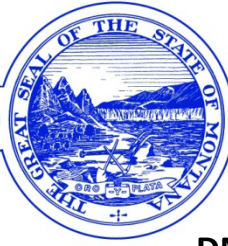


**DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION
Water Resources Division**



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DNRC Biennial Report to the Environmental Quality Council

**January 2013 summary of instream flow water reservations (form 638) pursuant the US
Forest Service-Montana Water Rights Compact, MCA 85-20-1401**

The compact was ratified on April 17th of 2007. As part of that ratification, in Article V, seventy-seven instream state-based water reservations were recognized, purposed for instream fisheries, and assigned 2007 priority dates. The US Forest Service was also granted the opportunity to apply for additional instream state-based water reservations on Forest Service land (form 638) pursuant Article VI, whose priority dates are designated as the date of application filing with DNRC. Protectable flow rates are determined using the Wetted Perimeter Methodology, which estimates upper and lower flow rate values (inflection points) that designate habitat quality thresholds. The fish species present within the proposed protected reach determines which flow rate can be used in the application. To date all but one 638 application have pursued the upper inflection point.

In Article VI, section F of the compact, the DNRC is required to biennially report to the Environmental Quality Council or other appropriate legislative committee the state water reservations applied for by the Forest Service since the previous report and the Department action on application for state water reservations by the Forest Service since the previous report. The Department first gave this report in January of 2010 and again in January of 2011.

Summary Statistics for US Forest Service Instream Flow 638 Applications							
Attribute	Year						Total
	2008	2009	2010	2011	2012	2013	
Applications Received	4	9	4	5	27	50	99
Water Reservations Issued		6	7	4	0	26	43
Applications Terminated					1	2	3
Pending Application Processing	0	0	0	2	6	47	55
Total Application Fees Received	\$3,200	\$7,200	\$3,200	\$4,000	\$20,800	\$39,200	\$77,600
Total Objections Filled	2					14	16
Deficient Objections	2					10	12
Valid Objections	0					1	1
Objections Pending Review						3	3
Protected Reach (miles)	18.4	18.0	8.3	8.3	25.2	47.1	125.3
Protected Flow Rate (CFS)	61.4	65.5	80.0	56.0	451.1	646.3	1,360.3

Attached is a detailed table of all 638 instream flow applications.

Report to the Montana Environmental Quality Council

Detailed Information for US Forest Service Instream Flow 638 Applications
April 2008 to December 2013

Application Received	Issue Date	Basin	Application #	River Basin	Source	Miles	Flow Rate	County	Fish Species Present
04/01/08	06/29/09	76H	30041847	Bitterroot	Chicken Creek	7.3	3.8	Ravalli	Bull/Westslope
09/03/08	06/20/09	41D	30043267	Big Hole	La Marche Creek	0.64	12.0	Deer Lodge	Arctic Grayling
09/17/08	06/20/09	41D	30043405	Big Hole	Big Lake Creek	6.36	3.6	Beaverhead	Brook Trout
09/17/08	06/20/09	41H	30043406	Gallatin	Taylor Creek	4.1	42.0	Gallatin	Westslope
01/26/09	06/20/09	76F	30044937	Blackfoot	Boles Creek	0.52	5.0	Missoula	Bull/Westslope
01/26/09	10/07/09	41D	30044938	Big Hole	Ruby Creek	4.1	6.0	Beaverhead	Westslope
08/06/09	05/11/10	76G	30046650	Clark Fork	Blacktail Creek	0.61	1.0	Silver Bow	Westslope
08/06/09	05/11/10	76F	30046651	Blackfoot	Clearwater River, W FK	0.84	11.0	Missoula	Bull/Westslope
08/06/09	05/11/10	76F	30046652	Clearwater	Placid Creek	1.23	6.0	Missoula	Westslope
12/17/09	05/11/10	76F	30047720	Blackfoot	Deer Creek	1.15	4.0	Missoula	Bull/Westslope
12/17/09	05/11/10	76H	30047721	Bitterroot	Nez Perce Fork	0.69	23.0	Ravalli	Bull/Westslope
12/17/09	06/15/10	41H	30047722	Gallatin	Buck Creek	8.3	5.0	Gallatin	Westslope
12/17/09	05/11/10	76H	30047723	Bitterroot	Howard Creek	0.56	4.5	Missoula	Westslope
11/09/10	11/29/11	41H	30049903	Gallatin	Taylor Creek	3.4	24.0	Gallatin	Westslope
11/09/10	06/14/11	76H	30049905	Bitterroot	Grave Creek	0.35	4.0	Missoula	Westslope
11/09/10	11/07/11	76H	30049906	Bitterroot	Hughes Creek	3.4	22.0	Ravalli	Bull/Westslope
11/09/10	06/14/11	76M	30049907	Clark Fork	Petty Creek	1.1	30.0	Missoula	Bull/Westslope
08/17/11	TERMINATED	76N	30051635	Clark Fork	Thompson River, W FK	—	—	Sanders	Bull/Westslope
08/17/11	TERMINATED	76H	30051636	Bitterroot	Lolo Creek	—	—	Ravalli	Bull/Westslope
09/29/11	01/07/13	76H	30052475	Bitterroot	Burnt FK Creek	1.2	18.0	Ravalli	Bull/Westslope
09/29/11	06/05/13	76H	30052476	Bitterroot	Blodgett Creek	5.2	31.0	Ravalli	Bull/Westslope
09/29/11	11/28/12	76H	30052477	Bitterroot	Sweathouse Creek	1.9	7.0	Ravalli	Bull/Westslope
07/30/12	06/04/13	76M	30063712	Clark Fork	Butler Creek	0.33	2.5	Missoula	Westslope
07/30/12	03/27/13	76H	30063714	Bitterroot	Laird Creek	0.39	4.2	Ravalli	Bull/Westslope
07/30/12	TERMINATED	76M	30063715	Clark Fork	Quartz Creek	—	—	Mineral	Westslope
07/30/12	08/14/13	76H	30063717	Bitterroot	Bertie Lord Creek	0.28	2.4	Ravalli	Bull/Westslope
07/30/12	08/13/13	76M	30063719	Clark Fork	Big Creek	2.39	13.5	Mineral	Westslope
07/30/12	PENDING	76E	30063721	Clark Fork	Ranch Creek	0.46	23.0	Granite	Bull/Westslope
07/30/12	PENDING	76E	30063723	Clark Fork	Ross FK Rock Creek	0.07	20.0	Granite	Bull/Westslope
07/30/12	08/13/13	76G	30063725	Clark Fork	Foster Creek	1.93	4.6	Deer Lodge	Bull/Westslope
07/30/12	08/13/13	76M	30063726	Clark Fork	Fish Creek	0.18	95.0	Mineral	Bull/Westslope

Application Received	IssueDate	Basin	Application #	RiverBasin	Source	Miles	Flow Rate	County	Fish Species Present
07/30/12	11/20/13	76K	30063727	Swan	Jim Creek	0.34	6.0	Lake	Bull/Westslope
07/30/12	09/24/13	76G	30063728	Clark Fork	Harvey Creek	0.42	1.3	Granite	Bull/Westslope
07/30/12	PENDING	76GJ	30063729	Clark Fork	Douglas Creek	0.02	2.7	Granite	Westslope
07/30/12	11/20/13	76H	30063731	Bitterroot	Deer Creek	4.5	7.8	Ravalli	Bull/Westslope
07/30/12	10/02/13	76H	30063733	Bitterroot	Nelson Creek	0.27	6.4	Ravalli	Bull/Westslope
07/30/12	11/20/13	76E	30063734	Clark Fork	Stony Creek	1.8	11.0	Granite	Bull/Westslope
07/30/12	08/13/13	76F	30063735	Blackfoot	Cottonwood Creek	0.24	7.0	Missoula	Bull/Westslope
07/30/12	09/24/13	43B	30063736	Yellowstone	Mill Creek	0.12	86.0	Park	Yellowstone
07/30/12	09/24/13	76G	30063737	Clark Fork	Twin Lakes Creek	0.97	11.0	Deer Lodge	Bull/Westslope
07/30/12	08/13/13	76F	30063738	Blackfoot	Clearwater River	0.97	12.0	Missoula	Bull/Westslope
07/30/12	PENDING	76H	30063740	Bitterroot	Lost Horse Creek	1.1	68.0	Ravalli	Bull/Westslope
07/30/12	09/24/13	76G	30063741	Clark Fork	Browns Gulch	0.88	5.2	Silver Bow	Westslope
07/30/12	10/02/13	76E	30063742	Clark Fork	Hail Columbia Gulch	0.38	0.8	Silver Bow	Westslope
07/30/12	11/20/13	76H	30063744	Bitterroot	Lavene Creek	0.08	2.7	Ravalli	Bull/Westslope
07/30/12	PENDING	76H	30063745	Bitterroot	Boulder Creek	2.12	21.0	Ravalli	Bull/Westslope
07/30/12	PENDING	76G	30063746	Clark Fork	Warm Springs Creek	1.18	5.0	Deer Lodge	Bull/Westslope
07/30/12	11/20/13	76H	30063747	Bitterroot	Bear Creek	2.62	24.0	Ravalli	Bull/Westslope
08/15/12	10/02/13	76G	30063865	Clark Fork	Barker Creek	1.19	8.0	Deer Lodge	Bull/Westslope
01/25/13	PENDING	76C	30065370	Kootenai	Himes Creek	0.5	11.0	Lincoln	C.Redband/Westslope
01/25/13	11/20/13	41H	30065371	Gallatin	Leverich Creek	1.6	0.8	Gallatin	Westslope
01/25/13	PENDING	43B	30065372	Yellowstone	Mulherin Creek	0.74	22.0	Park	Yellowstone
01/25/13	07/09/13	76F	30065373	Blackfoot	Nevada Creek	0.67	8.0	Powell	Bull/Westslope
01/25/13	PENDING	41J	30065375	Yellowstone	Big Camas Creek	1.1	16.0	Meagher	Yellowstone/Westslope
01/25/13	PENDING	76D	30065376	Kootenai	Cedar Creek	1.3	11.5	Lincoln	C.Redband/Westslope
01/25/13	PENDING	76B	30065377	Kootenai	Pipe Creek, E FK	0.48	8.5	Lincoln	Bull/Westslope
01/25/13	PENDING	76B	30065378	Kootenai	Flower Creek	0.8	17.0	Lincoln	Bull/Westslope
01/25/13	PENDING	43B	30065379	Yellowstone	Cedar Creek	1.3	13.0	Park	Yellowstone
01/25/13	PENDING	76F	30065380	Blackfoot	Richmond Creek	0.48	1.4	Missoula	Westslope
01/25/13	PENDING	76M	30065381	Clark Fork	Savenac Creek	1.1	13.0	Mineral	Westslope
01/25/13	PENDING	76GJ	30065382	Clark Fork	Boulder Creek	0.47	9.0	Granite	Bull/Westslope
01/25/13	PENDING	76M	30065383	Clark Fork	St Regis River	1.1	115.0	Mineral	Bull/Westslope
01/25/13	PENDING	76M	30065384	Clark Fork	Sheridan Creek	3.2	2.8	Mineral	Westslope
01/25/13	PENDING	76GJ	30065385	Clark Fork	Lower Willow Cr, S FK	1.4	3.1	Granite	Westslope
01/25/13	PENDING	76M	30065386	Clark Fork	Fish Creek, S FK	0.81	44.0	Mineral	Bull/Westslope
01/25/13	PENDING	76H	30065387	Bitterroot	O'Brien Creek	0.47	4.2	Missoula	Westslope
01/25/13	PENDING	76F	30065388	Clark Fork	Cottonwood Creek, N FK	0.67	8.0	Missoula	Bull/Westslope

Application Received	Issue Date	Basin	Application #	River Basin	Source	Miles	Flow Rate	County	Fish Species Present
01/25/13	PENDING	76M	30065389	Clark Fork	Fish Creek, W FK	0.35	45.0	Mineral	Bull/Westslope
01/25/13	PENDING	76M	30065390	Clark Fork	Trout Creek	0.4	33.0	Mineral	Bull/Westslope
01/25/13	PENDING	43A	30065391	Yellowstone	Shields River, Upper	0.14	7.5	Park	Yellowstone
01/25/13	PENDING	76E	30065392	Clark Fork	Upper Willow Creek	0.3	2.6	Granite	Bull/Westslope
01/25/13	PENDING	76M	30065393	Clark Fork	St. Regis River	0.77	20.0	Mineral	Westslope
01/25/13	PENDING	76M	30065394	Clark Fork	Tamarack Creek	1.4	5.0	Mineral	Westslope
01/25/13	11/20/13	43B	30065395	Yellowstone	Rock Creek	0.57	12.0	Park	Yellowstone
05/07/13	PENDING	41D	30066226	Big Hole	Bailey Creek	0.2	2.0	Beaverhead	Westslope
05/07/13	PENDING	41A	30066229	Beaverhead	Browns Creek	2.8	2.6	Beaverhead	Westslope
05/07/13	PENDING	41B	30066230	Beaverhead	Buffalo Creek	1	2.4	Beaverhead	Westslope
05/07/13	PENDING	41D	30066231	Big Hole	Fox Creek	0.3	2.8	Beaverhead	Westslope
05/07/13	PENDING	41D	30066232	Big Hole	Andrus Creek, S FK	1	3.0	Beaverhead	Westslope
05/07/13	PENDING	41A	30066247	Beaverhead	Painter Creek	0.7	3.5	Beaverhead	Westslope
05/07/13	PENDING	41I	30066220	Missouri	Avalanche Creek	1.8	13.5	Broadwater	Westslope
05/07/13	PENDING	76LJ	30066245	Flathead	Mouse Creek	0.5	18.0	Flathead	Bull/Westslope
05/07/13	PENDING	76LJ	30066249	Flathead	Big Creek	2.1	38.0	Flathead	Bull/Westslope
05/07/13	PENDING	76LJ	30066252	Flathead	Coal Creek	0.3	27.0	Flathead	Bull/Westslope
05/07/13	PENDING	43A	30066259	Yellowstone	Flathead Creek, S FK	0.7	2.0	Gallatin	Yellowstone
05/07/13	PENDING	41I	30066257	Missouri	Prickly Pear Creek	0.2	11.0	Jefferson	Westslope
05/07/13	PENDING	76F	30066222	Blackfoot	Beaver Creek	0.4	16.0	Lewis & Clark	Westslope
05/07/13	PENDING	76F	30066253	Blackfoot	Sauerkraut Creek	3.8	0.5	Lewis & Clark	Bull/Westslope
05/07/13	PENDING	41I	30066260	Missouri	Skelly Gulch	0.9	1.0	Lewis & Clark	Westslope
05/07/13	PENDING	76D	30066213	Kootenai	Bear Creek	1.4	16.0	Lincoln	Bull/C.Redband/Westslope
05/07/13	PENDING	76B	30066215	Kootenai	Big Foot Creek	1.4	3.4	Lincoln	Westslope
05/07/13	PENDING	76D	30066216	Kootenai	Cable Creek	1.4	9.5	Lincoln	Bull/C.Redband
05/07/13	PENDING	76C	30066263	Kootenai	Wolf Creek	1.2	13.0	Lincoln	C.Redband
05/07/13	PENDING	43A	30066218	Yellowstone	Dugout Creek	0.8	2.6	Meagher	Yellowstone
05/07/13	PENDING	43A	30066224	Yellowstone	Crandall Creek	0.5	3.8	Meagher	Yellowstone
05/07/13	PENDING	43A	30066246	Yellowstone	Cottonwood Creek	0.3	10.0	Park	Yellowstone
05/07/13	PENDING	76G	30066223	Clark Fork	Elliston Creek	0.7	1.7	Powell	Westslope
05/07/13	PENDING	76G	30066258	Clark Fork	Ontario Creek	0.4	4.8	Powell	Bull/Westslope
05/07/13	PENDING	76G	30066262	Clark Fork	Telegraph Creek	0.2	4.8	Powell	Westslope

Report prepared by Ethan Mace, DNRC Surface Water Hydrologist