

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Monday, March 21, 2022

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

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Vick, and Senators VanOrden (Bair), Blair (Johnson), Patrick, Guthrie, Burtenshaw, Stennett, and Semmelroth

**ABSENT/ EXCUSED:** Vice Chairman Heider

**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 1:03 p.m.

**MINUTES APPROVAL:** **Senator Semmelroth** moved to approve the Minutes of March 9, 2022. **Senator Blair** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator VanOrden** moved to approve the Minutes of March 16, 2022. **Senator Blair** seconded the motion. The motion carried by **voice vote**.

**RS 29860** **Concurrent Resolution Stating Findings of the Legislature and Approving Pending Rules That Impose a Fee or Charge. Unanimous consent request for Referral to a Privileged Committee for Printing. Jess Byrne**, Director, Idaho Department of Environmental Quality (DEQ) explained Idaho Code § 67-5224 requires certain administrative rules that impose a fee or charge be approved by adoption of a concurrent resolution before the rules become effective. **RS 29860** was a concurrent resolution to approve pending fee rules for DEQ, or **Docket 58-0000-2100F**. Changes within these rules were reviewed and approved in Committee earlier in this legislative session.

**MOTION:** **Senator Blair** requested unanimous consent to send **RS 29860** to a Privileged Committee. There were no objections.

**H 749** **Lemhi Basin - Adds to existing law to establish provisions regarding the Lemhi Basin Comprehensive Settlement Agreement. Brian Patton**, Executive Officer, Idaho Water Resource Board (Board), provided some history of the development of the Lemhi River Basin Water Settlement Agreement. He stated work began on this settlement in 2020 with the goal of developing a comprehensive settlement to address conflict over competing water supply demands in the Lemhi River Basin. The goals of the settlement were to preserve farming and ranching in the Lemhi River Basin and to provide water for agricultural needs, while also protecting endangered fish and working within Idaho water law and policy. The resulting agreement included participation between the Board in consultation with Idaho Water Resources, local water users, Water District 74, the Lemhi Irrigation District, the public, and others. **Mr. Patton** stated this settlement has broad support.

**Mr. Patton** explained the historical practice of high flow water diversion in the Lemhi Basin and how this was used as the storage reservoir for the Basin. He explained the purpose of **H 749** was to help implement the water settlement agreement by:

- creating a path and process to convert the historical practice of high flow diversions into actual water rights

- creating the minimum stream flow water right held by the Board on the Lemhi River at McFarland Campground, and on a couple of tributaries to the Lemhi Basin, including Big Timber, Bohannon, Canyon, and Hayden Creeks

**DISCUSSION:** **Senator Guthrie** asked if some of the solutions found in the Lemhi River Basin Water Settlement Agreement could be used in his District. **Mr. Patton** responded yes, although another recent agreement that might be more applicable to the situation faced in Basin 29 would be the Basin 37 settlement in the Wood River.

**Senator Stennett** asked for clarification regarding the effort to give out more water rights with such limited water resources. **Mr. Patton** responded this was an attempt to convert the historical high flow water practice in the Lemhi Basin, which was not a water right but was allowed under the general provision in the Snake River Basin Adjudication, into water rights for that practice. In response to a follow up question from **Senator Stennett**, **Mr. Patton** confirmed that in this situation, water rights would only be for a certain period of time, historically spring and early summer, when water levels are high.

**MOTION:** **Senator Burtenshaw** moved to send **H 749** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**. Senator Burtenshaw will carry on the floor.

**ADJOURNED:** There being no further business as this time, **Chairman Vick** adjourned the meeting at 1:23 p.m.

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Senator Vick  
Chair

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Shelly Johnson  
Secretary