



SETTLERS' IRRIGATION DISTRICT

P.O. BOX 7571 • BOISE, IDAHO 83707-1571
PHONE: 344-2471 • FAX: 343-1642
www.settlersirrigation.org

Dear Property Owner:

Settlers Irrigation District ("Settlers") has bad news for its property owners. Unfortunately, the Ada County Highway District ("ACHD") has decided to try to force the Settlers Irrigation District system of canals to become the urban storm water sewer system for the roads and streets in the vicinity of Settlers canals.

Last year, ACHD filed suit against Settlers over its refusal to allow ACHD to continue to discharge urban storm water into Settlers' main canal from two large pipes which ACHD illegally built several years ago. This dispute was the source of the delay in the construction of the Maple Grove bridge over the canal. After ACHD sued Settlers concerning the bridge dispute, Settlers conducted a comprehensive investigation and learned that ACHD has constructed over 80 illegal discharge pipes into Settlers' canals which dump untreated, polluted urban storm water into the irrigation distribution system which provides you your water.

Based upon this information, the Settlers' Board of Directors determined it needed to take action in the litigation filed by ACHD to convince the court that these actions were illegal. Consequently, Settlers has counter-sued ACHD to try to force it to cease these illegal activities. During the process of this litigation, Settlers has learned that ACHD installed some large (up to and including five foot) diameter pipes within portions of Maple Grove and McMillan Roads capable of carrying huge amounts of urban storm water and discharging it into Settlers canal at the Maple Grove location of existing storm water discharge pipes if cross-connections are made. This expansion of the urban storm sewer could cause major flooding of the Settlers canal system which will subject Settlers and its property owners to major liability exposure for flood damages.

In addition to the flooding risks, water quality sampling of the urban storm water discharges documents numerous contaminants in that water, such as E. Coli bacteria, petroleum products, and other chemicals. Settlers believes this illegal discharge of pollution into its irrigation canals must be halted to protect its property owners.

Because of these critical issues and the litigation actions of ACHD, Settlers has been forced to expend historically unprecedented amounts in legal fees and costs. While Settlers has used reserve funds over the last year to pay these extraordinary expenses to avoid high assessment increases, that option is no longer available. As a result, the Board of Directors has made the difficult decision of raising assessments to fund the defense of the ACHD lawsuit. The Board has taken this action very reluctantly, but it believes it has no choice because ACHD's actions threaten the future of Settlers' ability to continue to supply irrigation water at reasonable cost to its property owners. Also, the Board believes that ACHD should not be allowed to use the Settlers canal system as a storm sewer. The pollution concerns alone are enough to reach this conclusion. The flooding liability makes the decision even more clear.

The Board of Directors regrets that it has been forced to take these actions. Unfortunately, the actions of ACHD have left no reasonable alternatives.

Thank you for your understanding and support.

Board of Directors
Settlers Irrigation District