RECLAMATION
Managing Water in the West

U.S. Department of the Interior
Bureau of Reclamation

NOTICE OF INTENT TO AWARD

This Funding Announcement is not a request for applications. This announcement is to provide public notice of the Bureau of Reclamation's intention to fund the following project activities without full and open competition.

ABSTRACT	
Funding Announcement	R15AS00029
Project Title	Cowiche Creek Enhancement Planning Project
Recipient	Yakima-Tieton Irrigation District (YTID)
Principal Investigator / Program Manager	Richard Dieker Secretary-Manager 470 Camp 4 Road Yakima, WA 98908
Anticipated Federal Amount	$64,054.00
Cost Share	$16,013.00 (YTID) $80,067.00 (Washington State Department of Ecology)
Total Anticipated Award Amount	$160,134.00
New Award or Continuation?	New
Anticipated Period of Performance	1 year
Award Instrument	Grant
Statutory Authority	Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994, Pub. L. 103-434, as amended by P.L.105-62 and P.L.106-372: Title XII--Yakima River Basin Water Enhancement Project, Sec. 1203 & 1207
CFDA # and Title	15.531 Yakima River Basin Water Enhancement Project
Single Source Justification Criteria Cited	(3) Legislative Intent
Reclamation Point of Contact	Sharon Hamson Grants Management Specialist Columbia-Cascades Area Office 1917 Marsh Road Yakima, WA 98901

OVERVIEW

The two major objectives of the Yavapai-Prescott Indian Tribe Water Settlement Act of 1994, P.L. 103-434, as amended, Title XII—Yakima River Basin Water Enhancement Project (YRBWEP), are: (1) to protect, mitigate, and enhance fish and wildlife through improved water management; improved instream flows; improved water quality; protection, creation and enhancement of wetlands; and by other appropriate means of habitat improvement; and (2) to improve the reliability of water supply for irrigation. One of the purposes of the YRBWEP is to establish and administer a Basin Water Conservation Program (Basin Conservation Program). Funding support for projects approved by the Basin Conservation Program comes in part by Washington State Department of Ecology (Ecology), the Bureau of Reclamation (Reclamation) and an eligible entity in the Yakima River Basin.

Entities with an approved water conservation plan are eligible for feasibility, implementation and monitoring/evaluation funding from the Basin Conservation Program. A major focus of a water conservation plan is implementation of structural and non-structural water conservation measures by entities and individuals who receive their water supply as a part of the Total Water Supply Available (TWSA). Those entities divert water primarily from the mainstem Yakima River and its major tributaries, the Naches and Tieton Rivers. Enhancement of water supplies in other tributaries can also be a part of a water conservation plan and thereby be eligible for funding from the Basin Conservation Program.

Prior to 2000 YTID completed a water conservation plan (Plan) that focused mostly on conservation measures within their main delivery system. In 2013, YTID developed a planning report entitled *Yakima-Tieton Irrigation District (YTID) Main Canal Rehabilitation Project – Alternatives Study* (Study) which is supplemental to the Plan and focuses on YTID's remaining canals and tributaries. The Study identifies opportunities that: (1) improve stream flows by exchanging Cowiche Creek water rights for new Tieton River water rights delivered through the YTID system; (2) remove fish passage barriers and irrigation water diversions from Cowiche Creek to protect and restore aquatic habitat that will sustain healthy salmonid populations and improve water quality; and (3) identify alternatives for rehabilitating the YTID main canal to insure long term structural viability and adequate capacity to deliver water to YTID and Cowiche Creek water users.

In 2014 YTID completed a water exchange agreement with Reclamation and the Cowiche Creek Water Users Association to use excess capacity in the YTID system to deliver a new water right from the Tieton River in exchange for leaving creek rights instream to enhance flows. The agreement delivers up to 8 cubic feet per second (cfs) to the Cowiche parcels, or about 32 percent of the total Cowiche Creek water right (25.18 cfs). YTID's Main Canal does not have sufficient capacity to convey the additional 17.18 cfs of irrigation water to additional Cowiche Creek irrigators. The Study identified alternatives to provide sufficient capacity to accommodate both YTID's peak demand of 345 cfs and the 25 cfs peak demand for the Cowiche irrigators.

It is Reclamation's intent to provide financial assistance to YTID to investigate the feasibility of specific measures on Cowiche Creek which may lead to conservation measures on YTID's Main Canal. This investigation is necessary before the preliminary design process for any

conservation measures on the Main Canal can begin. Planning conservation measures which are designed to enhance water supplies in Cowiche Creek will improve the availability of water supplies for irrigation, and protect and enhance fish and wildlife resources, including improved instream flows and wetlands, while improving the quality of water in the Yakima River basin.

RECIPIENT INVOLVEMENT

YTID will:

- Conduct geologic and tunneling reconnaissance investigations
- Conduct cultural resource investigations
- Develop an environmental permitting work plan
- Collect and map existing land ownership

RECLAMATION INVOLVEMENT

No substantial involvement on the part of Reclamation is anticipated for the successful completion of the objectives to be funded by this award. It is anticipated that Reclamation's involvement will consist of standard federal stewardship responsibilities such as monitoring project performance, technical assistance at the request of the recipient, etc.

SINGLE-SOURCE JUSTIFICATION

DEPARTMENT OF THE INTERIOR SINGLE SOURCE POLICY REQUIREMENTS
Department of the Interior Policy (505 DM 2) requires a written justification which explains why competition is not practicable for each single-source award. The justification must address one or more of the following criteria as well as discussion of the program legislative history, unique capabilities of the proposed recipient, and cost-sharing contribution offered by the proposed recipient, as applicable.
In order for an assistance award to be made without competition, the award must satisfy one or more of the following criteria: (1) Unsolicited Proposal – The proposed award is the result of an unsolicited assistance application which represents a unique or innovative idea, method, or approach which is not the subject of a current or planned contract or assistance award, but which is deemed advantageous to the program objectives; (2) Continuation – The activity to be funded is necessary to the satisfactory completion of, or is a continuation of an activity presently being funded, and for which competition would have a significant adverse effect on the continuity or completion of the activity;

(3) Legislative intent – The language in the applicable authorizing legislation or legislative history clearly indicates Congress' intent to restrict the award to a particular recipient of purpose;

(4) Unique Qualifications – The applicant is uniquely qualified to perform the activity based upon a variety of demonstrable factors such as location, property ownership, voluntary support capacity, cost-sharing ability if applicable, technical expertise, or other such unique qualifications;

(5) Emergencies – Program/award where there is insufficient time available (due to a compelling and unusual urgency, or substantial danger to health or safety) for adequate competitive procedures to be followed.

Reclamation did not solicit full and open competition for this award based the following criteria:

(3) LEGISLATIVE INTENT

Single Source Justification Description:

Title XII of P.L. 103-434, as amended, provides authorization for each irrigation organization to plan, study, and implement its own measures for water conservation with funding provided in part by the federal government. Only entities with an approved water conservation plan are eligible for funding for feasibility studies under the YRBWEP Basin Conservation Program. The YTID's completed Plan and Study are prerogative of that individual public body. Therefore, the funds discussed under this announcement are not open to competitive grant procedures and processes.

STATUTORY AUTHORITY

Yavapai-Prescott Indian Tribe Water Settlement Act of 1994; P.L. 103-434, as amended by P.L.105-62 and P.L.106-372: Title XII—Yakima River Basin Water Enhancement Project, Sec 1203 and 1207 (applicable subsections listed only):

SEC. 1203. YAKIMA RIVER BASIN WATER CONSERVATION PROGRAM.

(a) ESTABLISHMENT-

(1) The Secretary, in consultation with the State of Washington, the Yakama Indian Nation, Yakima River basin irrigators, and other interested parties, shall establish and administer a Yakima River Basin Water Conservation Program for the purpose of evaluating and implementing measures to improve the availability of water supplies for irrigation and the protection and enhancement of fish and wildlife resources, including wetlands, while improving the quality of water in the Yakima Basin. The Secretary may make grants to eligible entities for the purposes of carrying out this title under such terms and conditions as the Secretary may require. Such terms and conditions shall include a requirement

that all water districts, irrigation districts, individuals, or other entities eligible to participate in the Basin Conservation Program must equip all surface water delivery systems within their boundaries with volumetric water meters or equally effective water measuring methods within 5 years of the date of enactment of this Act.
(2) Conserved water resulting in whole or in part from the expenditure of Federal funds hall not be used to expand irrigation in the Yakima Basin, except as specifically provided in section 1204(a)(3) on the Yakama Indian Reservation.
(3) The provisions of this section shall not apply to the Yakama Indian Nation except as to any funds specifically applied for from the Basin Conservation Program.

(b) FOUR PHASES OF PROGRAM- The Basin Conservation Program shall encourage and provide funding assistance for four phases of water conservation, which shall consist of the following:

(2) The investigation of the feasibility of specific potential water conservation measures identified in conservation plans.

(d) COST SHARING-

(1) Except as otherwise provided by this title, costs incurred in the four phases of the Basin Conservation Program shall be shared as follows:

Program Phase	**Non-Federal**		**Federal Grant**
	State Grant	**Local**	
1. Development of water conservation plans	50% but not more than $200,000 per	(Residual amount if any)	50%
2. Investigation of specific water conservation measures	50% but sum of 1 and 2 not greater than $200,000 per recipient	20% after deducting State funds for Item 2	Residual amount after deducting State and local funds for Item 2
3 and 4. Implementation and post implementation monitoring and evaluation	17.5%	17.5%	65.0%

SEC. 1207. ENHANCEMENT OF WATER SUPPLIES FOR YAKIMA BASIN TRIBUTARIES.

(a) GENERAL PROVISIONS- The following shall be applicable to the investigation and implementation of measures to enhance water supplies for fish and wildlife and irrigation purposes on tributaries of the Yakima River basin:

(1) An enhancement program authorized by this section undertaken in any tributary shall be contingent upon the agreement of appropriate water right owners to participate.
(2) The enhancement program authorized by this section shall not be construed to affect
(A) the water rights of any water right owners in the tributary or other water delivering entities;
(B) the capability of tributary water users to divert, convey, and apply water; and
(C) existing water and land uses within the tributary area.
(3) The water supply for tributary enhancement shall be administered in accordance with applicable State and Federal laws.
(4) Any enhancement program authorized by this section shall be predicated upon the availability of a dependable water supply.

(b) STUDY-
(1) The Secretary, following consultation with the State of Washington, the tributary water right owners, and the Yakama Indian Nation, and agreement of appropriate water right owners to participate, shall conduct a study concerning the measures that can be implemented to enhance water supplies for fish and wildlife and irrigation purposes on Taneum Creek, including (but not limited to)--
(A) water use efficiency improvements;
(B) the conveyance of water from the Yakima Project through the facilities of any irrigation entity willing to contract with the Secretary without adverse impact to water users;
(C) the construction, operation, and maintenance of ground water withdrawal facilities;
(D) contracting with any entity that is willing to voluntarily limit or forego present water use through lease or sale of water or water rights on a temporary or permanent basis;
(E) purchase of water rights from willing sellers; and
(F) other measures compatible with the purposes of this title, including restoration of stream habitats.

(2) In conducting the Taneum Creek study, the Secretary shall consider--
(A) the hydrologic and environmental characteristics;
(B) the engineering and economic factors relating to each measure; and
(C) the potential impacts upon the operations of present water users in the tributary and measures to alleviate such impacts.

(3) The Secretary shall make available to the public for a 45-day comment period a draft report describing in detail the findings, conclusions, and recommendations of the study. The Secretary shall consider and include any comment made in developing a final report. The Secretary's final report shall be submitted to the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, and the Governor of the State of Washington, and made available to the public.

(d) OTHER YAKIMA RIVER BASIN TRIBUTARIES- Enhancement programs similar to the enhancement program authorized by this section (on Taneum Creek) may be

investigated and implemented by the Secretary in other tributaries contingent upon the agreement of the appropriate tributary water right owners to participate. The provisions set forth in this section shall be applicable to such programs.

(e) AUTHORIZATION OF APPROPRIATIONS-

(2) There is also authorized to be appropriated to the Secretary such funds as are necessary for the investigation of enhancement programs similar to the enhancement program authorized by this section in other Yakima River basin tributaries contingent upon the agreement of the appropriate water right owners to participate. Funds for the implementation of any such similar enhancement program may not be appropriated until after the Secretary submits an investigation report to the appropriate congressional committees.