

Instream Flow Objectives and Opportunities in the Upper Clark Fork

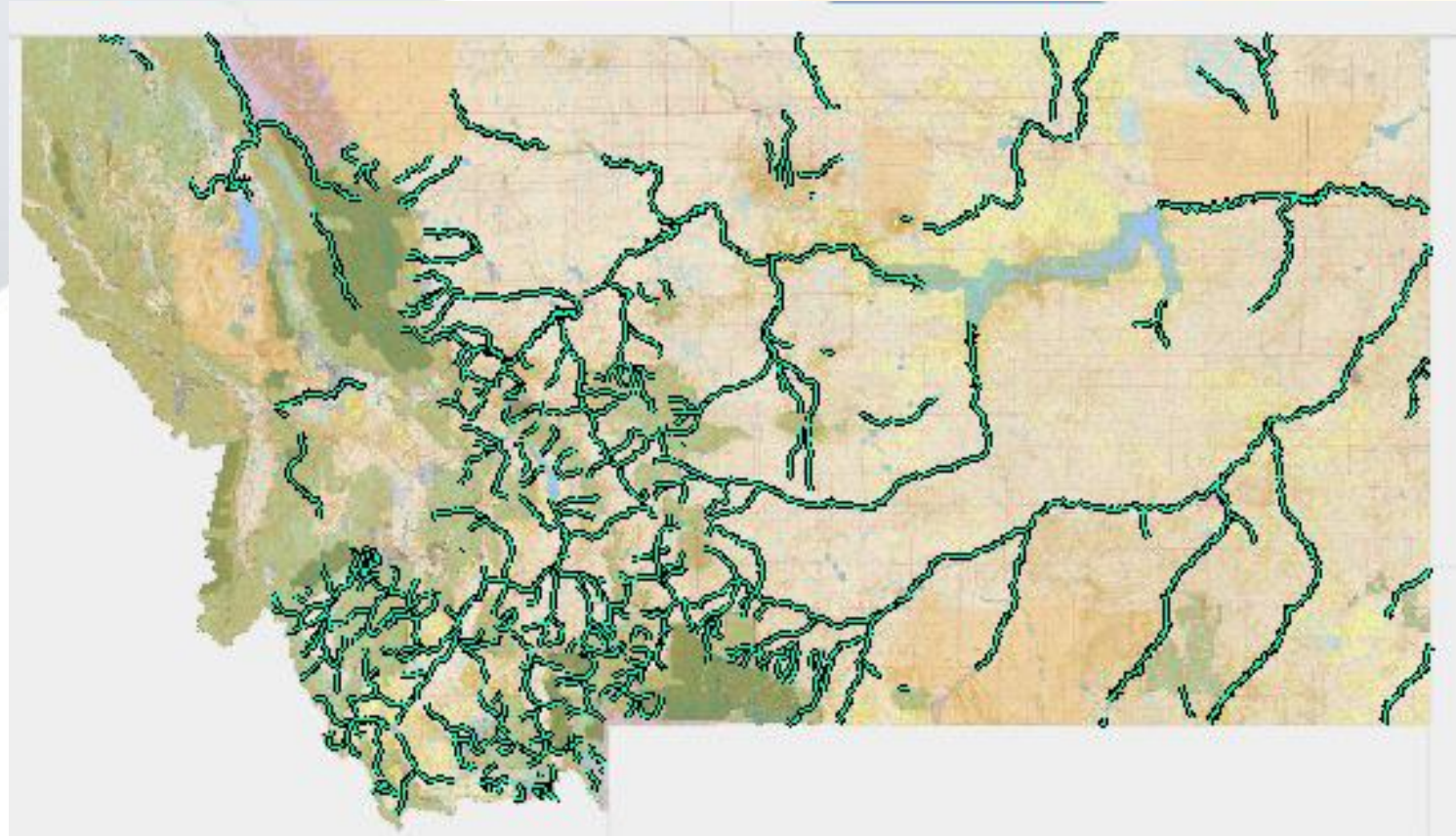


Upper Clark Fork Working Group
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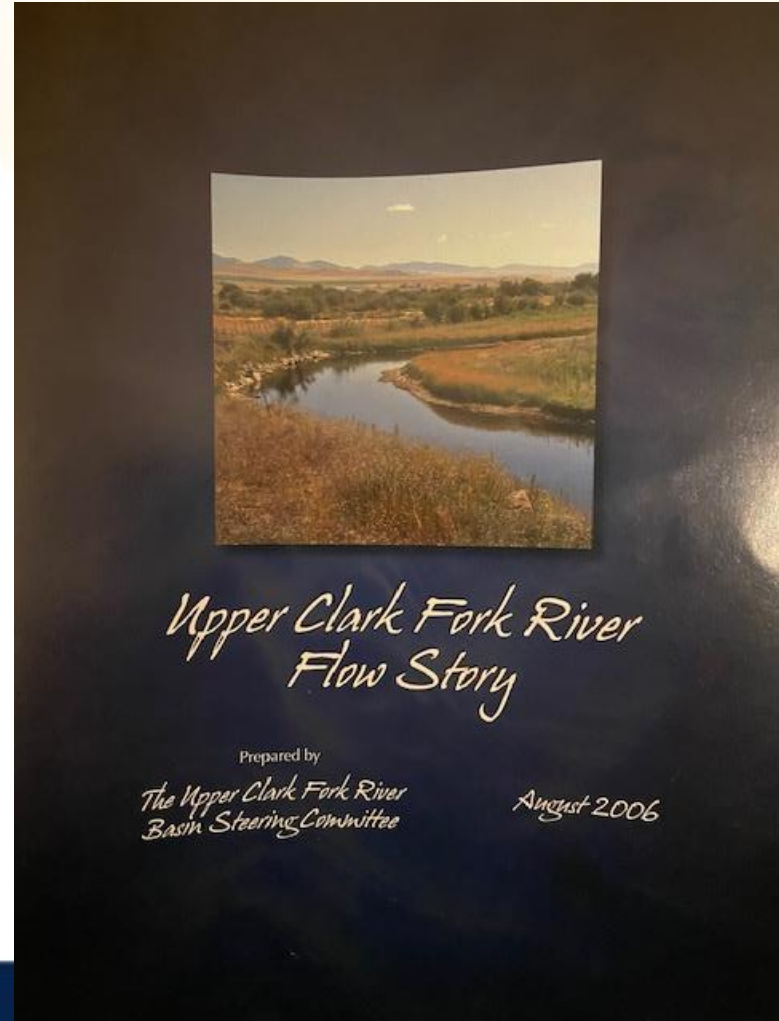
FWP's Instream Flow Water Rights

- Pre-1973
 - Judicially Recognized WR Claims
 - Recreation Claims
 - Murphy Rights
- Post-1973
 - Water Reservations
 - Statutory authority for temporary and permanent water right leases and conversions



Instream Flow Management Objectives in the Upper Clark Fork (UCF)

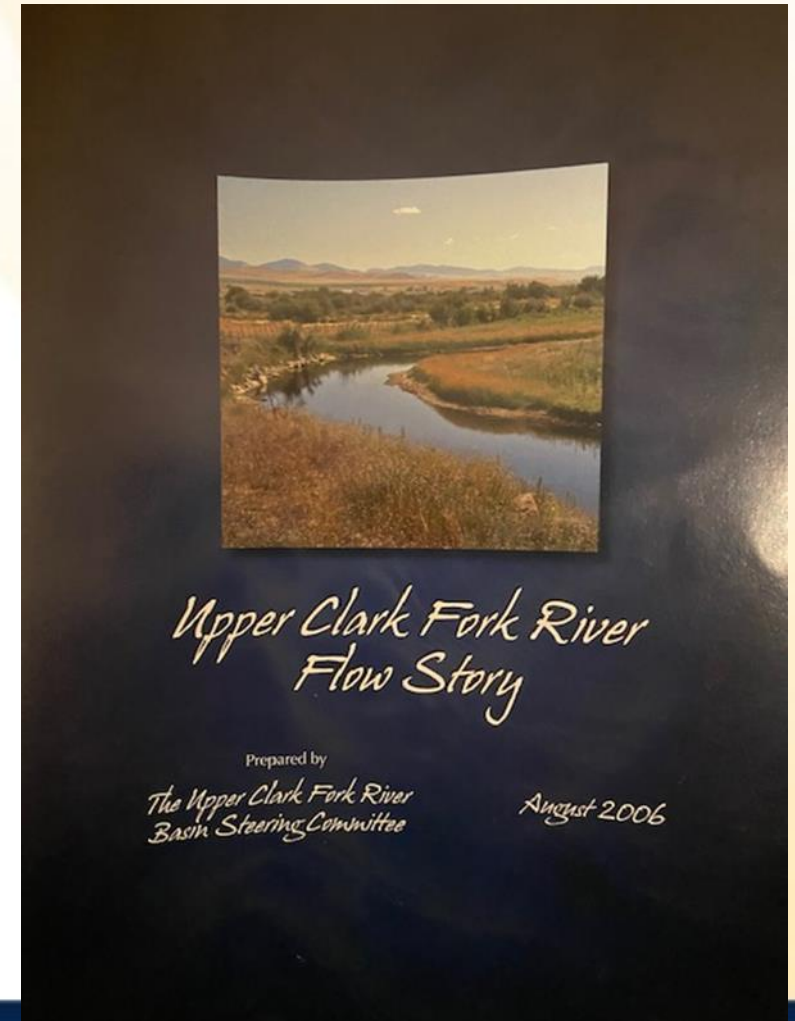
- Upper Clark Fork Basin Steering Committee Report (2006)
- Addressed minimum flow needs in the Upper Clark Fork River
- Wetted Perimeter Analysis used to establish flow targets:
 - 40 cfs @ Galen USGS Gage
 - 90 cfs @ Deer Lodge USGS Gage
- State recommendation of 50 cfs flow augmentation in Clark Fork between Galen and Deer Lodge (NRDP, 2007)



Instream Flow Challenges

Dennis Workman (2001-2004) identified three priority stream reaches to address the impacts of dewatering:

1. Perkins Lane to Westside Ditch
2. Westside Ditch to Sager Lane
3. Sager Lane to the Little Blackfoot



Instream Flow Challenges (cont.)

Identified five diversion ditches in the three priority reaches:

1. Johnson Ditch (6 water right claims) 45.3 cfs
2. Whalen Ditch (1 water right claim) 25.0 cfs
3. Westside Ditch (5 water right claims) 74.3 cfs
4. Viliton Ditch (3 water right claims) 65.0 cfs
5. C. Kohrs and Manning Ditch Co. (4 water right claims) 124.2 cfs



Instream Flows & Future Opportunities

Milltown Water Right Status and Update

1. Montana and CSKT agreed to a Compact (which includes the Milltown Water Right).
 - US Congress and the CSKT have both ratified the Compact
2. Changed from 2,000 cfs hydropower right for Milltown Dam to instream flow rights in the Clark Fork and Blackfoot Rivers
3. Priority dates are 1904, same as the hydropower right
4. Enforcement is deferred until 2025 to engage stakeholders and water users



	From	To
Water right number	76M 94404-00	Clark Fork: 76M 94404-01 Blackfoot: 76M 94404-02
Priority Date	December 11, 1904	December 11, 1904
Purpose	Hydropower generation	Instream fishery habitat
Minimum flow rate	2,000 cubic feet/second (cfs)	Clark Fork: 500 cfs Blackfoot: 700 cfs
Maximum flow rate	2,000 cfs	Clark Fork: 833 cfs Blackfoot: 1,167 cfs
Initiation of call	Flow falls below 2,000 cfs	Flow falls below daily enforceable flow rate during 4 out of 5 consecutive days
Termination of call	Flow rises above 2,000 cfs	Flow rises above daily enforceable rates during 2 out of 5 consecutive days
Water uses susceptible to call	Any water use junior to Dec 11, 1904	Surface water irrigation and groundwater irrigation over 100 gallons/minute junior to Dec 11, 1904 Any purposed water use junior to April 24, 2015



Milltown Listening Sessions

- In 2019, FWP and CSKT held 7 listening sessions in the Upper Clark Fork and Blackfoot River Basins
- Objectives:
 1. Share information about the Milltown Water Right and FWP and CSKT Perspectives;
 2. Listen to the interests and concerns of stakeholders in basin;
 3. Understand local water management issues;
 4. Begin to identify informational needs and gaps, and;
 5. Share next steps in the process.



What did we learn?

- Need for basin wide analysis of water management;
- Information to inform specific management/conservation efforts;
- Need for online repository that includes existing water management/conservation efforts as well as the Milltown Water Right
- Information on the current status of water measurement in the basin
- Information on surface/ground water interactions



Potential management strategies

- Water Commissioners
- Developing a drought plan
- Increased utilization of stored water
- Leasing water rights
- Split season lease arrangements
- Water efficiency projects
- Flood irrigation as groundwater storage



References

- Upper Clark Fork Steering Committee (2006). Upper Clark Fork River Flow Study. Montana Department of Natural Resources and Conservation. Helena, MT
- NRDP (2007). Upper Clark Fork River Basin Restoration Plan Procedures and Criteria. Prepared by the Natural Resource Damage Program. January, 2007.
- Workman (2001). Upper Clark Fork River Instream Flow Project Report. Upper Clark Fork Basin Steering Committee. Helena, MT.



Questions?

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