

Water Dist 74 file  
2002

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Department of Water Resources

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE U.S. BUREAU OF RECLAMATION  
AND VARIOUS IDAHO PARTIES  
REGARDING THE LEMHI RIVER BASIN  
CONSERVATION PLAN**

**SIGNATORIES**

Lemhi Irrigation District  
Water District 74  
Water District 74Q  
Water District 74W  
Water District 74Z

Idaho Office of Species Conservation  
Idaho Department of Water Resources  
Idaho Department of Fish and Game  
Upper Salmon Basin Watershed Project  
U.S. Bureau of Reclamation

**INTRODUCTION**

The U.S. Bureau of Reclamation (Reclamation) and various Idaho parties have been working to implement long-term water management actions to enhance the instream flows and passage of (ESA) listed salmon, bull trout, and steelhead in the Lemhi River Basin. The purpose of this Memorandum of Understanding (MOU) is to identify the goals of the parties and to establish a process for achieving those goals through a common plan.

**AGREEMENT**

**I. Goals Of The Parties**

1. Reclamation has been assisting local landowners in the Lemhi River Basin since 1993 to develop and implement water management projects that enhance instream flows and passage for listed salmon, bull trout, and steelhead. Projects that Reclamation has facilitated in the Lemhi River Basin are described in the report "Idaho model watershed project: Lemhi, Pahsimeroi, East Fork Salmon River, Report of Projects 1993-2000, R.R. Loucks, December, 2000."
2. Action 149 of the 2000 Biological Opinion for the Federal Columbia River Power System directs Reclamation to initiate a program "in coordination with National Marine Fisheries Service (NMFS), U. S. Fish and Wildlife Service (FWS), the states and others, to address all flow, passage, and screening" problems in 16 Columbia River subbasins, including the Lemhi River Basin. Reclamation is directed to accomplish these objectives in a 10-year period in each subbasin, ending on September 30, 2011, in the Lemhi subbasin. The goal of this program for Reclamation is to develop long-term water management solutions to flow, passage and screening problems in the Lemhi River Basin that will outlast the 10-year Reclamation program.

3. The undersigned water users are in the process of developing a long-term conservation plan for the Lemhi River Basin and desire to work with Reclamation in developing flow, passage, and screening projects that will enhance listed salmon, bull trout, and steelhead in accordance with that plan.
4. The parties recognize and agree that any projects undertaken pursuant to this MOU will be done in conformance with Idaho water law and only with the consent of the affected landowners.
5. The parties also recognize and agree that priority will be given to long-term projects that do not result in idling private land or that create undue adverse impacts on the local economy.
6. Action 151 directs Bonneville Power Administration (BPA) to "experiment with innovative ways to increase tributary flows." The Idaho Department of Water Resources (IDWR) has submitted a proposal to the Northwest Power Planning Council for BPA funding to facilitate implementation of Action 151. If the proposal is accepted, IDWR will be able to fund temporary, short-term water leases while long-term, permanent measures to improve flow and passage for endangered species are being implemented.
7. This MOU supplements the Cooperative Agreement for the Upper Salmon River Basin Fisheries Biologist Position signed by various parties involved with habitat improvement work in the upper Salmon River basin dated on or before November 3, 2000.

## II. Development of Long-Term Projects to Improve Flow, Passage and Screening in the Lemhi River Basin

1. Reclamation anticipates that the subbasin plans being developed through the Northwest Power Planning Council Rolling Provincial Review Process will identify projects in the Lemhi River Basin in which Reclamation can participate to meet objectives that improve passage, screen, and flow conditions related to Action 149. Reclamation currently is authorized to provide technical assistance to meet these objectives and to provide funding for water acquisition.
2. Reclamation intends to work with private individuals and local, State, and other Federal agencies to prioritize projects to meet objectives identified in paragraph 1 above.
3. A long-term conservation agreement currently is being developed by Lemhi water users as part of the 2002 Conservation Agreement. The parties are currently undertaking temporary, short-term measures to benefit certain endangered species. The parties also recognize, however, that the goal is to phase out temporary, short-

term measures, if possible, in favor of implementing permanent, long-term measures to protect and recover those species.

4. Reclamation intends to develop a surface water budget model. This model will be used as a tool to evaluate and illustrate the cumulative effects of passage, screen, and flow projects and to analyze how alternative water management strategies could potentially meet both irrigation and instream flow objectives. For example, streamflow as measured at the L-5 stream gage dips below 20 cfs for several days during peak spring runoff. The model could be used to show how irrigation turn-ons could be scheduled to meet irrigation needs and agreed-upon flow targets without affecting irrigation water rights. Development of this model will be coordinated with development of the conservation plan. Reclamation intends that the model will be available for incorporation into the conservation plan, if so desired.
5. Reclamation intends, subject to congressional authorization and available appropriations, to provide technical assistance and fund capital costs of implementing projects that are mutually agreeable to all parties and the affected landowners.

### III. Interim Water Rental Program

1. The parties recognize that development of long-term projects to enhance flow, passage, and screening in the Lemhi River Basin may take several years to implement. Reclamation intends to make those long-term projects its priority. However, Reclamation recognizes that water rentals through the Lemhi River Basin Water Supply Bank are of critical value in aiding water users, NMFS and FWS to meet instream flow targets while long-term physical solutions to flow and passage issues are implemented. Therefore, Reclamation intends to implement the following water rental program in the Lemhi River Basin, subject to available funding, through the end of the 2003 irrigation season unless or until other alternatives become available.
2. Reclamation water rentals will be conducted as follows:
  - a. When flows at the point of regulation fall below the established target, but not before June 1 of any year, rentals will be initiated to the extent necessary to achieve and maintain the target flows through the irrigation season.
  - b. Water District 74 will be responsible for arranging for assignment of sufficient water rights to the rental bank to achieve the target flows.
  - c. Water District 74 will prepare an annual report describing all water rentals. The report shall identify the lessor, the amount paid, and include a

verification that no irrigation diversions or return flows were used on irrigated lands served by the rented water from the date of rental through the end of the irrigation season.

d. Water District 74 and IDWR shall ensure that the rental water is protected from diversion by junior appropriators.

3. Rental Price


a. The rental price shall be computed recording the number of acres taken out of production and the period of time the acres are out of production.


b. The rental price will be determined annually based upon the projected water conditions and needs.

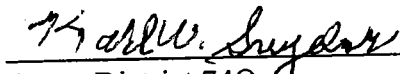
4. The parties recognize that water rentals result in taking land out of production and, therefore, agree that the rental program is intended to be an interim solution to providing flows pending the implementation of long-term projects to be developed and implemented as described in Section II above.


5. The parties agree that nothing herein shall be construed as implying any obligation to either party outside their legal authority or budget limitations.

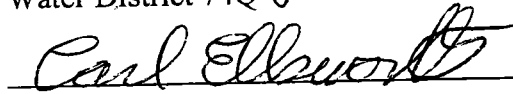
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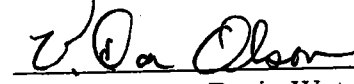
  
Lemhi Irrigation District

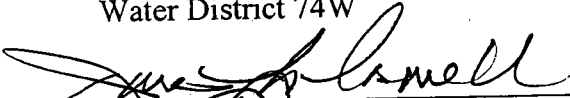
  
Water District 74

  
Water District 74Q

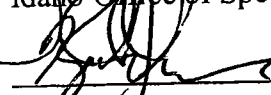
  
Water District 74Z

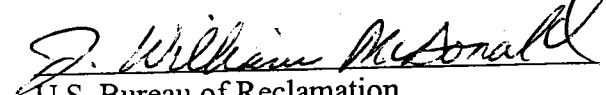
  
Water District 74W

  
Upper Salmon Basin Watershed Project

  
Idaho Office of Species Conservation

  
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Date of last signature: July 10/02