

The background of the slide is a light gray gradient with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance.

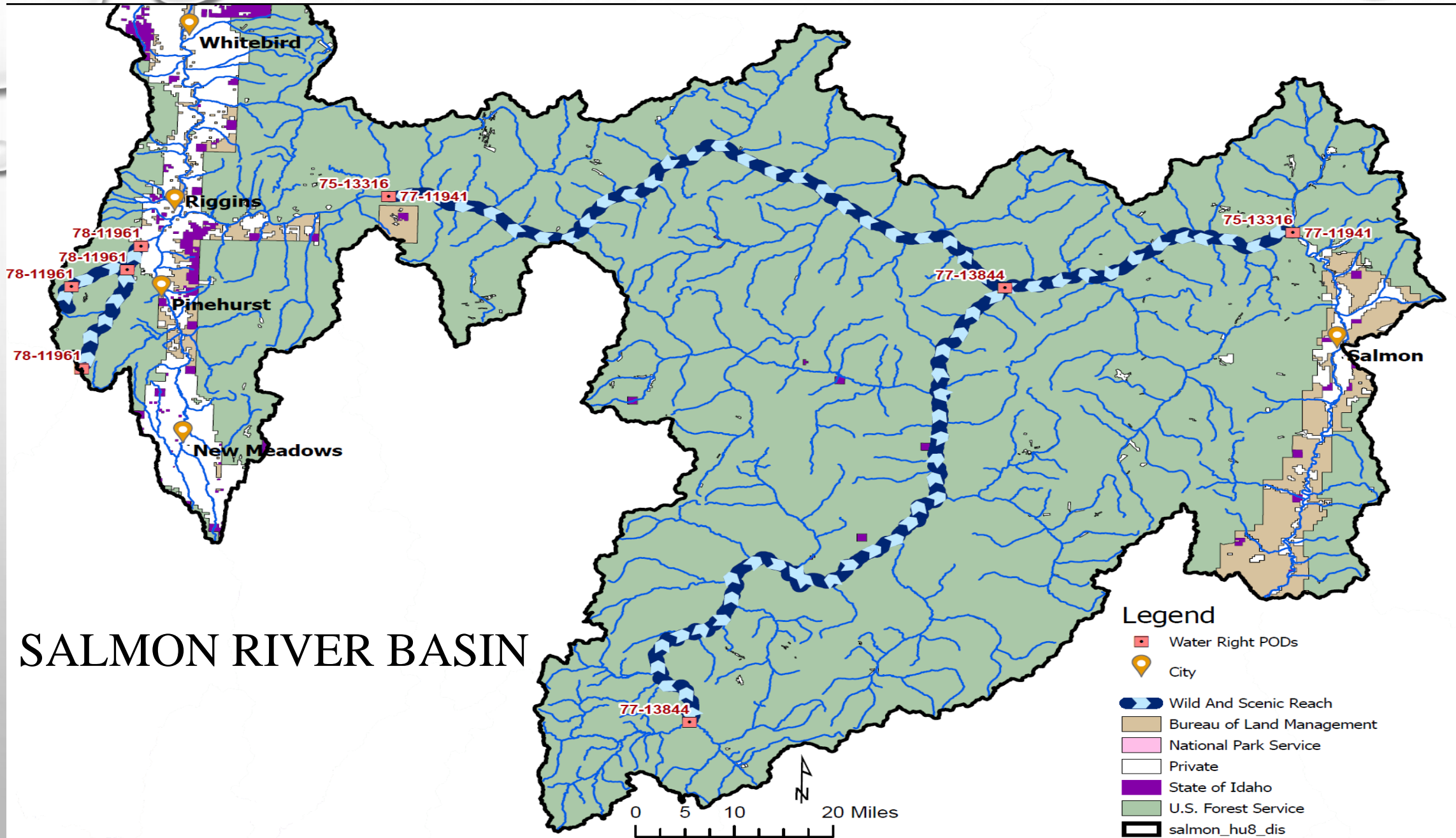
A PRAGMATIC APPROACH FOR QUANTIFYING WILD AND SCENIC RIVER WATER RIGHTS

PREPARED BY
CLIVE STRONG
FOR
WESTERN STATES WATER COUNCIL
SEPTEMBER 14, 2021

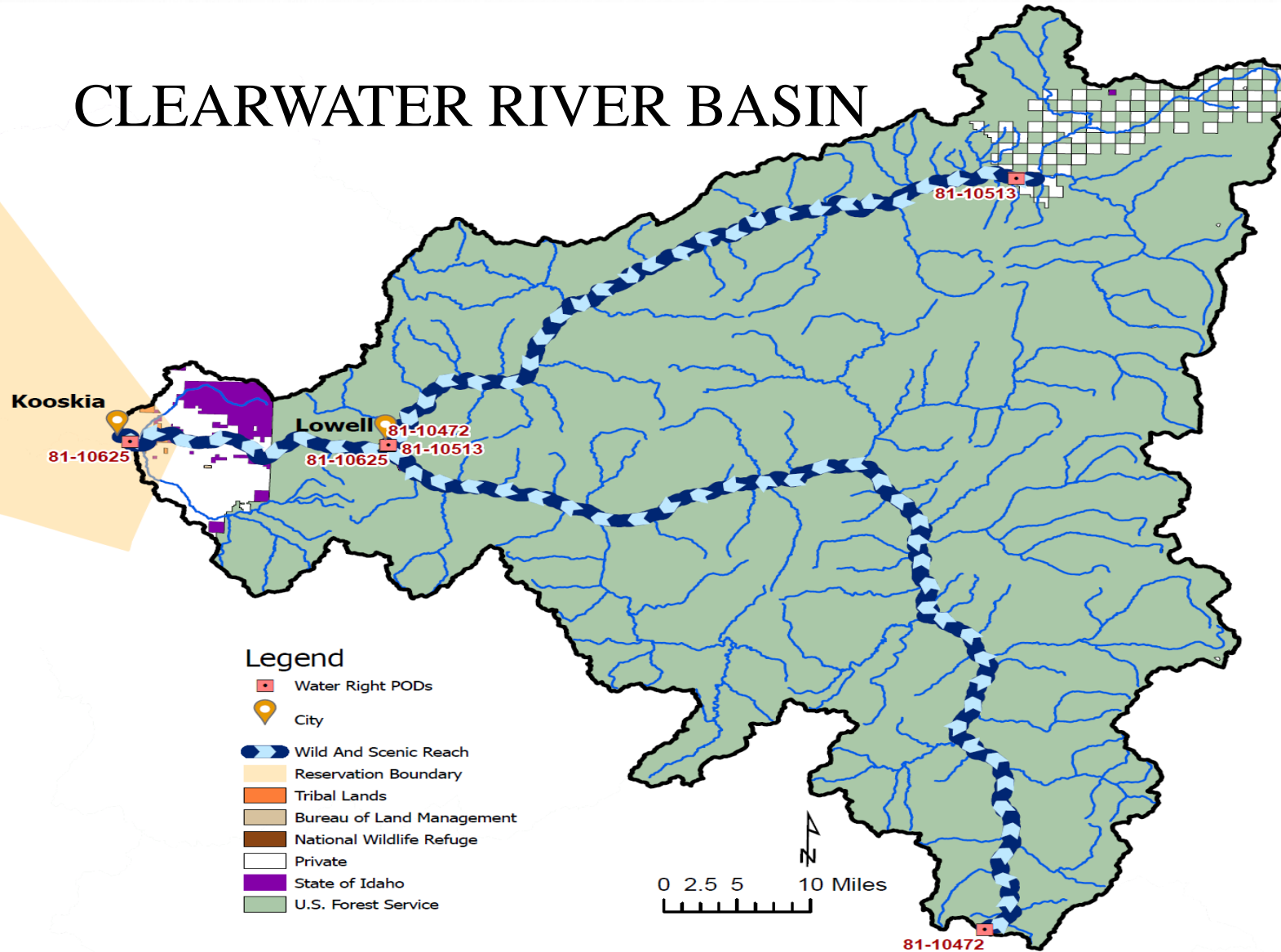
WILD AND SCENIC RIVER ACT, 16 U.S.C. § 1284 (SECTION 13(C)).

- **RESERVATION OF WATERS FOR OTHER PURPOSES OR IN UNNECESSARY QUANTITIES PROHIBITED.** DESIGNATION OF ANY STREAM OR PORTION THEREOF AS A NATIONAL WILD, SCENIC OR RECREATIONAL RIVER AREA SHALL NOT BE CONSTRUED AS A RESERVATION OF THE WATERS OF SUCH STREAMS FOR PURPOSES OTHER THAN THOSE SPECIFIED IN THIS CHAPTER, OR IN QUANTITIES GREATER THAN NECESSARY TO ACCOMPLISH THESE PURPOSES.

SALMON RIVER BASIN



CLEARWATER RIVER BASIN



Legend

- Water Right PODs
- City
- Wild And Scenic Reach
- Reservation Boundary
- Tribal Lands
- Bureau of Land Management
- National Wildlife Refuge
- Private
- State of Idaho
- U.S. Forest Service

SETTLEMENT GOALS

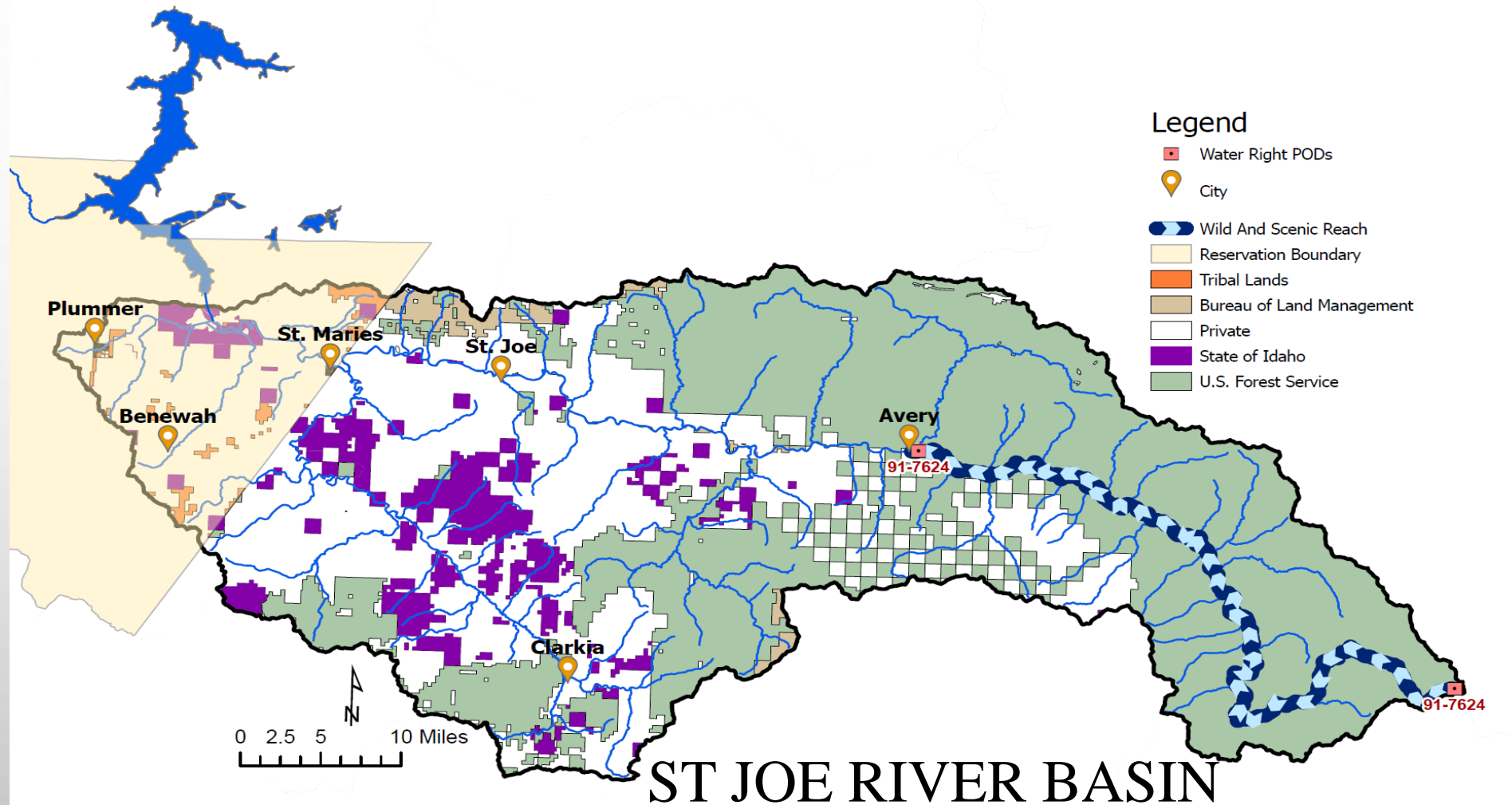
- STATE OF IDAHO'S GOALS
 - PROTECT EXISTING USES
 - PROVIDE FOR FUTURE DEVELOPMENT
- UNITED STATES'S GOAL
 - MAXIMIZE QUANTITY OF RESERVED WATER

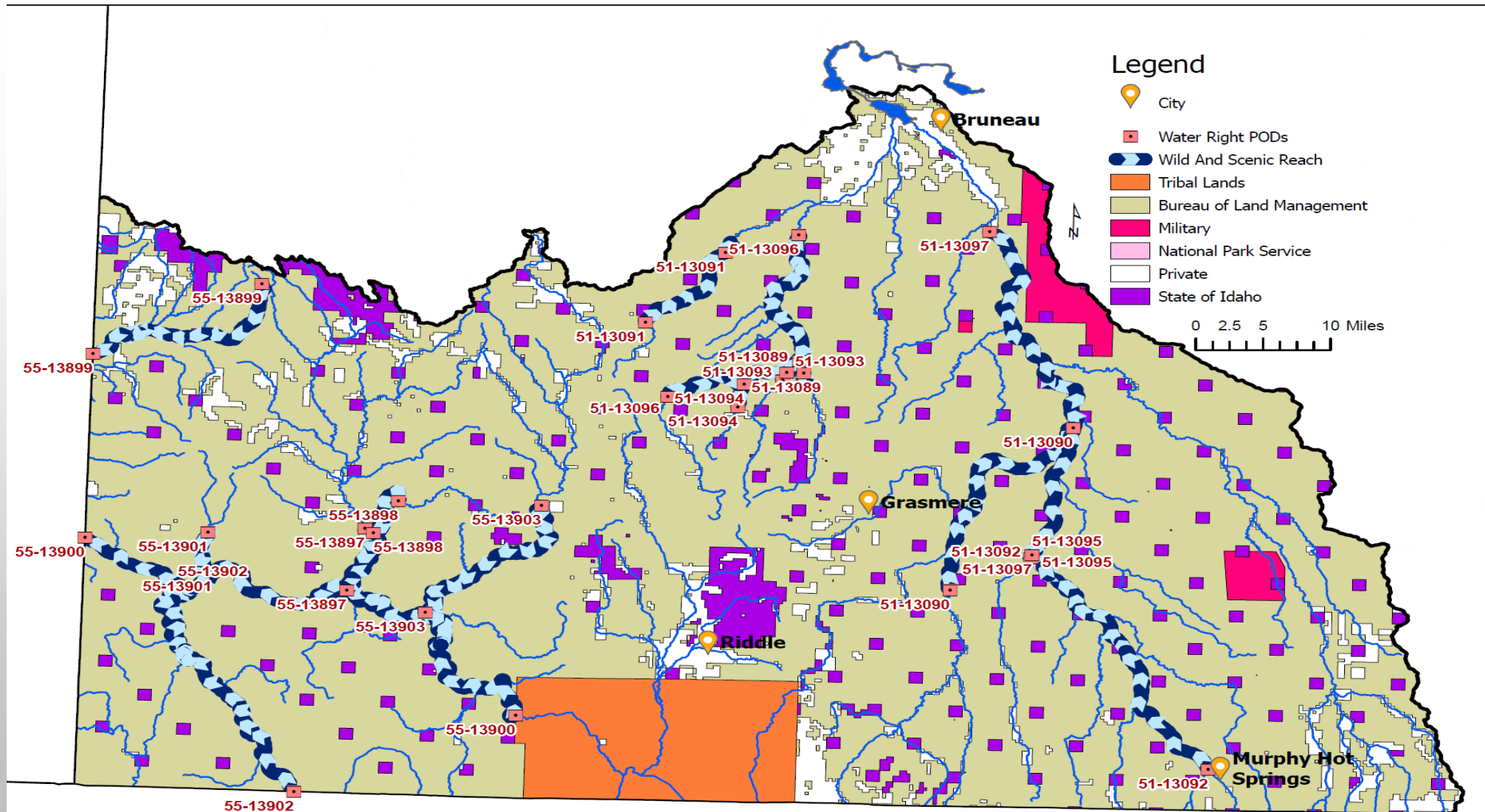
QUANTIFICATION PROCESS

- **EXCEEDENCE FLOW** – REFERS TO THE PERCENTAGE OF TIME THAT A FLOW WILL OCCUR. FOR EXAMPLE, A 20-PERCENT EXCEEDANCE PROBABILITY REPRESENTS A HIGH FLOW THAT HAS BEEN EXCEEDED ONLY 20-PERCENT OF ALL DAYS OF THE FLOW RECORD. CONVERSELY, A 80-PERCENT EXCEEDANCE PROBABILITY WOULD CHARACTERIZE LOW-FLOW CONDITION IN A STREAM, BECAUSE 80 PERCENT OF ALL DAILY MEAN FLOWS OF RECORD ARE GREATER THAN THAT AMOUNT.
- **SUBORDINATION** – A VOLUNTARY AGREEMENT BY A WATER RIGHT HOLDER TO NOT EXERCISE PRIORITY AGAINST JUNIOR WATER RIGHT(S).

SUBORDINATION CARVE OUTS

- ALL WATER RIGHTS DECREED IN THE ADJUDICATION
- ALL APPLICATIONS FOR PERMIT, PERMITS, AND LICENSE WITH PROOF OF BENEFICIAL USE ON FILE WITH THE DEPARTMENT OF WATER RESOURCES ON THE DATE OF THE STIPULATION
- DE MINIMIS DOMESTIC AND STOCK WATER RIGHTS
- FINITE AMOUNT OF WATER FOR FUTURE DEVELOPMENT AUTHORIZED PURSUANT TO STATE LAW





Legend

-  City
-  Water Right PODs
-  Wild And Scenic Reach
-  Tribal Lands
-  Bureau of Land Management
-  Military
-  National Park Service
-  Private
-  State of Idaho

0 2.5 5 10 Miles

OWYHEE AND BRUNEAU RIVER BASINS

CONCLUSION

- VONDE, UNDERSTANDING THE SNAKE RIVER BASIN ADJUDICATION, 52 IDAHO LAW REVIEW 189-197 (2016).