

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, March 15, 2018

**TIME:** 8:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Kloc (Tway)

**ABSENT/  
EXCUSED:** Rep.(s) Scott, Holtzclaw, and Barbieri

**GUESTS:** Lynn Bachman, Owyhee Cattleman Association, Braden Jensen, Idaho Farm Bureau, Paul Arrington, IWVA, Jonathan Oppenheimer, Idaho Conservation League

**Chairman Loertscher** called the meeting to order at 8:04 a.m.

**HP 1:** **Rep. Blanksma** presented **HP 1**, to encourage the Constitutional Defense Council, I.C. 67-6301, to use its funds to offset attorney fees incurred by Joyce Livestock Co. and LU Ranching Co. in vindicating at the Idaho Supreme Court, the State's sovereignty, and authority over stockwater rights on federal lands in Idaho, and use \$600,000 from the Constitutional Defense Council Fund. The State of Idaho has been codifying water law rulings that restored, maintained, and advanced the sovereignty of the State of Idaho over Federal Overreach for the benefit of Idahoans. Appropriations of non-navigable waters on federal lands became a matter of state law. Requirement for constitutional stockwater right became determinate on use of water by livestock. Water rights on federal lands became pertinent to deeded ranches. A pertinent water right can pass with the land unmentioned in the deed of transfer. The last two years the State of Idaho has been codifying results of Joyce and LU, and the last eleven years ranchers have continued to pay legal fees that perfected a public right, benefiting the entire state, and 17,000 stockwater right holders. Attorney fees were two million dollars, and have been negotiated to \$600,000. In answer to committee questions, Rep. Blanksma reported no requests for fees by the cattlemen had been made. The Constitutional Defense Council Fund currently is \$1.8 million.

**Lynn Bachman**, President of Owyhee Cattleman's Association, and **Braden Jensen**, Idaho Farm Bureau, spoke **in support** of **HP 1**. Idaho is a majority of public land. The federal government owns 76% of the land. This case set a precedence in our state and across the west. Our water rights have been protected. The Department of Water Resources failed to recognize the federal government couldn't put stockwater rights to beneficial use, and recommended it to the adjudication court in error. The Attorney General didn't stand up to defend these rights. This burden was placed upon these ranchers. It is a constitutional right to have water rights. In response to committee questions, the federal government has no cattle so would not need the water rights.

**Rep. Blanksma** deferred to **Bill Meyers**, attorney, council to Speaker of the House. The Idaho Supreme Court denied a claim by the ranchers for attorney's fees. The defense council has extraordinary discretion in how they are going to dispense Constitutional Defense Council funds. Mr. Meyers' firm does not receive money for this case.

**Chairman Loertscher** explained it is difficult for an individual to file not knowing if anyone else had filed. There are those who would say constitutional funds have been used in the past. Doing the proclamation states we feel an injustice has been done, and will allow it to be heard by those who can make a decision.

**Rep. Palmer** stated that ranchers participate in search and rescue missions, fight fires, and battle to keep ranches and businesses operating, and help keep Idaho's economy.

**Rep. Crane** spoke **in support** of the proclamation. The State of Idaho needs to send a message that Idaho stands in support of the cattlemen.

**Rep. Monks** initially felt legal fees shouldn't be paid, and now feels Idaho's Constitutional Rights should be defended, and the fees be paid.

**Rep. Luker** spoke **in support** of the proclamation.

**MOTION:** **Rep. Palmer** made a motion to send **HP 1** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Blanksma** will sponsor the proclamation on the floor.

**MOTION:** **Rep. Smith** made a motion to approve the minutes of the February 19, and March 13, 2018 meetings. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 8:48 a.m.

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Representative Loertscher  
Chair

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Jayne Feik Spinato  
Secretary