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State and Federal Officials Announce Settlement of Water Rights Claims for Wild and Scenic Rivers and Hells Canyon National Recreation Area in Idaho

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Boise, Idaho, August 23, 2004 - State and Federal officials today announced the settlement of federal reserved water rights claims filed in Idaho's Snake River Basin Adjudication for six Wild and Scenic Rivers and the Hells Canyon National Recreation Area (HCNRA).

"Once again the Bush Administration came to the table to work with Idahoans who are impacted by pressure on our state's natural resources," Idaho Governor Dirk Kempthorne said. "I believe the settlement announced today will avoid a scenario where the courts decide what is best for Idaho while accommodating the future economic needs of the region."

"I am pleased that the United States, the State of Idaho, and private water users have reached agreement on the quantification of reserved water rights for these six Wild and Scenic Rivers and certain tributary streams and lakes in the Hells Canyon Area in Idaho," said Intermountain Region Forester Jack Troyer. "The agreement protects the outstandingly remarkable values for which these rivers were designated and will help to preserve the unique and significant resources of the HCNRA. At the same time, the agreement protects existing water rights and allows for continued community growth and development in these water basins in Central Idaho."

In 2000, the Idaho Supreme Court ruled that the United States was entitled to water rights for the Main Salmon, Middle Fork Salmon, Rapid, Selway, Lochsa and Middle Fork Clearwater River, as well as for the HCNRA. The Court also ruled that the United

States was only entitled to the minimum amount of water necessary to fulfill the purposes for which Congress designated each river and established the HCNRA.

"Since Congress created an express federal reserved water right for Wild and Scenic Rivers and the HCNRA, the only question was how much water the United States would receive," Attorney General Wasden said. "Through good faith negotiations with the United States, Idaho was able to ensure that all existing water rights as of the date of the agreement were preserved and that additional water will be available for future development in the Salmon and Clearwater Basins. If the litigation had gone forward, these federal reserved water rights could potentially have affected up to a thousand junior water right claims as well as future water development in these basins."

Wasden also noted that the HCNRA Act did not create a reserved water right on the Main Snake River. The Hells Canyon reserved water rights are limited to tributary streams and lakes within the Hells Canyon Recreation Area. "Like the Wild and Scenic Rivers settlement, all existing water rights within the HCNRA are protected," Wasden said.

These federally designated Wild and Scenic Rivers total approximately 444 river miles in Central Idaho and include some of the nation's most revered whitewaters.

"Thousands of people come from all over the world to experience the beauty and serenity of boating on these rivers," said Northern Region Forester Gail Kimbell. "In addition, these six designated rivers provide habitat for numerous threatened and endangered species, including chinook salmon, steelhead, and sockeye salmon, and bull trout."

The HCNRA encompasses over 150,000 acres of pristine, rugged canyon country on the Idaho side of the Snake River, including a designated Wilderness Area. The HCNRA is also the home to threatened and endangered species, including chinook and steelhead salmon, and bull trout.

Rather than litigating the issue of the quantity of water to which the United States was entitled under each of these claims through an expensive and time consuming trial, the parties reached a negotiated settlement that protects stream flows and lake levels in quantities sufficient to preserve these resources for this and future generations, while ensuring the availability of water for both existing and future private uses.

"This agreement represents an excellent example of the type of federal, state and local cooperation on resolving water issues that affect us all" said Troyer.

Parties to the Wild and Scenic River agreement include the State of Idaho, the Cities of Salmon and Challis, Idaho Power Company, environmentalists and irrigation and mining interests.

The two settlements provide for: (1) the issuance of water rights decrees for the six Wild and Scenic Rivers and for 32 tributary streams and lakes in the HCNRA; and (2) the

subordination of these federal water rights to existing water rights and uses and to specified future rights and uses.

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