

## SUMMARY OF LEMHI SETTLEMENT AGREEMENT

- I. Water Right Settlement Agreement Goals
  - A. Business Goal: Preserve and enhance farming and ranching lifestyle and promote economic develop in the Lemhi River Basin.
  - B. Biological Goal: Conserve, restore, and enhance sufficient habitat to sustain viable fish populations in the Lemhi River Basin.
  
- II. Settlement Agreement Sideboards
  - A. Participation in settlement agreement is voluntary.
  - B. All existing water rights are protected/unaffected by settlement agreement.
  - C. Implementation of settlement agreement will be in conformance with Idaho law.
  
- III. Settlement Agreement Terms
  - A. Pending applications of parties to settlement on Big Timber, Little Timber, Big Eightmile, and Mill Creeks.
    - 1. Season of use will be 3/15 to 7/31.
    - 2. Big Timber, Big Eightmile, and Little Timber rights will include a voluntarily agreed to bypass flow condition.
    - 3. No right to use high flow on place of use.
    - 4. Rights will receive the benefit of subordination under from Wild and Scenic Stipulation when the mean daily discharge at Shoup gage is 1,280 cfs or greater.
  
  - B. Stream flow maintenance applications.
    - 1. Option to convert existing high flow use to protectable water right on place of use of irrigation water rights decreed in the SRBA (“base rights”).
    - 2. All stream flow maintenance water rights will be ancillary to base rights.
    - 3. All streamflow maintenance water rights from a common source will share available flow proportionately when rights are in priority except for applications of III.A. parties, which will have a priority date one day later than other stream flow maintenance applications on Big Timber, Little Timber, Big Eightmile, and Mill Creeks.
    - 4. Season of use will be 3/15 to 11/15.
    - 5. Rights on Big Timber, Big Eightmile and Little Timber will contain a voluntarily agreed to bypass flow condition.
    - 6. All rights will contain a voluntarily agreed to condition that requires a holder to not divert for three consecutive days two out of every five-year rolling period to provide water for satisfaction of McFarland Campground minimum flow water right.
    - 7. Rights will not receive the benefit of subordination under the Wild and Scenic Rivers Stipulation.
    - 8. Rights will be limited to place of use and cannot be transferred independent of base rights.

9. Rights will be in full satisfaction of use of high flow under Basin 74 High Flow General Provision on place of use of base rights.
  10. Streamflow maintenance water rights maybe held by Lemhi Irrigation District or holder of base water right, except for Big and Little Timber, Eightmile, and Lee Creek, which shall be held by holder of base right.
- C. McFarland Campground minimum flow water right.
1. Quantity of right will be 420 cfs.
  2. Season of use of right will be limited to 3/15 to 7/06.
  3. The right may only be exercised twice during a rolling five-year period for three consecutive days.
  4. Any years in which the natural flow at the McFarland Campground exceeds 420 cfs for three consecutive days counts toward satisfaction of the McFarland Campground minimum flow.
  5. All years in which the Board affirmatively exercises the McFarland Campground minimum stream flow counts regardless of whether the 420 cfs quantity is achieved.
  6. Right cannot call for delivery of water from streams administered separate from the Lemhi River, except for holders of stream flow maintenance water rights that have voluntarily agreed to not divert when the McFarland Campground minimum stream flow water right is exercised..
- D. Minimum Stream Flows on Big Timber, Bohannon, Canyon and Hayden Creek.
1. Amounts as described in settlement agreement and are based upon PHABSIM analysis.
  2. Rights will be junior to all existing water rights.
  3. Rights will be in satisfaction of the local public interest as it pertains to Big Timber, Bohannon, Canyon and Hayden Creek.
- E. Water Supply Program
1. Recharge
  2. Cloud Seeding
  3. Storage
- F. Miscellaneous Conditions.
1. Fish screens.
  2. Notice of water transactions.
- G. Steering Committee
- H. Administration