

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, January 26, 2026

TIME: 1:30 P.M.

PLACE: Room WW55

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

ABSENT/ EXCUSED: None

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.

RS 33025 **Consolidation of the Soil and Water Conservation Commission. Senator Harris** explained this was a concurrent resolution that supported the consolidation of the Soil and Water Conservation Commission (SWCC) into the Idaho Department of Water Resources (IDWR). This resolution aligned with statewide efforts to review policy, statute, and agency structure to ensure effective and efficient government, including the Governor's Executive Order 2025-06, the Idaho Code Cleanup Act. This resolution also proposed ensuring that the Soil and Water Conservation Commission and the Department of Water Resources retained their core missions. He referred the Committee to a letter of support from the Soil and Water Conservation Commission (Attachment 1).

DISCUSSION: **Senator Guthrie** stated when this legislation returned to the Committee for a hearing, he would like to know how the savings of \$107,000 in personnel costs included in the Fiscal Note would be achieved.

MOTION: **Senator Guthrie** moved that **RS 33025** be sent to print. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

S 1222 **DOMESTIC WELLS - Amends existing law to revise provisions regarding the domestic use of water. Senator Anthon** explained this was follow up legislation to S 1083 as amended, which the Legislature passed in 2025. This legislation addressed some confusion regarding how S 1083 applied to subdivisions in development at the time the law was enacted. It amended and clarified Idaho Code §§ 42-111, 42-227, 31-3805, and 50-1334. It defined the term "subdivision" to mean a development with five lots or more, and clarified that the limitations imposed only applied to subdivisions with final applications filed on or after July 1, 2025.

- DISCUSSION:** **Senator Guthrie** asked if "in-home use" as described under 42-111(b) included things like washing windows, using a pressure washer to wash siding, or washing your car, and using water in an emergency, such as putting out a fire. **Senator Anthon** responded that this legislation did not change the definition of "in-home use" from the original legislation. **Paul Arrington**, Idaho Water Users Association, added that the language on the first page of **S 1222**, beginning at line 39, spoke to the utilization of water within a residence or household, including all activities that required water, such as washing windows and hosing down the garage. These were authorized actions under this definition. There was a separate section of code that spoke to an exemption from water right processes for emergency situations, such as fighting fire.
- Senator Cook** asked for clarification on the definition of a subdivision on page 2, line 3, regarding the acre size of the subdivided lots. **Senator Anthon** responded that this legislation included subdivisions divided into lots smaller than five acres.
- TESTIMONY:** **Bruce Smith** testified neither in favor or against **S 1222**. He stated there were a number of issues with S 1083. He referred the Committee to his handout (Attachment 2), which included a 17 page memo prepared by the IDWR that provided guidance on implementing S 1083. He stated that, given the magnitude of this legislation, another hearing was needed to understand how S 1083 was implemented, so all issues with implementing this legislation could be addressed in one piece of follow up legislation, instead of piecemeal.
- DISCUSSION:** **Senator Taylor** asked how **S 1222** would affect the need for the IDWR's 17 page memo. **Mr. Arrington** responded that he did not think this legislation removed the need for a memo explaining how to interpret and implement S 1083.
- TESTIMONY:** **Paul Arrington** testified in favor of **S 1222**. He emphasized that this was a critical piece of legislation that needed to move forward right away. He added that this amendment did not change the way the original legislation worked. He explained that this legislation clarified that subdivisions already in development before July 1, 2025 were not included in the scope of S 1083. Without this clarification, the scope of S 1083 applied to every subdivision in the state, which was not the intention of the original legislation.
- DISCUSSION:** **Senator Okuniewicz** asked for some examples of the problems this legislation solved. **Mr. Arrington** responded that there was a period of time last July where he received 10 calls per day from county planning and zoning people, from developers, and from landowners, wondering how to comply with S 1083. He stated rural communities often took 10, 15, or 20 years to develop subdivisions. He spoke about one developer who had 28 out of 30 lots in his subdivision built. In order to comply with S 1083 as it was originally passed, he would have had to create a whole different water system, particularly for irrigation, for the two remaining lots. **Senator Okuniewicz** asked if moving forward, people with wells of this type were not going to have as broad of rights as the ones who had the same type of wells that predated implementation. **Mr. Arrington** responded this was correct.
- Senator Guthrie** asked for examples of how local jurisdictions were handling the implementation of this legislation. **Mr. Arrington** responded that he could not speak to any specific local ordinance, but he had heard ideas such as making sure surface water was available, using xeriscaping, and negotiating mitigation provisions.

Senator Anthon provided some additional clarity on how this legislation would impact future developments. He emphasized S 1083 had always been about fairness between farmers and developments in times of water shortage, but the intention of S 1083 was not to change the rules for subdivisions already in development. **S 1222** restored fairness to people with developments already in progress at the time S 1083 became law.

MOTION: **Senator Harris** moved to send **S 1222** to the floor with a do pass recommendation. **Senator Cook** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT: **Committee Consideration of the Gubernatorial Appointment of Kenneth Long of Horseshoe Bend, Idaho to the Outfitters and Guides Licensing Board** (Board) to serve a term commencing May 12, 2025 and expiring April 20, 2027. **Mr. Long** presented before the Committee and shared that he had lived in Idaho his entire life. He and his family operated Cascade Raft and Kayak, which ran half-day and full-day rafting trips on the Payette River. He had been a river guide, but was now responsible for administration and outfitting. He had raced on the United States Canoe Slalom team at the World Cup level for over 10 years and was an alternate for the 2000 Olympics.

DISCUSSION: **Senator Cook** asked what Mr. Long thought was the biggest challenge for the Outfitters and Guides. **Mr. Long** responded that he thought one of the biggest challenges was access and the incredible growth in the State of Idaho, which had increased the pressure of use and number of people that were trying to get onto different rivers.

Vice Chairman Hart asked Mr. Long to describe what kind of activities he would have oversight over in his position. **Mr. Long** responded that the Board mainly oversaw river users, hunting, land use, fishing, and some component of snowmobiling. **Vice Chairman Hart** asked if the members of the Board were distributed around the state geographically so that every part of the state was represented. **Mr. Long** did not know.

GUBERNATORIAL APPOINTMENT: **Committee Consideration of the Gubernatorial Appointment of Carl Rey of Boise, Idaho to the Outfitters and Guides Licensing Board** to serve a term commencing May 12, 2025 and expiring April 20, 2027. **Mr. Rey** presented before the Committee and shared that he lived in Boise, but was in the process of moving to Weiser, Idaho. He had worked for the U.S. Fish and Wildlife Service (FWS) as a biologist and as a refuge manager in California and Oregon and in law enforcement. He left his civil service career to return to his agricultural roots. He owned a cattle ranch in Weiser and was an avid hunter and fisherman. He served on the Idaho Fish and Game Winter Southwest Winter Feeding Advisory Committee, and had served on the Idaho Wolf Depredation Control Board.

DISCUSSION: **Senator Guthrie** praised Mr. Rey for his impressive history of commitment to public service. **Senator Cook** also commended Mr. Rey on his impressive resume and asked what the process was to evaluate the application of someone that wanted to guide on a river. **Mr. Rey** responded that he was new to the Board, so he did not know the exact answer to that question. He believed that there was an application process and a review of the individual's history to check for violations in his background and to determine if there was a need for public hearing.

Senator Kohl asked what some of the greatest challenges for this Board and the outfitter and guide industry were, and if he had any general solutions in mind. **Mr. Rey** responded that he thought the biggest challenge had to do with outfitter allocations of tags and public allocation of tags. He believed Idaho was in the process of working through this challenge. He added that another challenge was managing the onslaught of additional population to Idaho.

**PASSED THE
GAVEL:**

Chairman Burtenshaw passed the gavel to Vice Chairman Hart.

**DOCKET NO.
24-3501-2501**

Rules of the Outfitters and Guides Licensing Board- Pending Rule. **John Price**, Bureau Chief Executive Officer, Occupational Licensing and Division Investigations, Division of Occupational and Professional Licenses (DOPL) began by answering Senator Hart's question about representation on the Board. He explained that the Board was comprised of five members, including three licensed outfitters and guides representing hunting, fishing, and rafting, one Idaho Fish and Game Commission representative, and one public member. Mr. Ray was their public member and members were spread throughout Idaho.

Mr. Price referred the Committee to the 2026 Senate Resources and Environment Committee Pending Rules Review Book, starting on Page 152. He stated this rulemaking was initiated to comply with Executive Order 2020-01, Zero-Based Regulation. He reviewed the rulemaking process for this Docket. He reported that during the rulemaking process, input was received from Idaho Fish and Game (IDFG), the Bureau of Land Management, the United States Forest Service (USFS), and the Idaho Outfitters and Guides Association. Changes included:

- Page 156, Section 100.05, which defined a designated agent, was removed as duplicative of statute.
- Page 156, Section 203.04 was deleted as these were processed as an overlap predator area.
- Pages 156 and 157, Section 203.05, added language to include trapping.
- Pages 157 through 159, Sections 257.03, 04, 05, and 09, added the words "or limited" for tag designations. This was consistent with statute.
- Page 158, Section 205.04.c added a step to the designation calculations to allow a tag to be designated for those that were rounded down when the average use resulted in a number with 0.5, if enough tags were available.
- Page 163, Section 259.02 regarding SA-8 Salmon River was reworded to better define the boundaries.
- Page 168, Section 259.03 regarding SN14 Snake River was reworded to better define the boundaries.
- Page 169, Section 259.03, a typo was removed under the number of power boats authorized.

DISCUSSION:

Senator Cook ask Mr. Price to expand on the meaning of hot pursuit included on page 156 and why this section was deleted. **Mr. Price** responded that this definition was removed because after the rule was changed through red tape reduction, this definition no longer made sense in this context. Requiring permission ahead of time was not true hot pursuit.

Senator Okuniewicz asked how remaining or additional tags were allocated without the change noted in Section 257.03 regarding remaining or additional tags, and if these might be offered to the general public. **Mr. Price** responded this rule clarified how tags were designated within the pool of outfitters' tags and changes would not impact the number of tags available for residents or the public.

Vice Chairman Hart asked if there was any overlap in jurisdiction between the USFWS and IDFG and if they worked together. **Mr. Price** responded that the Board usually worked with the USFWS when they conducted an investigation. The Board had authority under Idaho statute to cooperate fully with USFWS. If the USFWS sought disciplinary action or criminal action against an outfitter or guide, that case came before the Board, and the Board then had the opportunity to take additional disciplinary action. The Board also worked closely with IDFG.

MOTION:

Senator Guthrie moved to approve **Docket No. 24-3501-2501**. **Senator Cook** seconded the motion. The motion carried by **voice vote**.

**PASSED THE
GAVEL:**

Vice Chairman Hart passed the gavel to Chairman Burtenshaw.

ADJOURNED:

There being no further business at this time, **Chairman Burtenshaw** adjourned the meeting at 2:25 p.m.

Senator Burtenshaw
Chair

Shelly Johnson
Secretary