

Idaho Water Resource Board
Lemhi Basin Comprehensive Settlement
Implementation Progress Report
April 19, 2023



Settlement Actions	Major Milestones Completed	Recent Progress & Upcoming Work	Action Schedule
<p>Resolve State and Private Protests to Pending Applications 74-16185, 74-16186, 74-16187, 74-16188, 74-16189, 74-16190, 74-16191, 74-16192, 74-16193, 74-16194, 74-16195, 74-16196, 74-16204, 74-16205 <i>(Settlement Agreement Sections II and XI.2)</i></p>	<ul style="list-style-type: none"> ● Application 74-16195 withdrawn. ● IDWR mailed draft permits to applicants and protestants on July 20, 2022. ● Settlement Conference held on August 11, 2022, in Leadore, Idaho. IDFG, LID, LSWD, and private protests to 74-16186, 74-16188, 74-16189, 74-16190, 74-16191, 74-16192, 74-16193, 74-16194, 74-16196, 74-16204, 74-16205 were resolved at Settlement Conference. ● Permits 74-16190, 74-16185, 74-16192, 74-16193, 74-16196, 74-16204, and 74-16205 approved on December 9, 2022. ● Permit 74-16187 issued on December 21, 2022. ● Permits 74-16191 and 74-16186 approved on April 4, 2023. 	<ul style="list-style-type: none"> ● Applications 74-16188 and 74-16194 awaiting resolution of right of way issue for delivery of water across federal lands. ● Amended Application filed for 74-16189 moving point of diversion off federal land. Amended application will be noticed. 	
<p>Lemhi Basin Stream Flow Maintenance Water Right Applications <i>(Settlement Agreement Sections II. and III.)</i></p>	<ul style="list-style-type: none"> ● IDWR held Application Filing Workshops in Salmon on Sept 14 & 15, 2022, and in Leadore on Sept 15, 2022, to assist users in filing applications. ● Notice of the opportunity to file applications was completed by IDWR: notice was published in the Salmon Herald 	<ul style="list-style-type: none"> ● Address right of way issue for delivery of water across federal lands. ● IDWR to provide notice of the opportunity to file applications to the Lemhi County Treasurer in 2023. ● Meeting held in Salmon on January 5, 2023, to discuss the opportunity, advantages, and timeline 	<ul style="list-style-type: none"> ● Application filing deadline is July 1, 2024. ● As of March 2023, IDWR has received approximately 120 applications. ● Work with water users to provide information needed to create templates for combined streamflow maintenance applications diverted

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	<p>Recorder; notification letters were mailed to irrigation water right holders; notice was posted in the Lemhi County Courthouse on Aug 12, 2022.</p>	<p>for water users to apply for Stream Flow Maintenance rights under the Lemhi Irrigation District.</p> <ul style="list-style-type: none"> ● Coordinate with Lemhi Irrigation District to encourage water users to file collectively for streamflow maintenance water rights that are diverted through a common water delivery system. 	<p>from a common water delivery system.</p> <ul style="list-style-type: none"> ● Frequently Asked Questions regarding streamflow maintenance water right applications completed. ● Follow up with Idaho Department of Fish and Game regarding existing flow agreements on Lemhi Basin fish screens.
<p>McFarland Campground Minimum Stream Flow Application 74-16265</p>	<ul style="list-style-type: none"> ● Application filed on July 1, 2022. ● Hearing held on Sept 20, 2022. ● Permit 74-16265 approved on November 7, 2022. 	<ul style="list-style-type: none"> ● Feb. 2023 - Protocol for exercise of water right 74-16265 developed. ● Permit submitted for review by 2023 Legislature on January 10, 2023 ● March 31, 2023 - IWRB adopted protocol for exercise of water right 74-16265 ● Permit approved on April 6, 2023, following procedures under 42-1503 (ii). 	
<p>Minimum Stream Flow Applications 74-16261 (Bohannon Creek), 74-16262 (Big Timber Creek), 74-16263 (Hayden Creek) and 74-16264 (Canyon Creek) (Settlement Agreement Section IV.)</p>	<ul style="list-style-type: none"> ● Applications filed on July 1, 2022. ● Hearing held on Sept 20, 2022. ● Permits 74-16261, 74-16262, 74-16263, and 74-16264 approved on November 7, 2022. 	<ul style="list-style-type: none"> ● Permits submitted for review by 2023 Legislature on January 10, 2023. ● Permits approved on April 6, 2023, following procedures under 42-1503 (ii). 	
<p>Lemhi Basin Water Supply Program (<i>Settlement Agreement Section V.</i>)</p>	<ul style="list-style-type: none"> ● RECHARGE FEASIBILITY STUDY: Preliminary site/field investigation to be scheduled in Spring 2023. IDWR staff will schedule field visits with local stakeholders to locate potential sites to help scope the feasibility study. ● CLOUD SEEDING FEASIBILITY STUDY: IDWR and NCAR representatives toured the Lemhi Basin on October 14 to scope Cloud Seeding Feasibility Study. Results of the study are expected in fall 2023. ● IDWR will hold a meeting with Lemhi Settlement Working Group on Cloud Seeding basics and the Lemhi Basin Feasibility Investigation. 		<ul style="list-style-type: none"> ● Program options will be considered based on feasibility study results. Sept. 2022 – Cloudseeding feasibility study contracted with National Center for Atmospheric Research; results and final report expected Sept. 2023

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	<ul style="list-style-type: none"> ● WATER STORAGE FEASIBILITY STUDY: Preliminary site/field investigation to be scheduled in Spring 2023. IDWR staff will schedule field visits with local stakeholders to locate potential sites to help scope a feasibility study. 		
Miscellaneous Provisions (<i>Settlement Agreement Section VI.</i>)	<ul style="list-style-type: none"> ● IWRB implemented enhanced process for notice of water transactions. 	<ul style="list-style-type: none"> ● No action required. 	<ul style="list-style-type: none"> ● No further action required to implement Settlement Agreement Section VI.
Lemhi Settlement Agreement Steering Committee (<i>Settlement Agreement Section VII.</i>) The Steering Committee will oversee implementation of the Agreement and shall consist of two reps of the Lemhi Irrigation District, two reps of the Upper Lemhi Basin Water Users, one rep of IDFG, one rep of OSC, and one rep of the IWRB. The Basin 74 water master or an IDWR employee shall serve as an ex officio member. Water User reps shall be parties to the Agreement.		<ul style="list-style-type: none"> ● Feb. 2023 –Settlement Working Group meeting held to provide updates on the implementation of the Agreement and to discuss procedures for Steering Committee. ● Feb. 2023 – Charter developed for steering committee consistent with Settlement Agreement. ● March 31, 2023 – Resolutions to adopt Lemhi Settlement Charter and appointment of members approved by IWRB 	<ul style="list-style-type: none"> ● May 15, 2023 – Schedule Steering Committee meeting on or shortly after May 15, 2023 ● Steering Committee to review the McFarland MSF protocol and if favorable, determine window for exercise of the minimum stream flow
Administration (<i>Settlement Agreement Section VIII.</i>)		<ul style="list-style-type: none"> ● IDWR to facilitate meeting with the watermaster for the local water districts before the 2023 irrigation season to familiarize them with the terms of the Settlement Agreement. ● Computerized Accounting will be implemented as needed. ● Watermaster instructions will be issued as needed upon implementation of the settlement. 	