

Missouri River Basin
Conservation District
Water Reservations

The Upper & Lower Missouri River

ANN L KULCZYK
DNRC CONSERVATION AND RESOURCE
DEVELOPMENT

akulczyk@mt.gov

406.2284129

Missouri River Basins

Upper Missouri River Basin “Above Fort Peck Dam”

- Chouteau County CD
- *Cascade County CD
- Fergus County CD
- Glacier County CD
- Judith Basin County CD
- Liberty County CD
- Pondera County CD
- Teton County CD
- Toole County CD
- Valley County CD

Lower Missouri River Basin “Below Fort Peck Dam”

- Blaine County CD
- Daniels County CD
- Liberty County CD
- McCone County CD
- Richland County CD
- Roosevelt County CD
- Sheridan County CD
- Valley County CD
- Wibaux County CD

Upper Missouri River Basins

Final Order of the Board of Natural Resource and Conservation Issued

JULY 1, 1992

Priority Date established by Board Order

JULY 1, 1985

Order of Priority of Reservations granted with July 1, 1985

- *Subordinate to Consumptive use reservations granted to all municipalities, Department of Health and Environmental Sciences, Montana Department of Fish, Wildlife and Parks and US Department of Interior (BLM)*
- *Equal in priority with all other reservations granted to Conservation Districts*
- *Priority over Bureau of Reclamation*

Lower Missouri River Basins

Final Order of the Board of Natural Resource and Conservation Issued

DECEMBER 30, 1994

Priority Date established by Board Order

JULY 1, 1985

Order of Priority of Reservations granted with July 1, 1985

- *Subordinate to Consumptive use reservations granted to all municipalities*
- *Equal in priority with all other reservations granted to Conservation Districts*
- *Priority over Montana Department of Fish, Wildlife and Parks instream flows*

Simple History

- Water Reservations are unique to Montana
 - Water reserved for future development
 - Municipal (cities and towns), instream (FWP & DHHS, agricultural (Conservation Districts)
 - Applications to BNRC were the basis for the Water Reservations (individual projects in each application were reviewed for...)
 - Economical and financial feasibility
 - Soils, method, crops

History Continued

- The projects found to be adequate using the criteria were used as the basis for the flow and volume awarded to each CD.
- These projects WERE NOT automatically authorized with the Final Order.
 - A producer must apply to the Conservation District and be awarded a Water Use Authorization.

Steps to a Water Reservation

- With DNRC assistance, Conservation Districts sent letters to land owner asking them if they were interested in developing irrigation projects.
- A second letter was sent to owners who responded. This letter requested more information. (ie location, method, source of water, type of crops). Their responses are the “projects” listed in your manual.
- With these “projects,” the DNRC assisted the Conservation Districts in developing an application to submit to the BNRC.

Steps, cont'd.

- These “projects” were reviewed for economical, financial, method and soils feasibility. Those that were deemed acceptable for development were used as the basis for the Water Reservation application.
- The DNRC public noticed these “projects” as part of the Conservation District Water Reservation process.
- The Board of Natural Resources and Conservation issued Final Orders referencing these projects as the basis for the flow and volumes awarded.
- The Final Order authorizes the Conservation Districts to allocate a portion of the Water Reservation to applicants based on the submission and approval of a Detailed Development Plan.

Steps, cont'd

- Applications submitted to the Conservation District that duplicate an original project do not require a change to be filed with the DNRC.
- If a new point of diversion or place of use needs to be identified in the Water Reservation, the Conservation District must submit a Form 606, Water Right Change form to the DNRC. A change authorization with the DNRC does not “change” an existing point of diversion or place of use in the Water Reservation.

Application

By CD Administrator

- Application received from potential producer
- District Administrator initials, date and time stamps application and assigns CD number (ie RO-017-025)
- Copy application and keep in house, send original to DNRC Advisor (Ann or Duane)

Review

By the CD Advisor (Ann or Duane)

- Receive and review applications on a technical basis
- Coordinate with applicant in developing a correct and complete application including soils, location and detail maps, detailed development plans etc
- Assist the CD with the public notice process
- Present Detailed Development Plan to CD Board for their consideration
- Work with both the CD Board and applicant to resolve issues with applications
- Mediate objections
- Complete a Form 606, Change Application (DNRC Change in point of diversion or place of use) is required to complete the application process as required

Application Public Notice

- All applications require a public notice. Those that need a change will have a 45 day notice period, those that are original projects will be noticed for 15 days.
- DNRC will provide all documents necessary to complete the public notice.
- The Administrator will print labels, mail individual notices to owners identified in the notice area and provide the newspaper with public and affidavit of certification of publication.
- Provide the DNRC advisor with proof of public notice documents

Additional CD Roles

- Collect fees associated to the submission of applications and administration of issued authorizations.
- Issued Water Use Authorizations to successful applicants.
- Maintain record of water use.
- Submit required reports to DNRC
- Review issued Water Use Authorizations to ensure that terms and conditions are adhered to.
- Coordinate with the DNRC advisor and staff for administrative and technical advice.

Reporting Requirements

Pursuant to MCA 85-2-316, The Board shall review water reservations granted in the order at east every 10 years to insure that the objectives of the reservation are being met. Where the Board determines the objectives are not being met, it may, after notice and hearing, extend the term, modify, or revoke the reservation.

Upper Missouri River Basins

- The Conservation District is required to submit a Status Report to DNRC every **two** (2) years.
- The water user's is required to submit a water use report to the Conservation District annually.

Lower Missouri River Basins

- The Conservation District is required to submit a Status Report to the DNRC **every** (1) year.
- The water user is required to submit a water use report to the Conservation District annually.

Missouri River Forms

- Form 102 – Application for Water Use
- Form 103 – Reserved Water Use Authorization
- Form 104 – Water User Annual Status Report
- Form 105 – Application for Change
- Form 106 – Notice of Completion
- Form 107 – Objection to Application
- Form 108 – Extension of Time
- Form 109 – Notice of Ownership Transfer
- Form 109A – Portional Transfer
- Form 110 – Complaint Form
- Form 111 – Authorization to Change Water Use Authorization
- Form 112 – DNRC Form 618

*Reserved Water Annual Progress Report

Missouri River Water Use Authorizations

CONSERVATION DISTRICT WATER RESERVATION BALANCE									
as of December 31, 2018									
		NO. PROJECTS	VOLUME	VOLUME	REMAINING	% VOLUME	FLOW	FLOW	REMAINING
CONSERVATION DISTRICT	SOURCE OF WATER SUPPLY	APPROVED	GRANTED	ALLOCATED	VOLUME	ALLOCATED	GRANTED	ALLOCATED	FLOW
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 Creek	2	3,914.00	301.00	3,613.00	7.69%	33.70	2.78	30.92
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
L 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		9	148,824.00	4,416.00	144,408.00	2.97%	986.14	52.69	843.45
LOWER BASIN									
BLAINE	Battle Creek, Little Coulee	0	10,936.00	0.00	10,936.00	0.00%	0.00	0.00	0.00
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 Butte Creek	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	39	1,548.00	1,311.60	236.40	84.73%	0.00	169.00	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	22	25,349.00	9,392.00	15,957.00	37.05%	186.90	108.95	77.95
ROOSEVELT	Mainstem Missouri River	22	73,115.00	9,408.35	63,706.65	12.87%	558.80	102.18	456.62
SHERIDAN	Groundwater	26	15,479.00	7,376.00	8,103.00	47.65%	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		116	157,944.00	31,281.25	126,662.75	19.81%	943.34	442.24	670.10
TOTAL		125	306,768.00	35,697.25	271,070.75	11.64%	1,929.48	494.93	1,513.55