



**Eastern Snake Plain Aquifer (ESPA)
Implementation Committee**

**Funding Working Group - Meeting Summary
November 10, 2009**

The ESPA Plan Funding Working Group reviewed the October 28th meeting notes and re-affirmed the direction to collect \$1 an acre per year from all irrigated acres across the ESPA through the county structure.

The discussion focused on issues and options to collect the additional \$1 from groundwater users as well as the other Plan contributions. Two options were outlined including:

- 1) Water Districts that Administer Groundwater Collect Fees**
 - a. Potentially better than GW districts as it could include a means to collect municipal and spring user fees
 - b. Water Districts were established for administration of water resources and have a consistency in organizational structure (some GW districts are more organized than others)
 - c. Would need to authorize the ESPA Plan fees as a 'line item' rather than have it as part of the budget.
 - d. Preferable to do aggregate billing to GW districts who would then add the fee to the GW district billing
 - e. May increase the number of people who elect not to pay it –curtailment is not the enforcement mechanism, although aggregate billing would militate against this concern.

- 2) Collection through GW districts –**
 - a. Legislation would need to provide additional authorities to GW Districts to collect CAMP fees and the requirement to be a part of a GW district.
 - b. Could provide a mechanism to collect for municipal users, i.e. on a hook up a fee – each city will pay X for each connection.
 - c. Some GW districts already assess through the assessor's office – use treasurer's mechanism.
 - d. Ground Water/Water District communication is often confusing and may prove challenging
 - e. Includes an established process, i.e. lien on property and if unpaid for three years turn over to the water board
 - f. More of a 'grassroots' organizations with varying degrees of organization and capacities
 - g. Might make it harder to pay for property taxes due to fees

Q: What if there is a dispute between the GW districts/ WD on the number of irrigated acres, who do we take that issue to? A: The Implementation Committee and ultimately the Water Board would listen an appeal.

Q: What is the penalty for non-compliance, a lien against the land? What happens when there is a challenge to the tax bill? A: In the current draft bill, the IWRB would use normal methods for debt collection, i.e. civil action against unpaid fees. While a property lien is the most efficient mechanism there are concerns about its use.

Q: What is the role of the county Auditors/Clerk? A: In many cases once a fee is prepared and ready to be put on the tax role, final fees it will go to the Clerk/Auditors; afterward the 'clean' information is sent to the Treasurers office for collection.

Brian Patton and Phil Rassier will present at the County Assessor's meeting on November 17 and engage in a dialogue on issues and information that they can provide to assist in the collection effort.

Additional Discussion Notes

Kerry Ellen Elliot, Idaho Association of Counties, noted that she is concerned about the total additional amount that would be added to the tax bill and wondered if it would require a separate billing. The concern is that an increased tax bill, due to ESPA Plan contributions, would jeopardize the ability to pay the tax bill. It was mentioned that if the county receives only partial payment, the funds received must be apportioned out among the entire tax district, potentially risking other programs. Others mentioned that the CAMP fees are very small, when considered on a per acre basis, and negligible given the productivity of the land. In addition, it was emphasized that the CAMP fee is not being collected for the Water Board's purpose, but rather to serve the ESPA water user constituents across the counties in the ESPA. This issue will be discussed again at the next WG meeting.

Lynn Tominaga discussed the use of GW districts and provided information on how users are assessed, including the role of the counties (see attached document from Lynn). While there is variability among GW districts, those GW districts that already collect fees on a per-acre basis will be able to collect the additional \$1 relatively easy, while those GW districts that collect by CFS will be more complicated. There are a number of issues to consider when using GW districts for collection of ESPA Plan fees, including consistency between the assessor's information and the GW districts when billing, as well as developing a tracking system of who has paid the fee. Q: Are the groundwater district billings on the tax rolls (mitigation or other fees) or are they 'specials'? A: Depends on the GW District.

Cindy Yenter, IDWR, discussed the issue of groundwater users that are within the ESPA boundaries but outside of a water district. Cindy noted that there are a number of acres in WD 130 that would be missed if the additional \$1 an acre was collected by GW districts alone. Groundwater users may be part of a GW district for mitigation insurance only or

full members. One strategy is to collect fees from these types of users (GW users not in a GW district) through the entity where they report their annual use.

Ernie Carlsen, IDWR, reinforced the point that all users are within a water district but not necessarily in a groundwater district. One option is to include a legislative requirement for users to participate in a GW district for the purpose of collecting CAMP fees. Q: If every acre is within a water district then why would we not bill through water districts that serve groundwater users. One issue is that WD's don't have the ability to bill in the acres but rather by diversion and that the enforcement is shutting off water.

WG members felt that it was important to organize everyone in the ESPA as part of some organization; one principle to build on was identifying and using the agency/institution where they currently report their use.

Any assessment through Water Districts would need legislative authorization while collection from GW districts would also need authorization for collection and a requirement for all groundwater users to be part of GW district, i.e. amend statute that requires pumpers in the area of interest to join GW districts.

Next Meeting

The next Funding Working Group meeting will be Monday, November 23rd at 3 pm via teleconference. A revised draft bill will be distributed prior to the meeting.

Call-in Information is:

Dial-in Number: 1-218-486-8700
Participant Access Code: 475392

Attendees:

Debbie Kaufman – Twin Falls County
Barb Fry – Nez Perce County
Janice Lawes - Bingham County
Kerry Ellen Elliot – Idaho Association of Counties
Hal Anderson
Jeff Raybould
Randy Bingham
Lynn Tominaga
Alex Le Beau
Phil Rassier
Brian Patton
Cindy Yenter
Ernie Carlson
Jonathan Bartsch