

APPENDIX C.

**Optimum Maximum Diversion Flow Agreement
(Idaho Department of Fish and Game and Wayne Baker)
for SEF 12 Diversion and Screen (May 1995)**

OPTIMUM MAXIMUM DIVERSION FLOW AGREEMENT

Between: Idaho Fish and Game and Wayne Baker
owner(s) Salmon East Fork diversion SEF 112.

Purpose: This agreement is to quantify the optimum maximum flow to be screened for fish protection by the Idaho Department of Fish and Game, and

Whereas: Maximum flows vary in level from year to year, and

Whereas: Maximum flows vary in time of year and in length of time from year to year, and

Whereas: Measured flows by the Idaho Department of Water Resources and the Idaho Fish and Game are only one point in time measurements, and

Whereas: These measurements give only an approximation and not a definitive value for maximum flows, and

Whereas: Idaho Fish and Game is required to meet current design criteria established by National Marine Fisheries Service of 0.4 of a foot per second maximum approach velocity of water through the screen, and

Whereas: When the approximate maximum flow is exceeded, the 0.4 foot per second criteria is not met, and

Whereas: Idaho Department of Fish and Game is trying to bring all screening structures into NMFS criteria, and

Whereas: Costs of the fish screen structure rise in proportion to the water diverted, especially on small diversions, and

Whereas: Cost of building a screen to meet only a short period of maximum flow is a waste of tax payer dollars, and

Whereas: Screens which are built to meet maximum flows that are available only during a short period of time or only during occasional years, do not operate efficiently at or near decreed flow levels, and

Whereas: This agreement is not for the purpose of limiting or infringing on irrigator's water rights or the right to divert flows, and

Whereas: This agreement is in the best interest for both Idaho Department of Fish and Game and the irrigators to agree on a maximum flow for the above diversion, and

Whereas: If there is no such agreement, Idaho Department of Fish and Game will design and build the fish screen to meet the approximated maximum flow, which may or may not be the correct optimum flow. It is

Therefore: Agreed that the maximum diverted flow for the above diversion will not exceed 16 CFS (800 Idaho's Miners Inches)

Gary Power
Idaho Department of Fish and
Gary Power, Region 7 Supervisor

Date: 5/3/95

Wayne Baker 5-2-95
Diversion Owner\User Date

Diversion Owner\User Date