

# **FINDING OF NO SIGNIFICANT IMPACT**

## **Partial Assignment of New Union Ditch Company Ltd.'s Contract Entitlement in Lucky Peak Reservoir to Wilderness Ranch Owners' Association and Osprey Subdivision Property Owners' Association**

**PN-FONSI 05-09**

**November 2005**

### **Introduction**

In accordance with the National Environmental Policy Act (NEPA) the Bureau of Reclamation (Reclamation) has prepared a Draft Environmental Assessment (EA) that evaluates the environmental effects of the Reclamation's proposed approval of an assignment of a portion of New Union Ditch Company's (New Union's) contract entitlement in Lucky Peak Reservoir to Wilderness Ranch and Osprey Subdivisions.

New Union recently converted their water service contract with Reclamation for 1,400 acre feet of Lucky Peak storage for irrigation to a repayment contract. This contract provides for the assignment of all or part of their storage to other entities, subject to approval by Reclamation. New Union has entered into an agreement with Wilderness Ranch for an assignment of 200 acre feet of their contract entitlement and a similar agreement with Osprey for 300 acre feet.

Wilderness Ranch and Osprey are semi-rural subdivisions located along Mores Creek, a Boise River tributary which flows into Lucky Peak Reservoir. Both subdivisions divert from Mores Creek for their landscape irrigation water supply. Wilderness Ranch also uses Mores Creek for its drinking water supply. Both subdivisions have water rights that are relatively junior to other Mores Creek water rights that are diverted downstream from Lucky Peak Reservoir.

If and when Mores Creek water rights are administered in conjunction with Boise River water rights by Idaho Department of water Resources, Wilderness Ranch and Osprey risk curtailment of their diversions during late summer in drought years to fulfill senior water rights downstream. By acquiring storage in Lucky Peak Reservoir, the subdivisions can replace their Mores Creek diversions with Lucky Peak storage delivered downstream and would be allowed to continue to divert even when Mores Creek flows are relatively low.

## **Alternatives Considered and Recommended Action**

Alternatives to meet the purpose and need for action are limited by the existing assignment agreements among New Union, Wilderness Ranch, and Osprey and the fact that both subdivisions are substantially complete with water supply infrastructure already in place.

Two Alternatives were analyzed in the Draft EA, the no action alternative which is required by NEPA, and the proposed action. Under the no action alternative, Reclamation would not approve the assignments. Without this approval, Wilderness Ranch and Osprey would rent 200 acre feet and 300 acre feet, respectively from New Union through the Boise River Rental Pool, if this storage is available, as replacement water to allow for continued diversions during low flows in Mores Creek.

Under the proposed action, Reclamation would approve the assignment of 200 acre feet to Wilderness Ranch and 300 acre feet to Osprey and enter into a contract with the subdivisions for the storage. The proposed action would provide a more secure source of storage water for the two subdivisions compared to the no action alternative.

Reclamation has selected the proposed action alternative as the recommended alternative for implementation.

## **Consultation, Coordination, and Public Involvement**

Reclamation developed a list of issues and concerns through recent experience in water contract-related actions in the Boise River reservoir system, consultation with Idaho Department of Fish and Game, and by reviewing the environmental compliance process for Wilderness Ranch's recently-completed diversion and water treatment plant on Mores Creek.

The Draft EA was mailed to approximately 110 Federal, state and local agencies, elected officials, Indian tribes, irrigation districts and interest groups for a 30-day comment period. Reclamation received one comment letter from Ada County stating they had no comment and letters from U.S. Fish and Wildlife Service (USFWS) and NOAA Fisheries pertaining to Endangered Species Act (ESA) compliance described below.

The Draft EA served as the biological assessment of species listed under ESA and was provided to USFWS and NOAA Fisheries for review in compliance with Section 7 of ESA. Reclamation determined that the proposed action may affect, but is not likely to adversely affect bull trout, bald eagles, or listed anadromous fish species in the Snake and Columbia Rivers. Concurrence for this finding was received from U.S. Fish and Wildlife Service on August 3, 2005. Concurrence from NOAA Fisheries was received November 22, 2005.

## **Summary of Environmental Effects**

The environmental effects of the proposed action would differ very little from those of the no action alternative because even if Reclamation does not approve the contract assignment, New Union has agreed to make Lucky Peak storage available to the Boise River Rental Pool for rental; however since Wilderness Ranch and Osprey subdivisions do not currently own Boise River reservoir storage, they are given a lower priority for rental pool water than irrigation entities owning contracted storage. The proposed action will provide the two subdivisions a more assured supply of replacement water for their diversions from Mores Creek.

Reservoir Operations and Hydrology - Operation of Boise River reservoirs and river flows and flows in Mores Creek will be essentially the same under the proposed action as no action.

Water Quality - Water temperature in lower Mores Creek does not meet state standards at certain times of year. The proposed action will not change Mores Creek substantially from current conditions. Some unquantifiable elevation in temperature is likely under late summer low flow conditions but will be similar to what will occur under the no action alternative, although it may occur a bit more frequently. There will be no measurable effect to water quality in the Boise River reservoirs or river reaches downstream.

Aquatic Species - Minor adverse effects to aquatic species in Mores Creek will be similar to those under the no action alternative.

Threatened and Endangered Species - Reclamation has determined that the proposed action may affect but is not likely to adversely affect bull trout, bald eagles and listed Snake and Columbia River anadromous fish. USFWS and NOAA Fisheries have concurred with these determinations.

Indian Trust Assets - None of the Tribes have federally reserved water rights or rights to hunt and fish that will be impacted by the proposed action.

Cultural Resources, sacred sites, and minority or low-income populations - These environmental resources will not be affected.

Cumulative Impacts - When added to past, present or reasonably foreseeable future actions, in the Boise River basin, this action will not result in major changes to reservoir operations, river flows and related environmental resources.

## **Changes to the Draft EA**

Reclamation received no public comments suggesting changes to the Draft EA. For this reason a Final EA will not be prepared.

**Finding**

Based on the analysis of the environmental impacts in the Draft EA and consultation with potentially affected agencies, Tribes, organizations, and the general public, Reclamation concludes that implementation of the proposed action would not have a significant effect on the quality of the human environment. The effects of the proposed action would be minor and localized and except in rare instances, would be similar to those under the no action alternative. No significant impact to the quality of the human environment or natural and cultural resources would occur with approval of the contract assignments. Therefore preparation of an environmental impact statement is not required.

**Recommended:**



Area Office Environmental Specialist  
Snake River Area Office  
Boise, Idaho

11/23/2005

Date

**Approved:**



Area Manager  
Snake River Area Office  
Boise, Idaho

Nov. 23, 2005

Date

# **Draft Environmental Assessment**

**Partial Assignment of New Union Ditch Company Ltd.'s  
Contract Entitlement in Lucky Peak Reservoir  
to  
Wilderness Ranch Owners' Association  
and  
Osprey Subdivision Property Owners' Association**

**Bureau of Reclamation  
Pacific Northwest Region  
Snake River Area Office  
Boise, Idaho**

**July 2005**

# **Chapter 1 Purpose and Need**

## ***1.1 Introduction***

The Bureau of Reclamation has prepared this environmental assessment (EA) to analyze the environmental effects of approving the assignment of a portion of New Union Ditch Company Ltd.'s (New Union's) contract entitlement to storage in Lucky Peak Reservoir to Wilderness Ranch Owners' Association (Wilderness Ranch) and Osprey Subdivision Property Owners' Association (Osprey).

New Union has a water service contract with Reclamation which entitles New Union to 1,400 acre feet of Lucky Peak storage for irrigation. The current contract term expires in August 2005, and Reclamation is now in the process of contract negotiation with New Union to renew and convert the water service contract to a permanent repayment contract for the entire 1,400 acre feet (Reclamation 2004a).

New Union's water service contract permits the assignment of all or part of their storage subject to approval by Reclamation. New Union has entered into an agreement with Wilderness Ranch for an assignment of 200 acre feet of their contract entitlement. New Union has reached a similar agreement with Osprey for 300 acre feet of their Lucky Peak storage entitlement.

Wilderness Ranch and Osprey are property owner organizations in the Wilderness Ranch and Osprey subdivisions, respectively. Wilderness Ranch is a semi-rural residential subdivision located approximately 12 miles northeast of Boise, Idaho west of Highway 21 and adjacent to Mores Creek, a tributary to Lucky Peak Reservoir on the Boise River (Figure 1). Osprey Subdivision is located about 8 miles upstream of Wilderness Ranch on the east side of Mores Creek (Figure 1-1).

## ***1.2 Purpose of and Need for Action***

Wilderness Ranch and Osprey each hold natural flow water rights to Mores Creek or tributaries to Mores Creek that are used for each subdivision's landscape irrigation water supply and domestic water supply for Wilderness Ranch. Wilderness Ranch and Osprey's water rights are relatively junior to many Boise River water rights supplied by Mores Creek flows that are diverted below Lucky Peak Dam. Historically, Mores Creek water rights have been administered separately from those on the Boise River. Upon completion of the Snake River Basin Adjudication, it is expected that Mores Creek water rights will be administered in conjunction with Boise River water rights, and the junior rights held by Wilderness Ranch and Osprey would be subject to curtailment in priority if Boise River irrigators call for water in late summer when Boise River natural flows are low. This would prevent Wilderness Ranch and Osprey from diverting all or part of their water rights for a significant portion of the irrigation season.

By acquiring Lucky Peak storage, Wilderness Ranch and Osprey could continue to divert their needed water from Mores Creek out of priority and replace this water with Lucky Peak storage that could be used for irrigation purposes by senior Boise River water right holders below Lucky Peak Dam. This would provide both subdivisions with a much more reliable irrigation supply.

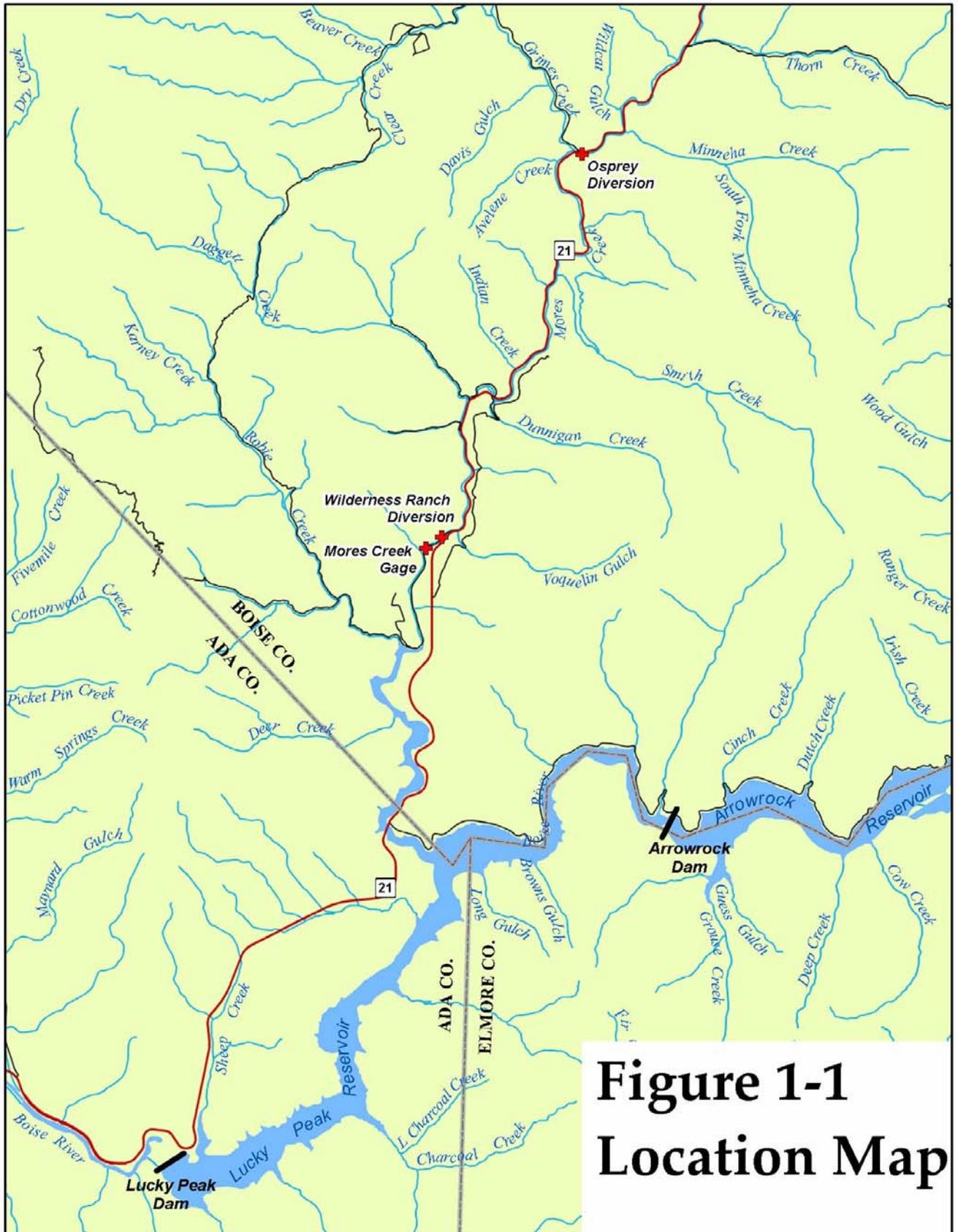
Even though Wilderness Ranch and Osprey have already entered into agreements with New Union for the assignment of portions of Lucky Peak storage, the terms of New Union's water service contract require that assignment or transfer of the water service contract, or any part therein must be approved by Reclamation for it to be valid. It is also anticipated that the future repayment contracts for storage in Lucky Peak now being negotiated would have similar provisions for approval of assignments.

### **1.3 Background**

Wilderness Ranch Subdivision was first developed in the early 1980's. The subdivision has 295 lots entitled to water service, of which 216 have been developed. Wilderness Ranch has diverted groundwater immediately adjacent and tributary to Mores Creek for its water supply since the subdivision was first developed in the early 1980's. The location of Wilderness Ranch's diversion is shown in Figure 1-1. In 2002 Idaho Department of Water resources (IDWR) issued Wilderness Ranch a right to divert its water from Mores Creek as an additional point of diversion for its water rights. The total instantaneous rate that Wilderness Ranch is allowed to divert under its water rights is not to exceed 0.45 cubic feet per second (cfs). Construction of a new diversion structure and water treatment plant for Wilderness Ranch's potable water and irrigation supply began in 2004 at the same location as the authorized diversions. The facility was completed in March 2005.

Osprey Subdivision is a more recent development located on a relatively flat bench above the east side Mores Creek and Highway 21. The subdivision consists of 80 residential lots suitable for pasture or lawn ranging in size from approximately 2 to 5 acres. About 25 lots have been fully developed or are currently being built on. All lot owners are required to participate in a central pressurized irrigation system.

Osprey Subdivisions receives its water from a diversion completed in 2004 on Mores Creek just upstream of the confluence with Grimes Creek (Figure 1). Water is pumped from Mores Creek up to the bench to serve the pressurized irrigation system. This diversion was operated during the irrigation season in 2004. Osprey's water rights are located on Minneha and Corral Creek, which are tributaries to Mores Creek. An additional point of diversion at the present Mores Creek location was recently approved by IDWR. The water right for the subdivision is for a total instantaneous rate not to exceed 1.12 cfs from Mores Creek for irrigation, but limited to those times water is



**Figure 1-1  
Location Map**

available in Corral and Minneha Creeks. Osprey's pump is capable of diverting a maximum of about 500 gallons per minute or 1.1 cfs.

Wilderness Ranch and Osprey each executed an assignment agreement with New Union in 2002 for 200 and 300 acre feet, respectively, of New Union's 1,400 acre-foot Lucky Peak contract entitlement. Both of these agreements recognize that the assignments are ineffective without the approval of Reclamation and execution of new contracts. Wilderness Ranch and Osprey have each arranged for New Union to make the storage amounts proposed for assignment available for rental in the Boise River Water Rental Pool in the event that Mores Creek water rights were to come under administration with Boise River water rights. Osprey has made this provision formally in their assignment agreement, while Wilderness Ranch's arrangement is described in a letter agreement with New Union. These actions do not require Reclamation's approval.

## **1.4 Issues and Concerns**

The proposed action is relatively limited in scope. It would authorize use of water from Mores Creek under existing water rights from existing diversions and conveyance facilities already in operation and serving subdivisions that are largely developed. Both subdivisions would likely be developed to capacity with or without the proposed action. Therefore issues related to land use and development of the subdivisions are not addressed in this EA.

Issues that have been identified through past contract-related actions in the Boise River Reservoir system, consultation with Idaho Department of Fish and Game (IDFG) and Wilderness Ranch's environmental compliance process for its new treatment facility include impacts to flows, water levels, water quality, and fish habitat, (including Federally listed bull trout) in Mores Creek and the Boise River and potential impacts to municipal water supplies needed in the future that may be precluded by the contract assignments.

## **1.5 Related Actions and Activities**

### **1.5.1 Lucky Peak Water Service Contracts renewal or Conversion**

In December 2003, Reclamation issued a Draft EA for Lucky Peak Water Service Contracts Renewal or Conversion (Reclamation 2004a). After receiving public comments on the Draft EA, a Final EA and Finding of No Significant Impact (FONSI) was issued in April 2004. Reclamation's decision in the Final EA and FONSI is to convert the water service contracts to permanent repayment contracts for all 18 Lucky Peak contractors, including New Union. Reclamation is currently in the process of negotiating these repayment contracts with the contractors.

### **1.5.2 Approval of Assignments of Contract Entitlements for Lucky Peak Reservoir Storage to United Water Idaho**

In December 2001, Reclamation issued a FONSI for assigning contract entitlements formerly held by South Boise Mutual Irrigation Company (SBMIC) and Capitol View Irrigation District (CVID) for use of storage water from Lucky Peak Reservoir to United Water Idaho, Inc. All of SBMIC's and CVID's rights under their Lucky Peak water service contracts were assigned in 2003 to United Water for the balance of the contract terms. The CVID contract is for use of up to 300 acre-feet and expires in 2008. SBMIC's contract is for use of up to 500 acre-feet and expires in 2006. United Water is now a party to the ongoing renewal and conversion to repayment discussed in section 1.5.1 above.

United Water has an additional Lucky Peak Reservoir contract assignment pending approval by Reclamation. This assignment would provide 300 acre-feet from Boise City Canal Company for diversion at United Water's Columbia and Marden Street treatment plants in east Boise. This assignment is virtually identical to the SBMIC and CVID assignments discussed above. Because the EA and FONSI for the previous assignments found negligible environmental effects from these contract actions and future anticipated actions with United Water and other municipal suppliers, the approval of Boise City Canal Company's assignment was determined to be categorically excluded from further NEPA analysis, and a Categorical Exclusion Checklist was approved in December 2004.

### **1.5.3 Wilderness Ranch Water Treatment Facilities Upgrade**

In March 2005, Wilderness Ranch completed construction and commissioning of a new water treatment plant and diversion on Mores Creek to augment the existing subsurface infiltration gallery on Mores Creek to meet anticipated peak demand. The new treatment facility consists of a new diversion structure, water treatment facilities and building, and related appurtenances.

Since the project is partially funded through Idaho Department of Environmental Quality (DEQ) State Revolving Loan program, which are Federal funds, an "environmental information document" (CH2MHill 2003) and categorical exclusion (DEQ 2003) were prepared to satisfy NEPA requirements with respect to construction and operation of the treatment facility. Also, a biological assessment (BA) was prepared to evaluate impacts of the treatment facility on bull trout, a species listed as threatened under the Endangered Species Act (ESA) (Foster 2003) and submitted to the U.S. Fish and Wildlife Service (USFWS). The BA determined that construction and operation of Wilderness Ranch's new water treatment facility "may affect, but would not likely adversely affect" bull trout, listed as threatened under ESA. On June 23, 2003, USFWS concurred with the determination in the BA.

## **2.0 Proposed Action and Alternatives**

The Council on Environmental Quality (CEQ) regulations require that a reasonable range of alternatives be considered in NEPA documents. In applicant-driven actions, such as those analyzed in this EA, CEQ has clarified that “Reasonable alternatives include those that are practical or feasible from the technical or economic standpoint and using common sense rather than just desirable from the standpoint of the applicant.” (Federal Register Vol. 46, No. 55, 1981).

The development of a reasonable range of alternatives to meet the needs of Wilderness Ranch and Osprey is constrained by the existing water rights and water supply infrastructure. The diversion facilities and water distribution systems for each subdivision are already in place, and state water rights for these diversions have been secured. For these reasons, there are no reasonable alternatives to diversions from Mores Creek for the Wilderness Ranch and Osprey water supplies.

The only means of ensuring the reliability of the relatively junior water rights held by Wilderness Ranch and Osprey is to provide replacement water to more senior downstream water right holders. The storage held by New Union and other contractors in Lucky Peak Reservoir is for supplemental irrigation, which for some entities is needed only in very dry or a series of successive dry years. This is the only reasonably available storage in the Boise River reservoir system as all other storage is under contract or otherwise committed. Furthermore, contract assignment documents have already been executed by Wilderness Ranch and Osprey with New Union for the amount of storage proposed, with provisions for annual leasing of this storage through the Boise River Rental Pool if the assignments are not approved by Reclamation.

For the above reasons, the only reasonable alternatives available are to approve the assignments or take no action, which is an alternative that must be analyzed under NEPA.

### **2.1 No Action Alternative**

Under this alternative Reclamation would not approve the assignment agreements that Wilderness Ranch and Osprey have entered into with New Union. New Union would retain its entire 1,400 acre feet under its current water service contract, which will be converted to a repayment contract as described in Reclamation (2004a).

Osprey’s agreement with New Union stipulates that pending approval of the partial contract assignment, New Union will make 300 acre feet of their Lucky Peak storage water available to the Boise River Rental Pool for Osprey to rent. Wilderness Ranch and New Union have informally agreed to a similar arrangement for rental of 200 acre feet of New Union’s Lucky Peak water for at least the remaining term of the New Union contract. With these arrangements, it is likely that Wilderness Ranch and Osprey would seek to rent the available Lucky Peak storage to supply irrigation water to senior Boise River water right holders below Lucky Peak Dam for both subdivisions to deliver water from Mores Creek to their respective subdivision residents.

Water in the Rental Pool is available on a first-come, first-served basis with rental provided on a priority basis. Because Wilderness Ranch and Osprey do not currently own storage in Boise River reservoirs, they are given a lower priority than irrigation entities owning contracted space. Because of this there is no guarantee that Wilderness Ranch or Osprey would be able to rent water in years when there are more subscribers for water than there is water to rent. As such, Wilderness Ranch and Osprey do not consider year-to-year water rentals to constitute a reasonably reliable replacement water supply.

Wilderness Ranch's irrigation water right is for an instantaneous rate of 0.45 cfs and an annual volume not to exceed 112 acre-feet. It is anticipated that Wilderness Ranch would divert from Mores Creek at a rate of 200 gallons per minute (gpm) or 0.45cfs from its new treatment plant during periods of peak demand (CH2MHill 2002).

Osprey's irrigation water right is for 1.12 cfs instantaneous rate from Mores Creek, not to exceed 266 acre feet per year and limited to the times this water is available in Minneha and Corral Creeks which are tributaries to Mores Creek located near Osprey Subdivision. This limitation, along with Osprey's maximum pumping plant capacity of approximately 500gpm would result in a maximum diversion rate of 1.1 cfs. The average diversion rate over a normal season is expected to be approximately .6 cfs, and less during very dry years. Storage that is not used would be carried over to ensure a water supply if the following year is dry and storage space does not fill.

It is expected that irrigation diversions would occur for both subdivisions from mid-April through October, with the highest use occurring during the months of June, July and August if water is available as explained above.

## ***2.1 Proposed Action – Approve the Assignment of 200 Acre-feet of New Union's Lucky Peak Storage to Wilderness Ranch and 300 Acre-feet to Osprey***

Under this alternative, Reclamation, on behalf of the United States, would enter into contractual arrangements to recognize the assignment of contract entitlements held by New Union for use of stored water in Lucky Peak Reservoir to Wilderness Ranch and to Osprey. The proposed assignments would convey to Wilderness Ranch and Osprey, New Union's rights under the existing Lucky Peak water service contracts for their remaining term, and the proposed repayment contracts currently under negotiation. The proposed assignment to Wilderness Ranch is for 200 acre feet, and the proposed assignment to Osprey is for 300 acre feet.

Reclamation's contract actions would allow Wilderness Ranch and Osprey to continue to divert water from Mores Creek at rates similar to what would occur under the No Action alternative when water is available in the rental pool.

## **3.0 Affected Environment and Environmental Consequences**

This chapter discusses the environmental resources that are potentially affected by the proposed action. The analysis focuses only on the environmental effects that the administrative action of approval of the contract assignments would have on the diversion and delivery of water from Mores Creek and the Boise River. These effects are compared to the future if the action were not to take place, which is the No Action alternative. Since diversion facilities for both subdivisions are completed and operational, the subdivisions are substantially developed, and further development is not contingent upon implementation of the proposed action, the impact analysis will not address the construction of diversion facilities and further development of the subdivisions.

### **3.1 Hydrology and Reservoir Operations**

#### **3.1.1 Affected Environment**

##### **Mores Creek Flows**

Mores Creek lies along US Highway 21 and flows generally south into the northwest end of Lucky Peak Reservoir (Figure 1-1). Mores Creek flows are measured at a gage located approximately .2 miles downstream of the Wilderness Ranch Diversion. A major tributary to Mores Creek is Grimes Creek, located about 500 feet downstream from the Osprey Diversion. There are several other smaller tributaries that flow into Mores Creek in the reach between the Osprey and Wilderness Ranch diversions. There are also several other smaller diversions from Mores Creek serving single residences or small irrigated areas in this reach.

Mores Creek flows typically peak in April and May and drop significantly in July, August, and usually begin increasing again in late September. Table 3-1 shows average monthly flows measured at the Mores Creek gage during representative dry (2001), average (2000) and wet (1998) water years.

The Osprey diversion is located just upstream of the confluence with Grimes Creek, 7.9 miles upstream from the Mores Creek gage (Figure 1-1). There are no specific flow data available for Mores Creek at that diversion location. Between the Osprey diversion and the Mores Creek gage there are several small tributaries to Mores Creek and also several small diversions. Given this, for the purposes of the analysis it is assumed that Mores Creek flows below the Grimes Creek confluence are similar to flows at the Mores Creek gage during the mid to late summer when tributary inputs are low and diversions are being made for residential use and irrigation.

	<b>2001 (53% of avg.)</b>	<b>2000 (87% of avg.)</b>	<b>1998 (163% of avg.)</b>
<b>Oct</b>	67.4	59.7	81.4
<b>Nov</b>	77.9	94.9	97.3
<b>Dec</b>	75.0	101.7	82.3
<b>Jan</b>	67.6	121.7	126.1
<b>Feb</b>	81.3	222.9	172.7
<b>Mar</b>	228.9	521.5	431.7
<b>Apr</b>	260.7	823.5	568.1
<b>May</b>	239.1	438.2	1100.7
<b>Jun</b>	81.9	197.8	622.5
<b>Jul</b>	28.1	55.9	174.2
<b>Aug</b>	13.0	22.1	65.8
<b>Sep</b>	17.4	34.6	60.2

### **Boise River Reservoir Operations**

The discussion below is only a brief overview of Boise River reservoir operations. A more detailed discussion can be found in Reclamation (2004b)

There are three on-stream storage reservoirs on the Boise River; Arrowrock and Anderson Ranch Reservoirs constructed by Reclamation, and Lucky Peak Reservoir, constructed by the U.S. Army Corps of Engineers (Corps). All three are operated as a unified system with emphasis on irrigation and flood control. Irrigation operations are coordinated with the Water District 63 watermaster, and flood control operations are coordinated with the Corps. Other operational functions include hydropower, recreation, fish and wildlife, and salmon flow augmentation. Table 3-2 shows the allocation of storage in each reservoir.

**Table 3-2 Approximate Allocation of Space in Boise River Reservoirs**

	<b>Contracted for Irrigation or M&amp;I</b>	<b>Assigned to Winter Streamflow</b>	<b>Assigned to Salmon Flow Augmentation</b>	<b>Inactive &amp; Dead Storage</b>	<b>Total</b>
<b>Lucky Peak Reservoir</b>	71,000	152,400	40,900	28,800	293,100
<b>Arrowrock Reservoir</b>	271,500	0	0	700	272,200
<b>Anderson Ranch Reservoir</b>	413,000			61,900	474,900

To the extent possible, water is stored in the upper-most reservoir in the Boise system (Anderson Ranch). The unified system allows for stored water credited to one reservoir's spaceholders' account to actually be physically stored in another reservoir. For instance, even if Arrowrock Reservoir storage has all been delivered for irrigation, it would not mean the reservoir would be empty. In order to maintain a conservation pool in Arrowrock, water credited to Lucky Peak storage may be held in Arrowrock.

Although the Corps constructed Lucky Peak Dam, Reclamation has the authority for marketing the stored water for irrigation and miscellaneous purposes. The approximately 293,100 acre-feet of storage in Lucky Peak Reservoir is apportioned among irrigation, salmon flow augmentation, winter streamflows below Lucky Peak Dam, and inactive storage (Table 3-2). Irrigation contracts will expire between 2005 and 2008, and Reclamation is in the process of renewing these contracts and converting them to permanent repayment contracts (Reclamation 2004a).

During the irrigation season in average to wet years, Lucky Peak Reservoir is held at full pool through Labor Day (end of August), and Arrowrock and Anderson Ranch reservoirs are drafted for irrigation and salmon flow augmentation. From Labor Day through the end of irrigation season in mid-October, Lucky Peak Reservoir is drawn down rapidly for irrigation. Even in wet years, drawdown is 90 feet or more. While there is no conservation pool designated for Lucky Peak Reservoir, there is 28,800 acre-feet of "inactive storage" which essentially functions as a minimum pool except periodically when the Corps needs to perform maintenance and the inactive storage is evacuated. Table 3-3 shows total storage capacity for Lucky Peak Reservoir all three Boise River reservoirs and reservoir content at the usual end irrigation deliveries (October 15) during representative dry, average, and wet years.

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*Table 3-3 October 15 Reservoir Elevation and Contents  
Following Representative Dry Average, and Wet Water Years*

	<b>Full Pool</b>	<b>2001 dry year</b>	<b>2000 avge. year</b>	<b>1998 wet year</b>
<b>Lucky Peak Elevation</b>	3055'	2957'	2941'	2967'
<b>Lucky Peak Content (acre-feet)</b>	293,100	87,797	65,939	131,655
<b>Boise River System Content (acre-feet)</b>	1,058,500	288,172	415,837	621,049

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Normal releases from Lucky Peak Dam are as high as 4,500 cfs during the peak of the irrigation season, however major diversions for the New York and Ridenbaugh Canals reduce the average summer flow through Boise to about 500 to 900 cfs. Salmon flow

augmentation increases flows by an additional 400 cfs or so usually in July and August. The winter flow goal through Boise is 150 cfs but flows can range from about 240 cfs in good water years to as low as 80 cfs during prolonged or severe drought.

Irrigation storage in Lucky Peak Reservoir is supplemental to the irrigation contractors' natural flow water rights. Many of the contractors use very little of this storage in normal to wet water years and rely on it much more in dry years. As shown in Table 3-4, New Union has used its Lucky Peak storage in this manner. In wet years such as 1998 and 1999 no storage was used, while in the normal to dry years following, up to 389 acre feet was used. Storage that is not used is credited as carryover into the next water year and remains in the reservoir system during the winter unless evacuated for flood control. As Table 3-4 shows, New Union has carried over most of their storage into the next water year. A contractor also has the option of placing stored water in the Boise River rental pool for rental by other water users.

**Table 3-4 Use of Lucky Peak Storage by New Union Ditch Co.**

<b>Total Lucky Peak Storage</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>
1400 acre feet	0	0	242	194	389	256

### **3.1.2 Environmental Consequences**

#### **No Action Alternative**

##### *Mores Creek Flows*

Under the No Action alternative the assignment agreements that Wilderness Ranch and Osprey have executed with New Union would not be approved. New Union has agreed with Osprey and Wilderness Ranch to place the amount of storage specified in the assignment agreements in the Boise River Rental pool for rental. This storage could be subject to use by other irrigation entities with higher priority and may not be available for rental. See discussion in Chapter 2.1.

If available for rental, the stored water would be used by Boise River irrigators to allow Wilderness Ranch and Osprey to divert water from Mores Creek up to the amount allowed by their water rights. Osprey would divert up to 1.1 cfs, the current capacity of their diversion, at an average rate of approximately .6 cfs during a normal year. In dry years when flows are low in Minneha and Corral Creeks, diversions from Mores Creek would be lower. Wilderness Ranch would divert .45 cfs from its newly completed Mores Creek diversion.

Osprey's Diversion would reduce flows in the 9.3 mile reach of Mores Creek to Lucky Peak Reservoir from mid-April through October. The percent reduction in flows would be most pronounced during July, August, and early September, especially in dry years such as 2001. Using 2001 data from Table 3-1, and assuming a diversion of 1.1 cfs, average flows in Mores Creek would be reduced by 8 percent in August, the month of lowest stream flow. However, as explained above, this would be a worst case situation. Because of the limits to diversions based on flows in Minneha and Corral Creeks in Osprey's water right, diversions during low flow months of dry years would likely be less than 1.1 cfs. If 1.1 cfs was available for diversion, during normal years, such as 2000 the average reduction in More's Creek flows in August would be about 5 percent, while in wet years such as 1998 it would be only about 2 percent.

Wilderness Ranch's diversion of 0.45 cfs would further reduce Mores Creek flows in the 1.7 mile reach from the diversion to Lucky Peak Reservoir. When added to Osprey's diversion (1.1cfs) the percent reduction in flows below Wilderness Ranch would be 12 percent, 7 percent, and 3 percent for the months with lowest average flows during dry, normal, and wet years displayed in Table 3-1.

#### *Reservoir Operations*

Under the No Action Alternative, although there would be no approval of the assignment agreements for the contract rights to the 500 acre-feet of storage, it is likely that New Union would place storage in the Boise River Rental Pool for Wilderness Ranch and Osprey to use as replacement for their diversions out of Mores Creek. Based on their respective water rights, up to 378 acre feet of storage could be diverted for use by Wilderness Ranch and Osprey over a single irrigation season. The delivery of this storage out of the reservoir system to fulfill downstream Boise River water rights would be a minor change in operation from past practices. In the past New Union would usually hold this storage in Lucky Peak over the winter as carryover.

The delivery of an additional 378 acre feet during the irrigation season would have a negligible effect on the contents and elevations of Boise River reservoirs at the end of the irrigation season. This amount represents less than .04 percent of the total storage in the three Boise River Reservoirs at full capacity. Even in a drought year when carryover storage is low, Lucky Peak's total content is typically more than 40,000 acre feet at the end of the irrigation season. A loss of 378 acre feet would represent less than 1 percent of Lucky Peak contents and only about .2 percent of total reservoir system carryover, based on contents October 15, 2001, at the end of a dry year irrigation season (Table 3-3).

River flows below Lucky Peak would remain similar to the past since the storage from Lucky Peak would be used to replace deliveries that are currently made to senior Boise River water right holders.

## **Proposed Action**

Under the Proposed Action, 500 acre feet of Lucky Peak storage would be available for Wilderness Ranch and Osprey to use as replacement irrigation deliveries to senior Mores Creek water right holders. Wilderness Ranch and Osprey would divert water from Mores Creek in a similar manner to the No Action alternative where storage is rented annually, although the availability of the storage would be more reliable than if obtained from the rental pool as in the no action alternative. Mores Creek flows and Boise River reservoir elevations and river flows would be similar to No Action.

### **3.2 Water Quality**

#### **3.2.1 Affected Environment**

There is little recent information with respect to water quality in Mores Creek within the project area. DEQ has included Mores Creek on Idaho's Section 303(d) list of water quality impaired stream segments that do not meet water quality standards to support beneficial uses due to high temperatures (DEQ 2003b). The beneficial uses not supported are cold-water aquatic life and salmonid spawning. Water quality standards for primary contact recreation and drinking water source are being attained. The subwatershed of Minneha and Wildcat Creeks are also listed under Section 303 (d) of the Clean Water Act, as having high sediment loads. Idaho water quality standards temperature criteria for cold-water aquatic life is that temperatures should not exceed a daily average of 19°C (66°F), during July and August {Idaho Administrative Code (IDAPA) 58.01.02}. Temperatures above 15°C (59°F) for bull trout should not be exceeded during the months of mid-June through mid-September.

Temperatures in Mores Creek exceed water quality standards frequently during July, August, and early September, especially during dry years when flows are low. Temperatures measured at the Mores Creek gage from 1973 to 1994 averaged 20.6°C (69°F) in July, 20.3°C (67°F) in August, and 16.3°C (61°F) during the first half of September, (USGS 2005). Of the 36 days sampled during the July to mid-September period, stream temperatures of 15°C or less were recorded only five times, and in all but one of those, flows were relatively high (greater than 50 cfs).

There are no data available for temperatures near the Osprey intake 7.9 miles upstream from the Mores Creek gage; however temperatures are probably a bit cooler. Reclamation in conjunction with the U.S. Forest Service (USFS) gathered temperature data from a weir trap just below the Dunnigan Creek confluence, 2.8 miles upstream from the Mores Creek gage. In September of 2003 temperatures averaged 14° C (57°F) and in October averaged 9°C (36°F), which appears to be typical for dry years. Temperature data in the headwater reaches of Mores Creek have also been recorded by the USFS and are much cooler throughout the year, than the lower section (USFS 2004).

## **3.2.2 Environmental Consequences**

### **No Action Alternative**

Under the No Action Alternative it is likely that New Union would place some of their Lucky Peak storage in the Boise River Rental Pool for use by Wilderness Ranch and Osprey as replacement for their diversions out of Mores Creek. With this arrangement Osprey and Wilderness Ranch would continue to divert from Mores Creek in most years. In some very dry years, if Mores Creek water rights are administered with the Boise River and Lucky Peak storage is not available for rental, diversions from Mores Creek could be curtailed. This would tend to happen at times when Mores Creek flows are low and water temperatures are high.

Overall water quality conditions in the lower reaches of Mores Creek would not change substantially from the current conditions. The 1.1 cfs Osprey diversion would tend to elevate water temperatures during warm days in mid to late summer when flows are low. During these low flow periods, water temperatures usually already exceed water quality standards in the lower reaches of Mores Creek. During good water years when flows are higher, the 1.1 cfs diversion would have little effect on temperatures. Wilderness Ranch's .45 cfs diversion would also have a similar additive effect on temperatures in the 1.7 mile reach of Mores Creek downstream, but would be measurable only during very low flow periods.

The impacts described above represent worst case situations. Because of the limits to diversions based on flows in Minneha and Corral Creeks in Osprey's water right, diversions during low flow months of dry years would likely be less than 1.1 cfs.

### **Proposed Action**

Under the proposed Action, the two subdivisions, would continue to divert water from Mores Creek, similar to the no action alternative. The only difference between the no action and proposed action would be that the reliability of replacement storage under the proposed action would be greater and Mores Creek diversions would be less likely to be curtailed during dry years.

## **3.3 Aquatic Species**

### **3.3.1 Affected Environment**

Fish species present in the Mores Creek drainage include rainbow trout, redband trout, mountain whitefish, sculpin, redband shiner, kokanee, brook trout, largescale sucker, and northern pikeminnow. Fish counts from a weir trap operated by Reclamation and USFS on Mores Creek located just below the Dunnigan Creek confluence, about three miles upstream from the Wilderness Ranch Diversion, are shown in Table 3- 5 (Reclamation 2003).

**Table 3-5**  
***Fish Counts from Mores Creek Weir 2003***  
***Downstream from Confluence with Dunnigan Creek***

Kokanee	17
Mountain whitefish	22
Redside shiner	5
Rainbow trout	4
Northern pikeminnow	3
Sucker	3

IDFG stocks hatchery rainbow trout in Mores Creek as well as Lucky Peak Reservoir. These fish and other resident fish in Lucky Peak probably move into Mores Creek at times, especially in spring during spawning. The Federally listed bull trout is also present within the Mores Creek drainage and is discussed in the Threatened and Endangered Species section below.

As discussed in the water quality section above, water temperature in July, August, and September in dry years often exceeds water quality standards for cold water aquatic species and salmonid spawning. These high temperatures degrade aquatic habitat in the lower reaches of Mores Creek where the Wilderness Ranch and Osprey diversions are located during the late summer of dry years when flows are low.

### **3.3.2 Environmental Consequences**

#### **No Action Alternative**

Under the No Action Alternative it is likely that habitat for aquatic species would remain similar to the current situation. In dry years when flows are low, increased water temperatures would continue to degrade habitat for salmonids and other aquatic and semi-aquatic species in the lower reaches of Mores Creek. If Wilderness Ranch and Osprey are unable to use water from the Boise River rental pool, and are not allowed to divert, Mores Creek flows could increase by as much as 1.1 cfs in the reach below the Osprey diversion and 0.45 cfs more below the Wilderness Ranch diversion. These instances would be rare, however, and would not increase flows to the extent that water temperatures would be substantially cooler. IDFW would continue to provide a rainbow trout fishery in Mores Creek through stocking.

Operational changes in the Boise River reservoirs would be so minor that there would be no measurable effect on aquatic habitat in the reservoirs and downstream river reaches.

#### **Proposed Action**

The effects to aquatic habitat would be similar to those under the no action alternative.

Wilderness Ranch and Osprey diversions would result in a small reduction in Mores Creek flows. The only difference would be that under the proposed action, replacement storage would be more reliable than under the no action alternative, and the impacts could occur slightly more often.

### **3.4 Threatened and Endangered Species**

#### **3.4.1 Affected Environment**

The following species listed or proposed for listing under the Endangered Species Act (ESA) appear on the U.S. Fish and Wildlife Service's 90 Day Species List Update no. 1-4-05-SP-104 for Boise and Ada Counties;

Gray wolf	Experimental/non essential population
Bald eagle	Threatened
Canada lynx	Threatened
Bull trout	Threatened
Idaho springsnail	Endangered – mainstem Snake River only

The proposed action would occur outside the range of Canada lynx, gray wolf, and Idaho springsnail and/or would clearly have no effect on these species or their habitats. These species are not discussed further.

#### **Bull Trout**

Bull trout (*Salvelinus confluentus*) are members of the char salmon family native to the Boise River Basin. Bull trout have extremely specific habitat requirements compared to most other salmonids and require very cold, clean water to thrive and are excellent indicators of water quality and stream health. Temperatures above 16°C are thought to limit bull trout distribution (Dunham et al. 2003). These habitat components greatly influence its distribution, abundance, survival, development and ability to reproduce. They occur primarily in lakes, rivers, and cold mountain streams. Bull trout are found in the upper reaches of Mores Creek, as well as in Lucky Peak, Arrowrock and Anderson Ranch Reservoirs and in the Boise River reaches above the reservoirs.

Bull trout exhibit two distinct life history forms in the Snake River Basin: migratory and resident. Resident fish complete their life cycle in the same or nearby stream where they spawn and rear. Migratory fish spawn and rear in a stream for 1 to 4 years then migrate to a lake or reservoir (adfluvial form) or larger stream or river (fluvial form). Adfluvial fish move from the lake or reservoir in the spring to spawn in the upper stream reaches then return to the lake or reservoir in the fall. Resident and migratory forms often occur together, and it is suspected that individual bull trout may give rise to offspring exhibiting both resident and migratory behavior (Rieman and McIntyre 1993). A more detailed discussion of bull trout life history can be found in Reclamation 2004c.

Adfluvial bull trout in Arrowrock Reservoir migrate out of the reservoir and into upstream riverine areas from February through June where they find cooler water temperatures and available spawning habitat. Spawning occurs between August and November. They remain in spawning habitats until the first week of September then they begin the downstream migration, returning to the reservoirs before December (Salow and Hostettler 2004). Juvenile bull trout remain in the upper watersheds for 3 to 5 years before migrating to larger streams and reservoirs (Hostettler 2003).

Bull trout in Lucky Peak Reservoir are likely fish that have been entrained through Arrowrock Dam. Entrainment has been documented for several years, and Reclamation has been conducting a trap and haul program to return Lucky Peak fish to Arrowrock Reservoir. From 2000-2002, 53 bull trout were trapped in Lucky Peak and released in Arrowrock (Salow 2002). With the recent completion of Arrowrock Outlet Works Rehabilitation project water will be released from deeper in the reservoir through the new outlets, and future entrainment is expected to be reduced.

The presence of bull trout spawning and rearing grounds has been documented at five sites in the upper 4.4 miles of Mores Creek during surveys conducted in 2000 and 2001 (USFS 2002-2004 unpublished data). These bull trout are likely resident forms as there has been only one record of a fish migrating up the lower reaches of Mores Creek. Subsequent surveys in 2004 have not found these fish. In 2003, USFS and Reclamation operated a weir trap on Mores Creek just below the Dunnigan Creek confluence, about 3 miles upstream from the Wilderness Ranch Diversion. This trap detected no sign of bull trout movement from late September to early November, which is generally their peak down stream return from their spawning migration period. The USFWS Draft Bull Trout Recovery Plan lists the lower reaches of Mores Creek as foraging, migratory and overwintering habitat (USFWS 2002).

Water temperatures in the project area of lower Mores Creek probably act as a thermal barrier to bull trout during July, August and early September in most water years. Water temperatures at this time of year nearly always exceed the 16°C temperature threshold for bull trout, except during high flows (USGS 2005). Low flow conditions from July to mid-September have precluded and would likely continue to preclude the presence of bull trout in the project area at these times.

In spite of few records of bull trout spawning migration from Lucky Peak Reservoir up Mores Creek, genetic analysis of upper Mores Creek bull trout and those from populations above Arrowrock Dam found no evidence that Mores Creek bull trout were a genetically distinct population (Whiteley et al. 2003). Based on this information, it is likely that bull trout in upper Mores Creek are descendents of fish that have entrained through Arrowrock Dam into Lucky Peak Reservoir and spawned and reared in Mores Creek at some unknown point in time.

In March 2005 USFWS issued a biological opinion (BO) on Reclamation's operation and maintenance activities in the Snake River basin above Brownlee Reservoir, including the Boise River basin (USFWS 2005). In this BO USFWS determined that under the proposed

future operation of the Boise River reservoirs, incidental take would occur to bull trout in Arrowrock Reservoir from low reservoir levels that resulted in increased predation, channel degradation and lack of cover habitat and from entrainment into Lucky Peak Reservoir. The BO requires that Reclamation must comply with certain terms and conditions to minimize the effect and/or the amount of take associated with Arrowrock Dam.

Generally, these are:

- 1.a. Within the range of proposed operations, decrease the frequency, duration, and extent of drawdowns below 3,100 feet in Arrowrock Reservoir during the fall migratory period.
- 1.b. Decrease the rate and extent of drafting at Arrowrock Reservoir during the summer months (June through September) to address take associated with reduced reservoir productivity and prey.
- 1.c. Minimize conditions that increase the risk of entrainment of bull trout through clamshell outlet conduits in Arrowrock Dam.
- 1.d. Implement a trap-and-haul program below Arrowrock Dam.
- 1.e. Minimize discharge of water over the spillway at Arrowrock Dam to avoid and reduce the effects of entraining bull trout.

### **Bald Eagle**

Arrowrock and Lucky Peak Reservoirs and the Boise River downstream are an important areas for wintering bald eagles. Kaltenecker (2000) documented winter use of the Boise River below Lucky Peak Dam and Arrowrock and Lucky Peak Reservoirs during the winters of 1997-1998 and 1998-1999. Large concentrations of bald eagles were observed in the Mores Creek arm of Lucky Peak Reservoir and an average of 15-16 eagles were documented at a night roost on Dead Dog Creek, to the west of the Mores Creek arm. The majority of wintering bald eagles during this study were associated with carcasses of winter-killed big game. Fish and waterfowl are also taken in the winter.

There is no documentation of wintering bald eagles using Mores Creek above Lucky Peak Reservoir; however some use likely occurs in the lower reaches of Mores Creek where big game carrion and fish are available.

The closest active bald eagle nests to the project area are at Arrowrock Reservoir (Sallabanks 2005). These breeding eagles do not forage in lower reaches of Arrowrock or Lucky Peak Reservoir during the breeding season (Perkins and Kaltenecker 2003). A nest on the lower reach of Lucky Peak Reservoir has not been active since 2001 when the nest tree blew down after the breeding season (Sallabanks 2005).

More detailed information on the status of bald eagles in the Boise River can be found in Reclamation (2004c).

**Salmon and Steelhead**

Reclamation actions related to water delivery have the potential to affect listed salmon and steelhead ecological significant units (ESU’s) in the lower Snake and Columbia Rivers downstream.

Salmon and steelhead ESU’s listed by National Marine Fisheries Service (NOAA Fisheries) and designated critical habitat that occur in the Columbia and Snake Rivers downstream of the proposed action are listed below:

Snake River sockeye	Endangered	Critical habitat designated
Snake River spring/summer chinook	Threatened	Critical habitat designated
Snake River fall chinook	Threatened	Critical habitat designated
Snake River steelhead	Threatened	
Upper Columbia River spring chinook	Endangered	
Upper Columbia River steelhead	Endangered	
Lower Columbia River chinook	Threatened	
Lower Columbia River steelhead	Threatened	
Lower Columbia River coho	Proposed Threatened	
Middle Columbia River steelhead	Threatened	
Columbia River chum salmon	Threatened	
Upper Willamette River chinook	Threatened	
Upper Willamette River steelhead	Threatened	

None of the listed salmon and steelhead ESU’s occur in the project area, and the final critical habitats designated for the Snake River salmon ESU’s do not include the Boise River. More detailed information on the salmon and steelhead ESU’s and critical habitat is found in Reclamation (2004c).

In March 2005, NOAA Fisheries issued a BO for Reclamation’s Operation and Maintenance of its projects above Brownlee Reservoir (NOAA Fisheries 2005). The BO concluded that Reclamation’s operations and maintenance activities would have adverse effects on certain listed salmonids occupying the mainstem Columbia and Snake Rivers but would not jeopardize these ESU’s.

In the past, Reclamation has attempted to provide 427,000 acre-feet from the upper Snake River Basin for flow augmentation to aid juvenile salmon and steelhead migration. The Boise River basin contribution to flow augmentation has included 41,000 acre feet of storage in the Boise River basin specifically reacquired (37,378 acre feet) or reassigned (3,554 acre feet) for this purpose, and uncontracted storage (power head) from Anderson

Ranch Reservoir (Reclamation 2004c). For the current consultation for its operations, Reclamation proposes to provide up to 487,000 acre feet for flow augmentation, including approximately 41,000 acre-feet from uncontracted storage in the Boise River basin from Lucky Peak Reservoir uncontracted storage.

### **3.4.2 Environmental Consequences**

#### **No Action Alternative**

##### *Bull Trout*

Under the No Action alternative Osprey and Wilderness Ranch would be allowed to divert from Mores Creek through rental of replacement stored water. The diversion of water at Osprey and Wilderness Ranch may raise water temperatures slightly in mid to late summer when flows are low, however water temperatures at this time of year nearly always exceed the 16°C temperature threshold for bull trout, except during high flows (USGS 2005). Low flow conditions from July to mid September have precluded and would likely continue to preclude the presence of bull trout in the project area at these times.

Aside from genetic similarities between resident bull trout Mores Creek and migratory forms in Arrowrock (and Lucky Peak), there has been no documentation of migratory bull trout using lower Mores Creek in the project area. Based on migration patterns observed above Arrowrock Reservoir (Salow and Hostetler 2004) if migratory bull trout were present in Lucky Peak Reservoir and Mores Creek, they would be expected to migrate out of the reservoir under relatively high flow conditions from late March to mid June and return to the reservoir between mid-September and December when cooler water temperatures and sufficient flows were present in Mores Creek (Reclamation 2004c). Under these conditions and timeframes, Wilderness Ranch and Osprey's relatively small diversions from Mores Creek would have only very minor effects on water temperatures and flow and would not adversely effect bull trout or their migratory habitat in Mores Creek.

The delivery of up to 378 acre feet of storage from Boise River reservoirs would have a negligible effect on the reservoir contents and elevations of the end of the irrigation season. Even in a drought year when carryover storage is low, Lucky Peak's total content is typically more than 40,000 acre feet. The delivery of 378 acre feet would represent less than 1 percent of typical Lucky Peak contents and only about .2 percent of total reservoir system carryover, based on October 15, 2001 contents (Table 3-3).

The amount of carryover and Reclamation's operational flexibility within the Boise River reservoir system would accommodate the delivery of 378 additional acre feet of reservoir storage without impairing Reclamation's ability to meet the terms and conditions of the 2005 BO (USFWS 2005) for bull trout in the Boise River.

### *Bald Eagle*

Under the No Action alternative, foraging habitat for wintering bald eagles in the Mores Creek arm of Lucky Peak Reservoir and elsewhere in the Boise River reservoir system would remain essentially unchanged from current conditions due to the relatively small amount of reservoir storage involved. The delivery of this storage from the rental pool would have no noticeable effect on the foraging area or prey base. No adverse effects to bald eagles would be expected.

### *Salmon and Steelhead*

The additional 378 acre feet that would be delivered from Boise River reservoirs to downstream irrigators under the no action alternative would not have a measurable effect to streamflows in the reaches of the Snake and Columbia Rivers occupied by listed salmon and steelhead. Under Reclamation's proposed action in its recently completed ESA consultation with NOAA Fisheries, the Boise River basin's contribution for flow augmentation would come from uncontracted reservoir storage rather than rental pools. (Reclamation 2004c). The delivery of up to 378 acre feet of rental pool water would have no effect on Reclamation's ability to meet its proposed salmon flow augmentation actions.

The downstream effects of delivering 378 acre feet would be limited to a minute small decrease in flood control releases (up to 378 acre feet) from Boise River reservoir system during good water years. This amount of flow reduction below Reclamation dams would be minute and insignificant compared to flows in the Snake and Columbia Rivers in good water years during flood control season. Flood control releases would be within the operational range of Reclamation's proposed action in its 2005 operation and maintenance consultation (Reclamation 2004c).

## **Proposed Action**

### *Bull Trout*

Impacts to bull trout from the proposed action would be similar to those described for the no action alternative. The only difference would be that under the proposed action replacement storage for Boise River irrigators would be more assured under the proposed action allowing Osprey and Wilderness Ranch to divert from Mores Creek in some years that diversions could be reduced or precluded under no action.

As in the no action alternative, if bull trout used Mores Creek as a migratory corridor, they would not likely be present when Wilderness Ranch and Osprey's diversions from Mores Creek would have an adverse effect on water temperature or a measurable reduction in flows. The delivery of up to 378 acre feet of storage from the Boise River reservoir system would not alter reservoir operation to the extent that bull trout habitat

would be measurably effected. Reclamation's ability to meet the terms and conditions in the 2005 USFWS BO would not be impaired.

The proposed action may affect, but is not likely to adversely affect bull trout.

### *Bald Eagle*

Impacts to bald eagle would be similar to those described for the no action alternative. Foraging habitat for wintering bald eagles in the Mores Creek arm of Lucky Peak Reservoir would remain essentially unchanged from current conditions. The delivery of a relatively small amount of storage from the rental pool would have no noticeable effect on the foraging area or prey base for either wintering or breeding bald eagles. The proposed action may affect, but is not likely to adversely affect bald eagles.

### *Salmon and Steelhead*

The effects to salmon and steelhead from the proposed action would be similar to those of the no action alternative. The additional 378 acre feet of storage that would be assigned to Osprey and Wilderness Ranch is currently under contract. Under Reclamation's proposed action in its recently completed ESA consultation with NOAA Fisheries, the Boise River basin's contribution for flow augmentation would come from uncontracted reservoir storage (Reclamation 2004c). The delivery of up to 378 acre feet of contracted storage would have no effect on Reclamation's ability to meet its proposed salmon flow augmentation actions.

The downstream effects of delivering 378 acre feet would be limited to a small decrease in flood control releases (up to 378 acre feet) from Boise River reservoir system during good water years. This amount of flow reduction below Reclamation dams would be minute and insignificant compared to flows in the Snake and Columbia Rivers in good water years during flood control season. Flood control releases would be within the operational range of Reclamation's proposed action in its 2005 operation and maintenance consultation (Reclamation 2004c).

## **3.5 Indian Trust Assets**

### **3.5.1 Affected Environment**

Indian Trust Assets, (ITA's) are legal interests in property held in trust by the United States for Indian tribes or individuals. The Secretary of the Interior, acting as the trustee, holds many assets in trust for Indian tribes or Indian individuals. Examples of things that maybe trust assets are lands, minerals, hunting and fishing rights and water rights. While most ITA's are on-reservation, they may also be found off-reservation.

The United States has an Indian trust responsibility to protect and maintain rights reserved by or granted to Indian tribes or Indian individuals by treaties, statues, and

executive orders. These are sometimes further interpreted through court decisions and regulations.

### **Shoshone-Bannock Tribes**

The Shoshone-Bannock Tribes, a federally recognized Tribe, located at the Fort Hall Indian Reservation in southeastern Idaho have trust assets both on-reservation and off-reservation. The Fort Bridger Treaty was signed and agreed to by the Bannock and Shoshone headman on July 3, 1868. The treaty states in Article 4, that members of the Shoshone-Bannock Tribe "...shall have the right to hunt on the unoccupied lands of the United States..." This has been interpreted to mean unoccupied federal lands.

The Tribes believe their right extends to the right to fish. The Fort Bridger Treaty for the Shoshone-Bannock has been interpreted in the case of State of Idaho v. Tinno, an off-reservation fishing case in Idaho. The Idaho Supreme Court determined that the Shoshone word for "hunt" also included to "fish." Under Tinno, the Court affirmed that the Tribal Members' right to take fish off-reservation pursuant to the Fort Bridger Treaty (Shoshone-Bannock Tribes, 1994).

The 1990 Fort Hall Indian Water Rights Agreement involved claims the United States made on behalf of the Shoshone-Bannock Tribes of the Fort Hall Reservation in the SRBA for water rights in the upper Snake River basin and its tributaries. The agreement is between the Shoshone-Bannock Tribes, the State of Idaho, the United States, and certain Idaho water users. In the Fort Hall Indian Water Rights Settlement Act of 1990 the Agreement was ratified. The purpose of the settlement was to achieve a fair, equitable, and final settlement of all claims of the Shoshone-Bannock Tribes, its members, and its allottees to water rights in the Upper Snake River Basin.

### **The Northwestern Band of the Shoshone Indians**

The Northwestern Band of the Shoshone Indians, a federally recognized Tribe, without a reservation, possess treaty protected hunting and fishing rights which may be exercised on unoccupied lands within the area acquired by the United States pursuant to the 1868 Treaty of Fort Bridger. No opinion is expressed as to which areas may be regarded as "unoccupied lands."

### **The Shoshone-Paiute Tribes of the Duck Valley Reservation**

The Shoshone-Paiute Tribes (Tribes) are a federally recognized Tribe located at the Duck Valley Reservation in southern Idaho and northern Nevada. The Reservation was established by Executive Orders dating from April 16, 1877; May 4, 1886; and July 1, 1910. The Tribes do not have any off-reservation reserved rights.

The Tribes state that their interests are reflected in the Bruneau, Boise, Ft. Bridger, Box Elder, Ruby Valley, and other Treaties and Executive Orders which the Tribes' ancestors

agreed to with the United States which the Tribes continue to observe in good faith despite the fact that they were never ratified. The Tribes assert they have aboriginal title and rights to those areas. All such Treaties and Executive Orders recognize the need for the tribes to continue having access to off-reservation resources because most of the reservations established were and continue to be incapable of sustaining their Tribal populations. This need continues and has not diminished from the time of the first Treaties and Executive Orders that established the Duck Valley Reservation. (Shoshone-Paiute Tribes, 2004)

The Shoshone-Paiute Tribes are currently involved in negotiating on-reservation water rights.

### **Nez Perce Tribe of the Nez Perce Reservation**

The Nez Perce Tribe is a federally recognized Tribe of the Nez Perce Reservation in northern Idaho. The United States and the Tribe entered into three treaties (Treaty of 1855, Treaty of 1863, and Treaty of 1868) and one agreement (Agreement of 1893). The rights of the Nez Perce Tribe include the right to hunt, gather, and graze livestock on open and unclaimed lands, and the right to fish in all usual and accustomed places. (Nez Perce Tribe 1995)

The recent 2004 Nez Perce Water Rights Settlement was approved by Congress as the Snake River Water Rights Act of 2004 (Division J, Title X, Public Law 108-447, 118 Stat. 3431 (Dec.8, 2004)). The Snake River Water Agreement which among other things, quantifies the Tribe's on-reservation consumptive use reserved water right; provides instream flows on the Salmon and Clearwater; and provides minimum flows on the Snake River. (Fact Sheet on the Snake River Water Agreement – May 15, 2004 and Agreement Summary May 2004))

### **Summary of Rights of Federally Recognized Tribes**

Rights to Water – None of the Tribes have federally reserved water rights that would be impacted by either the No Action or the Proposed Action.

Rights to Hunt or Rights to Fish – None of the Tribes have reserved rights that would be impacted by either the No Action or the Proposed Action.

## **3.5.2 Environmental Consequences**

### **No Action Alternative**

Rights to Water – None of the Tribes have federally reserved water rights that would be impacted by the No Action Alternative.

Rights to Hunt or Rights to Fish – None of the Tribes have reserved rights that would be impacted by the No Action Alternative

### **Proposed Action**

Rights to Water – None of the Tribes have federally reserved water rights that would be impacted by Proposed Action.

Rights to Hunt or Rights to Fish – None of the Tribes have reserved rights that would be impacted by the Proposed Action.

### **3.6 Cumulative Impacts**

Cumulative impacts are those environmental effects resulting from the incremental consequences of a proposed action when added to other past, present, and reasonably foreseeable future actions regardless of who undertakes these actions. Cumulative impacts can result from individually minor, but collectively significant actions taking place over a period of time.

The proposed contract action, and resulting minor operational changes in the Boise River reservoir system is one of several actions Reclamation has undertaken over the last nine years in the Boise River basin where storage previously under contract for agricultural irrigation or that was uncontracted has been contracted or otherwise reassigned to other uses. Other recently completed actions include:

- Purchase of 35,000 acre-feet of Lucky Peak Reservoir storage from Nampa & Meridian Irrigation District for salmon flow augmentation (1996)
- Contract actions with Simplot/Micron for storage in Anderson Ranch and Lucky Peak Reservoirs (1997)
- Assignment of 800 acre feet of Lucky Peak Reservoir storage to United Water Idaho

In addition to the past actions above, United Water's and other multi-agency planning studies indicate that in the future cities in Ada and Canyon County must rely increasingly on surface water to meet demands in some parts of this rapidly growing area - especially in north and east Boise where groundwater is limited. By 2025, baseline domestic, municipal, commercial, and industrial water use in Ada and Canyon counties is expected to increase by 74 percent over 1997-1998 levels (IDWR 2001). It is expected that the surface water needs would be met through a combination of natural flow rights and storage. United Water has indicated that 15,000-20,000 acre-feet of storage will be needed to meet needs over the next 50 years.

It is likely that assignments of storage contract entitlements similar to those that have been completed would be one way to acquire surface water to serve the Treasure Valley.

Renewal and conversion of storage contracts in Lucky Peak Reservoir would not preclude similar future assignments of storage to meet residential, commercial and industrial needs (Reclamation 2004a).

It is reasonable to assume that with urban growth occurring in previously irrigated farmland that much of the domestic water use would simply replace agricultural use even with much of the lawn and landscape irrigation continuing to be provided by nonpotable water sources (pressurized irrigation). Demand for surface water would be highest in the summer, just as it is now. Diversions would be much less than the major agricultural diversions, probably less than 100 cfs. The operational flexibility in the reservoir system would enable Reclamation to continue to meet its responsibilities under ESA for flow augmentation and minimum pools and continue to provide instream flows and recreation benefits as well. Taken together, the hydrologic and related effects to other aspects of the human environment from these past present and future actions are minor in the context of the normal yearly and seasonal changes in Boise River hydrology.

If United Water ultimately obtained 20,000 acre-feet of Boise River reservoir storage, this is less than 3 percent of the total active capacity in the reservoir system, and the delivery and diversion of this amount of water would have very minor hydrologic and environmental effects in the reservoir system and river even when added to the proposed action and past actions.

There are no reasonably foreseeable projects involving diversions to smaller Boise River tributaries such as Mores Creek, where relatively small diversions could result in major changes in streamflows.

## **Chapter 4 - Consultation and Coordination**

Reclamation has relied on consultation and coordination conducted for other recent actions and proposed actions involving the Boise River reservoir system for identification of significant issues and concerns and analysis of impacts. For issues specific to Mores Creek reclamation consulted with biologists from USFS Boise National Forest and IDFG. Additional information was provided by engineers for the Wilderness Ranch water treatment project.

This Draft EA is being provided to USFWS and NOAA Fisheries to serve as the Biological Assessment required for consultation under Section 7 of the ESA.

## **Chapter 5 – References**

CH2MHill. 2003. *Environmental Information Document, Wilderness Ranch Owners' Association, Water Treatment Facilities Upgrade*. CH2MHill, Boise, Idaho.

- Dunham, J. Rieman, B., and G. Chandler. 2003. *Influences of Temperature and Environmental Variables on the Distribution of Bull Trout Within Streams at the Southern Margin of Its Range*. North American Journal of Fisheries Management 23:894-904.
- Federal Register Vol. 46, No. 55. 18026-18038. 1981. *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act regulations (40 CFR 1500-1508)*.
- Foster, L. 2003. *Biological Assessment for ESA Listed and Proposed fish and Wildlife Species and Critical Habitat for Proposed Upgrades to the Wilderness Ranch Water Treatment Facilities at Mores Creek*. Idaho Department of Environmental Quality, Boise, Idaho.
- Hostettler, L. 2003. *Migration of Juvenile Bull Trout (Salvelinus confluentus) from the North Fork Boise River*. Interim report to the Bureau of Reclamation for Cooperative Agreement No. 1425-01FC107320.
- Idaho Department of Environmental Quality. 2003a. *Categorical Exclusion for the Wilderness ranch Owners' Association Drinking Water System Upgrade*. Idaho Department of Environmental Quality, Boise, Idaho.
- Idaho Department of Environmental Quality. 2003b. *Principles and Policies for the 2002/2003 Draft Integrated {303(d)/305(b)}Report*. Idaho Department of environmental Quality, Boise Idaho.  
[http://www.deq.state.id.us/water/data\\_reports/surface\\_water/monitoring/integrated\\_report\\_2002\\_draft\\_entire.pdf](http://www.deq.state.id.us/water/data_reports/surface_water/monitoring/integrated_report_2002_draft_entire.pdf)
- Idaho Department of Water Resources. 2001. *Domestic, Commercial, Municipal, and Industrial Water Demand Assessment and Forecast in Ada and Canyon Counties, Idaho*. Idaho Department of Water Resources, Boise, Idaho
- IDAPA 58.01.02 - Water Quality Standards and Department of Environmental Quality Wastewater Treatment Requirements.  
<http://www2.state.id.us/adm/adminrules/rules/idapa58/0102.pdf>
- Kaltenecker, G. and M. Bechard. 1995. *Bald Eagle Wintering Habitat Study, Upper Boise River Drainage, Idaho*. Raptor Research Series No. 9. Raptor Research Center, Department of Biology, Boise State University, Boise, Idaho.
- Kaltenecker, G. 2000. *Continued Monitoring of Boise's Wintering Bald Eagles and Monitoring of the Dead Dog Creek Bald Eagle Roost Site, Winters 1997/1998 and 1998/1999*. Community Planning Association, Boise, Idaho; Bureau of Land Management, Lower Snake River District, Boise, Idaho.

- National Marine Fisheries Service. 2005. *Biological Opinion and Magnusen-Stevens Fishery Conservation and Management Act Consultation for the Operation and Maintenance of 12 U.S. Bureau of Reclamation Projects in the Upper Snake River Basin Above Brownlee Reservoir*. National Marine Fisheries Service, Northwest Region, Seattle, WA.
- Perkins, D. and G. Kaltenecker. 2003. *Arrowrock Reservoir Bald Eagle Territory Management Plan, Boise River, Idaho*. Bureau of Reclamation, Snake River Area Office, Boise, Idaho.
- Rieman, B. and J. McIntyre. 1993. *Demographic and Habitat Requirements of Bull Trout*. General Technical Report INT-302. U.S. Forest Service, Intermountain Research Station, Boise, Idaho.
- Sallabanks, R. 2005. *Idaho Bald eagle Nest Monitoring, 2003 Annual Report*. Nongame and Endangered Wildlife Program, Idaho Department of Fish and Game, Boise, Idaho.
- Salow, T. 2002. *Trap and Transport of Bull Trout (*Salvelinus confluentus*) from Lucky Peak Reservoir to Arrowrock Reservoir, Idaho*. Summary report submitted to the U.S. Fish and Wildlife Service, Bureau of Reclamation, Snake River Area Office, Boise, Idaho.
- Salow, T. 2003. *Boise Bull Trout Telemetry Updates, January through December 2003*. Monthly reports submitted to the Arrowrock Bull Trout Advisory Group. Bureau of Reclamation, Snake River Area Office, Boise, Idaho.
- Salow, T. and L. Hostettler. 2004. *Movement and Mortality Patterns of Adult Adfluvial bull Trout (*Salvelinus confluentus*) in the Boise River Basin, Idaho*. Summary report submitted to the Arrowrock Bull Trout Advisory Group. Bureau of Reclamation, Snake River Area Office, Boise, Idaho.
- Shoshone-Bannock Tribes. 1994. Treaty Right Seminar Pocatello, Idaho May 18-20. The Shoshone-Bannock Tribes Treaty Rights Seminar Planning Committee.
- Shoshone-Paiute Tribes. 2004. February 5, 2004 letter from the Shoshone-Paiute Tribal Chairman to the Bureau of Reclamation providing comments on draft Environmental Assessment for Lucky Peak Water Service Contracts Renewal or Conversion.
- U.S. Bureau of Reclamation. 2001. *Finding of No Significant Impact and Environmental Assessment, Proposed Assignment of Contract Entitlement to Provide 800 Acre-Feet of Storage in Lucky Peak Reservoir to United Water Idaho*. Bureau of Reclamation Snake River Area Office, Boise Idaho.

- U.S. Bureau of Reclamation. 2004a. *Finding of No Significant Impact and Final Environmental Assessment, Lucky Peak Water Service Contracts Renewal or Conversion*. Bureau of Reclamation, Snake River Area Office, Boise, Idaho.
- U.S. Bureau of Reclamation. 2004b. *Operations Description for Bureau of Reclamation Projects in the Snake River Basin Above Brownlee Reservoir*. Bureau of Reclamation, Snake River Area Office, Boise, Idaho.
- U.S. Bureau of Reclamation. 2004c. *Biological Assessment for Bureau of Reclamation Operations and Maintenance in the Snake River Basin Above Brownlee Reservoir*. Bureau of Reclamation, Snake River Area Office, Boise Idaho.
- U.S. Fish and Wildlife Service. 2002. *Recovery Plan for Bull Trout*. In draft.  
<http://pacific.fws.gov/bulltrout/colkla/recovery/>
- U.S. Fish and Wildlife Service. 2005. *Biological Opinion for Bureau of Reclamation Operations and Maintenance in the Snake River Basin Above Brownlee Reservoir*. USFWS Snake River Fish and Wildlife Office, Boise, Idaho.
- U.S. Forest Service. 2002 -2004. Unpublished data. Bull trout survey records in Mores Creek, USFS Boise National Forest, Boise, Idaho
- U.S. Geological Survey. 2005. Water Quality Samples for Idaho, Site 13200000, Mores Creek Above Robie Creek.  
[http://nwis.waterdata.usgs.gov/id/nwis/qwdata/?site\\_no=13200000](http://nwis.waterdata.usgs.gov/id/nwis/qwdata/?site_no=13200000)
- Whiteley, A.R., P. Spruell, and F.W. Allendorf. 2003. *Population genetics of Boise Basin bull trout (Salvelinus confluentus)*. Final report to the Bureau of Reclamation under Grant No. 1425-01FG107420. Bureau of Reclamation, Snake River Area Office, Boise, Idaho.

# **Appendix A**

## **Distribution List for the Draft EA**

**Local Govts./Agencies**

Mr. Pat Beale  
Director-Ada County Parks &  
Waterways  
4049 S. Eckert Road  
Boise ID 83706

Board of Ada County  
Commissioners  
200 West Front Street  
Boise ID 83702

Boise County Board of  
Commissioners  
420 main Street  
Box 1300  
Idaho City, ID 83631

Mr. Robbin Finch  
City of Boise, Environmental  
Division-Water Quality  
PO Box 500  
Boise ID 83701-0500

Ada County Development Services  
200 West Front Street  
Boise ID 83702

Mr. James R. Hall  
Director  
Boise Parks and Recreation  
1104 Royal Blvd.  
Boise ID 83706

Mr. Matt Stoll  
Executive Director  
Community Planning Association  
Of Southwest Idaho  
800 S. Industry Way Suite 100  
Meridian ID 83642

Honorable David H. Bieter  
Mayor-City of Boise  
650 Main  
Boise ID 83702

Honorable Garret Nancolas  
Mayor-City of Caldwell  
621 Cleveland Blvd.  
Caldwell ID 83605

Honorable Tom Dale  
Mayor-City of Nampa  
411 3<sup>rd</sup> Street South  
Nampa ID 83651

Honorable Tammy deWeerd  
Mayor-City of Meridian  
City Hall, 33 East Idaho Ave  
Meridian ID 83642-2300

Honorable Nancy C. Merrill  
Mayor-City of Eagle  
PO Box 1520  
Eagle ID 83616

Honorable O. Dean O Bray  
Mayor-City of Kuna  
329 W 3rd  
Kuna ID 83634

**State Govt./Agencies**

Mr. Lee Sisco  
District 63 Watermaster  
6616 Overland Rd  
Boise ID 83709

Mr. Jim Yost  
Office of the Governor  
Statehouse Mail  
Boise ID 83720

Mr. Patrick A. Takasugi  
Director  
Idaho State Dept of Agriculture  
PO Box 790  
Boise ID 83701-0790

Mr. Robert L. Meinen  
Director-Idaho Department of Parks  
and Recreation  
PO Box 83720  
Boise ID 83720-0065

Mr. Chris Hoosick  
Lucky Peak State Park  
9725 E. Highway 21  
Boise ID 83716

Mr. Tom Nelson  
Lucky Peak Power Plant Project  
9731 E. Hwy 21  
Boise ID 83716

Office of the Governor State of  
Idaho Attention: Chief of Staff  
700 West Jefferson, 2nd Floor  
PO Box 83720  
Boise ID 83720-0034

Mr. Al Van Vooren  
Southwest Regional Supervisor  
Idaho Dept. of Fish & Game  
3101 Powerline Road  
Nampa ID 83686

Mr. Mike McGown  
Boise Regional Administrator  
Idaho Dept. of Environmental  
Quality  
1445 N. Orchard  
Boise ID 83706-2239

Mr. John Westra  
Idaho Dept of Water Resources  
2735 Airport Way  
Boise ID 83705-5082

Mr. Karl Dreher, Director  
Idaho Department of Water Resources  
The Idaho Water Center  
322. E. Front Street  
Boise, Idaho 83720-0098

Mr. Steve Guerber  
Idaho State Historic Preservation Officer  
210 Main Street  
Boise ID 83702

Mr. Jerry Rigby  
Idaho Water Resource Board  
322 East Front Street  
P.O. Box 83720  
Boise, Idaho 83720-0098

**Federal Govt/Agencies**

Boise National Forest  
Idaho City Ranger District  
PO Box 129  
Idaho City, ID 83631

Boise National Forest  
1249 South vinell Way  
Boise ID 83709

State Director  
Bureau of Land Management  
1387 S Vinnell Way  
Boise ID 83709

Mr. Jim Werntz  
EPA-Idaho Operations Office  
1435 N Orchard Street  
Boise ID 83706

Natural Resources Conservation  
Service  
9173 W. Barnes Drive, Suite C  
Boise ID 83709

Assistant Administrator  
National Marine Fisheries Service  
Hydropower Division  
1201 NE Lloyd Blvd. Suite 1100  
Portland OR 97232-1274

Mr Jim Ruff  
Branch Chief  
National Marine Fisheries Service  
Hydropower Division  
1201 NE Lloyd Blvd. Suite 1100  
Portland OR 97232-1274

Mr. Dave Brownell  
USACE Lucky Peak Project  
9723 E. Hwy 21  
Boise ID 83716

Corps of Engineers  
Walla Walla District  
201 N. 3rd Street  
Walla Walla WA 99362

Supervisor  
U.S. Fish & Wildlife Service  
Snake River Fish and Wildlife Office  
1387 S. Vinnell Road, Rm 368  
Boise ID 83709

Mr. Eric LaPointe  
Superintendent  
Fort Hall Agency-BIA  
PO Box 220  
Fort Hall ID 83202-0220

Mr. Paul Young  
Superintendent  
Eastern Nevada Agency-BIA  
1555 Shoshone Circle  
Elko NV 89801

Mr. Daniel Picard  
Superintendent  
Northern Idaho Agency-BIA  
PO Drawer 277  
Lapwai ID 83540-0277

**Irrigation Interests**

Mr. Paul Deveau  
Boise Project Board of Control  
2465 Overland Road  
Boise ID 83705

Boise-Kuna Irrig District  
PO Box 330  
Kuna ID 83634-2201

Nampa and Meridian Irrig Dist  
1503 First Street South  
Nampa ID 83651

New York Irrig Dist  
6616 Overland Road  
Boise ID 83709

Mr. Scott Rhead  
United Water Idaho  
8248 W Victory Rd  
Boise ID 83709

Mr. Albert P. Barker  
Barker, Rosholt & Simpson LLP  
PO Box 2139  
Boise ID 83701-2139

Mr. Jerry Kiser  
Stopello & Kiser, Attorneys Law  
& Counselors  
620 W. Hays  
Boise ID 83702

Wilder Irrig Dist  
PO Box 416  
Caldwell ID 83606-0416

Mr. Scott Campbell  
Moffatt Thomas Barrett Rock &  
Fields  
PO Box 829  
Boise ID 83701

Mr. Dan Steenson  
Ringert and Clark Chartered Attny at Law  
PO Box 2773  
Boise ID 83701

Mr. Bruce M. Smith  
Moore Smith Buxton & Turke Chartered  
225 North 9<sup>th</sup> Street Ste 420  
Boise ID 83702

Louis/Deanna Sanchez  
Secretary-Treasurer  
Ballantyne Ditch Company Ltd  
655 N Park Lane  
Eagle ID 83616

Mr. Robert Jahn  
President  
Boise City Canal Company  
PO Box 2157  
Boise ID 83701

Mr. John Patten  
Manager  
Boise Valley Irrigation Ditch Co.  
8750 N. Bogart Lane  
Boise ID 83703

Ms. Judy Mautz  
Secretary-Treasurer  
Canyon County Water Company  
PO Box 11  
Star ID 83669

Mr. Peter Newton  
Secretary-Treasurer  
Capitol View Irrigation District  
PO Box 208  
Eagle ID 83616

Mr. Terry Wickstrom  
Chair  
Eureka Water Company  
6820 W. Joplin Rd.  
Meridian ID 83642

Mr. Marie Kuenzli  
Secretary-Treasurer  
Pioneer Ditch Company Ltd.  
451 S. Star Rd.  
Star ID 83669

Mr. Irving Luke  
Secretary  
Farmers' Union Ditch Company Ltd  
2153 N Pollard Lane  
Star ID 83669

Ms. Naida E. Kelleher  
Secretary-Treasurer  
Pioneer Irrigation District  
PO Box 426  
Caldwell ID 83606

Ms. Janie Foote  
Secretary-Treasurer  
Middleton Irrigation Association Inc  
PO Box 214  
Middleton ID 83644

Mr. Nathan Draper  
Manager  
Settlers Irrigation District  
PO Box 7571  
Boise ID 83707

Ms. Janie Foote  
Secretary-Treasurer  
Middleton Mill Ditch Company  
PO Box 214  
Middleton ID 83644

Ms. LaVonda Milton  
Secretary  
South Boise Mutual Irrigation Company  
1120 Chamberlin Street  
Boise ID 83706

Ms. Kari Rosti  
Secretary  
New Dry Creek Ditch Co. Ltd.  
PO Box 430  
Eagle ID 83616

Mr. Barry Eschen  
President  
South Boise Water Company  
PO Box 6005  
Boise ID 83707

Mr. Charles Carlise  
Secretary-Treasurer  
New Union Ditch Company Ltd.  
PO Box 31  
Eagle ID 83616

Ms. Bonnie DeChambeau  
Secretary-Treasurer  
Thurman Mill Ditch Company Ltd.  
10611 W. Treeline Court  
Boise ID 83713

Mr. Barry Marcus  
Marcus, Merrick, Christian & Hardee  
737 N 7<sup>th</sup> St  
Boise ID 83702-5595

Mr. Mike Creamer  
Givens Pursley  
PO Box 2720  
Boise ID 83701

Mr. Wayne Peterson  
Ada County Fish & Game League  
6220 Robertson Drive  
Boise ID 83705

Secretary-Treasurer  
Fairview Acres Lateral Wtr Users  
Assoc.  
PO Box 6377  
Boise ID 83707

Mr. Jeff Smith  
Boise Valley Fly Fisherman Inc  
PO Box 311  
Boise ID 83701

Big Bend Irrigation District  
747 Red Top Road  
Adrian OR 97901

Mr. Doug Dingledein  
Fly Fishers of Idaho  
PO Box 8861  
Boise ID 83707

Farmers' Coop Ditch Company  
PO Box 430  
Parma ID 83660

Golden Eagle Audubon Society  
PO Box 8261  
Boise ID 83707

Trinity Springs Ltd  
1101 W. River Street Suite 370  
Boise, ID 83702

Mr. Bert Cleveland  
Idaho Audubon Council  
1411 Melrose  
Boise ID 83706

Mr. Norman M. Semanko  
Idaho Water Users Assoc. Inc  
205 North 10<sup>th</sup> Street Suite 530  
Boise ID 83702

Mr. Justin Hayes  
Idaho Conservation League  
PO Box 844  
Boise ID 83701

**Businesses, Organizations**

Mr. Thomas Haislip Jr.  
CH2M Hill  
PO Box 8748  
Boise ID 83707-2748

Mr Bill Sedivy  
Executive Director  
Idaho Rivers United  
PO Box 633  
Boise ID 83701

Terry Scanlon PE PG  
Scanlon Engineering  
600 E. River Park Lane Suite 105  
Boise ID 83706

Idaho Whitewater Association  
PO Box 6135  
Boise ID 83707

Idaho Wildlife Federation  
PO Box 6426  
Boise ID 83707

Mr. Randall C. Fredricks  
Law Offices  
PO Box 2835  
Boise ID 83701-2835

Nature Conservancy of Idaho  
1109 Main Street, Suite 333  
Boise ID 83702

Wilderness Society  
2600 Rose Hill, Suite 201  
Boise ID 83705

James Piotrowski, President  
Ted Trublood Chapter, Trout  
Unlimited  
PO Box 1971  
Boise ID 83701

Wilderness Ranch Owners Assoc Inc  
45 Wilderness Ranch Rd  
Boise ID 83716

### **Tribal Government**

Honorable Gwen T. Davis, Chair  
Northwestern Band of the Shoshone  
Nation  
427 N Main Suite 101  
Pocatello ID 83204-3015

Honorable Blaine Edmo, Chairman  
Fort Hall Business Council  
Shoshone-Bannock Tribes  
PO Box 306  
Fort Hall ID 83203-0306

Ms. Yvette Tuell  
Environmental Coordinator  
Shoshone-Bannock Tribes  
PO Box 306  
Fort Hall ID 83203-0306

Mr. Chad Colter, Director  
Department of Fisheries  
Shoshone-Bannock Tribes  
PO Box 306  
Fort Hall ID 83203-0306

Ms. Elese Teton  
Department Water Resourecs  
Shoshone-Bannock Tribes  
PO Box 306  
Fort Hall ID 83203-0306

Honorable Terry Gibson, Chairman  
Shoshone-Paiute Tribal Council  
PO Box 219  
Owyhee NV 89832-0219

Mr. Robin Harms  
Chief Executive Officer  
Shoshone-Paiute Tribes  
PO Box 219  
Owyhee NV 89832-0219

### **Libraries**

Boise Public Library  
715 Capital Blvd  
Boise ID 83702

Caldwell Public Library  
1010 Dearborn Street  
Caldwell ID 83605

Idaho State Library  
325 West State Street  
Boise ID 83702

Nampa Public Library  
11th Ave  
Nampa ID 83651

Meridian Public Library  
1326 West Cherry Lane  
Meridian ID 83642

### **Congressional Delegation**

Honorable C.L. "Butch" Otter  
Member, United States House of  
Representatives  
304 N 8th St, Room 454  
Boise ID 83702

Honorable Mike Simpson  
Member, United States House of  
Representatives  
304 N. 8th Street, Rm. 325  
Boise ID 83702

Honorable Larry E. Craig  
United States Senator  
304 N. 8th St., Rm. 149  
Boise ID 83702

Honorable Mike Crapo  
United States Senator  
304 N. 8th Street, Rm. 338  
Boise ID 83702

### **Idaho State Legislators**

Mr. Gary J. Schroeder  
Senate Resources and Environment Chair  
1289 Highland  
Moscow, ID 83843

Mr. J. Stanley Williams  
Senate Agriculture Affairs Chair  
1286 W. 200 S.  
Pingree, ID 83262

Mr. Douglas R. Jones  
House Agriculture Affairs Chair  
3515 N. 2300 E.  
Filer, ID 83328

Mr. John A. Stevenson  
House Resources and Conservation Chair  
1099 N. 400 W.  
Rupert, ID 83350