

FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: January 15, 2015

Agenda Item: Long Creek Instream Flow Acquisition

Division: Fisheries

Action Needed: Final

Time Needed on Agenda for this Presentation: 10 minutes

Background

In 2010, FWP found Arctic grayling present in Long Creek, a tributary to the Red Rock River immediately upstream of Lima Reservoir. Previously, Arctic grayling were believed to have been extirpated from the stream. During the summer and into the early fall, dewatering due to irrigation withdrawals negatively impacts stream flow in Long Creek and its associated fishery. The Nature Conservancy (TNC) owns land along the creek which is irrigated by several water rights including the most senior right. Over the past four years, TNC and FWP have monitored streamflow and groundwater levels to assess the potential benefits of changing TNC's irrigation water rights to instream flow.

On August 7, 2014, the Commission directed FWP staff to negotiate a water-right acquisition agreement with TNC. Through negotiations, FWP and TNC agreed that the best approach would be for FWP to temporarily lease the water rights for a period of 10 years. Under the agreement, irrigation would continue in May and June and then cease from July forward. This arrangement would partially preserve agricultural production as well as irrigation return flows that benefit Long Creek later in the summer, while still improving instream flows during later summer and early fall when dewatering is most severe. TNC would be paid \$20,000 and be responsible to construct infrastructure that would return waste and seepage water to Long Creek, which is necessary to maximize the benefits of the change to instream flow.

Public Involvement Process & Results

TNC has already discussed the possibility of changing their existing water rights to instream flow with neighbors on Long Creek. In order to change a portion of the water right to instream flow, FWP must make application to DNRC. This application would be noticed to the public, and potentially affected parties would have the opportunity to object to the change. In addition, DNRC would conduct an environmental review of the proposed change.

Alternatives and Analysis

One alternative would be for FWP not to acquire the water rights and change them to instream flow. Improvements to flow-related habitat in Long Creek would be foregone. Another alternative would be for TNC to temporarily change its water right to instream flow. This alternative would require TNC to dedicate already limited staff resources to monitoring and managing the temporary change to benefit the public fishery.

Agency Recommendation & Rationale

FWP recommends that the Commission approve the water-right lease agreement with TNC and direct FWP staff to file an application with DNRC to temporarily change the water right to instream flow.

Proposed Motion

I move to approve the water-right lease with The Nature Conservancy and direct FWP staff to submit to DNRC an application to temporarily change the water rights to instream flow as described in the lease agreement.