

NATURAL RESOURCES INTERIM COMMITTEE

August 11, 2003

TELEPHONE CONFERENCE MEETING

The telephone conference call meeting was called to order at 3:00 p.m. by Cochairman Dell Raybould. Other committee members participating were Cochairman Senator Laird Noh, Senator Don Burtenshaw, Senator Fred Kennedy, Representative Bert Stevenson, and Representative Charles Cuddy. Nonvoting members present were Senator Skip Brandt and Senator Brad Little. Senator John Andreason, Senator Stan Williams, and Representative Lawrence Denney were absent and excused.

Others participating were Clive Strong, Idaho Attorney General's Office/Natural Resources, and legislative staff members Katharine Gerrity and Toni Hobbs.

After opening remarks by Representative Raybould, Senator Noh moved that the committee go into executive session pursuant to the protective order of the court and Section 67-2345(f), Idaho Code, for the purpose of considering and advising its legal representatives in pending litigation, specifically that involving pending federal reserved water rights litigation and associated matters. The motion was seconded by Senator Burtenshaw. A roll call vote was taken with Senators Noh and Burtenshaw and Representatives Raybould, Stevenson and Cuddy all voting in favor of moving the meeting into executive session. Senator Kennedy voted against moving the committee into executive session but noted that he would abide by the decision of the committee, participate in the executive session and maintain confidentiality of the information addressed during the session. The committee then proceeded with the executive session.

Representative JoAn Wood and Michael Bogert, counsel to the Governor, joined the meeting in progress. Representative Burtenshaw moved, and Representative Stevenson seconded, that the executive session be dissolved. The committee reconvened and it was noted for the record that during the executive session no final action was taken or final decisions made.

A motion was made by Senator Noh, seconded by Senator Burtenshaw, that the committee endorse moving forward with the next phase of negotiations, recognizing that all parties have not yet approved the terms. A unanimous vote in approval of the motion was recorded.

A second motion was made by Senator Noh, seconded by Representative Stevenson, that the committee direct legal counsel to advise the Governor that it concurs in the recommendations made in executive session by legal counsel and furthermore recommends that legal counsel

communicate its desire that the state continue mediation consistent with legal counsel's recommendation to the mediator, Mr. Francis McGovern. Senators Noh, Burtenshaw, and Kennedy and Representatives Raybould, Stevenson and Wood all voted in the affirmative with Representative Cuddy voting against the motion.

Senator Kennedy moved, with a second by Representative Wood, that the meeting be adjourned. All voting in the affirmative, the meeting was adjourned at 5:30 p.m.