

January 15, 2006

Idaho Water Policy Group, Inc.  
1109 W. Main, Suite 300  
P.O. Box 2624  
Boise, ID 83701-2624  
Phone: 208 381-0294  
Fax: 208 381-5272  
Email:  
lynn\_tominaga@hotmail.com  
btominaga@  
idahowaterpolicygroup.org

---

**Inside this issue:**

Calendar	2
Water Updates	2

---

Follow the Idaho  
Legislature on the  
internet at [http://  
www.legislature.  
idaho.gov/](http://www.legislature.idaho.gov/)

View weekly legisla-  
tive reports at  
[idahowaterpolicy-  
group.org](http://idahowaterpolicy-group.org).



# Legislative Reports 2007



The Legislature convened last week with a new governor, a new Speaker of the House, and several new freshman legislators. After a bit of a dust-up in the organizational session last month when House Democrats walked out over committee assignments, the session itself got right down to business.

Governor Otter, in addressing a joint session on Monday, January 8th, delivered a State of the State Budget address that called for setting aside partisan bickering and working together to create a "...leaner, more efficient and effective state government". Citing 3.3% unemployment and a robust revenue situation, Otter proposed a modest 3.1% increase to the state's base operating budget, a 5% merit-based raise for state employees, increasing the grocery tax credit as much as \$90 per person for lower-income Idahoans with no significant expansion of existing programs or major new initiatives. Preferring a spend-as-we-go philosophy to bonded indebtedness, he recommended substantial one-time revenue expenditures for public and higher education, research, prisons and law enforcement, transportation, and parks.

The Governor alluded to the legal issues confronting water users only once, and then briefly, saying, "One of the qualities drawing the dairy industry and other businesses to Idaho is our water. Our river systems and aquifers are the lifeblood of our economy. Managing them wisely is the key to our future success. We are fortunate to have the able and seasoned leadership of Chairmen Stevenson and Schroeder in advancing that commitment to progressive management.

Soon the Idaho Supreme Court will rule on our water management practices and priorities. When it does, I urge you to join me in acting quickly and decisively to enact the necessary changes to our state rules and laws to ensure Idaho's water is preserved, protected and put to work appropriately for the beneficial use of our people."

Chairmen Stevenson and Schroeder had already scheduled informational sessions to educate and update their committees and other legislators on current water issues. Leadership wants to be prepared to respond legislatively to whatever outcome the Supreme Court hands down, preferring to act earlier rather than later in the final, frantic days of the session. And it already appears that April 1st is targeted for the end of the session.

This week rules will be the primary focus while those committees not already meeting will hold organizational sessions. **In a final note, congratulations to Randy Budge whose appointment to the Idaho Fish & Game Commission is expected to be confirmed in Senate Resources today.** Budge, a self-professed fisherman and upland bird hunter, endured a grilling on Friday as to the genetic make-up and disease susceptibility of Idaho's domestic and wild elk populations.

## Calendar

### January 16—21, 2006

#### Monday, January 15:

**Senate State Affairs**—Idaho Energy Resources Authority appointee Randolph J. Hill  
8 a.m., Room 437

**Joint Finance & Appropriations**—Review Governor's Recommendations & 2007-2008 Budget  
8 to 9:45 a.m., Room 328

**House Natural Resource & Conservation**—ICIE Reg. Affairs Overview Administrative Rules, Policy & Stringency  
1:30 p.m., Room 412

#### Tuesday, January 16:

Senate Agriculture, ISDA Briefing & Director Confirmation, 8 a.m. Rm 437

#### Wednesday, January 17:

#### Thursday, January 18:

#### Friday, January 19:

#### Weekly Meeting Schedule

##### Monday

ICIE Environmental Regulatory Committee, 10 a.m.

Givens Pursley Conference Rm

##### Tuesday

Ag Advisors Noon Yen Cheng

##### Wednesday

Food Producers of Idaho

8:30 a.m.

ISDA Conference Room

##### Thursday

IACI 10 a.m. IACI Conference Rm

##### Friday

#### Legislative Committee Schedule

##### Senate Agriculture:

T, TH 8 a.m.

##### Local Government

T, W, TH 3 p.m.

##### Resources & Environment:

M, W, F 1:30 p.m.

##### State Affairs: M, W, F 8 a.m.

##### House Agriculture:

Even days, p.m.

##### Environment, Energy, & Technology:

Even days p.m.

##### Local Government:

Even days, p.m.

##### Resource & Conservation:

Odd days, p.m.

##### State Affairs: Daily, a.m.

View daily agendas at

[www.legislature.idaho.gov](http://www.legislature.idaho.gov)

## Water Information Sessions Held in Resource Committees

The Senate Resources & Environment Committee met on Wednesday, January 10th, for the first time. Senators Chuck Coiner (Twin Falls), John Anderson (Boise), and Jeff Siddoway (Terreton) replace Senators Williams, Burtenshaw and Brandt.

Following introductions and organizational comments, Clive Strong, Office of the Attorney General, updated the committee on water issues. Strong's presentation included a one-page handout summarizing Judge Wood's Order voiding IDWR's conjunctive management rules and a three-page synopsis of the surface and ground water arguments in American Falls Reservoir District 2's case before the Idaho Supreme Court. Pdfs of these documents may be viewed under "News" at [idahowaterpolicygroup.org](http://idahowaterpolicygroup.org). Strong also handed out a summary of Federal Reserve Instream Flow claims.

Strong pointed out that the body of water law developed in Idaho over the last 100 years is largely related to surface water use. Idaho is the first western state to face head-on the challenges of conjunctively administering surface and ground water. He urged patience as the state tries to address various challenges that include recharge, curtailment, conversions, and futile call. Even when the Supreme Court decision is handed down, he suggested that the state take time to carefully analyze its implications before acting.

On Thursday, the Senate Resource committee met jointly with the House Resource & Conservation Committee for a briefing on issues facing Idaho Department of Water Resources (IDWR) and background on the Eastern Snake Plain Aquifer presented by University of Idaho's Idaho Water Resources Research Institute (IWRRI). Newly-appointed IDWR interim director Dave Tuthill updated committee members and other interested legislators as to how IDWR is organized, the roles and functions of its various divisions, and projects the department is involved in: the Conservation Reserve Enhancement Program (CREP), the Spokane Valley-Rathdrum Prairie Hydrologic Project, Palouse Basin Hydrologic Projects, Mountain Home Plateau, and North Ada County Hydrogeologic Characterization Project, Snake River Adjudication and North Idaho Adjudication.

IWRRI took legislators through an overview of conjunctive management as it applies to hydraulically connected water sources in general and then more specifically the water budget, history, and modeling efforts on the ESPA. IWRRI's technical presentation emphasized several key points that appeared to have been lost in last year's battle over HO 800:

recharge is any water entering the aquifer just as discharge is water leaving the aquifer;

water law in Idaho is based on managing surface water use where the effects are immediate, visible and downstream only;

man-made impacts from both surface and ground water use are significantly impacting the ESPA;

future challenges will relate to continued changes in irrigation practices, land use, societal values and potential impacts from climate change;

and, while the Snake Plain is ahead of other basins in facing these challenges, how we solve the problems on the ESPA will have far-reaching impacts throughout the state.