

Clark Fork River Basin Task Force Report to Water Policy Interim Committee

September 14, 2011

Task Force

- Statutory entity – 85-2-350 MCA
- Assigned to first write and then propose amendments to basin watershed management plan
- Overseeing plan implementation and coordinating water management in the basin
- Members appointed by DNRC Director
- Section 85-2-350 (3)(h)(iii) MCA requires the Task Force to report annually to the Environmental Quality Council (EQC)
- Funded for FY2012-13 by \$63k Renewable Grant and Loan Program grant

Report Focus

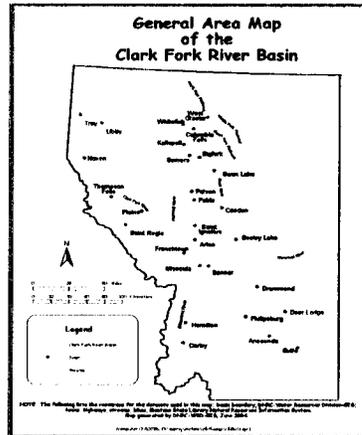
- Revision of the 2004 Clark Fork Basin Watershed Management Plan
- Basin water management issue
- Water supply outlook conferences

Watershed Management Plan Revision

- 85-1-203 - Sections of the state water plan must be completed for the Missouri, Yellowstone, and Clark Fork River basins, submitted to the 2015 legislature, and updated at least every 20 years.
- In 2005, DNRC adopted a Clark Fork Basin chapter of the State Water Plan based on the 2004 plan adopted by the Task Force.
- Task Force is working on a update 2004 plan.
- New issue - Section 85-1-203 (3)(c) provides that the plan must include an analysis of the effects of frequent drought and new or increased depletions on the availability of future water supplies.
 - UM graduate student thesis - An Assessment of Drought Climatology, Vulnerability, and Mitigation in the Clark Fork Fiver Basin of Montana.

Most Important Basin Water Management Issue

- No water reserved for future basin uses
 - Clark Fork largest river by volume leaving state - 2 X Missouri discharge
 - Basin encompasses almost all of Montana west of the Continental Divide, a 22,000 square mile area with a population in excess of 320,000
 - Important constraints on the legal availability of water for future uses



Two Water Availability Constraints

- Hydropower water rights
- Confederated Salish and Kootenai Tribes reserved water rights

Hydropower Constraints

- Hydropower at the bottom of the basin use the entire flow of the river almost all of the time.
- Legal availability of water for new water rights in the basin is questionable and water uses based on right rights junior to the hydropower rights are at risk to a water right call most of the time.
- Even though no hydropower rights holder has made a call on a junior water rights holders in this basin, there is concern this could happen.

CSKT Reserved Water Right Constraints

- State, CSKT, and US negotiating CSKT reserved water rights
- CSKT on reservation rights will likely have a 1855 priority date
 - Depending on their size, these rights may constrain water right permitting in the Flathead basin above the reservation
- CSKT off-reservation water rights
 - State proposal to address rights in the upper Clark Fork, Bitterroot and Flathead basins

Task Force Basin Solution - Hungry Horse Initiative

- Water stored in Hungry Horse reservoir could both provide for new uses and increase the security of water uses based on water right junior to the hydropower rights and the CSKT rights.
- State of Washington recently completed a contract with the US Bureau of Reclamation for 132,000 acre-feet of water in Lake Roosevelt to supply new consumptive and instream uses.
- State of Montana is pursuing 11,000 acre-feet in the CSKT compact negotiations.

Task Force Questions

- Key questions regarding the 11kaf:
 - At what price would the water be available?
 - How would basin water users obtain access to this water?

New Task Force Initiative – Storing High Spring Flows

- The Task Force is considering ways to manage the basin water supply by storing high spring flows in the ground to provide flood control and mitigation for new water development.
- In conjunction with the Montana Bureau of Mines and Geology, the Task Force is proposing to conduct an analysis to determine how much water might be stored in Clark Fork basin aquifers, where it might be stored, and who might benefit from the storage.

Water Supply Outlook Conferences

- **Spring 2011 Water Supply Outlook Conference**
 - Presented the water outlook for the Clark Fork River basin for the coming water year based on the snowpack, weather forecasts, and water storage levels
- **Fall 2011 Water Year Review**
 - Reviewed water supply and flood-related management actions resulting from it

Summary

- Task Force is continuing to involve all basin water interests in basin water management planning
- Focus is on drought planning and identifying source of water for future uses