

MINUTES  
JOINT MEETING

**HOUSE RESOURCES & CONSERVATION COMMITTEE  
SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Friday, January 17, 2014

**TIME:** 1:30 P.M.

**PLACE:** Lincoln Auditorium

**MEMBERS:** Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Rubel

Chairman Pearce, Senators Siddoway, Brackett, Heider, Tippetts, Stennett, Lacey

**ABSENT/  
EXCUSED:** Representative(s) Moyle, Vander Woude, Anderson(1), Vice Chairman Bair, Senator Cameron

**GUESTS:** Michael Sibbett, Eagle Creek Land & Livestock; Bill Myers, Holland & Hart; John J. Williams, BPA; Raeleen Weston, ICOA; and Norm Semanko, Idaho Water Users Association.

**Chairman Pearce** called the meeting to order at 1:31 p.m.

**Chairman Pearce** welcomed the guest speakers.

**Chairman Pearce** said the presentation was an informational meeting regarding Grays Lake real estate issues.

**John Sandy**, from Senator Risch's Office, provided an introduction to Grays Lake history. Mr. Sandy said the Grays Lake area includes a migratory bird wildlife reservation. The government and private owners' land compile a checkerboard around the Grays Lake area. A resolution to ownership of the lake has been in dispute and the controversy has continued for over 100 years. The parties have proposed a solution to resolve the problem of ownership.

**Ernest Lombard**, guest speaker and private land owner at Grays Lake, whose father was a French immigrant and arrived in 1921 at Grays Lake. His father was never able to resolve the issue of lake ownership.

**Mike Sibbit**, guest speaker, is a 4th generation land owner at Grays Lake. His family was one of the original homesteaders. Mr. Sibbits was ten-years old when Grays Lake was made a wildlife refuge. Mr. Sibbits became involved in 1993 and has visited Washington, D.C. on several occasions regarding the Grays Lake issue. Mr. Sibbits thanked Clive Strong and the Attorney General's office for their diligence and attempts to resolve the issue. He also thanked his law firm, Holland and Hart, for their many years of legal assistance with Grays Lake. Mr. Sibbits believes the government and Grays Lake land owners are close to finding an amicable resolution.

**Clive Strong**, State of Idaho Attorney General's Office, explained the difficulty in resolving the rightful ownership of Grays Lake. Mr. Strong stated whether the Grays Lakes' water was navigable or non-navigable at the time of Idaho becoming a state, over 100 years ago, determined whether the State of Idaho or the Grays Lake land owners owned the lake. Mr. Strong interpreted that under the equal footing doctrine, states own the beds of those bodies of water navigable at the time of statehood. Mr. Strong further explained, the title to non-navigable waters are if a body of water was not navigable at statehood, owners of the adjoining uplands own to the center of the water body. Mr. Strong said in the case of Grays Lake, the ownership of the lake is divided up like a pie. Mr. Strong believes there is a resolution with varying options. Mr. Strong stated those options are for a land owner to be paid for their interests or to trade for grazing rights elsewhere. Mr. Strong stated the land exchanges are more difficult. Mr. Strong explained that everyone involved has water rights including the Bureau of Indian Affairs and the State of Idaho. Mr. Strong believed the state was in a good position for any cash payouts that may be requested by the Grays Lake land owners.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 2:23 p.m.

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Representative Denney  
Chair

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Jennifer Smith  
Secretary