

**Exhibit Number: 9**

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**The following exhibit is several assorted documents that exceeds the 10-page limit therefore it cannot be scanned. A small portion has been scanned to aid in your research for information. The exhibit is on file at the Montana Historical Society and can be viewed there.**

# FWP Instream Flow Lease Objectives

## Maximizing the 4 'A's

- **Advantageous to the fishery**

Attractive leasing opportunities are those that address a stream flow problem that significantly limits potential fishery values.

- **Actual water dedicated to instream flows**

Leases must involve valid water rights, and quantities leased should be large enough to benefit the stream.

- **Aministrable by the Department or other appropriate entity**

Leases should involve a reasonable combination of water right seniority and advantageous location so that the instream flow contribution can be ensured and defended through the lease period. Decreed streams and/or an existing water commissioner are an added plus.

- **Affordable**

Do the benefits to the fishery justify the cost of the lease or the project creating the leasing opportunity?

*Contact Montana Fish, Wildlife & Parks' (FWP) Instream Flow Specialists Bill Schenk at 406-444-3364 in Helena, or Andy Brummond in Lewistown at 406-538-4658 ext. 224 for more information.*

## Appendix B – A Sample Lease Evaluation

### Review of Potential Water Lease Little Prickly Pear Creek -- Lewis and Clark County

Prepared for: ██████████  
December, 1999

The following is a preliminary review of an instream flow lease proposal. It includes 1) a description of the proposal; 2) the results of a cursory review of the associated water rights, their relation to other rights in the watershed, and available information on water flow patterns; 3) a description of the fishery; and 4) a preliminary evaluation of the lease offer according to FWP's informal lease evaluation criteria.

Additional information, insights, and/or corrections to this preliminary review are welcome and can be incorporated into a revised review.

#### Background on Proposal

According to our recent conversation, the rights you are interested in leasing are the potential salvaged portions of the rights listed below.

Right Number (Diversion Point)	Purpose	Quantified Flow (cfs)/ Acres/ Volume	Priority Date	Relative Priority on Source (of 70)	Claims Senior to Offered Rights
41QJ-W- 097583 NWNENW20T13NR4W	Irrigation	none/ 8 acres/ 32 AF	5/18/1877	28 <sup>th</sup>	100.09 cfs (all upstream)
41QJ-W-097581 NENENE25T13NR5W	Irrigation	12.00 cfs/ 50 acres/ 200 AF	4/1/1882	34 <sup>th</sup>	additional 17.76 cfs
41QJ-W-097582 NWSWNE19T13NR4W	Irrigation	25.00 cfs/ 58 <u>acres/ 232 AF</u>	3/15/1902	61 <sup>st</sup>	additional 110+ cfs
<b>Total</b>		<b>35+ cfs/ 116 acres/ 464 AF</b>			

You are proposing to convert from two informal diversions (and associated lengthy ditches for flood irrigation) to one diversion point for a sprinkler system to irrigate close to the same acreage. One diversion point is shared with another right. The diversion point for your most senior right (without quantified flow) appears to be near the access road to your home, near the approximate location of your proposed pump house.

Your estimate of water need under your new system is 2 cfs, leaving the consumed (non-return-flow) portion of the remainder instream under a lease with FWP. The claims associated with these rights