

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 34

BY WAYS AND MEANS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REAFFIRMING IDAHO'S RIGHTS PURSUANT
TO THE BEAR RIVER COMPACT.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Bear River is a vital lifeline for the agricultural, municipal, and recreational economy of southeastern Idaho, specifically sustaining Idaho's Bear Lake, Franklin, Caribou, and Oneida counties; and

WHEREAS, the distribution of the waters of the Bear River is governed by the Amended Bear River Compact of 1980 (Compact), a binding interstate agreement between the states of Idaho, Utah, and Wyoming that is ratified by the United States Congress; and

WHEREAS, the Compact divides the Bear River into three segments, the Upper Division, Central Division, and Lower Division; and

WHEREAS, the Lower Division begins at Stewart Dam, north of Bear Lake in Idaho, and terminates at the Great Salt Lake, in Utah; and

WHEREAS, under the Compact's specific provisions governing the Lower Division, the water in the Bear River is allocated as follows (compact allocation waters):

(1) Idaho holds a statutorily defined "first right" to develop, deplete, and beneficially use the first 125,000 acre-feet of water;

(2) Utah holds a subsequent "second right" to develop up to 275,000 acre-feet of water, only after Idaho's specific allocation has been satisfied; and

(3) Both Idaho and Utah hold an equal right to divert up to 75,000 acre-feet of any remaining water in the Bear River's Lower Division; and

WHEREAS, based on these allocations, Idaho has a competitive imperative to develop and actively manage its allocation of water to prevent subordination or loss; and

WHEREAS, the preservation of Bear Lake is critical to Idaho, not only for its immense recreational value but also as a storage reservoir subject to the irrigation reserve, which acts as a safeguard for Idaho irrigators during periods of drought; and

WHEREAS, growing pressures, including demands from downstream users and potential federal encroachment, threaten to strand Idaho's undeveloped compact allocation waters unless concrete steps to develop infrastructure are taken; and

WHEREAS, prior appropriation, combined with the pressures of regional population growth, dictates that Idaho must move from passive entitlement to active development of its compact allocation waters.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein:

1 (1) That the Legislature unequivocally reaffirms Idaho's entitlement
2 to the first 125,000 acre-feet of water in the Lower Division as guaranteed
3 by the Amended Bear River Compact and declares it the policy of this state
4 to vigorously oppose any federal or interstate attempt to reallocate, dimin-
5 ish, or encumber this water for downstream purposes in Utah;

6 (2) That the State of Idaho shall invest in state-of-the-art telemetry,
7 stream gauging, and diversion metering in the Lower Division as this data
8 collection is essential to scientifically quantify Idaho's current develop-
9 ment and to substantiate future development;

10 (3) That Idaho's commissioners to the Bear River Commission are di-
11 rected to strictly interpret and enforce the irrigation reserve water
12 elevation statutes for Bear Lake;

13 (4) That while the State of Idaho supports collaborative efforts to
14 control invasive species and improve water quality, such cooperation shall
15 not be construed as a waiver of Idaho's right to develop its full compact
16 allocation;

17 (5) That the Idaho Water Resource Board is directed to prepare two re-
18 ports as follows:

19 (a) The first report, shall be provided to House and Senate leadership
20 no later than June 1, 2026, and shall include the following:

21 (i) A description of the current development of the compact allo-
22 cation waters for Idaho and Utah as of the date of this resolution;

23 (ii) The frequency and timing of water supplies in the Lower Divi-
24 sion that are available for further development; and

25 (iii) Preliminary opportunities for further development of
26 Idaho's compact allocation to address Idaho's statewide water
27 obligations, including estimated costs and timelines for com-
28 pleting projects related to the opportunities identified in the
29 report.

30 (b) The second report shall be completed no later than September 30,
31 2026, presented to the Natural Resources Interim Committee, and include
32 the following:

33 (i) Recommended and prioritized projects for further development
34 of Idaho's compact allocation; and

35 (ii) An outline of the necessary steps for the Idaho Water Re-
36 source Board, the Idaho Department of Water Resources, and the
37 Idaho Legislature to secure future development of Idaho's compact
38 allocation waters.

39 (6) That the Idaho Water Resource Board is hereby directed to prior-
40 itize and expedite feasibility studies on projects identified in the Bear
41 River Basin reports, including but not limited to new surface water storage
42 sites, off-stream storage facilities, and aquifer recharge projects, to
43 protect and develop the state's allocation under the Bear River Compact,
44 without harming the natural hydrology of Bear Lake.

45 (7) That the Legislature directs the Idaho Water Resource Board to al-
46 locate funds from the \$30,000,000 fiscal year 2027 transfer to the water man-
47 agement account to support implementation of these reports and any legisla-
48 tion pursuant to the reports' findings.

49 (8) That the Legislature directs the Idaho Water Resource Board to
50 confer with the leadership of the Idaho House of Representatives and Senate

1 prior to entering into any agreement regarding the use or management of the
2 Bear River or Bear Lake with any power utility or the states of Wyoming or
3 Utah.

4 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representa-
5 tives is hereby authorized and directed to forward a copy of this Resolution
6 to the Governor of the State of Idaho, the Director of the Idaho Department of
7 Water Resources, the Idaho Water Resource Board, the Idaho delegation to the
8 Bear River Commission, and the Governor of the State of Utah.