seeding would occur.

Eva Selleck, self, stood in opposition to **H 266** due to concerns over the chemicals used in the cloud seeding process.

Chairman Lickley requested the record reflect no one signed up for remote testimony and no one else came forward to testify.

Rep. Gibbs stood and closed. He stated cloud seeding efforts take place high up in the water drainages, not over populated areas and is only being done to enhance the water supply. He indicated the state water supply impacts each and every one of us; we are all water users. Cloud seeding is only being done in areas where there isn't an adequate supply of water to meet the needs of the population. Any large scale water projects, such as the Mountain Home Air Force Base project and Ririe Reservoir dam project, are all designed to increase the water supply. Cloud seeding is just another tool to increase the water supply in specific areas. He remarked all water projects, both to conserve water and to generate water, have a cost that is spread out in many ways; from farmers idling lands to reduce the use of irrigated water to help develop the aquifer recharge program to the state and its partners for large scale projects.

In response to committee questions regarding the Idaho Water Resource Board's role in cloud seeding, **Brian Patton** clarified the Board does not authorize cloud seeding, but rather an entity must register through the Idaho Department of Agriculture and provide a report to the Director of the Idaho Department of Water Resources. He continued, currently all cloud seeding is done in partnership with the Board, and as long as the Board is a partner, no permits or authorizations would need to be issued. He stated it is highly unlikely an entity would not be a partner with the Board due to the complexities and expense involved with cloud seeding.

MOTION: **Rep. Wood** made a motion to send **H 266** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gibbs** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:28pm.

Representative Gibbs
Chair

Tracey McDonnell
Secretary