

LEMHI SETTLEMENT FRAMEWORK

- I. Water Right Settlement Goals
 - A. Business goal is to preserve and enhance farming and ranching lifestyle and to promote economic develop in the Lemhi Basin.
 - B. Biological goal is to conserve, restore, and enhance sufficient habitat to sustain viable fish populations within the Lemhi River Basin.

- II. Settlement Sideboards
 - A. All water rights are protected/unaffected by settlement.
 - B. Actions will be done in conformance with Idaho law.
 - C. **Water users will have a right to opt out of the settlement.**

- III. Settlement Principles
 - A. Pending applications of parties to settlement on Big Timber, Little Timber, Big Eightmile, Mill and Eighteenmile Creeks.
 - 1. Will be subject to a bypass flow condition.
 - 2. Season of use will be 3/15 to 7/31.
 - 3. No right to use high flow on place of use.
 - 4. Will benefit from Paragraph 10(b)(6)(A)(ii) subordination.
 - 5. Agreement to allow IDFG at its expense to install fish screens on Big Timber Creek.

 - B. Stream Flow Maintenance applications.
 - 1. Option to convert existing high flow use to protectable water right on place of use of water rights decreed in the Lemhi General Stream Adjudication.
 - 2. All stream flow maintenance water rights shall be ancillary to base rights. **(Note: need to discuss scope of base rights).**
 - 3. All streamflow maintenance water rights from a common source will share proportionately when rights are in priority; provided however, applications of III.A. parties will have a priority date one day later than other applications on Big Timber, Little Timber, Big Eightmile, Mill and Eighteenmile Creeks. **(Note: need to discuss common priority date or condition language).**
 - 4. Season of use will be 3/15 to 7/31.
 - 5. Right on Big Timber, Little Timber, Big Eightmile, Mill and Eighteenmile will contain a bypass flow condition.
 - 6. All rights will contain a condition that requires holder to not divert for 3 consecutive days two out of every five-year rolling period to provide water for satisfaction of McFarland Campground minimum flow water right.

- a. McFarland Campground minimum flow water right will be 420 cfs.
- b. Season of use of right will be limited to 5/21 to July 6.
- c. The right may only be exercised twice during a rolling five-year period for three consecutive days.
- d. Any years in which the natural flow at the McFarland Campground exceeds 420 cfs for three consecutive days shall count toward satisfaction of the McFarland Campground minimum flow.
- e. All years in which the Board affirmatively exercises the McFarland Campground minimum stream flow counts regardless of whether the 420 cfs quantity is achieved.
- f. Right will not have a right to call for delivery of water from streams administered separate from the Lemhi River, except as provided for in stream flow maintenance water rights acquired pursuant to this settlement.
- g. Board will seek to exercise the right as close to the peak of the high flow as possible.
- h. Board will coordinate with the parties in the exercise of the right.
7. Right will not receive the benefit of subordination under the Wild and Scenic Rivers Agreement.
8. Rights will be limited to place of use and cannot be transferred.
9. Rights will be in full satisfaction of use of high flow under Basin 74 High Flow General Provision.
10. Streamflow maintenance water rights maybe held by Lemhi Irrigation District or holder of base water right, except for Big Timber, Eightmile, and Lee Creek, which shall be held by holder of base right.
- C. Minimum Stream Flows on Big Timber, Bohannan, Canyon and Hayden Creek.
 1. Amounts as described in settlement agreement.
 2. Rights will be junior to all existing water rights. (**Need to discuss condition/priority date relationship for stream flow maintenance water rights**).
 3. Will be in satisfaction of the local public interest as it pertains to Big Timber, Bohannan, Canyon and Hayden Creek.
- D. Miscellaneous Conditions.
 1. Fish screens.
 2. Fish propagation water rights.
 3. Notice of water transactions.
- E. Steering Committee
- F. Administration