

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Thursday, April 22, 2021

**TIME:** 1:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Vick, Senators Bair, Heider, Patrick, Guthrie, Burtenshaw, Stennett, and Rabe

**ABSENT/ EXCUSED:** Vice Chairman Johnson

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Vick** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 1:00 p.m.

**HCR 21** **Lemhi River Basin Settlement. Representative Dorothy Moon**, District 8, presented **HCR 21**, saying it would extend SCR 137. That resolution adopted last year would allow the Idaho Water Resource Board (IWRB) and local water users to resolve issues related to the high water flows in the river basin consistent with past and current practices in Idaho Code.

**DISCUSSION:** **Senator Stennett** inquired as to what has been agreed to and what is still needing more work. **Representative Moon** said what they have worked on was determining who the water rights belonged to and the high water flows. Also, the Idaho Department of Fish and Game (IDFG) has discussed flushing flows to improve fish habitat.

**Senator Burtenshaw** said the high water that is being referred to is in the Lemhi Basin. The ranchers use it twice – the water that is used for irrigation on the ground comes back in the river at a different place and can be used again, so it is beneficial to those who use it.

**Senator Heider** asked for more clarity of the resolution. **Representative Moon** said there was some contention in the Valley as to who has the water rights and it has involved IDFG, IWRB, as well as landowners.

**Senator Stennett** asked how long has the IWRB been participating in this settlement effort. **Mat Weaver**, Deputy Director, Idaho Department of Water Resources, replied they had been participating in the settlement agreements for about a year. After the Idaho State Legislature passed SCR 137 last year, initiating the settlement discussions, IWRB brought on former Attorney General Clive Strong and another attorney, Norm Semanko, to act as co-facilitators because 24 pending water right applications for various uses were protested. There was a test case and what came out of that was a need to bring all parties together and work through those conflict issues. There needs to be clear guidance to the water users in the Lemhi basin so that IWRB does not have to take every one of those protested applications to trial, **Mr. Weaver** said.

**Mr. Weaver** said there are two major issues IWRB is looking at and one of them is recognition of that historical practice of diverting high flows in the spring to recharge the aquifers. There are no reservoirs in the Lemhi Valley, so they like to think of this practice as a type of reservoir. Another component of this is getting minimum streamflow rights in the basin for support of the fish recovery efforts that are ongoing that the IWRB, IDFG, and Office of Species Conservation have put a lot of effort into.

**Senator Stennett** asked if part of the discussion is about restoration work being done or is it just purely about water rights during high flows. **Mr. Weaver** said what is discussed is a comprehensive settlement that results in high flow water rights, minimum streamflow water rights, and the resolution of all 24 protested applications.

**MOTION:** **Senator Burtenshaw** moved to send **HCR 21** to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Chairman Vick** adjourned the meeting at 1:15 p.m.

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Senator Vick  
Chair

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Juanita Budell  
Secretary