

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Monday, March 16, 2026

**TIME:** 1:00 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 1:00 p.m.

**DOCKET NO. 13-0108-2401** **Rules Governing Taking of Big Game Animals (ZBR Chapter Rewrite) - Pending Rule.** No further testimony was taken.

**MOTION:** **Senator Okuniewicz** moved to approve **Docket No. 13-0108-2401** with the exception of Section 410, Subsections 04(g) and (h). **Senator Cook** seconded the motion.

**Senator Okuniewicz** cited the Finding of Fact for the motion: Section 410, Subsections 04(g) and (h) were in potential conflict with Article 1, Section 23 of the Idaho Constitution, which preserved to the people broad protections to hunt, fish, and trap. In addition, Idaho Code § 36-201(2) stated "any method utilized for the take of any wild canine in Idaho shall be available for the taking of wolves". Further, the restriction of hunting aids for one group of hunters, while allowing such aids for another group of hunters during the same seasons and for the same game, was contrary to the Equal Protection Clause found in Section 1 of the 14th Amendment to the U.S. Constitution.

**DISCUSSION:** **Senator Guthrie** stated his position had not changed and he believed there should be an ability to control the wolf population while also putting some constraints on the technology addressed in this docket, so he would not support the motion.

**Senator Cook** asked for Chairman Burtenshaw's permission to withdraw his second on the motion. **Chairman Burtenshaw** granted Senator Cook's request. **Senator VanOrden** seconded the motion.

**SUBSTITUTE MOTION:** **Senator Taylor** moved to approve **Docket No. 13-0108-2401**. **Senator Guthrie** seconded the motion.

**ROLL CALL VOTE:** **Senator Guthrie** requested a roll call vote. **Vice Chairman Hart, Senators Guthrie, Harris, Cook, Kohl** and **Taylor** voted aye. **Chairman Burtenshaw**, and **Senators Okuniewicz** and **VanOrden** voted nay. The substitute motion carried.

H 789

**THE COEUR D'ALENE TRIBE WATER RIGHTS - Amends and adds to existing law to establish provisions regarding the 2026 Coeur d'Alene Tribe water rights settlement agreement and to provide for the Coeur d'Alene tribal water supply bank.** Tyrel Stevenson, Legislative Director, Coeur d'Alene Tribe, explained this legislation ratified and provided for implementation of the Coeur d'Alene Tribe (Tribe) Water Rights Settlement Agreement of 2026, which resolved claims made by or on behalf of the Tribe in the Coeur d'Alene-Spokane River Basin Adjudication. It provided authority for the Idaho Water Resource Board (Board) to appoint a local rental committee to facilitate operation of a water supply bank for the off-reservation lease and rental of consumptive use federal reserved water rights held by or on behalf of the Tribe within the Coeur d'Alene-Spokane river basin.

**DISCUSSION:**

**Chairman Burtenshaw** asked if the Tribe had a water right without a consumptive use. **Mr. Stevenson** responded that the Tribe had a number of different water rights under the terms of the settlement agreement that were non-consumptive. **Chairman Burtenshaw** asked if those water rights were just for the rental pool. **Mr. Stevenson** responded that the consumptive rights would be used for the rental pool and those were for off reservation use. **Chairman Burtenshaw** asked for clarification on the Tribe's water rights and consumptive use. **Mr. Stevenson** responded that some of the water rights were of a consumptive nature, but the Tribe also had, under the terms of the agreement, rights that were non-consumptive in nature. For example, under the decision from the Idaho Supreme Court, the court said that the Tribe had a right to a homeland purpose for the lake, which allowed for hunting, fishing, and gathering, and that required a certain quantity of water in the lake. Those rights were non-consumptive. In addition, under the terms of the settlement agreement, the Tribe had a certain quantity of consumptive use water that they could choose to put into a consumptive use or lease to others for consumptive use.

**Senator Guthrie** asked for an idea of how many acre feet would be available for lease, or how many acre feet in total would be leased for consumptive use or used internally for consumptive use. **Mr. Stevenson** was unsure the total acre feet. He knew that the tribe agreed to recognize an additional 10,000 acre feet for future state law-based water rights occurring within the basin. The total of the Tribes' water rights added up to about 17,000 acre feet, which included in-stream flow rights and rights to the lake. **Senator Guthrie** asked if the non-consumptive use in terms was just to protect the integrity of the water bodies so that there were certain flows or certain volumes. **Mr. Stevenson** responded this was correct. The majority of the Tribe's rights concerned streamflow, lakes, seeps, and springs, and these were what the tribe wanted to preserve.

**TESTIMONY:**

**Garrett Kitamura**, Parsons Behle and Latimer, testified in favor of **H 789**. He spoke on behalf of his clients that signed the settlement agreement, including Hagadone Hospitality and various coalitions of individual water users, including the North Idaho Water Rights Alliance, the Northwest Property Owners Alliance, and the Coeur d'Alene Lakeshore Property Owners Association. He added that this settlement was the culmination of nearly two years of negotiations and all parties were satisfied with the agreement.

**MOTION:**

**Senator Guthrie** moved to send **H 789** to the floor with a **do pass** recommendation. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

**S 1378**

**RECREATION VEHICLES - Amends existing law regarding snowmobiles and off-highway vehicles.** **Senator Harris** explained this legislation modernized the Off-Highway Vehicle (OHV) law enforcement program by establishing clear procedures for distributing enforcement funds, by implementing performance-based funding, by providing for consistency of use of dedicated funds among the Off-Road Motor Vehicle (ORMV) fund and the OHV recreation account, by providing for the return of unused funds after three years, and by requiring the composition of the OHV Advisory Committee to include representation of Utility Terrain Vehicle users.

**Dan Waugh**, Idaho Recreation Council, shared that this program was revised with input from the Idaho Department of Parks and Recreation, law enforcement, and users. He stated that there was about \$635,000 in eligible unused allocated funds that they wanted to go back into the OHV recreation account.

**MOTION:**

**Senator VanOrden** moved to send **S 1378** to the floor with a **do pass** recommendation. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:**

There being no further business at this time, **Chairman Burtenshaw** adjourned the meeting at 1:22 p.m.

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Senator Burtenshaw  
Chair

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Shelly Johnson  
Secretary