

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Wednesday, February 25, 2026

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

**PLACE:** Room WW55

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

**ABSENT/ EXCUSED:** Senator VanOrden

**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 1:31 p.m.

**GUBERNATORIAL APPOINTMENT VOTE:** **Senator Okuniewicz** moved to send the Gubernatorial Appointment of Michael Lyden of Post Falls, Idaho, to the Oil and Gas Conservation Commission to the floor with recommendation that he be confirmed by the Senate. **Senator Cook** seconded the motion. The motion carried by **voice vote**.

**S 1304** **IRRIGATION - Amends existing law regarding irrigation conduits and rights-of-way.** **Senator Harris** explained this legislation clarified that when work was done within an irrigation easement, the ditch owner was not required to provide advance notice to, or obtain written permission from, the landowner. It clarified that written permission was only required when moving the ditch or associated structures outside the existing easement. This legislation also streamlined some language and created a common term, "irrigation conduit", to replace a list of similar terms.

**TESTIMONY:** **Paul Arrington**, representing the Idaho Water Users Association, testified in favor of **S 1304**. **Mr. Arrington** explained this legislation addressed landowners who asserted ditch owners needed to obtain written permission to do critical work on integral parts of their ditches within an easement. Permission remained required for any work that happened outside of an easement.

**DISCUSSION:** **Senator Guthrie** asked if there could be a situation where moving a head gate could cause problems for a landowner and change their irrigation system. **Mr. Arrington** responded yes, this could happen. He explained this legislation resulted from a scenario where a head gate was being moved, but was not changing anything in relation to the collection of water.

**MOTION:** **Senator Cook** moved to send **S 1304** to the floor with a **do pass** recommendation. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

**DISCUSSION:** **Senator Kohl** reserved his right to change his mind on his vote after receiving feedback from residents of his district.

**S 1306**

**IRRIGATION DISTRICTS - Amends existing law to revise provisions regarding irrigation district hearings.** **Senator Cook** explained this legislation provided clear timelines for an irrigation district to review and respond to a landowner's petition for exclusion (150 days), for the landowner to appeal and request a hearing before the board (45 days), and for the board to set a date for a requested hearing of the landowner's appeal (no later than 60 days from the date the appeal request was received in writing).

**TESTIMONY:**

**Mr. Arrington** testified in favor of **S 1306**. He stated this legislation was intended to address that if there was no response from an irrigation district board within 150 days of receiving a petition, the petition was automatically approved. He confirmed this legislation created a structured time line consistent with other processes.

**DISCUSSION:**

**Senator Guthrie** requested confirmation that in this case the landowner was not surrendering his water rights, and asked where the water previously assessed to the landowner would go. **Mr. Arrington** responded that this legislation did not concern private water rights, but entitlements to receive water from an irrigation district. If a petition was granted, the landowner was excluded from the district, meaning they no longer had a right to receive, or obligation to pay for, that water. There were usually others in the irrigation district that wanted additional water and would pick up and pay for an assessment another landowner surrendered.

**MOTION:**

**Senator Harris** moved to send **S 1306** to the floor with a **do pass** recommendation. **Senator Okuniewicz** seconded the motion. The motion carried by **voice vote**.

**S 1305**

**WATER DISTRICTS - Amends existing law to authorize water districts to charge certain fees.** **Mr. Arrington** explained this legislation authorized a water district's patrons to adopt a resolution allowing the watermaster to charge a land owner the property-specific charges associated with updating and managing water records following a property transaction. He explained that there were four elements in this legislation to address a concern about adding costs onto property transactions:

1. There had to be a water user resolution, which was a resolution by the assessed owners.
2. The funds from this charge could only be used for this specific purpose.
3. The water district had to maintain a record of how they determined the charges.
4. Water districts were public entities, and their budgets were a matter of public record.

**DISCUSSION:**

**Senator Cook** asked for the difference between a water district and an irrigation district. **Mr. Arrington** responded that in this context, a water district was the broader administrative district, usually defined by river basins, responsible for administering the water in the river to the headgate. Usually or often, that headgate was to a canal that was operated by an irrigation district. The irrigation district would then manage the water through the canal to the various headgates of its patrons. At times, the watermaster delivered to pumps or headgates or diversions for individual water rights. The irrigation district was one of the water right holders in the water district.

**Senator Guthrie** asked if this placed a water district in legal jeopardy if they made a mistake or if their records were challenged regarding the transfer or update of water rights. **Mr. Arrington** responded that there were multiple levels of review to prevent that from happening, but he would have to consider the question further for a more complete answer.

**TESTIMONY:** **Neil Shippy**, Watermaster, Water District 65, testified in support of **S 1305**. He stated he requested this legislation because the canal companies and irrigation districts in his basin found when working with title companies, ownership was often not updated. When they received their assessments or dues returned unopened, they were forced to sift through county records to try to find the current owner of a property. In answer to Senator Guthrie's earlier question to Mr. Arrington, **Mr. Shippy** stated when he managed an irrigation district, they received a warranty deed from the title company during property transactions to ensure the correct owner was listed on the water entitlement.

**MOTION:** **Senator Cook** moved to send **S 1305** to the floor with a **do pass** recommendation. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

**S 1307** **WATER - Amends, repeals, and adds to existing law to provide for the delivery of water.** **Mr. Arrington** explained this legislation responded to the Legislature's code cleanup mandate by repealing Idaho Code § 42-9 and consolidating its provisions in Idaho Code § 42-13, amending Idaho Code § 42-12, and repealing, amending, and adding new sections to provisions in Idaho Code § 42-13. Additional amendments were included to ensure that necessary provisions in Idaho Code § 42-9 continued in effect.

**DISCUSSION:** **Senator Okuniewicz** asked why "intent" was used under 42-1210 on page 2 for Subsection (b), but not Subsections (a), (c), or (d). **Mr. Arrington** responded that this section spoke to wrongful actions and all of them would include intention. **Senator Okuniewicz** stated this language implied there was a further level of intent required for (b) and asked if this omission was intentional or if there was a reason for the omission. **Mr. Arrington** responded that the language was unchanged from the existing code.

**MOTION:** **Senator Cook** moved to send **S 1307** to the floor with a **do pass** recommendation. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

**H 511** **PRIVATE FOREST LAND - Amends existing law to revise the surcharge associated with improved forest land.** **Senator Woodward** explained this legislation revised Idaho Code Section § 38-111 to increase the structure surcharge levied on improved private forest land parcels from a maximum of \$40 to a maximum of \$100. He referred the Committee to three handouts, one of a whiteboard list of fire incidents (Attachment 1), and two Idaho Department of Lands (IDL) maps of structures outside city boundaries (Attachment 2 and 3). The intent of the structure surcharge was to defray the cost of fire suppression on forest land caused by the existence of the improvements. The current annual rate established by the The State Board of Land Commissioners (Land Board) was \$0.60 per acre with a \$40 structure surcharge per improved lot. The effective rate was set by the Land Board, but the statutory maximum for the assessment was set in Idaho Code. The structure surcharge was last increased in 2009. The current rate was not sufficient to support the fire protection program fund with a funding shortfall expected in about 2031. Wildfire suppression efforts and costs had increased due to increased population and increased structures and human development within the Wildland-Urban interface.

**DISCUSSION:** **Senator Okuniewicz** asked if these fees were restricted in how they could be used. **Senator Woodward** responded yes, these fees went into a specific IDL account designated for wildfire preparedness.

**Senator Guthrie** asked if there was a size or acreage limit that applied to the \$100 maximum. **Senator Woodward** responded that the fee structure set up in Idaho Code was based on the land per acre with additional costs associated with improvements.

**Vice Chairman Hart** asked if some landowners might pay multiple times for fire suppression by the time they paid their fire district and fire insurance and this structure surcharge. **Senator Woodward** responded that he believed that there was a distinction between areas that were covered by a fire district and those that were not, and he referred the Committee to his maps showing the number of structures outside of city limits.

**TESTIMONY:**

**Michele Andersen**, Deputy Director, Idaho Department of Lands, **Peter Stegner**, on behalf of Bennett Lumber Products, Manulife Forest Management, Molpus Woodlands Group, and Stimson Lumber Company, **John Larson**, President, Associated Logging Contractors of Idaho, and **Stephen Thomas**, Idaho Forest Group, testified in favor of **H 511**. They spoke about the increased fuel, equipment, and personnel costs associated with fire suppression, and the increase in population and development near forested areas. They believed the increased surcharge was an appropriate way to provide for expanded responsibilities and higher costs, and to help ensure that Idaho continued to protect private property, timberlands, and natural resources.

**DISCUSSION:**

**Senator Kohl** asked if this fee increase included an additional cost for improved land. **Mr. Thomas** responded yes, they pay per improvement, for things such as buildings and factories.

**MOTION:**

**Senator Taylor** moved to send **H 511** to the floor with a **do pass** recommendation. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**. **Vice Chairman Hart** and **Senator Kohl** requested that they be recorded as voting nay.

**S 1269**

**CLOUD SEEDING - Amends and adds to existing law to revise provisions regarding cloud seeding programs.** **Senator Nichols** explained Idaho law already authorized cloud seeding and this legislation did not change that authority. Instead, it added clear definitions to statute, including "cloud seeding" and "operational periods" and established a structured authorization and reporting framework under the Idaho Water Resources Board (IWRB). It required public meetings with opportunities for comment, an annual report addressing operations, environmental considerations, public comments, and effectiveness, and monthly reporting during operational periods. This legislation also updated the legislative findings section to modernize and clarify the reasoning for Idaho's cloud seeding policy. It authorized enforcement when required reporting or disclosures were not provided. It maintained existing liability protections for lawful operations, but clarified that those protections did not apply in cases of gross negligence or willful misconduct. **Senator Nichols** stated development of this legislation occurred over several months and included input from water users, agricultural groups, and cloud seeding operators.

**TESTIMONY:**

**Braden Jensen**, on behalf of the Idaho Farm Bureau Federation, **Paul Arrington**, on behalf of the Idaho Water Users Association, and **Brian Murdock** testified in favor of **S 1269**. **Mr. Jensen** spoke about the value of the cloud seeding program and believed this legislation provided the necessary framework to ensure that cloud seeding operations were managed in a transparent way and with the appropriate oversight. **Mr. Arrington** also praised the workable language in this legislation that provided clarity and transparency to this program. **Mr. Murdock** spoke about how difficult it was to track down information about where cloud seeding operations had been completed.

**DISCUSSION:** **Senator Okuniewicz** stated he was unsure if cloud seeding worked or if it was taking water from someone downwind, and he reserved his right to change his vote. **Senator Hart** stated he supported this legislation. **Senator Kohl** stated he supported a motion to send this legislation to the Senate floor, but reserved his right to vote differently in the Senate. He believed there was a need for transparency, but thought the opportunity to provide additional water for the State should be balanced with the need for transparency when public dollars were involved.

**MOTION:** **Senator Okuniewicz** moved to send **S 1269** to the floor with a **do pass** recommendation. **Vice Chairman Hart** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Chairman Burtenshaw** adjourned the meeting at 2:40 p.m.

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Senator Burtenshaw  
Chair

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Shelly Johnson  
Secretary