



# AGENDA

## IDAHO WATER RESOURCE BOARD MEETING NO. 6-14

May 22, 2014 at 8:00 am

Idaho Water Center

Conf Rm 602D

**IWRB Members May Participate by Phone**

322 East Front St, Boise, ID 83702

**C.L. "Butch" Otter**  
Governor

**Roger W. Chase**  
Chairman  
Pocatello  
District 4

**Peter Van Der Meulen**  
Vice-Chairman  
Hailey  
At Large

**Bob Graham**  
Secretary  
Bonners Ferry  
District 1

**Charles "Chuck"**  
**Cuddy**  
Orofino  
At Large

**Vince Alberdi**  
Kimberly  
At Large

**Jeff Raybould**  
St. Anthony  
At Large

**Albert Barker**  
Boise  
District 2

**John "Bert" Stevenson**  
Rupert  
District 3

- .....
1. Roll Call
  2. Bohannon Creek Water Transaction
  3. Adjourn

### Americans with Disabilities

The meeting will be held in facilities that meet the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations to attend, participate in, or understand the meeting, please make advance arrangements by contacting Department staff by email [Mandi.Pearson@idwr.idaho.gov](mailto:Mandi.Pearson@idwr.idaho.gov) or by phone at (208) 287-4800.

# Memorandum



To: Idaho Water Resource Board  
From: Morgan Case  
Amy Cassel  
Date: May 22, 2014  
Re: Water Transactions Program – 2014 Bohannon Creek

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Bohannon Creek is a Lower Lemhi River tributary with ideal habitat for spawning and rearing Chinook salmon and steelhead that is seasonally dewatered due to irrigation withdrawals. The 2004 Snake River Water Rights (“Nez Perce”) Agreement commits the state to provide incentives for improving fish habitat which includes improving or protecting flow conditions to augment stream flows.

During the early portion of the irrigation season, Bohannon Creek typically becomes dewatered below the lowest diversion, Bohannon Creek 3 (BC3), potentially blocking fish passage and placing fertilized steelhead eggs (redds) at risk of drying up during the critical incubation period. This spring, Idaho Department of Fish and Game staff observed steelhead redds (spawning nests) in Bohannon Creek, the majority of which were downstream of BHC3. The BHC3 diversion was not on at the time, but the water users were planning to turn on, potentially dewatering the stream and drying up the incubating eggs.

In order to prevent that from occurring, IDFG, IWRB staff, and the Governor’s Office of Species Conservation have worked with Bohannon Creek irrigators to maintain flows in the lower reaches. IDFG and OSC repaired an underperforming pump that diverts Lemhi River water to the same ground that BHC3 irrigates. IWRB staff also started negotiations to compensate water users for spilling up to 2 cfs in lower Bohannon Creek through participation in the Idaho Water Transaction Program. Maintaining a target flow of 2 cubic feet per second below the Bohannon Creek 3 (BC3) facilitates the incubation of steelhead eggs in the lowest reach of Bohannon Creek.

Staff proposes compensation of \$80.65/24-hr cfs, the same rate the IWRB currently pays for subordination to the Lemhi River minimum stream flow water right. The compensation would cover the Lemhi River pumping costs and some loss in production. A signing bonus of \$1775 for each of the two participants would compensate for flows voluntarily left instream during the negotiation process. The total compensation would not exceed \$10,164.

Staff is also pursuing a long-term solution, by exploring the permanent transfer of the BHC3 water rights to a diversion from the Lemhi River.

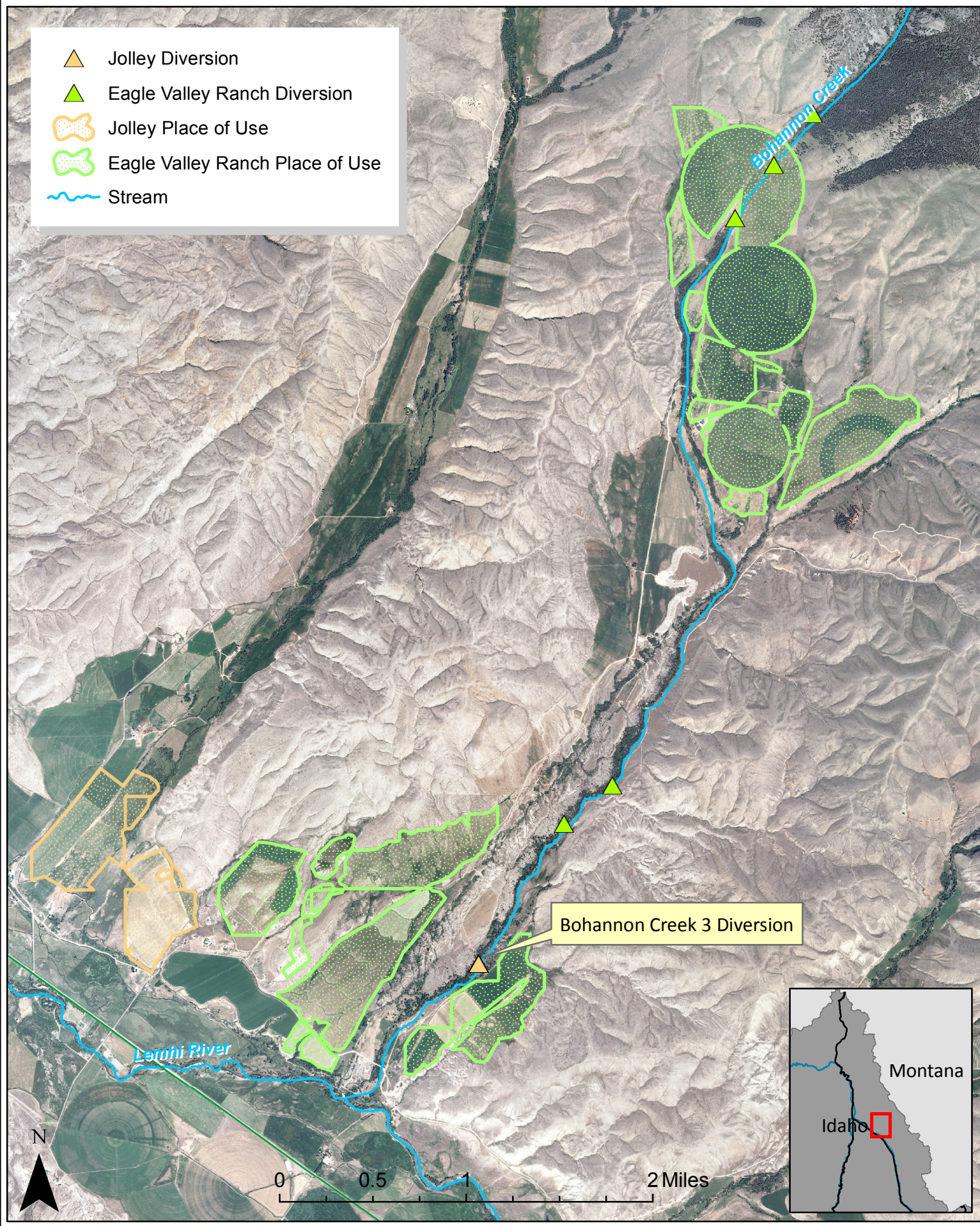
## **Action Item:**

Consideration of the attached funding resolution for \$10,164 to enter into early season minimum flow agreements to maintain 2 cfs in Bohannon Creek, tributary to the Lemhi River through June 30, 2014. Funds will come through the Columbia Basin Water Transactions Program.

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# Bohannon Creek 2014 Transaction





BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE )  
2014 BOHANNON CREEK )  
WATER TRANSACTION )  
CONTRACT )

A RESOLUTION TO MAKE  
A FUNDING COMMITMENT

WHEREAS, steelhead and juvenile Chinook salmon habitat in Bohannon Creek is limited by low flow in the lower reaches of Bohannon Creek; and

WHEREAS, Bohannon Creek provides steelhead and juvenile Chinook salmon habitat and the 2004 Snake River Water Rights ("Nez Perce") Agreement commits the state to providing incentives for improving fish habitat which includes improving or protecting flow conditions to augment stream flows; and

WHEREAS, it is in the interest of the State of Idaho to protect flows in Bohannon Creek to encourage recovery of ESA-listed steelhead and Chinook Salmon; and

WHEREAS, staff has now negotiated a short-term agreement with the Bohannon Creek water users not to divert water at the BC3 diversion to maintain target flows of 2 cubic feet per second and facilitate the incubation of steelhead eggs; and

WHEREAS, a proposal for \$10,164 has been submitted to the Columbia Basin Water Transactions Program to be used to fund said agreements; and

WHEREAS, the Bohannon Creek transactions are in the public interest and in compliance with the State Water Plan.

NOW THEREFORE BE IT RESOLVED that the IWRB authorizes the Chairman to enter into contracts with E Dale and Mildred Jolley and Eagle Valley Ranch LLC, or their successors, for agreements not to divert out of Bohannon Creek using an amount not to exceed \$10,164 (\$5,082 per party.)

NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition that the IWRB receives the requested funding from the Bonneville Power Administration through the Columbia Basin Water Transaction Program in an amount of up to \$10,164.

DATED this 22nd day of May 2014.

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ROGER CHASE, Chairman  
Idaho Water Resource Board

ATTEST: \_\_\_\_\_  
BOB GRAHAM, Secretary