Information Regarding Conservation Districts Water Reservations

The Water Reservations held by Conservation Districts continue to be in the Public Interest for all Montana citizens as originally determined by the Board of Natural Resources and Conservation when they were granted

. Legislative authority for Agricultural Water Reservations held by Conservation Districts are stated in Montana Statutes MCA 85-2-316 and 85-2-605. The legislature has determined that the Public Interest is best served by providing for future agricultural water development through Conservation District Water Reservations.

. Conservation District Water Reservations continue to provide for the facilitation of future agricultural development thus agricultural growth in Montana. This fosters economic growth which contributes to Montana's economic well-being and, therefore, is in the Public Interest.

. Conservation District Water Reservations continue to be in the Public Interest through the environmental protection and enhancement they provide in Montana. Irrigated agricultural land protects and provides habitat for various species of wildlife, both upland & riparian, associated with areas along Montana's rivers and streams.

The Amount of water for each Conservation District Water Reservation is still appropriate as originally determined by the Board of Natural Resources and Conservation when they were granted

. The amounts for all Conservation District Water Reservations were based on actual irrigable acres within the Conservation Districts and industry accepted volumes and flow rates per acre. These acres still exist thus the amounts are appropriate.

The Need for Conservation Districts Water Reservations still exists as originally determined by the Board of Natural Resources and Conservation when they were granted

. The Need for Conservation District Water Reservations still exists because agriculture is Montana's number one industry and as such there is a Need to assure water is available for future agricultural development to provide for growth and stability of Montana's economy. Conservation District Water Reservations provide this assurance of future availability for development in Montana in light of downstream competing interests.

. The District Water Reservations are still Needed because they provide an important component of sound long-range planning in Montana watersheds. Conservation District Water Reservations provide for local input and problem identification which is key to the watershed-based natural resource planning concept - local solutions to local problems by local people.

Planning toward the future

. Over the last 38 years a total of 514 cfs of water has been developed under irrigation from the Yellowstone Basin Conservation Districts Water Reservations. This leaves a balance of 2,966 cfs of water undeveloped but also protecting a significant flow in the river. Based on this rate of development, 38 years from today 1028 cfs will be developed under irrigation leaving a balance of 2453 cfs undeveloped but still protecting a significant flow in the river. Thus, this rate of development of Conservation District Water Reservations provides for future irrigation/economic development in Montana while at the same time protecting significant flows in the river - a win-win situation - future irrigation/economic growth and flows for instream use.

. The Conservation Districts are willing to work with any entitiy to address river flow issues within the confines of the Conservation District Water Reservations as they were originally granted. Based on the rate of development of the Conservation District Water Reservations indicated above there will be time to allow for the issues to be addressed , such as dry year flows, while assuring a water right is in place protecting flows.

YELLOWSTONE RIVER BASIN

CONSERVATION DISTRICT WATER RESERVATION BALANCE

as of August 29, 2016

CONSERVATION DISTRICT	SOURCE OF WATER SUPPLY	NO. PROJECTS APPROVED	VOLUME GRANTED (AF)	VOLUME ALLOCATED (AF)	REMAINING VOLUME (AF)	% VOLUME ALLOCATED	FLOW GRANTED (cfs)	FLOW ALLOCATED (CFS	REMAINING FLOW (CFS)
BIG HORN	Big Horn River	34	20,185	13,318.65	6,866.35	65.98%	143.80	129.17	14.63
CARBON	Yellowstone River & tribs, Clarks Fork of Yellowstone	5	22,676	1,424.30	21,251.70	6.28%	130.70	10.53	120.17
PARK	Yellowstone River	6	64,125	1,586.40	62,538.60	2.47%	445.90	12.00	433.90
STILLWATER	Yellowstone River & tribs,Stillwater River	10	16,755	1,214.80	15,540.20	7.25%	122.10	16.41	105.69
SWEET GRASS	Yellowstone River, Southern Tributaries	8	46,245	5,609.50	40,635.50	12.13%	363.40	52.71	310.69
YELLOWSTONE	Yellowstone River	15	57,963	5,998.70	51,964.30	10.35%	378.20	59.89	318.31
Upper Basin Subtotal		**78**	**227,949**	**29,152.35**	**198,796.65**	**12.79%**	**1,584.10**	**280.71**	**1,303.39**
CUSTER	Yellowstone River, Powder River & tribs	19	28,478	12,730.00	15,748.00	44.70%	N/A	N/A	N/A
DAWSON	Yellowstone River	14	45,855	5,525.00	40,330.00	12.05%	330.80	44.53	286.27
LITTLE BEAVER	O'Fallon Creek & tribs, Cabin Creek & tribs, Pennel Creek & tribs	39	12,773	1,322.40	11,450.60	10.35%	N/A	N/A	N/A
PRAIRIE	Yellowstone River, Powder River	14	68,467	8,285.00	60,182.00	12.10%	552.70	53.67	499.03
POWDER RIVER	Powder River	28	13,680	8,158.50	5,521.50	59.64%	N/A	N/A	N/A
RICHLAND	Yellowstone River	8	45,620	4,923.00	40,697.00	10.79%	354.20	34.50	319.70
ROSEBUD	Yellowstone River	14	87,003	3,753.60	83,249.40	4.31%	540.70	74.63	466.07
TREASURE	Yellowstone River, Bighorn River	6	18,361	2,077.00	16,284.00	11.31%	118.60	26.60	92.00
Lower Basin Subtotal		**142**	**320,237**	**46,774.50**	**273,462.50**	**14.61%**	**1,897.00**	**233.93**	**1,663.07**
Total Yellowstone		**220**	**548,186**	**75,926.85**	**472,259.15**	**13.85%**	**3,481.10**	**514.64**	**2,966.46**

N/A = not applicable. When the Board of Natural Resources and Conservation (BNRC) granted the reservations to these CDs no flow rate was granted – only a volume. The purpose applied for and granted from these CDs and streams (Little Beaver CD) was termed waterspreading. This is a method of irrigation that diverts water from the source by a dike or dikes. Since it is not possible to measure the flow rate accurately or at all in some cases the BNRC decided not to grant a flow rate. In the case of Custer Co. CD they decided not to grant a flow rate from the Yellowstone River also – to be consistent with how they granted the Reservation for the Powder River in Custer Co. CD.

MISSOURI RIVER BASIN

CONSERVATION DISTRICT WATER RESERVATION BALANCE

as of August 29, 2016

CONSERVATION DISTRICT	SOURCE OF WATER SUPPLY	NO. PROJECTS APPROVED	VOLUME GRANTED (AF)	VOLUME ALLOCATED (AF)	REMAINING VOLUME (AF)	% VOLUME ALLOCATED	FLOW GRANTED (cfs)	FLOW ALLOCATED (CFS)	REMAINING FLOW (CFS)	
UPPER BASIN										
CASCADE	Lowest 6 river miles only. Rest of CD lies within a closed basin.	0	9,314.00	0.00	9,314.00	0.00%	71.90	0.00	71.90	
CHOUTEAU	Mainstem Missouri River, Shonkin Creek, HighwoodCreek, Big Sag Spring, Marias River, Teton River	2	33,123.00	2,481.00	30,642.00	7.49%	218.80	34.84	183.96	
FERGUS	Mainstem Missouri River, Wolverine Creek, Lincoln Ditch, E Fork Big Spring Creek, Little Casino Creek, Olsen Creek, UT of Olsen Creek, UT Ross Fork Creek, Warm Springs	1	3,914.00	237.00	3,677.00	6.06%	33.70	2.23	31.47	
GLACIER	Cut Bank Creek, Whitetail Creek	0	1,271.00	0.00	1,271.00	0.00%	11.40	0.00	11.40	
JUDITH BASIN	Louse Creek, Otter Creek, Little Otter Creek, Running Wolf Creek	0	731.00	0.00	731.00	0.00%	6.04	0.00	6.04	
LIBERTY	Marias River	0	2,002.00	0.00	2,002.00	0.00%	13.50	0.00	13.50	
LOWER MUSSELSHELL	Groundwater Mines	0	600.00	0.00	600.00	0.00%	90.00	0.00	0.00	
PONDERA	Birch Creek, Dry Fork Marias River, UT Bullhead Creek, Two Medicine River	2	1,975.00	494.00	1,481.00	25.01%	15.10	4.55	10.55	
TETON	Muddy Creek, Sun River, Well(groundwater), Teton River	3	3,253.00	1,140.00	2,113.00	35.04%	22.00	10.52	11.48	
TOOLE	Marias River, Tiber Reservoir	0	641.00	0.00	641.00	0.00%	4.70	0.00	4.70	
VALLEY	Fort Peck Reservoir	0	92,000.00	0.00	92,000.00	0.00%	499.00	0.00	499.00	
SUBTOTAL		**8**	**148,824.00**	**4,352.00**	**144,472.00**	**2.92%**	**986.14**	**52.14**	**844.00**	
LOWER BASIN										
BLAINE	Battle Creek, Little Coulee	0	10,936.00	0.00	10,936.00	0.00%	0.00	0.00	0.00	* Storage 18,934.00 AF
CARTER	Little Missouri River & tribs, Little Beaver Creek & tribs, Boxelder Creek & tribs, 1 groundwater well	0	4,684.00	0.00	4,684.00	0.00%	26.30	0.00	26.30	
DANIELS	South Fork Whitetail Creek, Groundwater, Poplar River, UT Middle Fork Poplar River, Pit, Police Creek, East Fork Poplar River, Sprinks, Olson Coulee, Coal Creek, UT of	0	3,047.00	0.00	3,047.00	0.00%	16.90	0.00	16.90	
LITTLE BEAVER	Beaver Creek & named tribs, Named tribs of Little Beaver Creek	0	1,548.00	0.00	1,548.00	0.00%	0.00	0.00	0.00	
LIBERTY	Lost Coulee	0	310.00	0.00	310.00	0.00%	0.84	0.00	0.84	
McCONE	Mainstem Missouri River	7	14,299.00	3,793.30	10,505.70	26.53%	99.50	62.11	37.39	
RICHLAND	Mainstem Missouri River	24	25,349.00	9,708.00	15,641.00	38.30%	186.90	110.68	76.22	
ROOSEVELT	Mainstem Missouri River	22	73,115.00	9,535.60	63,579.40	13.04%	558.80	103.34	455.46	
SHERIDAN	Groundwater	20	15,479.00	5,648.00	9,831.00	36.49%	0.00	0.00	0.00	
VALLEY	Missouri River, Milk River, Groundwater	0	7,668.00	0.00	7,668.00	0.00%	54.10	0.00	54.10	
WIBAUX	Beaver Creek & named tribs	0	1,509.00	0.00	1,509.00	0.00%	0.00	0.00	0.00	
SUBTOTAL		**73**	**157,944.00**	**28,684.90**	**129,259.10**	**18.16%**	**943.34**	**276.13**	**667.21**	
TOTAL		**81**	**306,768.00**	**33,036.90**	**273,731.10**	**10.77%**	**1,929.48**	**328.27**	**1,511.21**	

Conservation Districts Water Reservations Development Rate in the Yellowstone River Basin over the Previous 38 Years:

3481.10 cfs originally granted in 1978 – 514.64 cfs developed over the last 38 years = 2966.46 cfs remaining in 2016

(514.64 cfs/38 years = 13.54 cfs/year)

Projected Conservation Districts Water Reservations Development Rate in the Yellowstone River Basin based on the Development Rate over the Previous 38 Years:

2966.46 cfs remaining in 2016 – 514.64 cfs developed over next 38 years = 2451.82 cfs remaining in the year 2054

2451.82 cfs remaining in the year 2054 – 514.64 cfs developed over 38 more years = 1937.18 cfs remaining in the year 2092

(if the calculations were continued, subtracting the 514.64 cfs from the remaining balance at the end of each future 38 year period, it would take over 219 years from today or until approximately the year 2235 to develop all of the CD water reservations.)

This illustrates that the Conservation Districts Water Reservations provide for Montana the assurance of water for future irrigation thus economic development while also providing a water right that protects flows in the river for instream use for a very long time.

(calculations for the Missouri Basin Conservation Districts Water Reservations were not included because the Upper & Lower Basin Reservations were granted at different times and there is a deadline for development in the Upper Missouri Basin making calculations complicated. Although, the Missouri Basin Conservation Districts undeveloped reservation flows also protect flows for instream use as indicated by the balance sheet)

Response to Recent Fish Kill on the Yellowstone River

The CD Water Reservations in this stretch of the Yellowstone River (Yellowstone Nat Park to Laurel) are Junior to the DFWP instream flow water reservations so the DFWP can make a call on the water from existing CD reserved water users thus there is no adverse effect to flows by the CD Water Reservations. In fact, the river flows are protected by the undeveloped CD Water Reservations. Currently there is 2966.46 cfs of undeveloped flow under the CD Water Reservations which is 2966.46 cfs of flow protected in the river and based on the rate of development a significant amount of flow will be protected by the CD Water Reservations for many, many years into the future.

If anything further is needed the Conservation Districts are committed to work with any agency or group to address flow issues within the confines of the Conservation Districts Water Reservations as they were originally granted.

Activities by Conservation Districts to address Stream Flow issues in Montana

Conservation Districts in Montana have been and continue to be leaders of local conservation efforts such as water conservation to provide for better stream flows in Montana's rivers. They work closely with Montana producers and with agencies such as the USDA Natural Resources Conservation Service (NRCS), US Bureau of Reclamation, and Montana Department of Natural Resources and Conservation to provide technical assistance and funding for on the ground projects that conserve water. Projects such as conversion of flood irrigation to sprinkler irrigation and conversion of open conveyance canals to pipelines in irrigation systems that result in less water diverted from the rivers and thus larger instream flows. These are projects that implement the recommended irrigation practices stated in the recently completed Yellowstone River Cumulative Effects Study report. With the continued future efforts of Conservation Districts through projects as indicated above enough water may be conserved to offset future irrigation development under the Conservation Districts Water Reservations so that no net decrease in instream flows are seen. As an example, information from the NRCS for Treasure County indicates that approximately 6750 acres of irrigation has been converted from flood irrigation to sprinkler irrigation over recent years resulting in approximately 120 cfs less water diverted from the river thus 120 cfs left in the river for instream flows.