

# Water Reservation

DNRC and Montana Conservation Districts

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# Conservation District Water Reservation History

The 1973 Water Use Act had made it possible for Public Entities (including Conservation Districts) to reserve water for future consumptive uses or to maintain a minimum flow level or quality of water. To reserve water, a qualified public body must apply and establish:

- The Purpose of the Reservation
- The need for the Reservation
- The amount of water necessary for the purpose of the Reservation
- That the Reservation is in the public interest.

# What is a Water Reservation?

- A flow and volume of water that has been “set aside” for a for existing or future beneficial use or to maintain a minimum flow, level or quality of water throughout the year or at periods or for a length of time that the department designates.
  - Municipal
  - Irrigation
  - Instream Flow
  - Industrial

# Sources

- Yellowstone River Basin
- Missouri River Basins
  - Upper Missouri River (above Fort Peck Dam)
  - Lower Missouri River (below Fort Peck Dam)

# The Missouri River Basins

## The Upper Missouri River

Priority Date: July 1, 1985

Board Order: July 1, 1992

### Order of Priority

- Subordinate to consumptive use  
Municipalities, DHES, MDFWP, USDO  
BLM
  - Equal with all other CDs
- Priority over Bureau of Reclamation

## The Lower Missouri River

Priority Date: July 1, 1985

Board Order: December 30, 1994

### Order of Priority

- Subordinate to consumptive use to all  
Municipalities
  - Equal with all other CDs
- Priority over Bureau of Reclamation

# Conservation District's Basin

## **Upper Missouri River 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 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

# More about the Missouri River Basin

- Municipalities (14)
  - Perfection date of December 31, 2025
- Conservation Districts (15)
  - 5% Combined use
  - Subject to 3 Closures
    - Above Morony Dam
    - Blackfeet – Montana Compact
    - Teton River Administrative
- Municipalities (11)
  - No specific perfection date,
    - Application stated 2020
- Conservation Districts (11)
  - 10% Combined use

# Missouri River Reporting Requirements

Pursuant to MCA 825-2-316, The Board shall review water reservations granted in the order at least 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 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 DNRC every **(1)** year.
- The water user is required to submit a water use report to the Conservation District annually.

# The Yellowstone River Basin

## December 15, 1978

- Reserved Uses
  - Municipal (8)
    - Run concurrently and overlapping with existing water rights
    - Date of Perfection dismissed
  - Irrigation (20% used)
    - Conservation Districts (14)
  - Multipurpose
  - Maintain Instream
    - Perfected at Issuance

# Yellowstone River Basin Districts

## Order of Priority

### **Above the Bighorn River**

- Municipalities
- Agencies with Instream Flows
  - Conservation District

### **Below the Bighorn River and within the Bighorn River Watershed**

- Municipalities
- Conservation Districts
- Agencies with Instream Flows

# Yellowstone River Basins with Reservations

- Park Conservation District
- Sweet Grass Conservation District
- Stillwater Conservation District
- Carbon Conservation District
- Yellowstone Conservation District
- Big Horn Conservation District
- Rosebud Conservation District
- Treasure Conservation District
- Custer County Conservation District
- Powder River Conservation District
- Prairie County Conservation District
- Dawson County Conservation District
- Richland County Conservation District
- Little Beaver Conservation District

# Role of Conservation District

- Accept Applications
- Assist Applicants in completing applications
- Levy Application Fees
- Submit applications to DNRC Advisor
- Issue reserved water use authorizations to successful applicants
- Allocate water impartially
- Maintain Public Records
- Report to the DNRC

# District Role, continued

- Coordinate with local, state or federal agencies as necessary to fulfill the purpose of the reservation
- Periodically review issued authorizations for compliance
- Seek administrative and technical assistance from DNRC

# Role of DNRC Advisor

- Assist the CD in all administrative and technical issues with water reservation
- Review applications for water use authorizations received from Districts
- Work with applicant to complete applications
- Assist the District with the public notice process
- Present applications to Districts for authorization
- Apply to DNRC for Changes if needed
- Maintain a database for public records and information
- Keep and maintain required reports

# Conservation District Advisors

## Missouri River Basin

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