

## **THE WOOD RIVER LEGACY PROJECT**

### **History**

The Wood River Legacy Project started in 2006 under the direction of Idaho Rivers United. It was developed to create a change in state law that would allow private water rights to be donated to enhance streamflows and down basin deliveries of water. It was also designed to protect the priority date of the water right, and allow future use of the water by the owner by making the donations for as little as one year.

Public hearings and advisory board participation led to changes in the original project design, which garnered the support of all municipal and county governments in the Big Wood Basin, as well as the Idaho Water Users Association. Senator Clint Stennet and Representative Donna Pence introduced legislation in the 2007 session. The Legacy legislation became the first conservation bill to unanimously pass the Idaho legislature, and was signed into law by Governor Otter in April of 2007.

### **Legislation: Review by local committee**

The enabling legislation calls for applications into the Legacy Project to be reviewed by a local committee, consisting of members of the 37/37M Water District, plus five ex-officio members, consisting of four members of the Legacy board and one member from Wood River Land Trust.

Once the owner of the water right makes an application, the basin watermaster and the local committee review the donation. Elements reviewed include (but are not limited to):

the availability of the water; potential harm to other water users by the donation; suggestions to TDWR on the amount, placement and/or use of non-consumptive water from the right to maintain recharge; and, if the right is adjudicated or has a partial decree out of the Snake River Basin Adjudication.

The local committee then makes its recommendation to the Director of the Idaho Department of Water Resources, who accepts, denies, or conditions the contribution.

### **Project facts**

- \* Donation can be for as little as one year and fully protects the right against forfeiture, maintains personal ownership and protects the priority date of the water right
- \* A donation into the project protects the right for five full years against forfeiture
- \* Donation enhances streamflows in the Big Wood River and Silver Creek, stretches our basin water and provides more water for down basin uses
- \* The non-consumptive portion of the donated right will be utilized to maintain historic recharge patterns; the consumptive portion is protected through the system, applied towards minimum stream flows for the Big Wood River and Silver Creek, and reverting to agricultural use in the lower basin

### **Project facts, cont.**

- \* Water donated upstream of the 45 Lateral Canal goes into the Silver Creek system, water donated below goes to Magic Reservoir
- \* The local water bank designed for the Idaho Water Resources Board to hold water rights for the project is called the Wood River Basin Enhancement Water Supply Bank, and is managed by the basin watermaster, Kevin Lakey

### **The application process**

The application process is simple. The owner of the right fills out a one-page form, supplies any requested information such as the adjudicated status of the right, and submits it to the basin watermaster and local committee. You will be contacted if a field review is required, or to answer questions that may have arisen in the process of review.

Normally, one can expect a decision on the application within sixty days.

### **What the project does not do**

While the Legacy Project may provide a good place to donate water rights that may be under protest, it does not enhance the right beyond protecting it while the protest is being heard. Enlistment in the project does not affect the outcome of the protest.

