

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE ESTABLISHMENT )  
OF MINIMUM STREAM FLOW WATER )  
RIGHTS PROVIDED FOR IN THE SNAKE ) RESOLUTION  
RIVER WATER RIGHTS AGREEMENT OF )  
2004 )  
\_\_\_\_\_ )

WHEREAS, on December 17, 2004, the Idaho Water Resource Board (“Board”) adopted a resolution providing approval of the Snake River Water Rights Agreement of 2004 (“Term Sheet” or “agreement”) and recommending Legislative approval; and

WHEREAS, the Term Sheet, among other things, provides for the establishment of minimum stream flow water rights on selected streams to be held by the Board in trust for the people of Idaho; and

WHEREAS, the minimum stream flows reserve opportunities consistent with the Term Sheet as summarized in Attachments 1 and 2, attached hereto and incorporated herein by this reference, for future use in the Salmon and Clearwater Basins; and

WHEREAS, the streams have been divided into “A” and “B” List groups based on land ownership and level of existing use; and

WHEREAS, the “A” list, attached hereto as Attachment 1, will have minimum stream flows and future non-DCMI (“domestic, commercial, municipal and industrial”) levels assigned based on categories of ownership; and

WHEREAS, the “B” list, attached hereto as Attachment 2, includes those streams where minimum stream flows and other non-flow-related actions have been developed by the parties, in conjunction with the local stakeholders and communities; and

WHEREAS, the Board held a series of meetings with the local communities and parties, and has collaboratively developed Basin Work Plans which quantify minimum stream flows for the A and B List streams; and

WHEREAS, the estimates used to establish minimum stream flows are based on exceedence values from simulated hydrology and the adjudication process before the Snake River Basin Adjudication (“SRBA”) District Court will provide a mechanism for changing the flow amounts if actual stream flow measurement data becomes available; and

WHEREAS, all minimum stream flow water rights will be junior in priority to all existing water rights; and

WHEREAS, any established minimum stream flow water rights that are not capable of being maintained with available stream flows may be satisfied and maintained with the cooperation of local water right holders through voluntary market based mechanisms, including use of the water supply bank authorized by sections 42-1761 through 42-1765, Idaho Code; and

WHEREAS, the State of Idaho retains the authority to change these minimum stream flow rights in the future.

NOW THEREFORE BE IT RESOLVED that the Board approves the minimum stream flow water rights provided for under the Snake River Water Rights Agreement of 2004 in the amounts set forth in attachments 1 and 2 attached to this Resolution and incorporated herein by this reference.

BE IT FURTHER RESOLVED that the Board recommends that the Idaho State Legislature establish these minimum stream flow water rights by law and waive the fees required for submitting claims for the established water rights before the SRBA.

Dated this \_\_\_\_\_ day of February, 2005

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Jerry R. Rigby, Chairman  
Idaho Water Resource Board

ATTEST \_\_\_\_\_  
D. Richard Wyatt, Secretary