

**STATEMENT OF
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UNDERSECRETARY NATURAL RESOURCES AND ENVIRONMENT
UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE
UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON
PUBLIC LANDS AND FORESTS
MARCH 10, 2010
CONCERNING
S. 2966 THE IDAHO WILDERNESS WATER FACILITIES ACT**

Mr. Chairman, Members of the Committee, thank you for the opportunity to share the Administration's views on S. 2966 the Idaho Wilderness Water Facilities Act.

The U.S. Forest Service supports S. 2966. The bill authorizes the issuance of a special use permit for the continued use of water storage, transport, or diversion facility located on National Forest System lands in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in Idaho. The permits will only be issued to the water system owners of the water systems identified on the two maps accompanying S. 2966, and if certain conditions are met.

Currently, there are over 20 water developments within the Frank Church River of No Return and Selway-Bitterroot Wilderness Areas that predate establishment of the wilderness, in some cases by decades.

These developments include hydropower developments, irrigation, and domestic water uses. The legislation establishing both wilderness areas did not address these pre-existing water developments. S. 2966 would direct the Forest Service to issue special use authorizations, if the Secretary makes the following determinations: the facility was in existence when the wilderness area on which the facility is located was designated as part of the National Wilderness Preservation System; the facility has been in substantially continuous use to deliver water for the beneficial use on the owner's non-Federal land since the date of designation; the owner of the facility has a valid water right for use of the water on the owner's non-Federal land under Idaho State law, with a priority date that pre-dates the date of designation; and it is not practicable or feasible to relocate the facility outside the wilderness and achieve the continued beneficial use of water on non-Federal land. We understand that the bill does not create any rights beyond what is provided in the special use permit and that both maintenance responsibilities and liabilities continue with the permit holder, and not the Federal government.

This concludes my prepared statement on S. 2966 and I would be pleased to answer any questions you may have.