

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Friday, March 02, 2018

TIME: 1:00 P.M. (or upon adjournment)

PLACE: Room WW55

MEMBERS PRESENT: Chairman Bair, Vice Chairman Siddoway, Senators Brackett, Heider, Bayer, and Stennett

ABSENT/ EXCUSED: Senators Vick, Johnson, and Jordan

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 Bair** called the meeting of the Senate Resources and Environment Committee (Committee) meeting to order at 12:15 p.m.

Chairman Bair welcomed Senator Harris to the meeting and invited him to present **H 603**.

H 603 **Senator Harris** said the current statute codifies the landmark stockwater rights case of *Joyce Livestock Co. v. United States* which held that an agency of the federal government cannot obtain stockwater rights under Idaho law unless it actually owns livestock and puts the water to beneficial use. Prior to the Idaho Supreme Court's 2007 decision in *Joyce Livestock*, thousands of stockwater rights were decreed to, or permitted in the name of, federal agencies. This legislation will require the Idaho Department of Water Resources to issue a "show cause" letter to the federal agencies. Due process is provided to the agencies to prove they have put their stockwater rights to beneficial use in the last five years.

Senator Harris asked that **H 603** be referred to the 14th Order of Business for amendment. The amendment is as follows: On page 2 of the printed bill, in line 19, delete "a federal" and insert: "any federal"; and delete lines 20 through 24 and insert: "(b) Submit the list of stockwater rights to the federal agency; and (c) Submit an order to the federal agency identifying the stockwater right or rights held by that federal agency and requiring the federal agency to show cause before the director why the stockwater right or rights should not be lost or forfeited pursuant to section 42-222(2), Idaho Code.". On page 3, delete lines 4 and 5, and insert: "(7) This section applies only to stockwater rights decreed to the United States that were based on a claim of beneficial use. It does not apply to stockwater water rights decreed to the United States based on federal law or acquired pursuant to chapter 2, title 42, Idaho Code.".

TESTIMONY: **Russ Hendricks**, Idaho Farm Bureau, testified in support of **H 603**.

WRITTEN TESTIMONY: Written testimony was submitted by Bryan Searle, President, Idaho Farm Bureau Federation, in support of **H 603**.

WRITTEN TESTIMONY: Written testimony was submitted by Tucker Shaw, President, Idaho Cattle Association, in support of **H 603**.

MOTION: **Vice Chairman Siddoway** moved that **H 603** be referred to the 14th Order for amendment. **Senator Heider** seconded the motion. The motion carried by **voice vote**. **Senator Harris** will be the floor sponsor.

ADJOURNED: There being no further business at this time, **Chairman Bair** adjourned the meeting at 12:23 p.m.

Senator Bair
Chair

Juanita Budell
Secretary