



News Release

IDWR Contested Case Decision Flawed, Motives Questioned, Challenges Unwarranted

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Treasure Valley water users are disappointed but not surprised by a contested case ruling issued recently by the Idaho Department of Water Resources that they say is unnecessary, prompted by questionable motives by the Department's Director and if left standing could be devastating to water users in an area spanning about 350,000-acres from Boise to Parma.

IDWR Director Gary Spackman's decision would allow the state to reduce the annual allocation of water to water right holders by charging water released for flood control purposes against the storage rights of those water right holders even though that water was never available to be put to any beneficial use. The decision also denies the Valley's water right holders the historical rights to the water that fills in the reservoirs following flood control releases, something water right holders always thought they had as part of their existing water storage rights.

The Director's decision was made one week following a favorable decision by Special Master Theodore Booth of the Snake River Basin Adjudication Court who ruled that existing storage water rights authorize the filling of the reservoirs following flood control releases and that water released for flood control purposes does not count against the storage rights of Treasure Valley water right holders.

"The issue really isn't the fact that the Director's decision is the opposite of Special Master Booth's decision. The infuriating part of this whole thing is the fact that the state Department of Water Resources and Attorney General's Office have independently challenged the long standing history and validity of our Boise River Basin water rights in the first place. These unprecedented legal challenges are unwarranted and have literally put the property and livelihoods of those water right holders at serious risk," said Roger Batt, Executive Director for the Treasure Valley Water Users Association. "This is completely unacceptable and the state should be ashamed of itself. This isn't California or Colorado. This is Idaho and we are better than this," Batt said.

Officials with the Treasure Valley Water Users Association, which represents nearly every irrigation delivery entity in the Boise River Basin, question the soundness of the Contested Case and the motives behind it. Many water users believe that the Contested Case was flawed from day one. Not only did the IDWR Director unilaterally initiate and file the Case last year but he also appointed himself as the judge in the Case.

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Also ironically during the time between the filing of the Contested Case and the Contested Case Hearing dates the Director and IDWR staff were out advocating the Department's positions against Treasure Valley water users in meetings, public forums and at the Idaho Legislature.

The Director's decision also puts the Treasure Valley at risk by pitting flood control operations and beneficial use storage rights against each other. Flood control is an essential management tool to prevent flooding out the Boise Valley when the reservoirs fill to levels where releases are necessary.

When the 1953 Flood Agreement was signed between irrigators and the Army Corps of Engineers Treasure Valley water right holders were assured when water was released for flood control that those releases would not infringe upon their water rights. This assurance has been disregarded by the Department through its administrative actions.

"No irrigator in their right mind would have ever agreed to signing-off on a flood control agreement if their water rights were going to be put in jeopardy," said Clinton Pline, President of the Treasure Valley Water Users Association. "It is outrageous that the Department and Attorney General's office are blatantly ignoring the agreement that was made between irrigators and the Army Corps of Engineers over 60-years ago."

TVWUA officials say the Director's decision, if left to stand, could cause irreversible harm to water users in the Treasure Valley because it would reduce the yearly amount of water available for use under existing Boise River reservoir storage water rights. Storage water is used by irrigation delivery entities to supplement river flows that naturally are very low during the hot spring and summer months. Loss of this storage water could result in irrigation delivery entities being forced to shut off irrigation water in the middle of the summer because the total water storage allocation would be exhausted.

"Our irrigation delivery entities currently use storage water to stretch the irrigation season until early October. Being forced to shut off irrigation water in the summer would be disastrous for the entire Boise River Basin. Without irrigation water, the Treasure Valley would revert to a desert and we would suffer the loss of irrigated agriculture and have dried up lawns, gardens, parks, golf courses and school athletic fields. That simply cannot be allowed to happen," said Alan Newbill, Chairman of the Pioneer Irrigation District.

The Treasure Valley Water Users Association was formed this year to provide a collaborative effort to deal with the threats posed to the Treasure Valley Water User Community. Its members operate a well-managed irrigation delivery system containing approximately 1,500 miles of canals and laterals that provide crucial irrigation water to farms, ranches, sub-divisions, cities, parks, golf courses, schools businesses and other sources.

Editor's Note: A copy of the contested case decision can be found under news on our website: www.treasurevalleywaterusers.com