

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@hotmail.com

www.idah2o.org

February 28, 2011

Special points of interest:

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2011 Legislative Reports



Education and Health & Welfare issues remain the dominate topics for legislators, the media and the public. However, the Joint Finance and Appropriations Committee (JFAC) began its budget setting process last week. Included in last week's proceedings were budgets for the Public Utilities Commission, Office of Energy Resources, Ag Research and Extension, Department of Agriculture, and Soil Conservation Commission.

This week Office of Species Conservation and Idaho Department of Environmental Quality (IDEQ) are up, followed next week by Idaho Department of Water Resources (IDWR).

IDWR fended off an effort by Democrats on JFAC to shift a \$2.4 million supplemental appropriation from the Idaho Water Resource Board (IWRB) to the general fund for education last week. The supplement represents monies being paid by ground water users to pay back an IWRB loan for the purchase of Pristine Springs. IWRB needs JFAC authority to shift those funds to its secondary aquifer management fund to develop projects on the Eastern Snake Plain Aquifer (ESPA). The funds would be state's 40% match on approved projects. The remaining 60% would be provided by stakeholders.

Senate Bill 1058 is on its way to the Governor's desk, having passed both houses. The bill clarifies language so that IDEQ can amortize wastewater loan terms over 30 years instead of 20. The benefit is lower annual payments and rates for municipal and community infrastructure upgrades.

CALENDAR

Monday, February 28

JFAC Budget Setting/Office
Species Conservation

Senate Resource & Conservation, WW55, 1:30 p.m. H52,
53, 54, 56

Tuesday, March 1

Ag Lobbyists, Lock, Stock & Barrel - Noon

Wednesday: March 2**Food Producers**

Idaho Grain Center, 8:30 a.m.

Food Producers Legislative

Luncheon, Yen Cheng, - Noon

Thursday: March 3

JFAC Budget Setting/IDEQ
(approximate date)

Friday: March 4**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: 01/20** Introduce/Print **01/21** To Resource & Conservation **02/24** Report out “Do Pass” **02/25** To 3rd reading

<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: 01/20** Introduce/print **01/21** To Resource & Conservation **02/24** Report out “Do Pass” **02/25** To 3rd reading

<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: 01/20** Introduce/Print **01/21** To Resource & Conservation **02/24** Report out “Do Pass” **02/25** To 3rd reading <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

<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: 01/20** Introduce/Print **01/21** To Resource & Conservation **02/24** Report out “Do Pass” **02/25** To 3rd reading

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

H0042-OUTSTANDING RESOURCE WATERS *Replaced by HO153*

CALENDAR

UPCOMING EVENTS

March 8

JFAC Budget Setting/IDWR
(approximate date)

March 10:

Antidegradation Draft Guidance Advisory Committee, Boise, IDEQ Hdqtrs, 8:30 a.m.

March 11:

Idaho Water Resource Board, Idaho Water Center, Time TBA

March 15-16: Treasure Valley CAMP, Time & location TBA

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 24-25: 2011 Idaho Water Reuse Conference Boise, DoubleTree Hotel Riverside

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Water Legislation—House

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. **House:** 02/03 Introduce/Print 02/04 To Resource & Conservation 02/22 Report out "Do Pass" 02/25 PASSED 62-3-5

Senate:

<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:** 02/10 Introduce/Print 02/11 To Resource & Conservation 02/22 Report out "Do Pass" 02/25 PASSED 66-0-4

Senate:

<http://legislature.idaho.gov/legislation/2011/H0136.htm>

HO137aa 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:** 02/10 Introduce/Print 02/11 To Resource & Conservation 02/22 To General Orders 02/24 Report out amended 02/25 1st to 2nd reading as amended

<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:** 02/10 Introduce/Print 02/11 To Resource & Conservation 02/22 Report out "Do Pass" 02/25 PASSED 66-0-4

Senate:

<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. **House: 02/23 PASSED 54-14-2**

Senate: 02/24 Introduce/To Resource & Environment
<http://legislature.idaho.gov/legislation/2011/H0153.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.

House: 2/18 PASSED 60-0-10

Senate: 02/21 Introduce/Resource & Environment **02/28** Hearing scheduled
<http://legislature.idaho.gov/legislation/2011/H0052.htm>

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.

House: 2/18 PASSED 60-0-10

Senate: 02/21 Resource & Environment **02/28** Hearing scheduled
<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.

House: 2/18 PASSED 60-0-10

Senate: 02/21 Introduce/Resource & Environment **02/28** Hearing scheduled
<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.

House: 02/21 PASSED 68-0-2

Senate: 02/22 Introduce/Resource & Environment **02/28** Hearing scheduled
<http://legislature.idaho.gov/legislation/2011/H0056.htm>

Energy Legislation—House cont'd

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

Senate—WATER

S1077-DRAINAGE DITCHES 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: 02/24** Introduce/Resource & Conservation
<http://legislature.idaho.gov/legislation/2011/S1077.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. **Senate: 02/17 PASSED 33-0-2 House: 02/25 PASSED 57-9-4**
<http://legislature.idaho.gov/legislation/2011/S1058.htm>

Senate—ENERGY

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>

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>

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

<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. **House: 02/08 ADOPTED 66-0-4**

Senate: 02/15 ADOPTED 35-0-0

02/22 Delivered to Secretary of State

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

<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)

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