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April 4, 2011

Special points of interest:

*Ground Water Districts purchase
Blue Lakes Trout Farms*

*Idaho Legislature prepares to
adjourn "sine die"*

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2011 Legislative Reports



GWDs Purchase Blue Lakes Trout Farm: North Snake and Magic Valley Ground Water Districts in cooperation with Southwest Irrigation District announced last week that they have reached an agreement to acquire Blue Lakes Trout Farm. The agreement is expected to resolve pending litigation and “most, if not all, of the disputes that have disrupted water use in the ESPA. Those disputes include curtailment of irrigated cropland, critical water short-ages for aquaculture, and mitigation requirements in Water District 130.

HO318, a key component to the successful purchase, passed the House last week. Today the Senate Resource & Environment Committee sent the bill to the floor with a “Do Pass” recommendation. HO318 gives ground water district assessments lien priority similar that already available to irrigation district and canal company entities.

Today marks the 85th legislative day of the 2011 session. Legislators hope to adjourn sine die by Friday, April 8th. Like the 2010 session, the state budget dominated debate and decisions but without federal stimulus dollars, rainy day accounts, or reserve funds to offset reductions.

Legislators invited the public, who responded in unprecedented numbers, to address proposed Education and Health & Welfare cuts. Overall the session also appeared to embrace a more conservative approach to government. But appearances can be deceiving and it would be difficult to say if that approach is a reflection of the times and economy, changes in leadership and incoming freshman, fiscal realities or public demands.

Some suggest that a public backlash awaits legislators when they return home while others maintain that they did the job their constituents sent them to do. Backlash or not, these legislators are to be commended for making difficult decisions of delivering a balanced budget amid revenue shortfalls and an economy second only to the Great Depression.

In that respect it has been an historic session and yet otherwise uneventful compared to recent years when one or both Houses battled each other, a sitting governor or the opposing party on issues ranging from transportation to water issues. The outcome of the decisions made this year are not yet apparent; but, whether you agree or disagree, legislators’ options were limited.

Neal Powell, a long-time member of Bingham Ground Water District and Idaho Ground Water Appropriator’s Board of Directors, died recently. A “Celebration of Life” service will be held Tuesday, April 5th, at the Jason Lee Memorial United Methodist Church in Blackfoot, commencing at 11 a.m.

CALENDAR

Monday, April 4

IPCO, 10 a.m. to noon
 IDWR, Recharge, 1 p.m.
Senate Resource & Environment, HO318,
 WW55, 1:30 p.m.

Tuesday, April 5

Ag Lobbyists, Lock, Stock & Barrel - Noon

Wednesday: April 6

Food Producers
 Idaho Grain Center, 8:30 a.m.

Food Producers Legislative Luncheon, Yen Cheng, - Noon

Thursday: April 7**Friday: April 8**

Idaho Legislature adjourns sine die **TENTATIVE**

Water Legislation—House

H0022-WATER RIGHT LICENSES Amends existing law relating to water right licenses to delete the requirements that licenses be issued under the seal of the office of the Department of Water Resources and that licenses bear the capacity of the diverting works. **House: 3/02 PASSED 69-1-0**

Senate: 03/03 Introduce/Resource & Environment **03/17** Report out “Do Pass”
03/18 2nd to 3rd reading **3/29 PASSED 35-0-0 04/01** To Governor

<http://legislature.idaho.gov/legislation/2011/H0022.htm>

H0023-WELLS Amends existing law relating to drilling permits to revise fee provisions, to provide for the use of certain permit fees, to authorize the director of the Department of Water Resources to provide blanket drilling permits for closed loop heat exchange wells and to provide that the applications for blanket permits for site specific monitoring programs shall include specified design proposals.

House: 03/02 PASSED 52-18-0

Senate: 03/03 Introduce/Resource & Environment

<http://legislature.idaho.gov/legislation/2011/H0023.htm>

H0024-WATER Amends existing law relating to water to delete the requirement that copies of notices be sent by ordinary mail to certain persons, to provide for notices that are accessible from the Internet homepage of the Department of Water Resources, to clarify that published notices are the official notices and to provide that any errors or omissions in notices displayed on the Internet homepage shall not invalidate the published notices **House: 03/02 PASSED 70-0-0**

Senate: 03/03 Introduce/Resource & Environment **03/17** Report out “Do Pass”
03/18 2nd to 3rd reading **03/29 PASSED 35-0-0 04/01** To Governor

<http://legislature.idaho.gov/legislation/2011/H0024.htm>

H0025-WATER Amends existing law relating to permits to appropriate water to revise provisions and requirements relating to submission of proof of beneficial use statements submitted more than sixty days after notice of lapsing and to provide for the reinstatement of such permits and the advancement of priority dates. **House: 01/20** Introduce/Print **01/21** To Resource & Conservation **02/24** Report out “Do Pass” **02/25** To 3rd reading **03/02 PASSED 63-7-0**

Senate: 03/03 Introduce/Resource & Environment **03/17** Report out “Do Pass”
03/18 2nd to 3rd reading **03/29 PASSED 35-0-0 04/01** To Governor

<http://legislature.idaho.gov/legislation/2011/H0025.htm>

H0031-WATER Amends existing law relating to water to revise a fee relating to applications for amendment of permit and to provide for fees for filing applications to change the point of diversion, place, period or nature of use of water under a vested water right; to revise a provision relating to information contained in certain applications to change a water right being deemed in compliance with specified notification provisions and to provide for applicability of specified fee requirements.

House: 03/02 PASSED 47-23-0

Senate: 03/03 Introduce/Resource & Environment **03/17** Report out “Do Pass”
03/18 2nd to 3rd reading **03/29 PASSED 33-2-0 04/01** To Governor

<http://legislature.idaho.gov/legislation/2011/H0031.htm>

CALENDAR

UPCOMING EVENTS

April 11: Water Supply Committee, Boise, Idaho Water Center, 10 a.m.

April 21: IPCO IRP meeting, Boise, 10 a.m. to 4 p.m.

May 4-6: PNWS-AWWA, Boise Centre on the Grove Registration open now: www.pnws-awwa.org

May 5: Drinking Water & Wastewater Professionals Board, IBOL “Idaho Room”, 8:30 a.m. to 5 p.m.

May 6: “Antidegradation Guidance”, IDEQ, Boise 8:30 to 12:30

May 11-12: Rathdrum Prairie CAMP Public Meetings

May 12-13: Idaho Water Resource Board, Coeur d’Alene

May 19: “Antidegradation Guidance”, IDEQ, Boise 8:30 to 12:30

May 24-25: 2011 Idaho Water Reuse Conference Boise, DoubleTree Hotel Riverside Register online at www.deq.idaho.gov/2011IdahoWaterReuseConference

Water Legislation—House

HO042-OUTSTANDING RESOURCE WATERS *Replaced by HO153*

HO094-INJECTION WELLS Amends existing law relating to injection wells to revise terminology to provide for deep injection wells; and to delete an exemption from notice of construction filing requirements and fees for certain new shallow injection wells. **Session Law Chapter 110 Effective: 07/01/11**
<http://legislature.idaho.gov/legislation/2011/H0094.htm>

HO107-AQUIFER PROTECTION DISTRICTS Amends existing law relating to Aquifer Protection Districts to revise provisions relating to fees, to provide that fees shall not be charged to owners of nondeveloped properties and to restrict the amount of fees that a district may retain at any time. **House: 02/04 Introduce/Print 02/07 To Resource & Conservation**
<http://legislature.idaho.gov/legislation/2011/H0107.htm>

HO136-WATERMASTERS Amends existing law relating to water to revise verbiage relating to the removal of watermasters; to provide term of service provisions relating to watermasters; to revise provisions relating to proposed budgets; and to revise provisions relating to those districts that may authorize watermasters to serve as water district treasurers. **House: 02/25 PASSED 66-0-4**
Senate: 02/28 Introduce/Resource & Environment 03/17 Report out “Do Pass” 03/18 2nd to 3rd reading 03/29 PASSED 35-0-0 04/01 To Governor
<http://legislature.idaho.gov/legislation/2011/H0136.htm>

HO137aa, aaS ALTERATION OF CHANNELS OF STREAMS Amends existing law relating to the alteration of channels of streams to provide that in specified situations, no permit shall be required by the state or any agency or political subdivision thereof from a water user or his agent. **House: 03/04 PASSED 56-11-3**
Senate: 03/07 Introduce/Resource & Environment 03/24 To 14th Order 03/29 Report out “amended”/1st to 2nd reading as amended 03/30 2nd to 3rd reading as amended 03/31 PASSED 34-0-1 04/01 House held at desk/House concurred in Senate amendments <http://legislature.idaho.gov/legislation/2011/H0137.htm>

HO138-IRRIGATION Amends existing law relating to irrigation to provide that the heirs, executors, administrators, successors and assigns of a landowner who makes a change in a ditch, canal, lateral, drain or buried irrigation conduit, buries the ditch, canal, lateral or drain of another in pipe or directs the relocation of conduit shall be responsible for certain costs, and to remove the requirement that agreements relating to the relocation of conduit be in writing. **House: 02/25 PASSED 66-0-4**
Senate: 02/28 Introduce/Resource & Environment 03/17 Report out “Do Pass” 03/18 2nd to 3rd reading 03/29 PASSED 35-0-0 04/01 To Governor
<http://legislature.idaho.gov/legislation/2011/H0138.htm>

Water Legislation—House cont'd

HO153-WATER QUALITY Amends existing law relating to water quality to provide a policy relating to Tier I, II and III protections associated with water quality; to provide for an antidegradation review associated with the issuance of certain general permits, to provide that the department may presume certain discharges are insignificant or that certain pollution controls are the least degrading alternative if supported by the permit record; to provide for the identification of Tier II waters; to provide for the determination of appropriate levels of protection; to provide that the department shall determine whether certain activities or discharges are insignificant; and to provide for the approval of specified rules. **Session Law Chapter 116 Effective: 03/22/11**

<http://legislature.idaho.gov/legislation/2011/HO153.htm>

HO241-WATER LEASES *Replaced by HO272*

HO272-WATER LEASES Amends existing law relating to water to revise provisions relating to action by the director of the Department of Water Resources relating to certain proposed leases of water.

House: 03/21 PASSED 55-11-4 Senate: 03/22 Introduce/Resource & Environment **03/28** Report out “Do Pass”
03/30 2nd to 3rd reading **04/01 PASSED 32-3-0** <http://legislature.idaho.gov/legislation/2011/HO272.htm>

HO273-GROUND WATER DISTRICTS *Replaced by HO318*

HO318-GROUND WATER DISTRICTS Amends existing law relating to ground water districts to provide for the priority of certain liens, to clarify reference to certain liens, to provide that certain liens shall constitute such liens until paid and to provide that upon the sale of the property for payment of a lien the purchaser shall take the property subject to certain annual assessments and to provide that specified provisions shall not alter or affect certain liens.

House: 03/28 Introduce/Print **03/29** Resource & Conservation **03/31 PASSED 67-0-3 Senate: 04/01** Introduce/
Resource & Environment **04/04** Report out “Do Pass” <http://legislature.idaho.gov/legislation/2011/HO318.htm>

Senate—WATER

S1077aaH-DRAINAGE DISTRICTS Adds to existing law relating to drainage districts to provide for petitions for consolidation; to provide for hearing; to provide for objections; to provide for orders; and to provide for the appointment of commissioners. **Senate: 02/23 PASSED 34-0-1 House: 03/23 PASSED 66-0-4**

03/24 Senate concurred in House amendments **03/25** To 2nd reading as amended **03/28** To 3rd reading as amended
<http://legislature.idaho.gov/legislation/2011/S1077.htm>

Energy Legislation—House

H0052- GEOTHERMAL RESOURCES Amends existing law relating to geothermal resources to authorize the State Board of Land Commissioners to issue geothermal resource leases for terms of up to forty-nine years on certain state or school lands and to delete reference to other term of lease provisions.

Session Law Chapter 61 Effective 07/01/11 <http://legislature.idaho.gov/legislation/2011/H0052.htm>

Energy Legislation—House cont'd

H0053-GEOTHERMAL RESOURCE LEASES Amends existing law relating to geothermal resource leases to revise provisions relating to the manner of fixing rentals and to provide for royalties.

Session Law Chapter 62 Effective: 07/01/11 <http://legislature.idaho.gov/legislation/2011/H0053.htm>

H0054—GEOTHERMAL LEASES Amends existing law relating to geothermal leases to revise provisions relating to the surface area of geothermal leases. **Session Law Chapter 63 Effective: 07/01/11**

<http://legislature.idaho.gov/legislation/2011/H0054.htm>

H0056-GEOTHERMAL RESOURCES-BONDING Amends existing law relating to geothermal resources to revise bond provisions relating to damages to the land surface and improvements thereon, to provide for bonds relating to reclamation and to clarify that bonds shall not duplicate certain bonds for well closure.

Session Law Chapter 64 Effective 07/01/11 <http://legislature.idaho.gov/legislation/2011/H0056.htm>

HO208-COUNTY-BASED RENEWABLE ENERGY COMMERCE AUTHORITIES Adds to existing law relating to county-based renewable energy commerce authorities to authorize a county-based renewable energy commerce authority, to provide for establishment and abolishment, to provide for combined intermodal and renewable energy authorities, to provide for commissioners, to provide for the cooperation of counties, to set forth powers, to provide for the granting of operation and use privileges, to provide for the disposal of property to provide for bonds and obligations, to provide for the creation of a Debt Service Fund and to set forth provisions relating to federal, state and local money. **House: 02/28** Introduce/Print **03/01** State Affairs

<http://legislature.idaho.gov/legislation/2011/H0208.htm>

HO250-SALES AND USE TAX/ALTERNATIVE ELECTRICITY Amends existing law to revise requirements regarding the sales tax rebate for equipment used in alternative methods of generation of electricity; and extending the sunset date to July 1, 2014. **Held** <http://www.legislature.idaho.gov/legislation/2011/H0250.htm>

HO265-INDUSTRIAL WIND FARM AND WIND TURBINE MORATORIUM Adds to existing law to put a moratorium on certain industrial wind farms and wind turbines for a time certain. **Held**

<http://www.legislature.idaho.gov/legislation/2011/H0265.htm>

HO321-SALES AND USE TAX Amends and adds to existing law to provide the authority of the Public Utilities Commission and its jurisdiction over the avoided cost rates paid to PURPA qualifying facilities and to revise requirements regarding the sales tax rebate for equipment used in alternative methods of generation of electricity; and extending the sunset date to December 31, 2014. **House: 03/29** Introduce/Print/To Revenue & Taxation

<http://legislature.idaho.gov/legislation/2011/H0321.htm>

HO322-SALES AND USE TAX Amends existing law to revise requirements regarding the sales tax rebate for equipment used in alternative methods of generation of electricity; and extending the sunset date to July 1, 2014.

House: 03/29 Introduce/Print/Revenue & Taxation <http://legislature.idaho.gov/legislation/2011/H0322.htm>

HO337-SALES AND USE TAX Amends and adds to existing law to provide the authority of the Public Utilities Commission and its jurisdiction over the avoided cost rates paid to PURPA qualifying facilities and to revise requirements regarding the sales tax rebate for equipment used in alternative methods of generation of electricity; and extending the sunset date to December 31, 2014. **House: 03/30** Introduce/Print **03/31** To 2nd reading/**Rules Suspended/PASSED 41-25-4** **Senate: 04/01** Introduce/Local Government

<http://legislature.idaho.gov/legislation/2011/H0337.htm>

ENERGY—Senate

S1035 RENEWABLE ENERGY SITING PERMITS Adds to existing law to provide an expedited permitting process from the state and local governments for renewable energy projects.

Senate: 01/21 Introduce/Print 01/24 State Affairs <http://legislature.idaho.gov/legislation/2011/S1035.htm>

S1058 BOARD OF ENVIRONMENTAL QUALITY Amends existing law relating to the Idaho Board of Environmental Quality to provide that municipalities and community and nonprofit noncommunity public drinking water systems shall agree to provide for full amortization of loans not later than thirty years from the date project construction is completed regarding contracts between the board and such entities concerning eligible construction projects.

Session Law Chapter 44 Effective 07/01/11 <http://legislature.idaho.gov/legislation/2011/S1058.htm>

S1112 SCHOOL DISTRICTS-ALTERNATIVE ENERGY Amends existing law relating to school districts and alternative energy to revise the types of renewable energy school districts may own, maintain or contract for and to provide for sales of excess electrical energy from renewable sources. **Senate:** 02/14 Introduce/Print 02/15 State Affairs

<http://legislature.idaho.gov/legislation/2011/S1112.htm>

APPROPRIATIONS

H0244-ENERGY RESOURCES Appropriates to the Office of Energy Resources an additional \$350,000 for fiscal year 2011; transfers the remaining balance of the Biofuel Matching Fund to the General Fund; appropriates \$2,843,100 to the Office of Energy for Resources for fiscal year 2012; limits the number of full-time equivalent positions to 18; and authorizes certain Non-General Fund carryover authority. **House:** 03/14 PASSED 59-11-0

Senate: 03/24 PASSED 35-0-0 03/30 To Governor <http://legislature.idaho.gov/legislation/2011/H0244.htm>

H0245-SPECIES CONSERVATION Appropriates \$22,920,600 to the Office of Species Conservation for fiscal year 2012; and limits the number of full-time equivalent positions to 12. **House:** 03/14 PASSED 56-12-2

Senate: 03/24 PASSED 35-0-0 03/30 To Governor <http://legislature.idaho.gov/legislation/2011/H0245.htm>

H0259-ENVIRONMENTAL QUALITY DEPARTMENT Appropriates \$61,455,500 to the Department of Environmental Quality for fiscal year 2012; limits the number of full-time equivalent positions to 376.05; transfers \$486,700 from the Hazardous Waste Emergency Management Fund to the General Fund; transfers \$1.5 million from the Water Pollution Control Fund to the Environmental Remediation Fund; and expresses legislative intent.

House: 03/16 PASSED 50-19-1 **Senate:** 03/29 PASSED 28-7-0 04/01 To Governor

<http://legislature.idaho.gov/legislation/2011/H0259.htm>

H0291-WATER RESOURCES DEPARTMENT Appropriates an additional \$170,000 to the Idaho Department of Water Resources for fiscal year 2011; appropriates and transfers \$2,465,300 from the Revolving Development Fund to the Secondary Aquifer Planning, Management, and Implementation Fund for fiscal year 2011; appropriates \$20,103,100 for fiscal year 2012; and limits the number of full-time equivalent positions to 159. **House:** 03/22 PASSED 53-15-2

Senate: 03/31 PASSED 34-0-1 <http://legislature.idaho.gov/legislation/2011/H0291.htm>

S1140-PUBLIC UTILITIES COMMISSION Appropriates \$5,090,500 to the Public Utilities Commission for fiscal year 2012; and limits the number of full-time equivalent positions to 49. **Senate:** 03/11 PASSED 34-0-1

House: 03/17 PASSED 68-1-1 03/23 To Governor 03/25 Governor signed **Session Law Chapter 131 Effective:**

07/01/11 <http://legislature.idaho.gov/legislation/2011/S1140.htm>

S1152-SOIL AND WATER CONSERVATION COMMISSION Appropriating an additional \$24,000 to the Soil and Water Conservation Commission for fiscal year 2011; appropriating \$2,505,000 to the Soil and Water Conservation Commission for fiscal year 2012; and limiting the number of authorized full-time equivalent positions to 16.

Senate: 03/11 PASSED 34-0-1 **House:** 03/23 PASSED 68-1-1 03/31 Governor signed **Session Law Chapter 150**

Effective: 03/31/11 *Section 1;* 07/01/11 *All other sections* <http://legislature.idaho.gov/legislation/2011/S1152.htm>

RESOLUTIONS

HCR003-NATURAL RESOURCE ISSUES- Stating findings of the Legislature and authorizing the Legislative Council to appoint a committee to undertake and complete a study of natural resource issues.

House: 02/01 ADOPTED 65-0-5 Senate: 02/02 Introduce/To Resource & Environment **02/15** Report out “Do Pass” **02/16** To 10th Order **02/21** Ret’d to Resource & Environment **03/29** Report out “Do Pass” **03/30** 10th Order **ADOPTED 33-0-2** <http://legislature.idaho.gov/legislation/2011/HCR003.htm>

HCR004-ENERGY, ENVIRONMENT & TECHNOLOGY ISSUES-STUDY

Stating findings of the Legislature and authorizing an interim legislative study committee on energy, environment and technology issues. **02/22** To Secretary of State

<http://legislature.idaho.gov/legislation/2011/HCR004.htm>

HCR16-ENVIRONMENTAL QUALITY DEPARTMENT—RULES Stating findings of the Legislature and rejecting certain rules of the Department of Environmental Quality relating to Water Quality Standards.

03/24 To Secretary of State <http://legislature.idaho.gov/legislation/2011/HCR016.htm>

SCR101-AQUATIC NUISANCE SPECIES Stating findings of the Legislature expressing that the state of Idaho and its citizens are concerned with the threat of aquatic nuisance species and will collectively strive to educate and prevent the contamination of Idaho's public lakes, streams, rivers and creeks, and encourage industry and recreationists around the world to be aware that Idaho takes the responsibility to protect and preserve its natural resources very seriously. **Senate: 02/09** Introduce/Print **02/11** 10th Order **02/11** Agricultural Affairs **03/09** Report out “Do Pass” **03/10** 10th Order **ADOPTED** Voice Vote **House: 03/11** 1st reading/Agriculture Affairs **03/17** Report out “Do Pass” **03/18** To 3rd reading <http://legislature.idaho.gov/legislation/2011/SCR101.htm>

RULES REVIEW

IDWR 37-0310-1001 Well Driller Licensing

37-0203-1001 Water Supply Bank Rules

IDEQ: 58-0102-1001 Water Quality Standards (Antidegradation) *Final and effective March 18, 2011*

58-0108-1001 Public Drinking Water *Final and effective upon adjournment*

58-0117-1001 Reclamation and Reuse of Municipal and Industrial Wastewater
Final and effective pending adjournment

58-0120-0901 Administration of Drinking Water Loan Program *Final and effective upon adjournment*

Appointments

Robert “Bob” C. Barowsky, Idaho Fish & Game Commission

Randall C. Budge, Idaho Fish & Game Commission

Chuck Cuddy, Idaho Water Resource Board