



FOOD PRODUCERS of IDAHO, Inc.

55 SW 5th Avenue, Suite 100 • Meridian, ID 83642
phone: 208-888-0988 • fax: 208-888-4586
www.foodproducersofidaho.org

March 19, 2018

March 21, 2018 – Attachment 1
HP 1

TO: Members of the Idaho House of Representatives

FR: Candi Fitch, President
Food Producers of Idaho

Distributed by Representative Megan Blanksma

HP001

Food Producers of Idaho, representing over forty agriculture commodity and farm organizations in Idaho and the Pacific Northwest voted to **support and track** HP001. With the majority of Idaho land being public, we understand the value of ranching and agriculture in the economy of our state. Water is vital to the success of our industry and HP001 helps to protect that water in support of our Constitution.

In 1993 LU Ranching and Joyce Livestock filed the original lawsuit for instream water rights in Idaho. They incurred over \$1 million each in attorney fees. The defendant in the lawsuit was the Bureau of Land Management (BLM) which had filed many claims for water rights with the Idaho Department of Water Resources (IDWR). IDWR granted said claims in the 1992 Snake River Adjudication, but as the BLM could not show beneficial use, they had no right to the water under state law. At the time, the state did not see it necessary to force the issue so LU and Joyce Livestock took it upon themselves to do so.

LU Ranching Company and Joyce Livestock Company successfully defended their rights to the in-stream use of water which in turn solidified Idaho's sovereignty over all waters within the borders by a unanimous decision of the State Supreme Court.

The Constitutional Defense Fund was created for just such occurrence - a private individual or entity taking it upon themselves to defend their rights, under state law, set forth by our Constitution. Food Producers of Idaho agrees that state resources should be used at any time to support any citizen or entity that brings forth a decision by a court that strengthens our Constitution.

Food Producers of Idaho is asking for your **support** of this measure and the expenditure of funds from the Constitutional Defense Fund in repayment to LU Ranching Company and Joyce Livestock Company on behalf of Idaho's ranching and agriculture industries.

Membership listed on the back of this letter



IDAHO FARM BUREAU[®] FEDERATION

500 West Washington Street • P.O. Box 167

Boise, Idaho 83701-0167 • (208) 342-2688

FAX (208) 342-8585

March 19, 2018

Distributed by Rep. Megan Blanksma

March 21, 2018 – Attachment 2

HP 1

Re: Please support HP1 – Stockwater Rights, Fee Payment

Ladies and Gentlemen of the House:

On behalf of the more than 78,000 member-families of the Idaho Farm Bureau Federation, I write to express our support of HP1. This proclamation expresses support for two Idaho ranching families who defended the state's sovereignty over stockwater on federal lands.

In 2007, the Idaho Supreme Court made several important rulings in the cases of Joyce Livestock Co. vs. the United States of America and LU Ranching Co. vs. the United States of America. The Court, ruling in favor of the ranchers, determined stockwater rights on federal lands are an appurtenance to the base property, the federal government cannot put the stockwater to beneficial use, and the federal government can not avail itself of the constitutional method of appropriation to obtain a stockwater right from the state. The ranchers won this landmark court case that has set a precedent across the entire West; however, they were forced to foot the attorney bill.

The state of Idaho failed on two separate occasions to defend the state's water. First, when the federal agencies filed for tens-of-thousands of stockwater rights during the Snake River Adjudication, IDWR recommended their approval to the adjudication court. The agency completely disregarded Idaho water law that requires proof of beneficial use. Second, the Attorney General failed to protect and defend the State's constitutionally protected water rights. This ultimately left the ranchers on their own to defend the State's water rights against the federal government.

This proclamation remedies this situation, using funds from Constitutional Defense Council Fund to reimburse both Joyce Livestock Co. and LU Ranching Co. for their attorney fees. This court case was a win for the entire State and West, and it should have been fought by the State in the first place. It is time for the State to step-up and pay for the cost of defending Idaho's water rights.

On behalf of the entire membership of the Idaho Farm Bureau, I thank you for your consideration of these comments. We respectfully request your support for HP1.

Sincerely,

Bryan Searle, President
Idaho Farm Bureau Federation

IDAHO CATTLE ASSOCIATION

since 1915



March 21, 2018 – Attachment 3
HP 1

March 14, 2018

Dear Representative,

The Idaho Cattle Association (ICA) requests your support of House Proclamation 1 regarding the reimbursement of fees that Joyce Livestock Co. and LU Ranching Co. incurred for restoring, maintaining and advancing the sovereignty and authority of the state of Idaho over stockwater rights. The precedent setting cases and decision were not taken lightly by the ICA ranching family members who championed this cause which victoriously benefitted all Idaho water right holders.

Thanks to the tireless efforts of the ranchers involved in the *Joyce Livestock Co. and LU Livestock Co. v. United States of America* cases, the Idaho Supreme Court has held that stock water beneficial use could only be claimed by entities that own livestock, and that federal ownership or management of land does not constitute beneficial use. Securing these stock water rights is an important step in preserving continued, sustainable grazing access which is a benefit to all of Idaho's citizens. Therefore, Joyce Livestock Co. and LU Ranching Co. should receive funds from the Constitutional Defense Council Fund to offset the attorneys fees paid by them to restore the authority of the State of Idaho over stockwater rights on federal lands.

For these reasons, ICA requests your support of House Proclamation 1. Thank you for your time and consideration.

Sincerely,

Tucker Shaw
President
Idaho Cattle Association

OWYHEE CATTLEMEN'S ASSOCIATION

P.O. Box 400, Marsing, Idaho 83639
Phone: 208-896-4104 ♦ FAX: 208-896-4105
owyheecattlemen.com

"Serving Cattlemen Since 1878"

March 21, 2018 – Attachment 4
HP 1



March, 17 2018

Support of House Proclamation 1

Idaho is majority public land, as well as our County. The Federal Government owns nearly 76% of Owyhee County. Ranching and agriculture is the life blood of our rural economy. Water is the one thing that makes that all possible. The act of grazing livestock on public land for the economic benefit of our membership, this County, and the State, would be greatly diminished without the court's decision. LU Ranching Company and the Joyce Livestock Company not only successfully defended their rights to the in-stream use of that water. They also solidified Idaho's sovereignty over all waters within its borders by a unanimous decision of the State Supreme Court.

This situation is precisely what the Constitutional Defense Fund was set up for. A private individual or entity taking it upon themselves to defend their rights under our States laws set forth by our Constitution. We feel that the State's resources are well used in support of any citizen that brings forth a decision by a court that strengthens our Constitution.

We believe it is of the utmost importance that the Legislature of the State of Idaho support House Proclamation 1. I am asking you, the representatives of our great State to do the right thing. To support its citizens who have defended our Constitution for themselves, and all Idahoans.

Sincerely,

Lynn L Bachman
OCA President

(208) 845-2125
ltcattle@hotmail.com

*PRESIDENT: Lynn Bachman, Bruneau VICE-PRESIDENT: Lorna Steiner, Oreana
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