



# AGENDA

## STREAMFLOW ENHANCEMENT AND MINIMUM STREAMFLOW COMMITTEE MEETING 1-15

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

**March 13, 2015 at 3:00 pm**

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

Idaho Water Center  
Conference Rooms 602 C & D  
322 East Front Street, Boise, Idaho 83720

**IWRB Members May Participate By Phone**

**Jeff Raybould**  
Vice-Chairman  
St. Anthony  
At Large

**Vince Alberdi**  
Secretary  
Kimberly  
At Large

**Peter Van Der Meulen**  
Hailey  
At Large

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

**Albert Barker**  
Boise  
District 2

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

**Dale Van Stone**  
Hope  
District 1

- .....
1. Morgan Creek 2015-2017
  2. Bohannon Creek 2015
  3. Bohannon Creek 2016
  4. Big Hat Creek 2015-2017
  5. Beaver Rental Fee Adjustment
  6. Carmen Creek Bypass
  7. Covering FTR travel/monitoring costs
  8. Blanket Resolution Discussion
  9. 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.

**322 East Front Street, Boise, Idaho 83720 Tel: (208) 287-4800 Fax: (208) 287-6700**

# Memorandum



To: IWRB – Streamflow Enhancement and Minimum Streamflow Committee

From: Morgan Case

Date: March 13, 2015

Re: Water Transactions Program – 2015-2017 Morgan Creek Transaction

---

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. Morgan Creek, a tributary to the Salmon River near Challis, is important for the spawning, migration and rearing of ESA-listed steelhead and bull trout. It also supports the rearing of ESA-listed juvenile Chinook salmon. Morgan Creek typically becomes dewatered below the lowest two diversions (SMC 2-4 and SMC 1) during the irrigation season, blocking access to those fish species. For the past nine years, the IWRB has held agreements not to divert with the two water users on those diversions from Morgan Creek. Rather than divert from Morgan Creek, they left at least 2 cfs in the creek during the low flow periods to maintain adequate flows in Morgan Creek to the confluence with the Salmon River. The water was instead pumped out of a Salmon River ditch that carries existing Salmon River water rights appurtenant to the same ground. In return, the irrigators were compensated based on the cost of pumping water from the Salmon River ditch.

While the agreements have sustained a minimum flow over the past 9 years, the approach to flow restoration over that time has changed. Instead of addressing only flow limitations, Board staff works with Upper Salmon Basin partners to develop transactions that can complement projects addressing all limiting factors, while maintaining the local economy. Morgan Creek has been on a back burner the last 5 years, while work has focused on the Lemhi and Pahsimeroi River Basins. Staff proposes taking a fresh look at the opportunity for meaningful flow restoration in Morgan Creek over the next 3 years. In the mean time, it is important to secure the gains that have already been made.

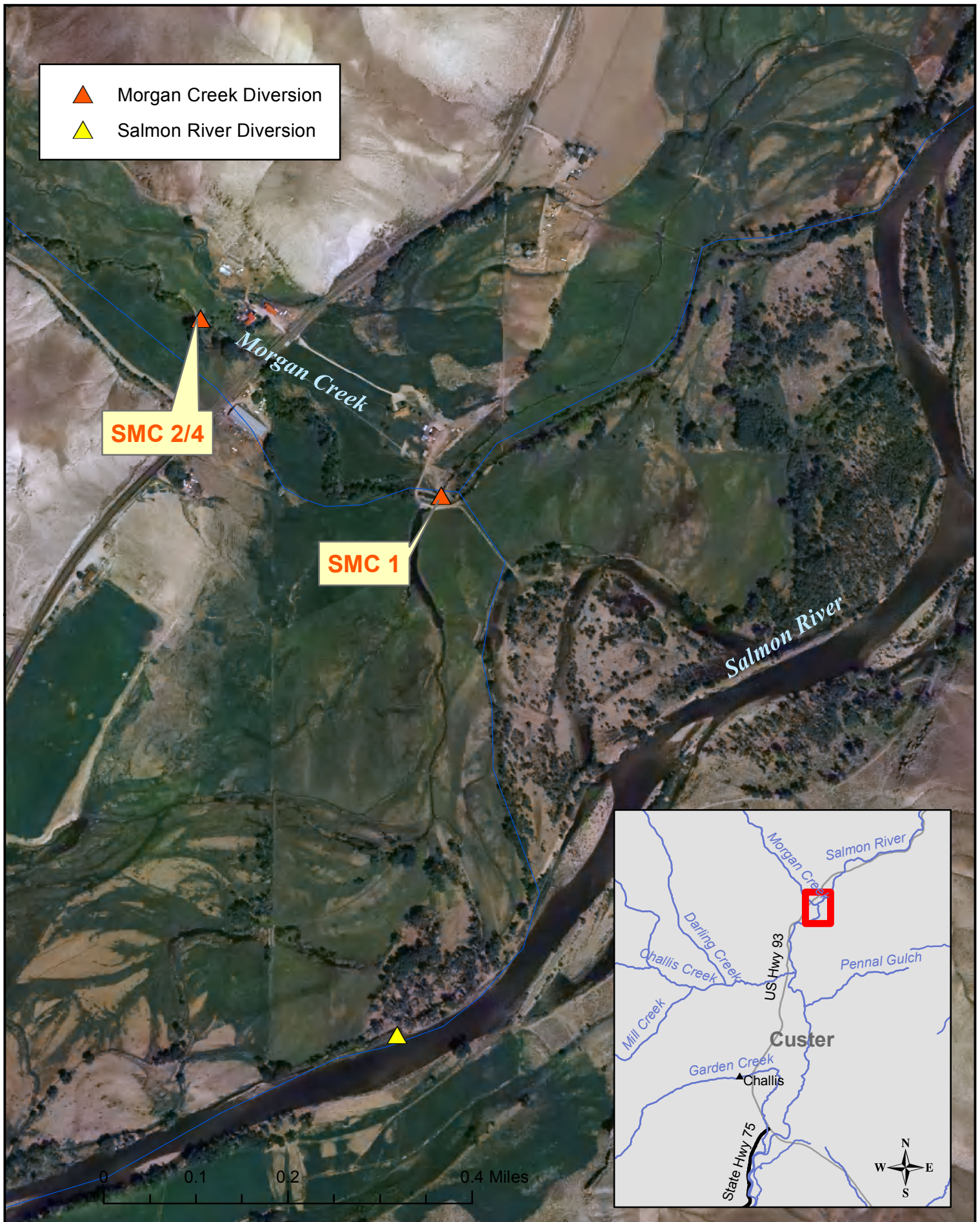
The water users have expressed a willingness to develop another long-term flow restoration transaction and have agreed to enter into a three-year agreement not to divert while those discussions are underway. The proposed one-year agreement would be an extension of the same terms and pricing structure of the previous 5-year agreement. The Morgan Creek water users will be compensated only when they are required to pump to maintain the 2 cfs flow. The maximum payment is based upon an annual five percent increase from the 2014 payment, with the total not to exceed \$26,467.76.

## **Action Item:**

There is funding opportunity through the Bonneville Power Administration Columbia Basin Water Transaction Program to cover the costs of these three-year agreements not to divert. Total costs of those agreements would not exceed \$26,467.76.

With the Committee’s recommendation, the attached funding resolution would be presented to the full Board and staff will proceed with project approval and contracting through the Columbia Basin Water Transaction Program process.

# Morgan Creek 2015-2017 Water Transaction



BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE )  
2015-17 MORGAN CREEK WATER )  
TRANSACTION CONTRACTS )  
\_\_\_\_\_)

A RESOLUTION TO MAKE  
A FUNDING COMMITMENT

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

WHEREAS, Morgan Creek provides steelhead, bull trout, 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 reconnect Morgan Creek to encourage recovery of ESA-listed steelhead, bull trout, and Chinook Salmon; and

WHEREAS, staff has developed a series of agreements not to divert water from Morgan Creek at the SMC-2/4 and SMC-1 diversions to improve stream flow for anadromous and resident fish; and

WHEREAS, staff has now negotiated three-year agreements with the Morgan Creek water users not to divert water at the SMC2/4 and SMC 1 diversions; and

WHEREAS, a proposal for \$26,467.76 has been submitted to the Columbia Basin Water Transactions Program to be used to fund said agreements; and

WHEREAS, instead of diverting from Morgan Creek, the water users have agreed to pump from Salmon River sources that are not flow-limited and the funds paid under these agreements will approximate the power expenses incurred, by changing the points of diversion; and

WHEREAS, the Morgan 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 Ronald Jones and Donna Hughes, or their successors, for agreements not to divert out of Morgan Creek using an amount not to exceed \$26,467.76.

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 the amount of \$26,467.76.

DATED this 20th day of March 2015.

\_\_\_\_\_  
ROGER CHASE, Chairman  
Idaho Water Resource Board

ATTEST: \_\_\_\_\_  
VINCE ALBERDI, Secretary

# Memorandum



To: IWRB – Streamflow Enhancement Minimum Streamflow Committee

From: Morgan Case

Date: March 13, 2015

Re: Water Transactions Program – 2015 Bohannon Creek

---

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 (BHC3), potentially blocking fish passage and placing fertilized steelhead eggs (redds) at risk of drying up during the critical incubation period. Last 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, Idaho Department of Fish and Game (IDFG), IWRB staff, and the Governor’s Office of Species Conservation (OSC) 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 developed a one-year transaction 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 facilitated the incubation of steelhead eggs in the lowest reach of Bohannon Creek.

The long-term plan to address flow limitations on lower Bohannon Creek is to eliminate the BHC3 diversion and have the water users divert from a Lemhi River ditch. IDFG has secured funding to make the infrastructure changes to accomplish the source switch, and NRCS engineers are working on the irrigation system design. In order to prevent steelhead redd dewatering in the interim, staff proposes another set of agreements to maintain a minimum flow of 2 cfs below the BHC3 diversion from April 1 to June 30, 2015. Compensation would be \$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. The total compensation would not exceed \$14,668.

The transaction would also require the Watermaster of Water District 74C to visit the BHC3 diversion daily during that period, which is above and beyond his typical watermaster duties. The Water District has requested \$600 to compensate the watermaster for his additional duties.

---

**Action Item:**

With the Committee's recommendation, the attached funding resolution would be presented to the full Board and staff will proceed with project approval and contracting through the Idaho Fish Accord Water Transaction Program process.

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE )  
2015 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, administration of the short-term agreements has increased the burden on the watermaster of WD 74C; and

WHEREAS, a request for \$600 has been submitted to the Idaho Fish Accord Water Transaction Program to be used to compensate Water District 74C for the increased administrative duties; and

WHEREAS, a proposal for \$15,268 has been submitted to the Idaho Fish Accord 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 Jolley and Eagle Valley Ranch LLC, or their successors, for agreements not to divert out of Bohannon Creek using an amount not to exceed \$14,668 (\$7,334 per party.)

NOW THEREFORE BE IT RESOLVED that the IWRB authorizes the Chairman to enter into contract with Water District 74C for administration of agreements not to divert out of Bohannon Creek using an amount not to exceed \$600.

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 Idaho Fish Accord Water Transaction Program in an amount of up to \$15,268.

DATED this 20th day of March 2015.

---

ROGER CHASE, Chairman  
Idaho Water Resource Board

ATTEST: \_\_\_\_\_  
VINCE ALBERDI, Secretary

# Memorandum



To: IWRB - Streamflow Enhancement and Minimum Streamflow Committee

From: Morgan Case

Date: March 13, 2015

Re: Water Transactions Program – Bohannon Creek Long Term

---

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. The State has also committed to the reconnection of 10 Lemhi River tributaries. The following transaction would result in a tributary reconnect of Bohannon Creek.

During the early portion of the irrigation season, Bohannon Creek typically becomes dewatered below the lowest diversion, Bohannon Creek 3 (BHC3), potentially blocking fish passage and placing fertilized steelhead eggs (redds) at risk of drying up during the critical incubation period. Last spring, Idaho Department of Fish and Game (IDFG) 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.

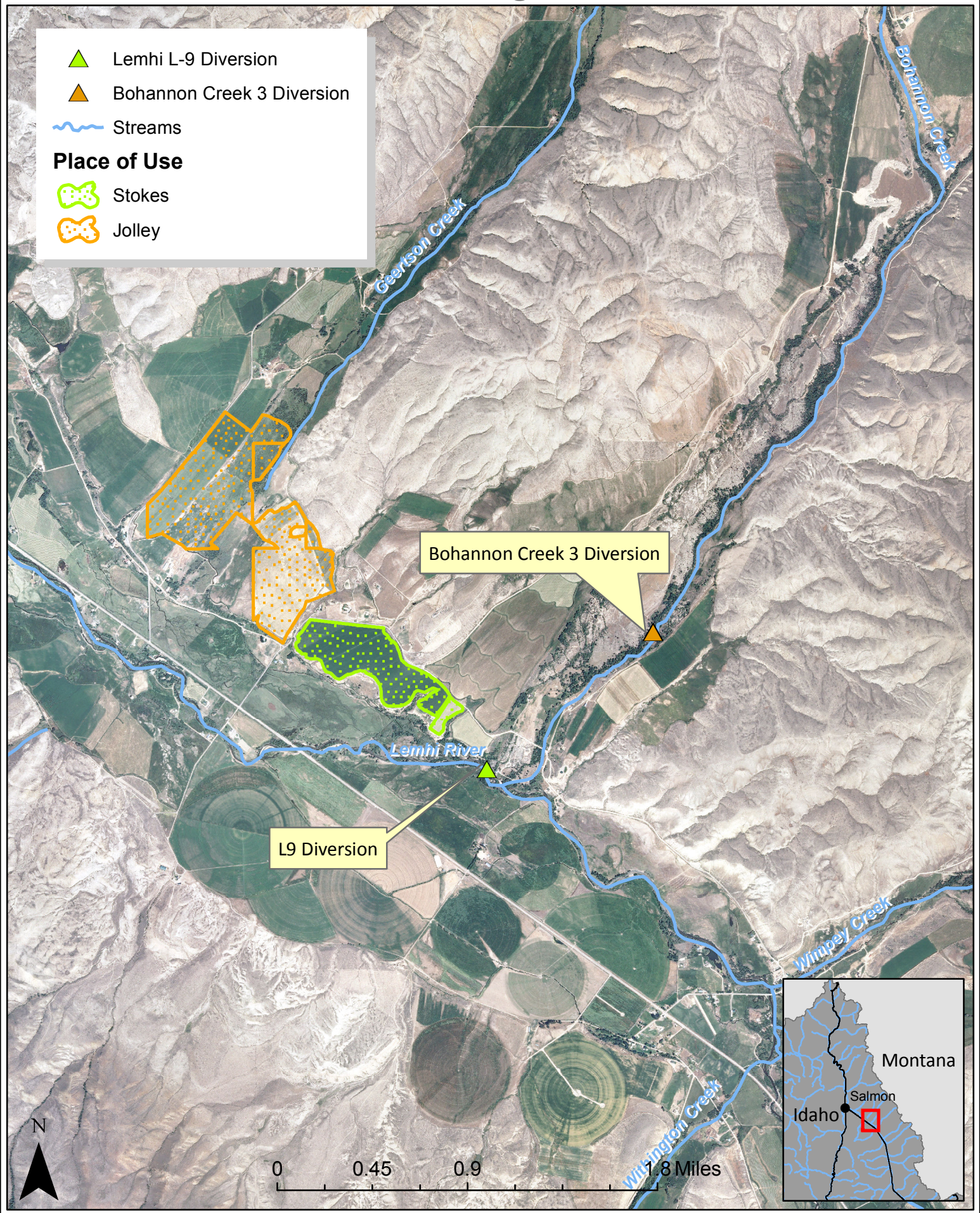
The Board negotiated a minimum flow agreement with BHC3 water users in 2014 to protect the incubating eggs. Another one-year agreement for 2015 to maintain 2 cfs has been negotiated and may be approved by the Board at the March meeting.

The long-term plan to address flow limitations on lower Bohannon Creek is to eliminate the BHC3 diversion and have the water users divert from a Lemhi River ditch. Moving the point of diversion would increase flows in lower Bohannon Creek by up to 12 cfs. IDFG has secured funding to make the infrastructure changes to accomplish the source switch, and NRCS engineers completed the irrigation system design. Board staff calculated pumping cost estimates for Dale Jolley and Mildred Stokes with a five percent annual increase for increased power rates to cover twenty-year agreements not to divert. The total transaction cost for conversion of the BHC3 diversion to the Lemhi River is \$1,023,177.34. Funding for the project is available from the Idaho Fish Accord Water Transactions Program.

## **Action Item:**

With the Committee’s recommendation, the attached funding resolution would be presented to the full Board and staff will proceed with project approval and contracting through the Idaho Fish Accord Water Transactions Program process.

# Bohannon Creek Long Term Transaction



BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE BOHANNON )  
CREEK WATER TRANSACTIONS )  
\_\_\_\_\_)

A RESOLUTION TO MAKE  
A FUNDING COMMITMENT

WHEREAS, Chinook salmon and steelhead habitat in the Bohannon Creek basin is limited by seasonally disconnected stream reaches; and

WHEREAS, Bohannon Creek has been identified as a high priority stream for flow restoration efforts, to provide high quality habitat for anadromous Chinook salmon and steelhead and resident bull trout, and the 2004 Snake River Water Rights Agreement (Also known as the 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 reconnect of Bohannon Creek to encourage recovery of ESA-listed Chinook salmon, steelhead, and bull trout; and

WHEREAS, staff has developed two twenty-year agreements not to divert up to 12 cfs of water from the Bohannon Creek 3 Diversion to reconnect stream flow for anadromous and resident fish; and

WHEREAS, the water users will change the point of diversion to divert from the Lemhi River and the funds paid under the agreement will approximate the power expenses incurred, over a 20-year period, by changing the points of diversion; and

WHEREAS, funds are available from the Bonneville Power Administration through the Idaho Fish Accord Water Transaction Program; and

WHEREAS, staff anticipates the funds being placed into the Idaho Water Resource Board (IWRB) Revolving Development Account for annual payment to the water right owners; and

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

NOW THEREFORE BE IT RESOLVED that the IWRB authorizes the Chairman to enter into contracts with Dale Jolley and Betty Stokes or subsequent owners for agreements not to divert out of the Bohannon Creek 3 diversion in the amount of one million twenty-three thousand one hundred seventy-seven dollars and thirty-four cents (\$1,023,177.34) over a twenty-year period.

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 Idaho Fish Accord Water Transaction Program in the amount of one million twenty-three thousand one hundred seventy-seven dollars and thirty-four cents

(\$1,023,177.34).

DATED this the 23rd day of January, 2015.

---

ROGER CHASE, Chairman  
Idaho Water Resource Board

ATTEST: \_\_\_\_\_

VINCE ALBERDI, Secretary

# Memorandum



To: Idaho Water Resource Board  
From: Morgan Case  
Date: March 13, 2015  
Re: Water Transactions Program – 2015-2017 Rental Hat Creek

---

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. The Hat Creek Basin supports the spawning, migration and rearing of ESA-listed resident bull trout. Big Hat Creek, a tributary of Hat Creek, and Hat Creek provide thermal refuge and rearing habitat for juvenile bull trout. The only diversion on Big Hat Creek can dewater the stream, thereby blocking the movement of bull trout and decreasing rearing habitat. The lower section of Hat Creek provides thermal refuge for adult Chinook salmon, and flows left instream from the higher, colder reaches of the Hat Creek basin may provide the necessary cooler temperatures for Chinook spawning habitat.

Erik Storlie and Tamara Kaiser have the only water rights from Big Hat Creek (75-2137 and 75-4199 - 1.23 cfs irrigating 43.6 acres). From 2004 to 2008, the Board rented 0.52 cfs from the Storlie-Kaisers for delivery to a minimum stream flow downstream for \$1850 or \$71.15 per acre. In 2009, the irrigators leased their water rights into the Idaho Water Supply Bank for an indefinite period of time. In 2010, the Board passed a resolution to make a funding commitment to cover the fees associated with a five year rental of Water Rights Nos. 75-2137 and 75-4199 for delivery to minimum stream flow on Hat Creek, but declined to approve funding for water right owner compensation.

The Storlie-Kaisers want to continue to keep their water instream and would like to lease an additional water right (Hat Creek 75-4200 - 1.28 cfs irrigating 24.7 acres) to the Idaho Water Supply Bank for delivery to a minimum stream flow downstream. The water right owners are interested in more long-term options, so staff is exploring the possibility of a purchase or long-term rental of all three water rights (75-2137, 75-4199, and 75-4200), with the exception of the portion used to water 4.6 acres near their cabin. While the risk of resumption of use is small if the rights are only rented from the current owners, a change in property ownership could result in resumption of use. A purchase would permanently protect the flows in Big Hat Creek and Hat Creek and potentially affect the value of the property.

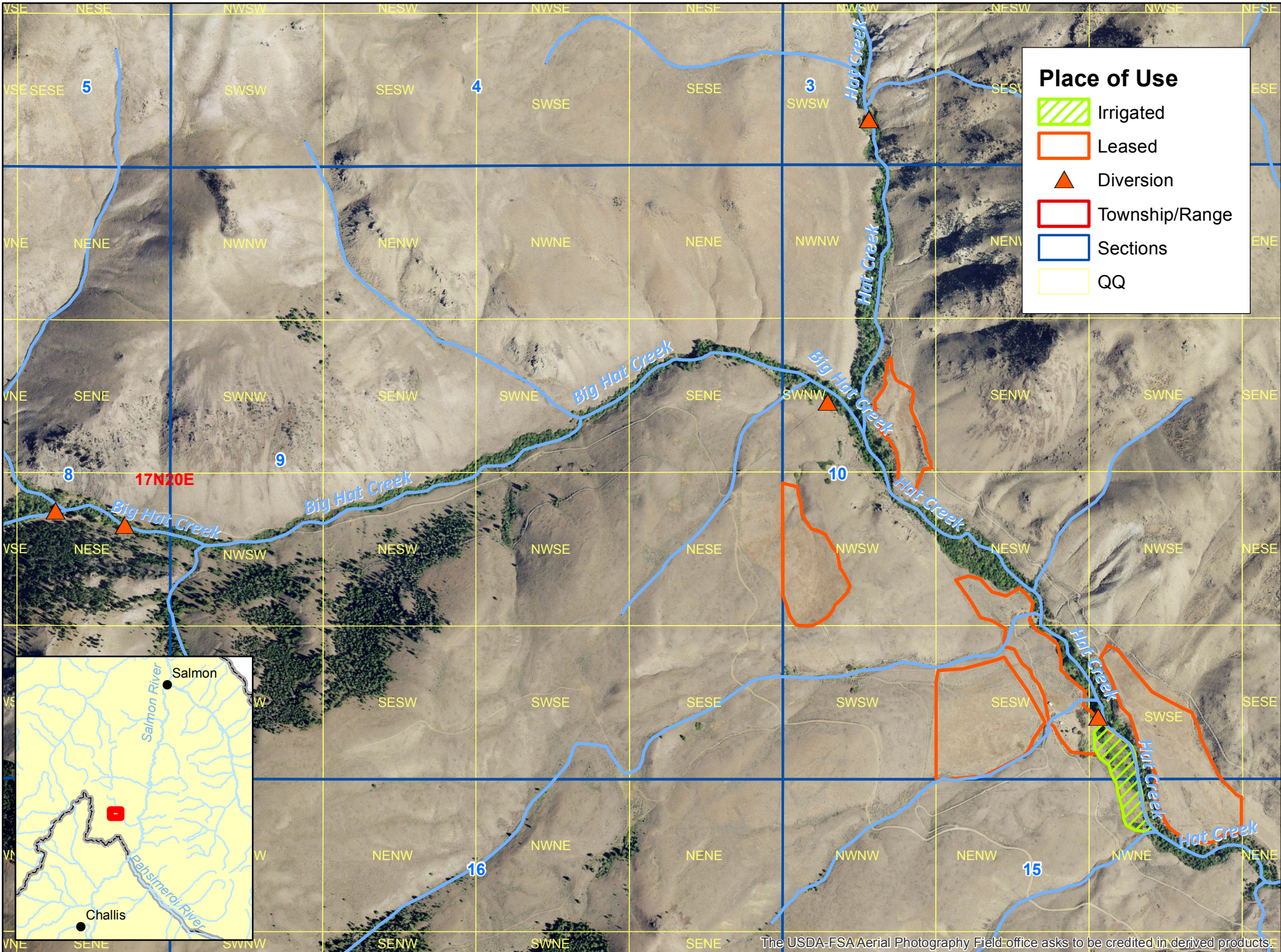
At the September 2014 Board meeting, the Board instructed staff to pursue funding for an appraisal to purchase the Big Hat and Hat Creek water rights. Funding is not currently available from the Columbia Basin Water Transactions Program (CBWTP), but it may be available in FY 2016 or FY 2017. In the interim, the water right owners have agreed to donate the water rights to the board from rental to the Hat Creek minimum stream flow. Funding is available through the CBWTP to cover three years of lease application and rental fees. Total transaction costs would be \$1887.05.

## **Action Item:**

With a recommendation from the Committee, staff will present a resolution authorizing the Board to enter into a three year rental of the water right no. 75-4200 and a portion of water right nos. 75-2137 and 75-4199 for delivery to the Hat Creek minimum stream flow water right no. 75-14189 and authorizing the Board to expend \$1,887.05 upon approval from the CBWTP.

---

# Big Hat/Hat Creek Rental 2015



BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE	)	A RESOLUTION TO MAKE
2015-17 HAT CREEK WATER	)	A FUNDING COMMITMENT
TRANSACTION CONTRACTS	)	
_____	)	

WHEREAS, bull trout and juvenile Chinook salmon habitat in Hat Creek is limited by low flow in the lower reaches of Morgan Creek; and

WHEREAS, Hat Creek provides bull trout 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 increase flow in Hat Creek to encourage recovery of ESA-listed bull trout and Chinook Salmon; and

WHEREAS, staff has developed a 3-year lease/rental agreement to leave water in Big Hat Creek and Hat Creek to improve stream flow for anadromous and resident fish; and

WHEREAS, Erik Storlie and Tamara Kaiser have agreed to donate a portion of their water rights to the Board for deliver to the Hat Creek minimum stream flow water right; and

WHEREAS, a proposal for \$1,887.05 has been submitted to the Columbia Basin Water Transactions Program to be used to fund the lease and rental of said water rights; and

WHEREAS, the Hat Creek transaction is the public interest and in compliance with the State Water Plan.

NOW THEREFORE BE IT RESOLVED that the IWRB authorizes the Chairman to rent a portion of water right nos. 75-2137, 75-4199, and the entirety of water right no. 75-4200 for the purpose of increasing flows in Big Hat Creek and Hat Creek.

NOW THEREFORE BE IT FURTHER RESOLVED that the Board will pay up to \$750 in lease application fees and \$1,137.05 in Water Supply Bank rental fees to facilitate this transaction.

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 the amount of \$1,887.05.

DATED this 20th day of March 2015.

\_\_\_\_\_  
ROGER CHASE, Chairman  
Idaho Water Resource Board

ATTEST: \_\_\_\_\_  
VINCE ALBERDI, Secretary

# Memorandum



To: IWRB – Streamflow Enhancement and Minimum Stream Flow Committee

From: Morgan Case

Date: March 13, 2015

Re: Water Transactions Program – Beaver Creek Rental Fee Adjustment

---

At the November 2014 meeting, the Board approved a resolution authorizing the expenditure of funds for a 20-year lease of water rights from Beaver Creek and the Salmon River. The expenditure was authorized for a landowner payment of \$111,280 and a rental fee payment of \$23,759. Staff calculated the rental fee by multiplying the rented volume shown on the 2005 rental agreement by ten percent of the standard rental rate. The volume listed on the 2005 rental agreement was the consumptive use volume (2.5 AF/acre). Water Supply Bank staff informed Transaction staff that the current Water Supply Bank procedures call for rental fees to be calculated using the headgate volume (3.5 AF/acre).

Corrected calculations for the 20-year Beaver Creek and Salmon River rental are \$111,280 to the landowner (\$20/acre/year) and rental fees of \$36,887.42.

---

## **Action Item:**

There is funding available through the Bonneville Power Administration Columbia Basin Water Transaction Program to cover the corrected costs of the twenty-year rental from Beaver Creek. The total cost of the transaction is \$148,167.42.

With the Committee's recommendation, the attached funding resolution would be presented to the full Board and staff will proceed with project implementation through the Columbia Basin Water Transaction Program process.

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE	)	A RESOLUTION TO MAKE
BEAVER CREEK RENTAL	)	A FUNDING COMMITMENT
FOR THE WATER TRANSACTION	)	
AGREEMENT	)	
_____	)	

WHEREAS, Chinook salmon, steelhead, and bull trout habitat in the Upper Salmon River basin is limited by seasonally disconnected tributaries; and

WHEREAS, Beaver Creek has been identified as a high priority stream for flow restoration efforts, to provide high quality habitat for anadromous Chinook salmon and steelhead and resident bull trout, and the 2004 Snake River Water Rights Agreement (Also known as the 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 maintain the reconnection of Beaver Creek to encourage recovery of ESA-listed Chinook salmon, steelhead, and bull trout; and

WHEREAS, the Idaho Water Resource Board (Board) has contracted with DOT LLP to rent their water rights from Beaver Creek and Salmon River for instream purposes since 2004; and

WHEREAS, there is funding available to secure 20-year lease and rental agreements with DOT LLP, or its successors, to protect 9.88 cfs instream in Beaver Creek and the Salmon River, and

WHEREAS, the Board will compensate DOT LLP or its successors, \$20 per acre per irrigation season for said rental for an annual payment of \$5564 for 278.2 acres and a 20-year total of \$111,280; and

WHEREAS, the lease and rental fees for said agreement will not exceed \$36,887.42, and

WHEREAS, a proposal for \$148,167.42 has been submitted to the Columbia Basin Water Transactions Program to be used to fund said lease/rental agreement; and

WHEREAS, staff anticipates the funds being placed in the Idaho Water Resource Board (IWRB) Revolving Development Account for annual payment to the water right owners; and

WHEREAS, the Beaver Creek transaction is in the public interest and is in compliance with the State Water Plan.

WHEREAS, this resolution supercedes the Beaver Creek funding resolution approved by the Idaho Water Resource Board at the November 5, 2014 meeting; and

NOW THEREFORE BE IT RESOLVED that the IWRB authorizes the Chairman to enter into a lease/rental agreement for water rights 71- 2091C, 71-2091D, 71-7008, 71-7009, 71-7083, 71-10665A, and 71-10665B for delivery to minimum stream flow 72-16668, using an amount not to exceed \$148,167.42.

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 the amount of \$148,167.42.

DATED this 20th day of March, 2015.

---

Roger Chase, Chairman  
Idaho Water Resource Board

ATTEST: \_\_\_\_\_  
VINCE ALBERDI, Secretary

# Memorandum



To: IWRB – Streamflow Enhancement and Minimum Streamflow Committee

From: Morgan Case

Date: March 13, 2015

Re: Water Transactions Program – Carmen Creek Non-Consumptive

---

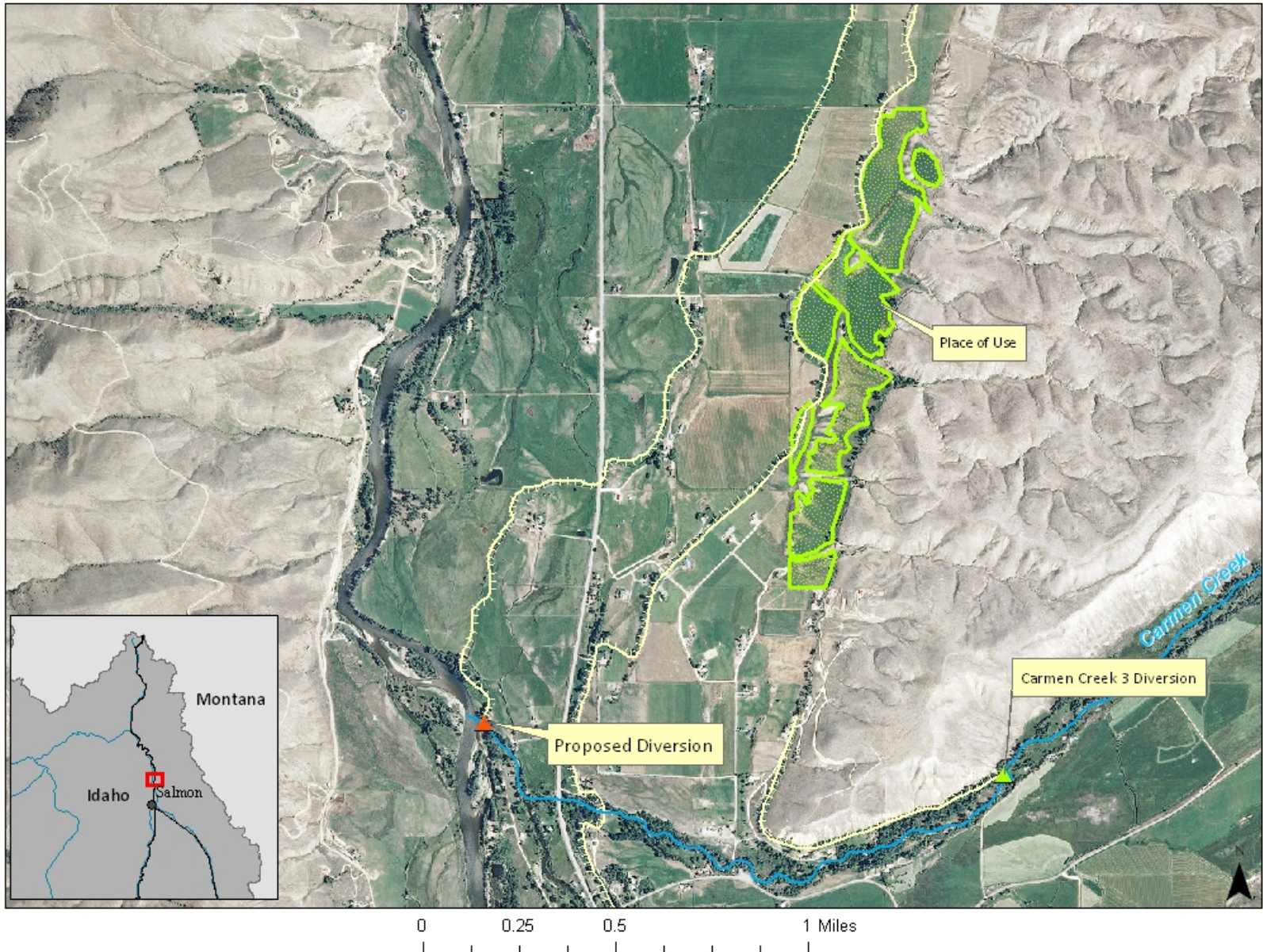
Carmen Creek is a tributary that flows into the Salmon River north of Salmon, Idaho. It is seasonally de-watered due to irrigation withdrawals. It has been identified as a high priority stream for flow restoration efforts, to provide high quality habitat for anadromous Chinook salmon and steelhead and resident bull trout. Partner agencies, including the Board, have worked on a project with water users (William and Derrold Slavin) who divert from the Carmen Creek 3 diversion to move the point of diversion downstream in Carmen Creek to a point just above the confluence with the Salmon River.

At the January 2015 meeting, the Board passed a funding resolution that authorized staff to move forward with 2-twenty year agreements not to divert, with Bill and Derrold Slavin. Within the reconnected reach, Kirk Eberhard holds a 0.5 cfs non-consumptive water right for recreation. While the water right is junior to the water rights to be delivered for the reconnect, historically Eberhard had access to a portion of the water right due to leakage from the Barsalou ditch. Eberhard has expressed support of the Carmen Creek water right and has verbally stated that he will continue to divert only a small portion of his water right when the base 1.2 cfs is being delivered to the new point of diversion on Carmen Creek.

Staff is proposing entering into a 20-year agreement with Eberhard to divert only 0.1 cfs when the base rights of 1.2 cfs are being spilled for delivery to the McNutt Ditch. This will formalize the terms of the verbal agreement. The Board can only enter into contract with a water user if there is some consideration given for the concessions made by the water user. Eberhard holds a 0.01 cfs irrigation right from the recreational pond that he would like to continue to use when Carmen Creek is in regulation. Eberhard has expressed interest in obtaining a 0.01 cfs irrigation right for 0.5 acres from a senior water right that is typically not curtailed.

Staff seeks discussion with and direction from the Committee for this proposal.

## Carmen Creek - POD Transfer



# Carmen Creek Flow Restoration Reach

