

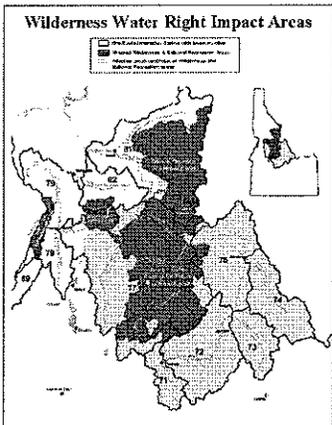
**Wild & Scenic
Water Rights Agreement**

Upper Salmon River Basin

**Meeting with Upper Salmon
Water District Steering Committee
September 13, 2005
Challis, ID**

Background of Agreement

- 1997 SRBA Federal Reserved Rights Order
 - Fed Wilderness areas entitled to reserved rights for unappropriated flows
- 1998 SRBA Wild & Scenic Decision
 - Mainstem Salmon W& S reach entitled to reserved right for unappropriated flows
- 1999 Idaho Supreme Court Decision
 - Affirmed 1997 SRBA Decision



Background of Agreement

- October 1999: IDWR Moratorium
 - Affecting areas within and tributary to Wilderness areas (surface water & ground water)
- 2000 Idaho Supreme Court Decision
 - Water right reserved for Salmon W&S reach
 - Remanded to court for quantification
- 2004 Wild & Scenic River Stipulation

Agreement Summary Main Salmon

- Fed Reserved Instream Flow right subordinated to all rights upstream of Shoupe Gage with priority senior to 9/1/2003

Agreement Summary Main Salmon

- Fed Instream Flow right subordinated to 150 cfs of new development when flow at Shoup gage is less than 1,280 cfs
 - including up to 5,000 acres of irrigation

Agreement Summary
Main Salmon

- Fed Instream Flow right subordinated to additional 225 cfs of new development when flow at Shoup gage is greater than 1,280 cfs
 - including additional 10,000 acres of irrigation

Agreement Summary
Main Salmon

- Rights in first 150 cfs block not used in an entire year can be temporarily replaced by rights in second 225 cfs block
 - equal number of cfs and/or acres
 - based on priority date order

Agreement Summary
Main Salmon

- Processing of existing applications and appropriation of 150 cfs may take several years or more
- Until 150 cfs developed, all new rights may be delivered even if delivery diminishes Wild & Scenic River flows

**Agreement Summary
Main Salmon**

- W&S rights also subordinate to domestic, deminimus stockwater, non-consumptive, & instream flow rights

- Also subordinate to municipal rights, except new hookups with capacity of 2 cfs or more

**Agreement Summary
Main Salmon**

- Diversions for new water rights must have:
 - a) Lockable controlling works
 - b) Measuring device
 - c) Data logger or other continuous monitoring & recording device for rate of flow

**Agreement Summary
Main Salmon**

- IDWR must establish Upper Salmon Water District
 - Objectives of District as per agreement
 - i) Collect and record diversion data
 - ii) Enforce water rights in priority
 - iii) Curtail unauthorized or excessive diversions

**Agreement Summary
Upper Salmon Water District**

- Creation of one district for Upper Salmon
 - Initiate in Basins 71 & 72 six months after Fed rights are decreed
 - Existing water districts converted to sub-districts within USWD
 - Other sub-districts can be formed
 - Include surface water & ground water

**Stipulation Summary
Upper Salmon Water District**

- Requirements of IDWR & Watermaster
 - a) Systematic inventory of diversions
 - b) Evaluate needs for sub-districts/deputy watermasters
 - c) Require measuring devices & headgates as needed
 - d) Regularly visit diversions & record measurements
 - e) Quarterly reporting of diversions (sw & gw)
 - f) Enforcement
 - g) Annual Reports & Budgets

**Upper Salmon Water District
Timeline for Creation**

- Petition SRBA Court in May, 2005
- SRBA Court Hearing (9/20/05)
- DWR Public Meeting & Hearing (Oct/Nov)
- District Annual Meeting: March, 2006 (limited to Basins 71 & 72)
- Add Basins 73, 74 & 75 in 2006-07, operational in 2007.

Upper Salmon Water District
Organization Considerations

- Governance/Advisory Committee
- Budgeting/Assessments
 - As one district or retain within sub-districts?
- Staffing & Office
- Watermaster requirements

Upper Salmon Water District
Organization Considerations

- Potential consolidation of tributary districts into one sub-district
 - Potential for less personnel
 - Avoid duplication of efforts
 - Retain trib watermasters as seasonal staff

Upper Salmon Water District
Organization Considerations

Next Steps

- Steering Committee
- Public Meeting
- Hearing

