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**MEMORANDUM OF UNDERSTANDING
BETWEEN
AGNEW IRRIGATION DISTRICT
AND
CLALLAM COUNTY
FOR CONSTRUCTING AND MAINTAINING THE
MCDONALD CREEK IRRIGATION AND FISH PASSAGE PROJECT**

THIS is a binding agreement entered into, by, and between Clallam County, hereinafter referred to as "CLALLAM COUNTY" and the Agnew Irrigation District, hereinafter referred to as the "IRRIGATION DISTRICT". The purpose of this agreement is to describe the assistance to be provided by CLALLAM COUNTY to the IRRIGATION DISTRICT for improvements in irrigation water conveyance efficiency, and the obligations and responsibilities of the IRRIGATION DISTRICT in exchange for such assistance.

1. **Purpose.**

This MOU is to formalize the partnership between the Agnew Irrigation District and Clallam County in upgrading public irrigation infrastructure, and improve fish passage, habitat conditions and ensure reliability of water supply for irrigation.

The purpose of this MOU is to establish the terms, conditions, and responsibilities of each party to manage cooperatively, within parameters established by both parties, certain aspects of the McDonald Creek Irrigation and Fish Passage Project. The goal of this MOU is to: (a) support effective, efficient, timely, and respectful communication and discourse between the parties; (b) improve coordination and collaboration; (c) facilitate sharing of information and expertise; (d) promote collaboration in the protection, use and conservation of natural and cultural resources for the benefit of present and future generations; and (e) identify responsibilities and obligations.

2. **Term of MOU.**

This MOU is effective upon the day and date last signed and executed by the duly authorized representatives of the parties to this MOU and shall remain in full force and effect for the useful life of the structure, or until this agreement is terminated as provided for below.

3. **Termination of Agreement.**

This agreement may be terminated by Clallam County, on 10 days written notice to the other party(ies), in the event that the County is unable to procure sufficient funding from outside sources to fund the County's obligations in paragraph 5 below. The County shall make reasonable efforts to secure such funding.

4. **Background.**

McDonald Creek (also known locally as McDonnell Creek) is located west of the Dungeness River in Water Resource Inventory Area (WRIA) 18. The watershed has a drainage of 23 square miles of mainstem and 17.9 miles of tributaries. McDonald Creek is one of the larger independent streams within the Dungeness River Area Watershed. Continuous flow measurements are not available for McDonald Creek but precipitation ranges from 18 inches in Sequim to 65 inches in the headwaters in Olympic National Park.

Peak flows in McDonald Creek are dominated by winter rains and spring snowmelt, with dry summers creating low stream flow conditions typically from July through September. United States Geological Survey (USGS) has collected a number of miscellaneous flow measurements; ranging from less than 1 cfs in the late summer to early fall and 20-25cfs in mid and late spring.

ESA-Listed Puget Sound Steelhead, Coho, late chum, Cutthroat, Pacific lamprey utilize McDonald Creek up to RM 5.2 where salmonid migration is blocked by a natural barrier. Due to lack of surveys, it is unknown if the falls are a barrier to Pacific lamprey.

The Agnew Irrigation District (AID) has historic water rights in McDonald Creek and the Dungeness River. AID removes water from McDonald Creek at RM 3.1. To mitigate loss of instream flow in McDonald Creek, water from the Dungeness River is added to McDonald Creek at RM 5.0.

As identified in the WRIA 18 Limiting Factors Analysis, a 5-foot-high irrigation diversion dam, equipped with a small and intermittently functional steep-pass Denil fishway spans McDonald Creek inhibiting passage for both adult and juvenile salmonids. Built in the mid-1980's, the facility is outdated, and WDFW no longer considers the structure viable for long term fish passage. Washington Department of Fish and Wildlife estimated that the diversion structure is a complete barrier to juvenile fish, and a 33% barrier to adult fish. To remedy the fish passage barrier, an updated irrigation outtake was designed, permitted, and will be constructed by Clallam County with funding from Ecology, USFWS, and SRFB.

5. Agnew Irrigation District will:

Maintenance Task	Responsibility	Frequency
Inspect and Clean, As Needed, Diversion Dam and Fish Passage Structure; Remove Debris from Debris Rack	AID	Annually, Prior to Irrigation Season
Inspect, clean, and prepare fish screen for irrigation season. Lubricate gears, paddle wheel, other moving parts.	WDFW	Annually, Prior to Irrigation Season
Place and secure mechanical hoist in sleeve at top of dam.	AID	Annually, Early in Irrigation Season
Place removeable grating on supports behind notch in dam.	AID	Annually, Early in Irrigation Season
Place slide gate and stop logs in diversion dam and adjust to create appropriate upstream water level for diversion.	AID	Annually, Early in Irrigation Season
Open headgate and gate at pipe inlet to initiate diversions.	AID	Annually, Beginning of Irrigation Season
Inspect diversion, read staff gage in flume, remove debris from debris rack, adjust gates as needed to maintain diversions.	AID	Daily, During Irrigation Season
Inspect fish screen and fish passage structure, make adjustments as needed for fish passage.	WDFW	Weekly, During Irrigation Season
Inspect Parshall Flume and flow monitoring equipment.	Ecology	As needed, Prior to and During Irrigation Season
Close head gate and gate at pipe inlet to terminate diversions.	AID	Annually, End of Irrigation Season
Remove fish from fish passage structure, as needed.	WDFW, AID	Annually, End of Irrigation Season
Remove boards in fish passage weirs and open sluice gate to flush water and sediment from structure.	WDFW, AID	Annually, End of Irrigation Season
Place boards in fish passage weirs again once water and sediment has been flushed from structure.	WDFW, AID	Annually, End of Irrigation Season
Remove remaining sediment from fish passage weirs with shovel or other methods, as needed to clean structure.	WDFW, AID	Annually, End of Irrigation Season
Shut down, winterize fish screen and paddle wheel.	WDFW	Annually, End of Irrigation Season
Remove slide gate and stop logs from diversion dam and place in secure location for winter.	AID	Annually, After Irrigation Season

Remove removeable grating from behind notch in dam and place in secure location for winter.	AID	Annually, After Irrigation Season
Inspect, clean, and repair (as needed) gates, pipe, and other equipment.	AID	Annually or as needed, After Irrigation Season
Inspect rock weirs and streambed boulders protecting right bank of channel.	WDFW, AID	Annually
Replace or move streambed boulders, as needed to maintain stream channel.	WDFW, AID	As Needed
Repair any bank erosion, as needed to protect irrigation infrastructure.	AID	As Needed, Coordinate with WDFW
Monitor fish passage and coordinate on adaptive management of stream channel, screening, and passage facilities.	County, WDFW, AID	Annually, As Needed
Clean and repair Parshall Flume and update monitoring equipment.	Ecology	As Needed

5. **Clallam County will:**

- Remain the sponsor of the fish passage and irrigation project until project completion.
- Secure funding for new fish passage irrigation project.
- Contract with Engineer/Consulting firm to prepare designs and secure permits.
- Bid project and contract with Contractor.
- Monitor fish passage and coordinate on adaptive management of stream channel, screening, and passage facilities.

6. **General Provision**

- Nothing herein is intended to conflict with Tribal, Federal, State, or local laws or regulations.
- Upon signing this MOU, the parties shall each designate an individual and an alternate to serve as the principal contact or liaison for its implementation.

o Clallam County:

Bruce Emery
 Director–Department of Community
 Development
 223 East 4th Street – Suite 5
 (360) 417-2323

o Agnew Irrigation District: Jerry Schmidt
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Carlsborg, WA 98362
(360) 460-5733

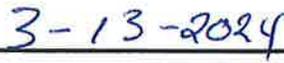
- The Irrigation District or the County can initiate an amendment, if necessary, and work with the other party to finalize amendment language and pass through each parties' oversight authority for approval. Amendment or any modification or change of this MOU will be effective only if it is in writing signed by the authorized representatives of both parties.
- Should any conflict arise between the terms of this MOU and any grant or funding requirements, the requirements set out in the grant and other funding sources shall control.

SIGNATORIES:

AGNEW IRRIGATION DISTRICT



Jerry Schmidt, Chair, Agnew Irrigation District



Date

CLALLAM COUNTY



Mike French
Chair, Board of County Commissioners



Date

Approved as to form only by


Bert Dee Boughton
Civil Deputy Prosecuting Attorney
Clallam County

EXHIBIT A Site Map

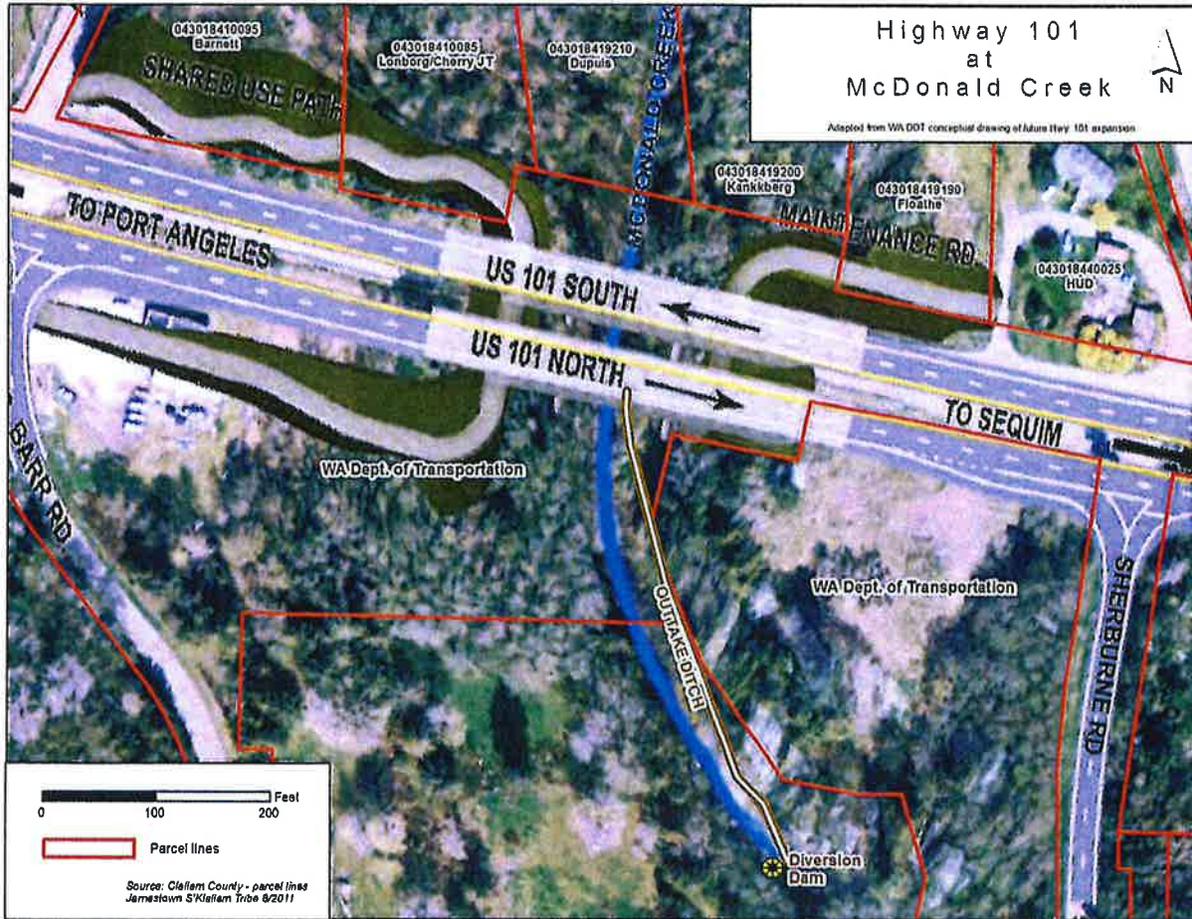


EXHIBIT B
Clallam County Resolution
To Assume Obligations of Local Cooperation