

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Monday, February 10, 2025

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

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Burtenshaw, Vice Chairman Hart, Senators Guthrie, Harris, Cook, VanOrden, Kohl, and Taylor

**ABSENT/ EXCUSED:** Senator Okuniewicz

**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 Burtenshaw** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 1:30 p.m.

**GUBERNATORIAL APPOINTMENT VOTE:** **Senator VanOrden** moved to send the Gubernatorial Appointment of **Lonnie Allen** of Ashton, Idaho to the Outfitters and Guides Licensing Board to the floor with recommendation that she be confirmed by the Senate. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT VOTE:** **Senator Taylor** moved to send the Gubernatorial Appointment of **James Keating** of Hailey, Idaho to the Parks and Recreation Board to the floor with recommendation that he be confirmed by the Senate. **Senator VanOrden** seconded the motion. The motion carried by **voice vote**.

**NOTE:** **Chairman Burtenshaw** stated **RS 32298** would be moved to the later on the agenda.

**H 15** **FISH AND GAME - Amends existing law to provide an exception to the terms "outfitter" and "guide."** **Senator Ricks** explained that Idaho State universities had the ability to take students on excursions, mainly on waterways, for educational purposes. This legislation provided that all public or private post-secondary education institutions accredited by an organization recognized by the State Board of Education received an exception to the requirement of being a licensed outfitter for these excursions. This exception had previously only applied to public, but not private, postsecondary schools.

**TESTIMONY:** **Morris Christensen**, representing Brigham Young University, Idaho, testified in favor of **H 15**. He believed removing the administrative burden of licensing, which was not required for state owned universities in Idaho, would allow the University to better serve their students.

**MOTION:** **Senator VanOrden** moved to send **H 15** to the floor with a **do pass** recommendation. **Vice Chairman Hart** seconded the motion. The motion carried by **voice vote**.

**S 1020**                    **ENERGY AND MINERALS - Amends existing law to provide for the deposit of moneys collected from the federal government pursuant to the Federal Power Act.** **Richard Stover**, Administrator, Idaho Governor's Office of Energy and Mineral Resources (OEMR) explained the purpose of this legislation was to update Idaho Code to direct that a portion of the State's assessments received from Federal Energy Regulatory Commission (FERC) licensees for the use of federal land was remitted to a dedicated fund used by OEMR. OEMR needed the increased funding to help manage their responsibility to advise policy makers on energy and mining issues in the face of an increasing number of projects. He estimated the increased funding would amount to approximately \$150,000 annually and would not have a negative impact on any other programs or revenues.

**DISCUSSION:**        **Chairman Burtenshaw** asked why there were no increased funds listed on the fiscal note. **Mr. Stover** responded that the language for the fiscal note was formulated by OEMR in consultation with the Department of Financial Management (DFM). He explained that this legislation would not increase or decrease OEMR's appropriations, would not increase or decrease revenues received by the State, and did not include funding that was relied on for budget purposes or counted on for any particular project.

**MOTION:**            **Senator VanOrden** moved to send **S 1020** to the floor with a **do pass** recommendation. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

**S 1040**                    **WATER - Amends existing law to revise provisions regarding irrigation district contracts.** **Paul Arrington**, Executive Director, Idaho Water Users Association, explained this legislation provided an exception in Idaho Code to allow irrigation districts to enter contracts relating to recharge activities, even if a director or officer had an interest in the contract, provided that the director or officer received none of the profits from that contract. He was concerned that a strict reading of Idaho Code would prevent collaborative recharge efforts and believed this legislation would allow districts to continue to work together with their neighbors to complete vital recharge efforts in the Eastern Snake Plain, and other areas as needed throughout Idaho.

**DISCUSSION:**        **Senator VanOrden** asked for an example of a conflict that would be solved with this legislation. **Mr. Arrington** responded that there was an irrigation district where there were some recharge pits and monitoring wells located along their canal, but located on property owned by a director of the irrigation district. In this case, the irrigation district entered into a contract with the property owner, but they were worried that a strict reading of Idaho Code could prevent these contracts in the future. **Senator Guthrie** asked what the incentive would be for someone to allow a recharge project if they did not realize some kind of gain. **Mr. Arrington** responded there were many different recharge projects, and many that did realize a gain, but for these particular arrangements it would be up to the board member to decide if the arrangement was appropriate for them.

**MOTION:**            **Senator Harris** moved to send **S 1040** to the floor with a **do pass** recommendation. **Senator Cook** seconded the motion. The motion carried by **voice vote**.

**S 1041**                    **WATER - Amends existing law to revise provisions regarding distributing laterals, ditches, or other conduits.** **Mr. Arrington** explained this legislation amended Idaho Code § 42-909 to recognize that in addition to irrigation districts, canal companies and other irrigation entities could receive a petition from those on a lateral who may be disputing management of that lateral and help them resolve their dispute. The term conduit was also added to the list of water supply systems to clarify that these rights and opportunities applied to piped laterals.

- DISCUSSION:** **Senator VanOrden** requested clarification on the meaning of conduit in this legislation. **Mr. Arrington** responded that conduit was added to this legislation to ensure that people on an open ditch who had the rights provided in this legislation did not lose those rights if they later piped that open ditch.
- TESTIMONY:** **Norm Semanko**, representing Big Wood Canal Company, testified in favor of **S 1041**.
- MOTION:** **Senator VanOrden** moved to send **S 1041** to the floor with a **do pass** recommendation. **Senator Cook** seconded the motion. The motion carried by **voice vote**.
- RS 32298** **Senate Joint Memorial on Water Storage Solutions.** **Senator Cook** explained this joint memorial urged Federal and State agencies to study and develop additional water storage solutions in Idaho, including the potential reconstruction of the Teton Dam. The goal of this legislation was to ensure long-term water security for Idaho's agriculture, growing population, and economy.
- DISCUSSION:** **Senator Kohl** asked how much water would be stored if the Teton Dam was rebuilt. **Chairman Burtenshaw** responded 200,000 acre feet. **Vice Chairman Hart** asked for the current status of the Teton Dam. **Senator Cook** responded that there was nothing there. He added that he met with many people, including Idaho's US congressmen and senators, and everyone was in favor of rebuilding the dam, although the approval process for the dam would require the same approval process as if it was a new project. **Vice Chairman Hart** asked if there had been any studies done in the last 50 years to determine how to rebuild the the dam. **Senator Cook** responded that they had not specifically examined rebuilding the dam. **Senator Taylor** asked where the money would come from to rebuild the dam. **Senator Cook** responded that it would be State and federal government money.
- Jerry Merrill**, Mayor of Rexburg, Idaho, shared the reasons he was in favor of rebuilding the Teton Dam. He believed almost everyone in the area was also in favor of this project. Some of the reasons he was in favor of rebuilding were increased water storage, flood control, power generation, and recreation opportunities. In response to a request from Senator Van Orden, **Mr. Merrill** shared some of his experience living through the aftermath of the Teton Dam break and subsequent flood. He added that a remembrance event was planned for the fiftieth anniversary of the dam break in June 2026, which would celebrate the resilience of the people in Eastern Idaho and the way people came together to rebuild and reconstruct their lives.
- MOTION:** **Senator Kohl** moved that **RS 32298** be sent to print. **Vice Chairman Hart** seconded the motion. The motion carried by **voice vote**.
- NOTE:** **Chairman Burtenshaw** stated **RS 32278** would be heard next on the agenda to accommodate Senator Anthon.
- RS 32278** **Relating to Domestic Water Uses.** **Senator Anthon** stated this legislation addressed one component in the ongoing effort to preserve the health of the Snake River Plain Aquifer. He explained this legislation amended Idaho Code regarding the Domestic Use Exemption and the use of water in subdivisions. It would initiate a look at the areas where there were critical issues in the aquifer, it would only allow for some in-home domestic uses, it would begin a look at how subdivisions impacted critical areas, and it would start curbing some domestic uses and try to get them under control.
- MOTION:** **Senator Harris** moved that **RS 32278** be sent to print. **Senator Cook** seconded the motion. The motion carried by **voice vote**.

**RS 31979**            **Relating to Assessment Liens.** **Mr. Arrington** explained this legislation amended Idaho Code § 43-706 to clarify that liens for irrigation assessments had a first priority on the property assessed. This amendment aligned Section 43-706 with Sections 42-906, 42-2201, and 42-5240. This conformed the Irrigation District Code with other assessment codes in Idaho Statute.

**DISCUSSION:**      **Senator Guthrie** asked if this legislation was prospective or retroactive. **Mr. Arrington** responded that it was prospective.

**MOTION:**           **Vice Chairman Hart** moved that **RS 31979** be sent to print. **Senator Cook** seconded the motion. The motion carried by **voice vote**.

**RS 32358**            **Relating to the Water Supply Bank.** **Mr. Arrington** explained this legislation amended Idaho Code § 42-1764 to provide that the five year forfeiture clock started over when a water right was removed from the water supply bank.

**MOTION:**           **Senator VanOrden** moved that **RS 32358** be sent to print. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

**RS 32245**            **Relating to Recreational Fees.** **Senator Harris** explained this legislation increased the overall Off-Highway Vehicle (OHV) sticker fee to \$20 for adult residents, \$30 for nonresidents, and \$30 for rental machines. These funds were distributed to the Idaho Department of Lands (IDL), county sheriffs, and Idaho Department of Parks and Recreation. OHV fees were last increased in 2009 and this increase was to keep up with inflation. Funds from this fee were used to build and maintain trails, to provide additional funding for OHV law enforcement, and to help retailers that sell these stickers.

**MOTION:**           **Senator Cook** moved that **RS 32245** be sent to print. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

**RS 32277**            **Relating to Trespass.** **Senator Harris** explained the purpose of this legislation was to clarify Idaho Code to ensure that when the government or a landowner allowed recreational use of their land, subject to terms or limitations, and provided notice of those terms or limitations, and a recreationist acted contrary to the terms of the permission given, then the recreationist shall be considered in criminal trespass.

**DISCUSSION:**      **Senator Cook** asked if this legislation pertained to both private and public land. **Senator Harris** responded that it did.

**MOTION:**           **Senator Cook** moved that **RS 32277** be sent to print. **Senator VanOrden** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:**        There being no further business at this time, **Chairman Burtenshaw** adjourned the meeting at 2:23 p.m.

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Senator Burtenshaw  
Chair

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Shelly Johnson  
Secretary