



*Treasure Valley*  
**WATER USERS**  
A S S O C I A T I O N

**The Treasure Valley's Greatest Natural Resource**

By nature the Treasure Valley is a desert. Fortunately we have a critical resource that allows crops to be produced, livestock to be raised, residential lawns, gardens and landscaping to flourish, and your favorite park, beltway or golf course to be green. That resource is irrigation water from the Boise River.

**Water Rights in the Boise River Basin**

Irrigation water is managed by a system of water rights. These rights determine who gets irrigation water and how much; when and where it can be used; and for what purpose. Our irrigation water supply is managed with two kinds of water rights: Natural Flow River Rights and Storage Water Rights. Natural flow rights govern the water flowing naturally in the river. Storage rights govern water stored in the reservoirs.

The Boise River Basin has a three-reservoir water storage system and storage water rights are assigned to irrigation water stored in these reservoirs.

You may own a water right. If not, then your water right is held on your behalf by various Irrigation Districts or Canal and Ditch Companies that deliver irrigation water to Treasure Valley water users.

At the heart of the water right process is the priority date assigned to the right. That date determines which right is filled first, which is second and so on. This is often referred to as “First-in-Time is also First-in-Right” meaning the most senior water right gets the water first. Senior water right holders with earlier priority dates receive their water before junior water right holders with later priority dates do. This is critical in determining who gets water and who doesn’t when there is not enough water to go around.

### **Water Delivery and Use in the Boise River Basin**

In April, water users begin using their natural flow rights to supply water for irrigation. By late May to mid-June, natural flows are too low to provide enough water to finish the irrigation year. Water users then turn to storage rights to use water stored in the reservoirs to supplement the natural flows throughout the rest of the irrigation season which ends in October.

Storage water is crucial because without it, irrigation in the valley would end when natural flows are exhausted. Without water through our hot summers the valley would literally dry up and revert to its natural desert state. Storage water fills that critical need.

### **The Boise River's Three Reservoir System**

The construction of Arrowrock Dam was completed in 1915. Arrowrock has the oldest storage water rights attached to it, a 1911 priority date. Anderson Ranch Dam was completed in 1950 and has the second oldest storage water rights, a 1940 priority date. Arrowrock and Anderson Ranch Reservoirs were built solely for irrigation purposes and were paid for by the irrigators.

In the 1940's the Boise Valley's population expanded and flooding became a concern. As a result, Lucky Peak dam was completed in 1955 to assist with flooding and to also provide additional water storage for irrigation purposes. The completion of Lucky Peak established water rights with a priority date of 1963.

The combined storage capacity of these three reservoirs is approximately one-million acre-feet of water. That water is there to extend the Treasure Valley's irrigation season by supplying supplemental irrigation water to farms and ranches, subdivisions,

private sector businesses, cities and municipalities. Without it, the Treasure Valley economy and our way of life would be devastated.

### **Flood Control Releases**

During the construction of Lucky Peak Reservoir, in 1953, our water user community willingly and in good faith entered into a flood control agreement with the Army Corps of Engineers. In abundant water years the agreement allows the Corps to release water from the reservoirs when inflows into the reservoirs threaten to exceed its capacity of the reservoir and flood the Valley and its residents. As part of the agreement, water users were assured that any water flowing into the reservoirs following flood control releases (a period called “refill”) would be made available for irrigation purposes. Congress formally authorized this agreement in 1954.

### **State of Idaho’s Challenges Against Boise River Basin Water Users**

The Idaho Department of Water Resources and Idaho Attorney General’s Office have taken far-fetched legal positions that pose a real and present danger to your storage water rights.

They claim that:

- 1) Water released for flood control purposes should count against your storage water rights and;
- 2) No water right exists to store the water in the Reservoirs after flood control releases have been made.

Idaho water law does not recognize Flood Control as a beneficial use of the water. Flood Control releases typically occur in the winter and early spring when users cannot use the water for irrigation. Until just recently, flood control releases have never been charged against the volume of water stored for irrigation purposes.

Water right holders previously have never been told that they do not have a water right to the water that fills the reservoirs following flood control releases. Boise River Basin water right holders have always understood that they have a right to the water that fills into the reservoirs as part of their existing water rights. It has always been understood that the water that fills into the reservoirs following flood control releases is stored in priority to fill the demands of senior water rights first and then junior water rights second. This has never been challenged, until recently.

## **The Direct Impacts to You**

How can these incomprehensible new state legal positions affect you personally? If you receive irrigation water for your farm, ranch, residential, business property, landscaping, gardens, golf course or other beneficial irrigation water use then your irrigation water supply is in jeopardy!

**Imagine this scenario:** There is an abundant snowfall in the early months of winter followed by a sudden warm spell with rain in February. Suddenly melting snowpack pours into the reservoirs threatening to cause water to flow over the dam spillways. Dam operators must then release large amounts of water to make room for the sudden influx of runoff.

Under the new policies independently adopted by the state, this water released for flood control purposes would be fully charged against your total volume of irrigation water. This would significantly reduce the amount of water you would be authorized to use for irrigation the rest of the season.

**But there's more:** You now begin the irrigation season with a lot less storage water because flood control releases have exhausted a large amount of your storage rights due to the state's new policies. Then comes a hot spring and summer with unusually high demands for irrigation water by Treasure Valley water users. River flows are depleted

early and that forces irrigation districts, canal and ditch companies to begin delivering storage water much earlier than normal.

This results in water delivery entities being forced to shut off water supplies early in the irrigation season to all of their Treasure Valley water users including farmers, sub-divisions, cities, golf courses, school athletic fields, home gardens, and virtually any facility that depends on irrigation water for its proper care.

This scenario could very easily play out even though the three reservoirs might actually be full of water. Water users just would have no right to use it under the new policies of the state.

Just imagine the result if, for example, irrigation water had to be shut off in July. Farm crops would wither and die, lawns, parks and golf courses would turn into desert property, horse, cattle and small animal pastures would be lost, recreational values would diminish, prized landscaping would be forfeited, home gardens ruined, and the list of damages would go on and on. Our incredible Treasure Valley lifestyle would be completely changed. It would be a catastrophe for the Treasure Valley and its residents.

## How Can You help?

- **First:** Pass this information along to everyone you know who may be impacted. This helps spread the word around about the seriousness of these issues.
- **Second:** Contact your elected officials to let them know you are concerned about the state's positions and that you want them to step in and help.
- **Last:** A new organization called the Treasure Valley Water Users Association has been developed to deal with these and other important water rights issues. If you wish to become a member of the Association go to our website at [www.treasurevalleywaterusers.com](http://www.treasurevalleywaterusers.com) and click under Membership.

Together we can come to the defense of our entire Treasure Valley water user community and help preserve the historic value of our water rights. Together we can stop these attacks by state government and on the quality of life to our Valley.