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February 5, 2007

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Legislative Reports 2007



IDWR “Curtailment Would Be Devastating”

2007 will be a key, pivotal, even critical year for Idaho Department of Water Resources and Idaho’s water users, Dr. David Tuthill, IDWR interim director, told members of the House Resource and Conservation Committee in a presentation on January 31st. Facing renewed water delivery calls and absent an Idaho Supreme Court decision on the constitutionality of its conjunctive management rules, Idaho Department of Water Resources’ only option is curtailment.

Because the Idaho Supreme Court denied the state’s earlier request to temporarily “stay” the district court ruling that the conjunctive management rules are unconstitutional, the department must follow common law. When asked about the extent and possible cut-off date, Tuthill could only reply that the maximum number could be high and broad, but more likely would be a lesser number. IDWR is working every day trying to find a solution to avoid the economic devastation that curtailment could cause.

Tuthill also updated the committee on the draft framework for the Eastern Snake River Plain Aquifer (ESPA) Comprehensive Aquifer Management Plan. That framework is expected to be presented in early February. Meanwhile, the Surface Water Coalition and Clear Springs Foods are circulating their own draft “Eastern Snake Plain Aquifer Management Plan Framework” among legislators.

He also reported on the status of the Snake River Basin Adjudication, the North Idaho Adjudication, water research being conducted around the state, and staffing concerns at the Department. Funding, recharge (both managed and incidental), and conjunctive management/administration as issues that are important throughout the state.

On February 5th, ground and surface water representatives will meet at the Idaho Water Center in Boise to re-open negotiations to resolve the water conflict on the Eastern Snake Plain Aquifer. Once the court has ruled, Governor Otter is also preparing to convene a water summit.

JFAC will review IDWR’s budget on February 7th. Other budgets up for review next week include Soil and Conservation, Department of Agriculture, and Department of Environmental Quality. See calendar page 2.

CALENDAR

**February 5—February 9,
2007**

Monday, February 5:
**ICIE Environmental Regulatory
 Committee**, 10 am
 Givens Pursley Conference Rm
JFAC: Soil Conservation,
 Department of Agriculture, Depart-
 ment of Fish and Game Budgets
 8 a.m. to Noon
**Senate Resources & Environ-
 ment: Wolves** 1:30 pm Rm 433

February 5: Legislative Services
 Office Deadline for requesting drafts &
 joint resolutions

Tuesday, February 6:
Senate Agriculture:
 8 am Rm 437
JFAC: IDEQ Budget
 10:15 a.m. to 11:15 a.m.
Ag Advisors Noon Yen Cheng
**ICIE Annual Gold Room Work-
 shop** "From BioTech to BioFuels"
 1:30 p.m. to 4 p.m. 4th Floor Statehouse

Wednesday, February 7:
Food Producers of Idaho
 8:30 am ISDA Conference Room
JFAC: Idaho Water Resources
 Budget 8 a.m.
**House Natural Resource & Con-
 servation—** 1:30 pm Room 412
**Senate Resources & Environ-
 ment:** ICIE Presentation
 1:30 pm Rm 433

Thursday, February 8:
IACI 10 a.m. IACI Conference Rm

Friday, February 9:
**House Natural Resource & Con-
 servation—** 1:30 pm Room 412
**Senate Resources &
 Environment:** Bio-mass
 1:30 pm Rm 433

Monday, February 12: Deadline to
 introduce joint resolutions & bills from
 nonprivileged committees

Rules

IDAPA 24: Bureau of Occupational Licenses:
 24.05.01 Board of Drinking Water and Wastewater Professionals
 Docket No. 24-0501-0601

IDAPA 58 Department of Environmental Quality
 58.01.02 Water Quality Standards *Pending rule*
 Docket No. 58-0102-0505

58.01.08 Public Drinking Water Systems *Pending rule*
 Docket No. 58-0108-0601 & 0602

58.01.11 Ground Water Quality *Pending rule*
 Docket No. 05-0111-0601

58.01.16 Wastewater Rules *Pending rule*
 Docket No. 58-0116-0502

58.01.17 Reclamation and Reuse of Municipal and Industrial
 Wastewater *Pending rule*
 Docket No. 58-0117-0601

58.01.12 Water Pollution Control Loans (Fee Rule) *Pending rule*
 Docket No. 58-0112-0501

IDAPA 31 Public Utilities Commission
 31.11.01 Safety and Accident Reporting Rules for Utilities Regulated by
 the Idaho Public Utilities Commission *Pending rule*
 Docket No. 31-1101-0601

The House and Senate Agriculture Committees heard presentations from the national 25 x 25 Renewable Council, a grassroots organization promoting renewable energy using agricultural and forestry resources to benefit the environment, national security and economic growth. 25 x 25 receives financial support from the Energy Future Coalition to promote its vision that "by 2025, America's farms, forests and ranches will provide 25 percent of the total energy consumed in the United States, while continuing to produce safe, abundant, and affordable food, feed and fiber." Renewable energy is a way to bring new technologies to market, save consumers money, reduce U.S. dependence on Middle Eastern oil, create good-paying new jobs in rural America, promote clean air, reduce pollution, and slow global warming.

Last year Idaho, under then-Governor James Risch, became one of more than 20 states to join business, labor, conservation and religious groups to endorse 25 x 25's vision. In November Food Producers of Idaho proposed that the Energy, Environment and Technology Legislative Interim Committee adopt a policy goal that 25 percent of Idaho's energy come from Idaho farms, ranches, timber and other working lands by 2025. The 2007 Draft Energy Plan does endorse the 25x25 vision. More information is available at www.25x25.org.

HOUSE

H0085 IRRIGATION FACILITIES - Adds to existing law relating to irrigation districts to provide certain tax exemptions for certain irrigation facilities. **HOUSE: 2/1 Introduce/Print**

H0086 IRRIGATION DISTRICTS - Amends existing law relating to irrigation districts to revise procedures relating to the qualification of voters. **HOUSE: 2/1 Introduce/Print**

H0087 IRRIGATION DISTRICTS - Amends existing law relating to irrigation districts to provide for recording of notices of election; and to revise timing provisions relating to the redemption or repurchase of water rights. **HOUSE: 2/1 Introduce/Print**

H0099 PETROLEUM CLEAN WATER TRUST FUND - Amends existing law to increase the unencumbered balance in the Petroleum Clean Water Trust Fund before the imposition of the transfer fee shall be suspended; to increase the fund balance amount that will allow the imposition of the transfer fee to be reinstated; to allow the State Endowment Fund to invest trust fund moneys; and to provide that the Petroleum Clean Water Trust Fund Board shall determine by resolution whether the State Treasurer or State Endowment Fund shall manage the investment of funds. **HOUSE: 2/2 Introduce/Print**

Energy

HOUSE

H0014 MOTOR FUELS - TAXATION - BIODIESEL - Amends existing law relating to the motor fuels tax to provide a definition for "biodiesel and biodiesel blends"; and to include biodiesel and biodiesel blends in products subject to the petroleum transfer fee. **HOUSE: 1/16 Introduce/Print 1/17 Revenue/Taxation 1/24 Referred to Transportation**

H0030 CITIES - ELECTRIC GENERATION - Adds to existing law to authorize cities to participate as joint owners or power purchasers in joint electric generation and transmission projects; and to provide required terms and provisions for participation agreements and related matters. **HOUSE: 1/19 Introduced/Print 1/22 Environment, Energy & Technology 1/25 Report out with do/pass 1/26 2nd to 3rd reading 1/31 PASSED - 67-0-3 SENATE: 2/1 Introduced/1st reading/State Affairs**

H0032 ENERGY RESOURCES AUTHORITY - Amends existing law to allow the Idaho Energy Resources Authority to manage and operate distribution facilities; and to allow the State Treasurer to invest in fixed or variable rate bonds of the authority so long as such bonds are not less than investment grade. **HOUSE: 1/19 Introduce/Print 1/22 Environment, Energy & Technology 1/25 Report out with do/pass 1/26 2nd reading - to 3rd reading 1/31 PASSED - 66-0-4 SENATE: 2/1 Introduce/State Affairs**

SENATE

S1041 ENERGY FACILITY SITING - Adds to existing law relating to major energy facility siting to create a State Energy Facility Planning Committee; to provide membership; to provide for the state energy facility siting management plan; to provide for permits and licenses; to provide for expansion, enlargement or alteration of energy facilities; to provide for review and siting licenses; and to provide for the creation of site review panels. **SENATE: 1/19 Introduce/Print 1/22 State Affairs**