Fact Sheet on Snake River Water Agreement

May 15, 2004

- Since 1998, the Nez Perce Tribe, the United States, the State of Idaho, and local communities and water users in Idaho have engaged in mediation as part of the Snake River Basin Adjudication (SRBA) to resolve the claims of the Nez Perce Tribe in the Snake River.

- The SRBA is the legal inventory of about 150,000 water rights in 38 of Idaho's 44 counties. The Nez Perce dispute has been the biggest outstanding dispute in the Snake River Basin.

- The parties have now agreed on a "Term Sheet" that will guide the settlement of this case, and that provides the responsibilities of the parties over the 30 year term of the agreement.

- The components in the Term Sheet as follows:

  - **NEZ PERCE TRIBAL COMPONENT** which, among other things, quantifies the Tribe's on-reservation, consumptive use reserved water right at 50,000 acre feet a year with a priority date of 1855; establishes a $50 million multiple-use water and fisheries resources trust fund; provides $23 million for the design and construction of a water supply and sewer system on the reservation; transfers management authority of Kooskia National Fish Hatchery to the Tribe; and transfers a portion of Bureau of Land Management-administered land within the reservation valued at $7 million to the Tribe.

  - **SALMON/CLEARWATER HABITAT MANAGEMENT AND RESTORATION INITIATIVE** which, among other things, provides that instream flows will be established and held by the Idaho Water Resources Board for selected streams of importance to the Tribe; requires the State of Idaho to administer a cooperative agreement under the Endangered Species Act; and establishes a Habitat Fund to provide funding for habitat improvement projects.

  - **SNAKE RIVER FLOW COMPONENT** which, among other things, provides that certain minimum flows will be decreed by the SRBA Court to the ID Water Resources Board; requires the State of Idaho to extend the provisions of State law for the term of the agreement to allow the Bureau of Reclamation to lease up to 427,000 acre feet of water from ID water banks for flow augmentation; and allows Reclamation to acquire up to 60,000 acre feet of consumptive natural flow water rights from the Snake River, with compensation to local communities for impacts caused by this acquisition.

- State and Federal legislation and Tribal approval will be necessary to implement the provisions of the Term Sheet. In addition, a final consent decree must be entered by the SRBA court.