

MEMORANDUM OF UNDERSTANDING

THE LQ/LS WETLANDS AND SEDIMENT REDUCTION INITIATIVE

PARTIES TO THE MOU AND OBJECTIVES:

This Memorandum of Understanding (MOU) is entered into by the Twin Falls Canal Company (TFCC), the Idaho Department of Environmental Quality (IDEQ) and the Idaho Department of Fish and Game (IDFG).

This MOU sets forth a working relationship between TFCC, IDFG, and IDEQ to create wetlands and reduce sediment nutrients in the Mid-Snake River.

BACKGROUND AND SCOPE OF THE MOU:

IDEQ desires to reduce sediment and nutrients in the Mid-Snake River. The IDFG desires to enhance and preserve fish and game habitat operated with the objective of improving water quality in the Mid-Snake River. The LQ/LS drain is a source of sediment and nutrients in the Mid-Snake River. The TFCC routinely builds, repairs and maintains facilities to manage irrigation return flows including the LQ/LS drain. Funds are available to reduce sediment and nutrients in the Mid-Snake River pursuant to a Consent Order between IDEQ and Idaho Power Company, dated May 22, 1998.

The parties to this MOU intend to purchase land to be used to create wetlands or other facilities to meet the goals of the Mid-Snake TMDL by reducing sediment and nutrients in the LQ/LS drain and in the Mid-Snake River. The land will be owned by IDFG and also used by IDFG to enhance fish and game habitat.

AGREEMENT:

1. TFCC agrees to:
 - A. Provide to IDEQ and IDFG a description of projects, such as wetlands improvements and sediment catch basins, to reduce sediment and nutrients in the Mid-Snake River to meet TMDL goals, and identify lands abutting the LQ/LS drain that would be suitable for such projects;
 - B. Provide construction and management plans for projects; and

- C. Construct and maintain selected projects.
2. The IDFG shall:
- A. Work with TFCC and IDEQ to identify appropriate projects and property to reduce sediment and nutrients to meet TMDL goals in the Mid-Snake River and to enhance fish and game habitat in the Mid-Snake River region;
 - B. Hold title to property and/or easements in the manner described in paragraph 3.B.
 - C. Permit the TFCC to access and use the purchased property for the construction and maintenance of the selected projects and for other appropriate purposes as agreed to between IDFG and TFCC.
3. The IDEQ shall:
- A. In cooperation with TFCC and IDFG select the projects to reduce nutrient and sediment to meet TMDL goals in the Mid-Snake River;
 - B. Provide funding, not to exceed One Hundred Fifty Thousand Dollars (\$150,000), for the purchase of property and/or easements to be used for the selected projects and for the costs associated with the purchase of the property, including, but not limited to, surveys and descriptions of land and easements. IDEQ shall purchase the property and transfer title to IDFG with the condition that title to the property shall revert to IDEQ if the parties to this agreement are unable or unwilling to construct or maintain the projects for the purpose of meeting the Middle-Snake nutrient and sediment TMDLs. The IDEQ will purchase property only if it determines the purchase price for the property is reasonable and appropriate and the projects reduce nutrients and sediments to the Mid-Snake River and otherwise meet the intent of the Consent Order between Idaho Power and IDEQ dated May 22, 1998; and
 - C. Provide technical assistance in the construction of the selected projects.

GENERAL PROVISIONS:

The term of this agreement shall be for five (5) years unless the agreement is revoked by any one of the parties following 60 days notice to all parties. This agreement may be amended or extended through mutual agreement of the parties.

DATED this 15 day of October, 2000.

/s/

C. Stephen Allred, Director
Idaho Department of Environmental Quality

DATED this 28th day of Sept., 2000.

/s/

Rod Sando, Director
Idaho Department of Fish & Game

DATED this 2 day of October, 2000.

/s/

Charles Coiner, Chairman
Twin Falls Canal Company