



News Release

Treasure Valley Water Users Outraged Over State Water Resource Department Positions on Water Rights

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An unprecedented attack on individual and business water rights in the Treasure Valley is currently underway as the Idaho State Department of Water Resources has made unilateral decisions to dramatically change decades of water right accounting and water right priority in the Treasure Valley, an action which poses a perilous threat to our way of life.

One of two central issues is the State Department of Water Resources' legal position that now counts flood control releases against the storage rights of water right holders. Flood control releases are sent down river between February and March during a period of time where the water cannot be utilized. Flood control releases are also not recognized by Idaho water law as a beneficial use of this water. "It makes absolutely no sense to our entire Treasure Valley water user community why the State Department of Water Resources would count flood control releases against our storage rights when in fact these water users have not been able to put a single drop of this water onto their crops and pastures, lawns and gardens, parks and subdivisions, or for other recognized beneficial uses," said Roger Batt, Executive Director for the Treasure Valley Water Users Association.

The other issue at hand is the Department's second legal position that now requires water right holders to have a second water right (not currently being granted by the Department) for any water that fills into the Boise Valley's three reservoirs following flood control releases. Since the first Dam completed construction in 1915 this water has always been collected as storage water and used by water right holders to supplement the amount of water flowing naturally in rivers during the irrigation season. River flows do not provide an adequate water supply to make it through the irrigation season so it is critical that the Boise Valley has a healthy annual storage supply to meet everyone's water right demands. The Department's decision to now deny a water right that previously existed for 100- years during the fill period is nothing more than a scheme to take water away from senior water right holders.

Numerous members of the water user community have already voiced serious concerns to their elected officials about the Department's unilateral decision-making that places senior water rights in serious jeopardy. "The impacts of these independent decisions by the Department mean that irrigation delivery entities could be forced to shut off water early

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in the irrigation season to family farmers, municipalities, neighborhood communities, parks, and small land owners that heavily depend upon this water supply,” said Representative John Vander Woude, House Majority Caucus Chairman for the Idaho House of Representatives. “This would result in a significant economic loss to our agricultural operations and our economy due to a lack of sufficient water to irrigate farmland.”

Water users have staunchly challenged the changes made by the Department. “Our water user community has had numerous sit-down discussions with the Idaho State Department of Water Resources about these issues. We were told by the Department that we needed to subordinate our senior water rights to junior water right holders to a 2014 priority date during these discussions. We were not willing to subordinate 1911, 1941 and 1955 senior water rights to junior water users so we did not reach an agreement on a negotiated settlement,” said Clinton Pline, Chairman of the Board for the Nampa and Meridian Irrigation District.

The irrigators even brought forth a draft piece of Legislation during the 2015 Legislative Session. The Legislation was supported by over 60-members of the House and Senate but was denied a Hearing by three Legislators in key Leadership positions in both the House and Senate. “We feel that this issue could have easily been resolved during the Legislative Session,” said Gale Maslonka, Board member for the New York Irrigation District. “If this issue is not put to rest sometime soon it will soon have devastating impacts to our entire Boise Valley Water User Community and this Valley.”

In the interim, the Department’s Director, Gary Spackman, has appointed himself as the Hearing Officer in a contested case, making himself, in effect both judge and jury. That decision was challenged because of the obvious conflict of interest. Spackman dismissed the challenge out of hand and now the contested case Hearings will begin on August 27.

“It is bureaucratic arrogance run wild. Unless stopped, the economic, recreational and quality of life of the Treasure Valley will certainly pay the price” said Roger Batt. “Our water right holders need the certainty of their water rights and are concerned that the path the Department is heading will seriously impact our businesses, economy, and long standing history of senior water rights and the Prior Appropriation Doctrine.”

The Treasure Valley Water Users Association is a newly developed regional water user organization formed to collaboratively represent irrigation delivery entities and water users within the Boise River Basin. The Association currently represents 280,000-acres of irrigated lands in the Valley through its membership-base spanning from Boise to Parma.

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