



#### In this issue

**IFBF Water Conference, pg. 1**

**State of the State, pg. 2**

**New Senate Assignments, pg. 2**

**ISDA Legislative Breakfast, pg. 3**

**"Man is not free unless government is limited. There's a clear cause and effect here that is as neat and predictable as a law of physics: As government expands, liberty contracts."**

– President Ronald Reagan

## IFBF Water Conference Draws Large Crowd

On January 6, the Idaho Farm Bureau sponsored a conference to highlight water issues in the west, and also to discuss the benefits of the state taking over management of all public lands within the state.

More than 90 people gathered, including 15 Idaho legislators and three County Commissioners, to listen to presentations detailing federal agencies' abuses of western water rights, and why Idaho would do a much better job of managing our lands.

Idaho Supreme Court Justice Dan Eismann reviewed the historic 2007 Idaho Supreme Court decision of Joyce Livestock Co. v United States of America, which held that federal agencies cannot hold stockwater rights since they do not own livestock and cannot put the water to beneficial use. He reviewed each argument presented by the federal attorneys and why each argument was rejected by the court. You can see Judge Eismann's complete presentation at: <https://www.youtube.com/watch?v=mNv96ZLhz44#t=38>

Idaho rancher Tim Lowry, who was the plaintiff in the sister case to Joyce, then addressed the crowd and provided some additional background regarding BLM's aggressive tactics to steal their water rights and to force them out of business. Mr. Lowry reviewed what led up to the case and other US Supreme Court Cases that have touched on this subject. He detailed the State of Idaho's refusal to challenge the BLM's claims to water rights, which is clearly a breach of their sovereign duty, leaving that task to the individual ranchers. Although the Idaho Supreme Court and the US Supreme Court have said the agencies cannot have water rights, the federal agencies continue to make claims and force citizens to either defend their rights or lose them to the agencies.

Randy Parker, CEO of the Utah Farm Bureau gave a presentation detailing examples of similar behavior by the Forest Service and BLM in other states in the west. He reviewed the federal laws which require the federal government to follow state water law and to recognize valid existing rights. Mr. Parker also reviewed efforts in Congress to place additional protections on water rights through federal law. Randy's powerpoint slides, which detail much of his presentation, are available upon request.

Ramona Hage Morrison addressed the crowd next. Her family has been in a protracted legal battle with the Forest Service and BLM for over 25 years. Her late father, Wayne Hage, and now her brother Wayne Jr. have won precedent-setting cases that are of benefit to all western water right holders. They have won a federal district court case in Nevada, and a Washington DC federal claims court decision that held their historic stockwater rights on federally administered lands give them the right to access that water and the incidental grazing that goes along with it. The federal district court judge specifically stated that the BLM and Forest Service must reinstate the historic amount of grazing that their federal grazing preference right had authorized, and he further instructed the agencies that they cannot reduce their grazing rights without approval from the court. You can watch Ramona's presentation on Youtube at: <https://www.youtube.com/watch?v=9CEXeFBoEwU>

The final speaker at the conference was Russ Hendricks, Director of Governmental Affairs for the Idaho Farm Bureau. His presentation focused on the historic and legal underpinnings for Idaho taking over management of the public lands within our borders and debunking common myths that opponents claim would prevent this from happening. Some common myths are that it is unconstitutional, that we cannot afford it, that it can never happen, and that citizens would lose access to the land. There have been



*Idaho Farm Bureau's Governmental Affairs Report*

P.O. Box 167, Boise, ID 83701 [www.idahoffb.org](http://www.idahoffb.org) (208) 342-2688

Issue 1  
January 15, 2016

## Water Conference

continued from page 1

a number of recent scholarly studies published which support this effort and used as the basis for the presentation. Links to these reports are available upon request.

This session, Farm Bureau will be part of a coalition of supporters who will be presenting a bill that codifies the historic Idaho Supreme Court Joyce decision to ensure that federal agencies cannot take away legitimate Idaho stockwater rights from ranchers.

## Governor Otter Emphasizes Education Funding

On Monday, Governor Otter opened the 2016 Legislative Session with a 35 minute “State of the State and Budget Address.” The Governor opened his presentation with a lengthy education discussion saying he wanted to continue implementing the 20 points recommended earlier by his Education Task Force and stated his goal is ensuring 60 percent of Idahoans between the ages of 25 and 34 have a college degree or professional-technical certification by 2020.

The Governor’s budget includes a 7.9 percent increase in public school funding, including more than \$38 million to continue putting the teacher career ladder in place. He also recommends \$1.8 million to move non-instructional school staff like counselors, nurses, and speech pathologists onto the career ladder. The budget also includes \$5 million for professional development and mentoring for new teachers.

Governor Otter introduced three education initiatives: 1) a tuition lock that guarantees tuition increases for a student for four years and says tuition will stay at the level at which the individual enrolled 2) “Opportunity Scholarships” increased by \$5 million and 3) “Completion Scholarships” will create so individuals with some post-secondary education can apply for these funds and finish a degree. The Governor also budgeted \$5million to create a community college from E. Idaho Technical College.

Addressing public health, the Governor proposed the creation of five additional Idaho seats for the WAMI (Washington/Alaska/Montana/Idaho) physician training program at the University of Washington Medical School. This would bring Idaho’s total WAMI seats to 40. He also proposed the creation of loan repayment incentives for rural physicians who agree to practice in rural Idaho areas and the establishment of a third mental health crisis center for southern Idaho.

The Surface Water Coalition and groundwater users were complimented for their settlement of delivery calls on the Eastern Snake Plain Aquifer and the Governor “would encourage others who are at odds over apportioning scarce resources to use this agreement as a template for addressing their own conflicts.”

The Governor said the Water Resources Board has completed a statewide sustainability policy and encourage everyone to attend meetings throughout Idaho when this plan is a proposed addition to the Comprehensive State Water Plan.

Recognizing retiring Commerce Director, Jeff Sayre, the Governor said that Idaho is first in job growth and is the third best to start a small business. He highlighted a \$1 million joint INL-BSU cybersecurity program and also said the Idaho Air Guard is one of 13 cybersecurity units in the United States.

The Governor recommended \$5 million for improvement of the state public defender program.

Governor Otter said wildfires burned 742,000 acres in 2015, at a cost of almost \$61 million. He said the 2016 fire season will be worse and requested \$920,000 for the Dept. of Lands to improve initial response. He requested \$140,000 to create more RFPAs and said the existing 6 RFPAs now provide primary protection for 951,000 acres and secondary protection for 4.8 million acres. He concluded this portion of his remarks by saying “Sage grouse management should remain in Idaho.”

Concluding his speech, the Governor expressed appreciation for state employees and said his budget includes money for directors and administrators to retain and reward their personnel.

## Senate Committees have Replacements and Reassignments

Appointment of three incumbent Senators to positions in the Otter Administration has brought some changes in Senate committee assignments. Senator Elliot Werk (D-Dist. 17: Boise) was in his 7<sup>th</sup> term and Assistant Minority Leader. Governor Otter appointed Sen. Werk to the Idaho Tax Commission late in the 2015 session. Maryanne Jordan (D-Boise) is appointed as the Senator from District 17.

Senator Dean Cameron (R-Dist. 27: Rupert), sitting chairman of the Joint Finance and Appropriations (JFAC) Committee, was appointed Director of the Department of Insurance. Kelly Anthon (R-Burley), attorney and Rupert City Administrator, was appointed to replace Senator Cameron.

Mark Harris (R-Soda Springs) was appointed to replace Senator John Tippetts (R-Dist. 32: Montpelier) after Senator Tippetts was appointed Department of Environmental Quality Director last summer.

While the appointment of the three new senators primarily affects only six committee assignments, there are a large

# Senate

continued from page 2

number of reassignments that have also been made for the 2016 session:

**Agricultural Affairs:** Sen. Bert Brackett (R-Rogerson) has left the Ag Committee and has been replaced by Sen. Mark Harris (R-Soda Springs).

**Commerce and Human Resources:** Sen. Jim Patrick (R-Twin Falls) is now Chairman, replacing retired Senator John Tippets. Sen. Fred Martin (R-Boise) is Vice-Chairman. Majority party Senators Dean Cameron and Abby Lee (R-Fruitland) left the committee and were replaced by Sen. Jim Guthrie (R-Inkom) and Sen. Jim Rice (R-Caldwell).

**Education:** Sen. Shawn Keough (R-Sandpoint) left the committee and was replaced by Sen. Kelly Anthon (R-Burley).

**Finance:** Senator Cameron was replaced as Chairman by Sen. Shawn Keough. Sen. Dan Johnson (R-Lewiston) is Vice-Chairman. Sen. Bert Brackett is back on the Finance Committee.

**Health and Welfare:** Sen. Sherry Nuxoll (R-Cottonwood) is now Vice-Chairman, retired Senator Tippets was replaced by Sen. Mark Harris, and Sen. Roy Lacey (D-Pocatello) left the committee and was replaced by Sen. Maryanne Jordan.

**Judiciary and Rules:** Sen. Bob Nonini (R-Cd'A) is Vice-Chairman. Sen. Kelly Anthon replaced retired Sen. John Tippets. Sen. Cliff Bayer (R-Meridian) left the committee and was replaced by Sen. Abby Lee. Sen. Maryanne Jordan replaced retired Sen. Elliot Werk.

**Local Government and Taxation:** Sen. Jim Guthrie is now Vice-Chairman. Sen. Minority Leader, Michelle Stennett (D-Ketchum), replaced Sen. Werk.

**Resources and Environment:** Senators Cliff Bayer and Marv Hagedorn (R-Meridian) replaced Senators Dean Cameron and Bert Brackett. Sen. Cherie Buckner-Webb (D-Boise) left the committee and was replaced by Sen. Roy Lacey.

**State Affairs:** Sen. Werk was replaced by Sen. Cherie Buckner-Webb.

**Transportation:** Sen. Hagedorn replaces Sen. Nonini as Vice-Chairman. Sen. Nonini remains on the committee.

## Annual ISDA Legislative Breakfast

The Idaho State Department of Agriculture (ISDA) held their Legislative Breakfast Thursday morning, sponsored by the Food Producers of Idaho. Many legislators as well as agriculture interest groups were in attendance for updates on prominent issues of the agency. Director Celia Gould welcomed the group and introduced the ISDA staff members that were in attendance, followed by several brief presentations.

Chief of Staff, Pamela Juker, presented information regarding the Food Safety Modernization Act and explained that the Act changes food safety measures to a more preventative approach. Juker said that five of the seven rules of this Act had been finalized. Part of the Act regulates imports of both animal and human whole food purchases. Producers that market feed material are encouraged to keep the necessary records to prove their compliances with these rules.

State Veterinarian, Dr. Bill Barton, spoke about the Rangeland Photo Monitoring Data as part of the Rangeland Health Assessment currently done throughout the state. Participation in these efforts has increased over the past several years, with more participation projected in the future. It was reported that over 100 people attended education workshops on the topic. Dr. Barton also talked about how the State Animal Health Laboratory will become busier with the opening of two large capacity slaughter facilities in the state. The facility located in Burley is expected to process 500 head of beef per day, while the Kuna facility expects to process 1700 head per day. Brucellosis testing of all these animals will take place in the state laboratory, which will significantly increase the number of samples tested each day.

The Organic Program Manager, Johanna Phillips, talked about the growth and development of organic sectors throughout the state. Phillips reported there are 233 certified organic farming operations in the state of Idaho. Last year 47 operations applied for certification while 15 operations lost certification.

Market Development Bureau Chief, Laura Johnson, reported that exports in 2015 were down in comparison to recent years. She explained that issues such as a strengthening US dollar, low commodity prices, port complications and inactivity were a number of factors that greatly influenced the reduction in exports. The top markets for export for agriculture commodities are Mexico, Canada, South Korea, China, and Japan. Mexico only recently returned to being the number one importer of US agriculture commodities. Leah Clark, Trade Specialist, talked about domestic markets and the Idaho Preferred program. Three hundred plus operations (ag producers, processors, retailers, etc.) participate in the program. Many new media and promotional materials have been created to better market Idaho products.

Lloyd Knight, Plant Industries Administrator, presented brief information regarding the issue of Pale Cyst Nematode (PCN) and the Japanese beetle problem. In the question and answer session held at the end of the presentations, Director Gould responded to questions about the PCN issue and Methyl Bromide, and stated that more research needs to be done on the topic. Director Gould did assure, however, that the food supplies are safe.

Kelly Nielson, Financial Officer, gave a quick overview of the agency's budget.