Proposed CSKT Compact Negotiation

State of Montana Response to CSKT Proposal

October 27, 2014

WATER POLICY INTERIM COMMITTEE. 2013-14

October 29, 2014 Exhibit 7

Goals of Proposed Compact Language

1. Define FIIP historic farm deliveries and delivery right
2. Corroborate accuracy of RDAs to provide for historic crop consumption levels
3. Provide options to satisfy MEFs/RDAs during times of shortage
4. Provide structure for adaptive management
5. Provide technical support for implementation of measurement program, operational improvements, R&B, and adaptive management

Timeline for Implementation

Operational Improvements

Period during which implementation of MEFs, RDAs, and TIFs is deferred. Interim instream flows (status quo) maintained

Incremental Implementation

As Operational Improvements make water available within a service area, MEF/RDA/TIFs will be implemented gradually

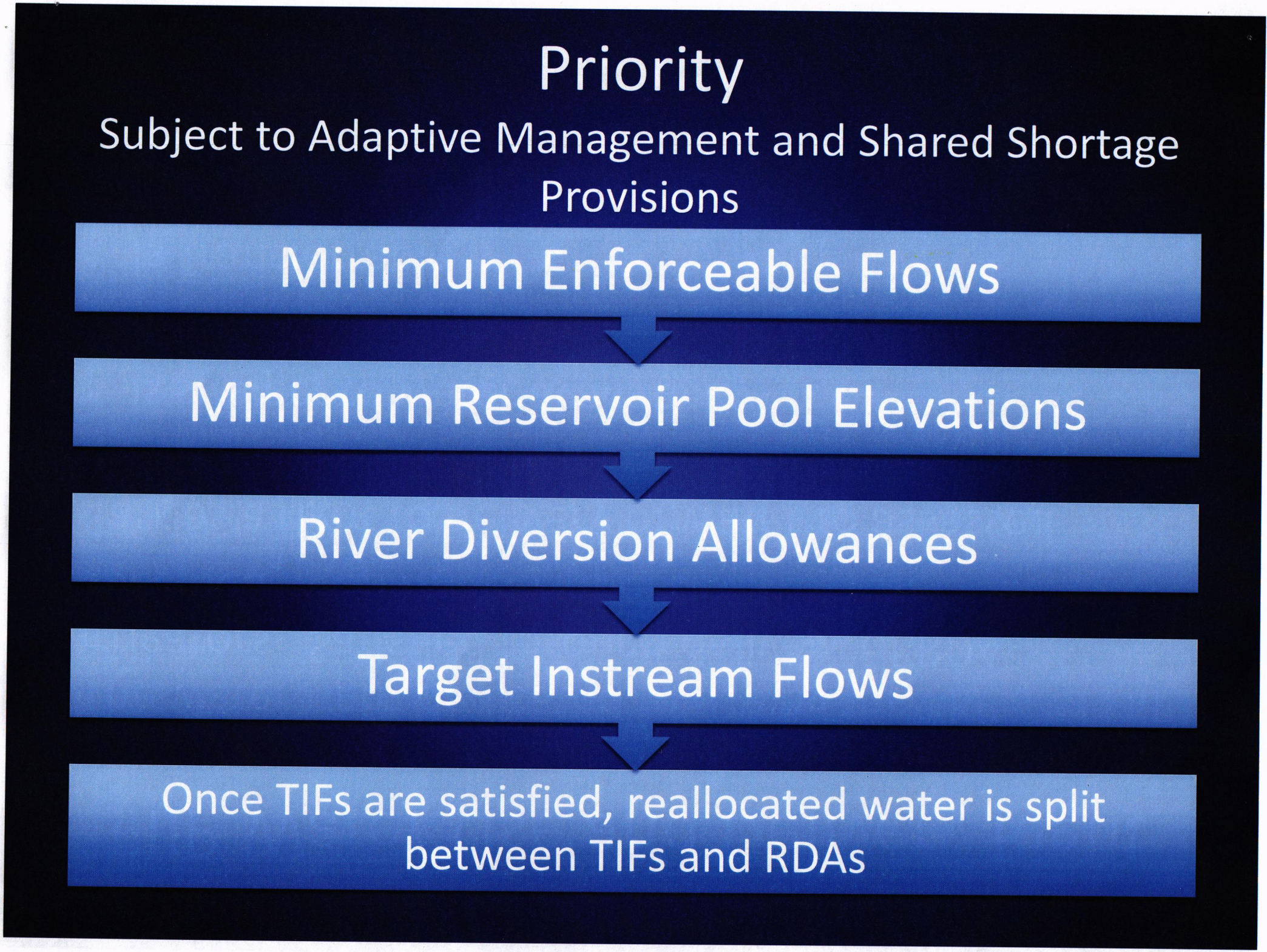
Full Implementation

Once Operational Improvements are completed, full implementation of MEF/RDA levels will occur, followed by TIFs

Deferral Periods

Full implementation of MEFs is deferred until completion of Operational Improvements within a Service Area:

	Year 1	Year 2	Year 3	Year 4	MEF/RDA/TIF
Project 1	$/percent complete	$/percent complete	$/percent complete	complete	Implemented
Project 2	$/percent complete	$/percent complete	complete		Implemented
Project 3	$/percent complete	$/percent complete	$/percent complete	$/percent complete	Implemented


Priority
Subject to Adaptive Management and Shared Shortage Provisions
Minimum Enforceable Flows
Minimum Reservoir Pool Elevations
River Diversion Allowances
Target Instream Flows
Once TIFs are satisfied, reallocated water is split between TIFs and RDAs

FIIP Water Use and Delivery Right

The water right dedicated to use by the FIIP and FIIP irrigators. Satisfied through delivery of RDAs specified in Compact Appendix.

Carries a right to delivery of water to assessed parcels. Delivery right:

- Is subject to water availability
- Runs with the land
- Is Transferrable
- Represented by delivery right authorization

FIIP Historic Farm Deliveries

Based on State's technical review of WUA

- Historic Farm Deliveries equal the sum of all farm deliveries to a service area, which includes:
- ET+ on-farm conveyance loss + on-farm application inefficiencies
- RDAs include the total HFD for the service area plus conveyance losses between headworks and farm turnouts.

Corroboration of RDAs

1. Completion of Operational Improvements
2. Project Operator Measures Farm Turnouts

3a. If Farm Turnout = Historic Farm Deliveries:
RDAs Corroborated

3b. If Farm Turnout ≠ Historic Farm Deliveries:
RDAs Adjusted

Shared Shortage

When water supply will not meet MEF + RDA:

1. MEFs are met.
2. Streamflow that would otherwise support TIFs diverted to support RDAs.
3. FIIP Reservoir Pool Minimums may be accessed to support RDAs.
4. Short-term use of Flathead System Compact Water.

Adaptive Management

Adaptive Management provisions are intended to facilitate real-time implementation of Compact:

1. Water measurement and forecasting
2. Flexible implementation of MEF/TIF/RDA levels
3. Implementation of shared-shortage provisions
4. Ability to set weekly MEF/TIF/RDA levels

Interim Technical Team

Composed of two members each from the State, Tribes, and Project.

1. Design and implement measurement program
2. Design distribution procedures for monthly MEF/TIF/RDA flows based on compact provisions
3. Design forecasting methods for yearly and within-season water supply forecasting.