

SETTLERS IRRIGATION DISTRICT

P.O. Box 7571
Boise, ID 83707

P R E S S R E L E A S E

FOR IMMEDIATE RELEASE

Contact:

Scott L. Campbell

Attorney for Settlers Irrigation District

Moffatt Thomas Barrett Rock & Fields

101 S. Capitol Blvd., 10th Floor

P.O. Box 829

Boise, ID 83701-0829

(208) 345-2000

Local Irrigation District Fights Back in Maple Grove Dispute

Boise, ID – April 18, 2006 – The Settlers Irrigation District notified the Ada County Highway District today of its intent to sue ACHD. The basis of the dispute is ACHD’s plan to discharge storm water runoff into an irrigation canal owned and operated by Settlers, representatives of the irrigation district reported.

“ACHD’s plan is to pipe increasing amounts of runoff from its roadways into the Settlers Canal,” according to Scott Campbell, an attorney who represents Settlers. “The fact is, this canal was constructed over a hundred years ago to bring water to farmers and ranchers. It simply can’t handle the quantities of water that run off from our modern roadways. Property along these canals will be flooded during rain events if ACHD is allowed to continue with its plan. ACHD’s plan will triple the amount of water carried by the canal in the irrigation season. I think we’ve all recently seen the potential for flooding here in Ada County, and ACHD’s plan will only make things worse.”

Preliminary engineering analysis indicates that the ACHD’s planned expansion of the urban storm water system to connect to the existing illegal discharge pipes could generate water flows of 258,526,000 gallons of water per day into Settlers Canal. The Canal, at its largest point, was designed for and carries approximately one-half that amount during the irrigation season. Under the ACHD plan, the Canal would have three times the designed flow of water in it. This amount of water cannot be handled by the Canal. Massive flooding of residential and commercial properties would result.

In addition to flooding, there is also the issue of water quality, according to Campbell.

“Obviously, storm runoff contains motor oil, fuel, antifreeze, and anything else that ends up on our roadways and parking lots. Not only is it potentially dangerous, but by piping this runoff into irrigation canals, ACHD is essentially shifting its environmental responsibilities onto small irrigation districts like Settlers and the landowners that they serve,” Campbell explained.

Maple Grove Dispute, cont'd

Notice of this legal action comes less than a month after ACHD notified Settlers that it would file suit against the irrigation district for holding up construction of the Maple Grove Road extension project that would connect Maple Grove Road to Chinden Boulevard. ACHD stopped work on the project for the rest of the year because the two parties were unable to reach an agreement regarding the construction of a bridge over the Settlers Canal. According to Campbell, the two legal actions are related.

“Settlers has always been agreeable to having Maple Grove cross its canal,” says Campbell. “The parties never finalized an agreement because ACHD insisted that it be able to pipe the extra runoff created by the project into the canal. As an irrigation district, Settlers is required by Idaho law to make sure that its canals don’t flood, but ACHD never appreciated this obligation. Instead, it felt it could start the project without an agreement in place and then either force Settlers to take the runoff or make it look like the bad guy for holding up the project.”

Under Idaho law, ACHD has 90 days to either accept or deny the Settlers claim. If it denies the claim, then Settlers would likely file suit against ACHD in state district court, according to Campbell.

Settlers Irrigation District provides irrigation water to approximately 12,000 acres of farmland and residential and commercial developments within Ada County, including portions of Boise and Meridian. Originally organized as a private canal company in the 1880s, Settlers converted to a public irrigation district in 1905.

###