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DEPARTMENT OF
WATER RESOURCES

Orr Affidavit

Exhibit 26

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WATER RESOURCES

Minutes of Senate Resources
and Environment Committee
(Feb. 19, 1986)

**ORR AFFIDAVIT
EXHIBIT 62**

**SRE Minutes
2/19/86**

EXHIBIT 62

MINUTES
RESOURCES AND ENVIRONMENT COMMITTEE

FEBRUARY 19, 1986

Rm 433, 1:30 pm

PRESENT: All members were present except Senators Ringert and Horsch.

Chairman Noh called the meeting to order.

Senator Little moved and Senator Sverdsten seconded the minutes of the previous meeting be adopted. Motion carried.

Chairman Noh advised the Committee of what was going on with the proposed sale of BPA. He has asked some people to monitor current and future activity and in a few weeks they will report back to the Committee. They will be working with Senator McClure's office. The people involved are: Dick High, Ray Rigby, Jack Peterson, Fred Christensen, Bud Tracy, Jim Wrigley and Jim Gollar.

SB 1358 TRUST WATERS ON THE SNAKE RIVER ESTABLISHED PURSUANT TO AGREEMENT

Senator Crapo explained the bill contained revisions of the Swan Falls legislation passed last year and is intended to merely clarify the agreement. IDWR proposed regulations implementing the Swan Falls legislation raised a number of issues concerning the interpretation of the legislation. As a result, negotiations were entered into by all interested parties and this bill is the result and seems to be acceptable to the concerned parties. He again pointed out, nothing was changed in the agreement, but this is merely clarification. He said he would like to send the bill to the 14th order as there was a change to be made on lines 42-43, page 1.

Sherl Chapman, Water Users, said this organization supported the legislation and concur in the proposed amendment.

Tom Nelson, attorney for Idaho Power, agreed with Senator Crapo on the legislation and said they too supported the bill and the change.

MOTION Senator Crapo moved and Senator Beitelspacher seconded the bill be sent to the 14th order. Motion carried.

SCR 110 MINIMUM STREAM FLOW ON THE PAHISIMEROI

The legislation would be approving an application to appropriate water for the minimum stream flow on the Pahisimeroi. No discussion took place on the legislation.

MOTION Senator Kiebert moved and Senator Beitelspacher moved the bill go out with a "do pass" recommendation. Motion carried.

Feb. 19, 1986

SB 1285 LAND DEPARTMENT: DEFINE "SALABLE MINERALS"

Stan Hamilton, Director, Dept of Lands, explained the bill would amend the Idaho Code to include and define "salable minerals" for purposes of reserving and leasing such products. The bill had been before the Committee at an earlier date and more information had been requested by some members and Mr. Hamilton said that had been supplied to them. Mr. Hamilton stated the bill is to try and make a clear policy for the future and effects nothing in the past and would take effect July 1.

There was general discussion but mainly centered around the definition of "salable minerals" which was to include "common earth minerals" and also the "what if" situations and the reservation in the bill. Senator Budge and Little expressed concern with the legislation perhaps causing some problems to an individual who buys land and then later finds he has some "salable minerals." Some discussion also about "fossils." Were they a "salable mineral?" Mr. Hamilton said he was unsure about that and would be something the legal department would have to decide.

Chairman Noh said it was his understanding that the state has lost some court cases because the statutes were not clear. This bill would merely make the statutory language clear. He pointed out the mining industry has shown no opposition to the bill.

MOTION Senator Crapo moved and Senator Sverdsten seconded the bill be sent to the floor with a "do pass" recommendation. The motion carried.

Time for the Committee to meet was over, and no further business was possible and the meeting adjourned.


Laird Noh, Chairman


Bev Mullins, Secretary