

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, February 09, 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 33154 **Relating to Cloud Seeding. Senator Nichols** explained this legislation was brought last session and passed the Senate, but stalled in the House. This version was similar in structure, but improved. This legislation updated Idaho's cloud seeding statutes by placing clear definitions, authorization, and reporting mechanisms into law to improve transparency and accountability around Idaho's existing cloud seeding program. It provided for public meetings and reporting on cloud seeding operations, environmental considerations, and program effectiveness. Due to limited federal oversight over cloud seeding, **Senator Nichols** believed it was appropriate for states to establish their own transparency and accountability standards.

MOTION: **Vice Chairman Hart** moved that **RS 33154** be sent to print. **Senator Cook** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 37-0312-2501 **Idaho Department of Water Resources Water Distribution Rules-Water District 34 (ZBR Chapter Rewrite)- Pending Rule. Matt Anders**, Project Manager 2, Idaho Department of Water Resources (IDWR), referred the Committee to the 2026 Senate Resources and Environment Committee Pending Rules Review Book starting on page 221. He explained this rule provided procedures for the distribution of surface and groundwater within Water District 34, the Big Lost River Basin. Due to the significant revision in 2019, the edits proposed were minor. **Mr. Anders** reviewed the rulemaking process for this Docket. He referred the Committee to his handouts associated with **Docket No. 37-0312-2501**, labeled 370312-01 and 370312-02 (Attachment 1). The first handout listed the major changes to the rule and provided a brief, high-level summary of any substantive changes. The second handout contained all the substantive changes within the rule. **Mr. Anders** reviewed the substantive changes in detail.

DISCUSSION: **Vice Chairman Hart** asked for the difference between authorizing winter stock water, as on page 230, and water used during the summer. **Mr. Anders** responded that often the stock water was part of the water right, but it did not increase the overall diversion rate.

MOTION: **Senator Cook** moved to approve **Docket No. 37-0312-2501**. **Senator Kohl** seconded the motion. The motion carried by **voice vote**.

**AGENCY
UPDATE:**

Idaho Department of Water Resources. Mat Weaver, Director, Idaho Department of Water Resources (IDWR), provided an update on the work of IDWR over the prior year (Attachment 2). This included a budget update, a review of IDWR's new water administration bureau, and a review of IDWR's proposed merger with the Soil and Water Conservation Commission. He reviewed IDWR water administration accomplishments in 2025, including their work with East Snake Plain Aquifer (ESPA) tributary basins. He provided updates on the 2025 Surface Water Coalition Delivery Call, Treasure Valley groundwater conditions, and the Bear River Compact. He reviewed a summary of IDWR's generalized job classes, and their employee distribution by years of service and by age.

DISCUSSION:

Senator Cook asked for the pros and cons of joining a water district and why someone would not want to join. **Mr. Weaver** explained the difference between a water district and a groundwater district. A water district was a statutory entity charged with administering priority water rights, which could be surface water, groundwater, or both. A groundwater district was another statutorily created entity that was responsible for coordinating junior groundwater users, assessing, collecting money, establishing mitigation plans, and carrying out mitigation work. When groundwater districts were created, there was an opportunity for people to opt-out. One reason someone might opt out was to operate under their own mitigation plan, rather than being bound by the groundwater district's mitigation plan.

Senator Burtenshaw confirmed that according to the Bear River Compact, Utah's right to develop 275,000 acre feet was junior to Idaho's first right of 125,000 acre feet, and asked where Idaho's Lower Division first water right of 125,000 acre feet went. **Mr. Weaver** responded that it went into the Great Salt Lake. He added that if Idaho created beneficial uses for this water, it could divert extra water in high-water years instead of letting it flow to the Great Salt Lake.

PRESENTATION:

Idaho Water Resource Board. Jeff Raybould, Chairman and Member At Large, Idaho Water Resource Board (IWRB), shared an overview of IWRB's programs and projects for fiscal year 2026 (Attachment 3). He reviewed the actions IWRB had taken so far to implement Senate Concurrent Resolution 110, passed by the Legislature in 2025. He reviewed IWRB's water project funding and obligations, regional water sustainability projects, and the ESPA Regional Water Sustainability Program for groundwater to surface water conversion projects, for telemetry, measurement, and monitoring, and for recharge. He reviewed Idaho's cloud seeding program and website, and IWRB's statewide aging water infrastructure program.

DISCUSSION:

Senator Cook asked why we were not using the available water stored in Bear Lake. **Mr. Raybould** responded that PacifiCorp operated Bear Lake. They reduced the lake to an elevation of 5918 feet in the fall. If the lake rose higher, they let water go for flood control. IWRB was working on determining if PacifiCorp could modify their operating rules, so that they could carry over more water in the lake to be used to meet future obligations in dry years. **Senator Cook** asked if Bear Lake was used for flood mitigation. **Mr. Raybould** responded no, but PacifiCorp took a cautious approach to using the lake water for flood control to avoid liability after several legal issues related to flooding in the past.

Senator Guthrie asked once groundwater was converted to surface water, was the priority date on the surface water the same as their groundwater priority. **Mr. Raybould** responded that the priority date would be the priority date of the water right they were utilizing. **Senator Guthrie** asked for clarification on an answer from a presenter from the Twin Falls Canal Company at an earlier meeting to his question, which was if a canal company installed lining and stopped 25 percent of the canal water from going into the ground, who would get that water. **Mr. Raybould** responded that IWRB believed there would be a reduction in diversion by the Twin Falls Canal Company because they could only divert what they could beneficially use, and they already took enough water for their beneficial use. He thought eventually the additional water in the canal would help balance supply for the Surface Water Coalition and be a direct benefit back to the ESPA.

ADJOURNED: There being no further business at this time, **Chairman Burtenshaw** adjourned the meeting at 2:50 p.m.

Senator Burtenshaw
Chair

Shelly Johnson
Secretary