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Date: January 2, 2024

To: Water Policy Interim Committee

From: Compact Implementation Program, Water Resources Division, DNRC

RE: 2022-2023 Report on Forest Service Compact Implementation MCA 85-20-1401 Article VI.F.

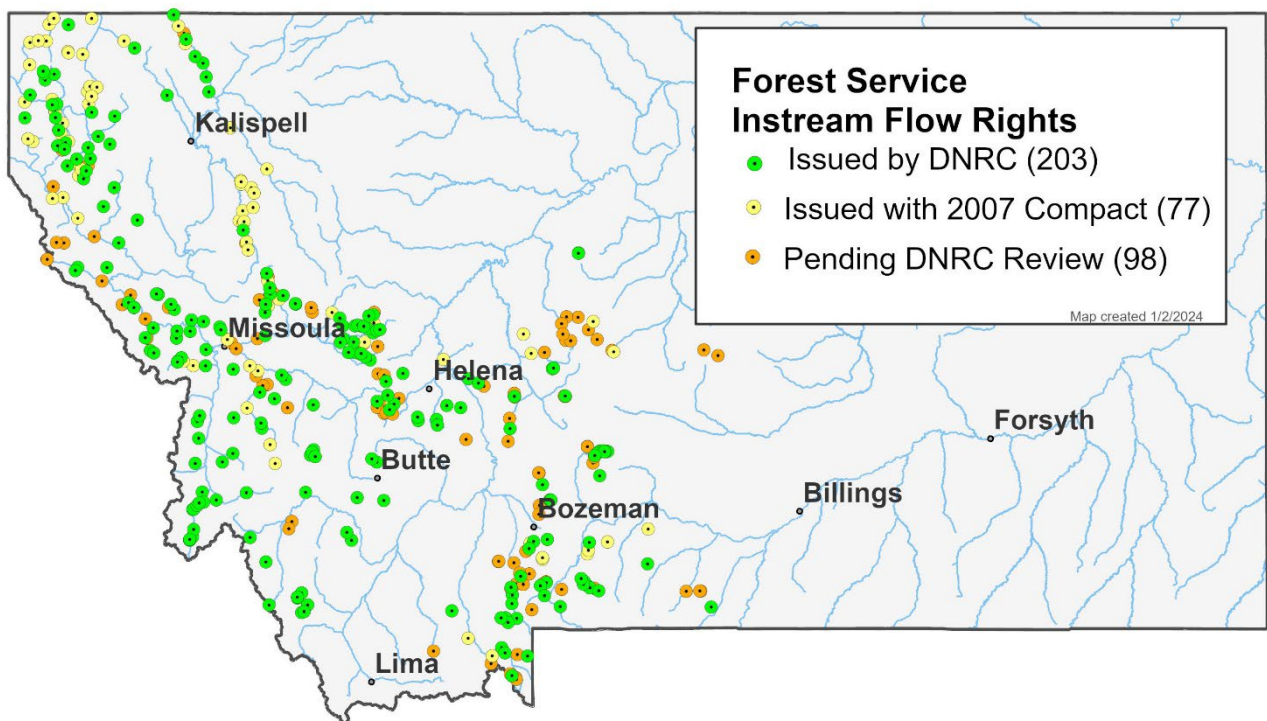


Figure 1: USFS Compact Application Status Map

Background

The US Department of Agriculture Forest Service (USFS)-Montana Compact, MCA 85-20-1401 (USFS Compact) was ratified on April 17, 2007. Article VI.F of the USFS Compact requires that DNRC provide a biennial report on state water reservations applied for and issued pursuant to the USFS Compact.

The USFS Compact generally provides for a resolution to federal reserved water rights for all Forest Service System Lands in Montana. The USFS Compact is laid out as follows:

- **Articles II and III** quantify the discrete and dispersed administrative uses on National Forest Systems Lands. Establishes an instream flow for the SF Flathead Wild and Scenic River.
- **Article V** establishes 77 instream flow state-based water reservations included in **Table 1**.

- **Article VI** provides a means for the USFS to apply for instream state-based water reservations to maintain minimum flows for fisheries and other resource management obligations.

Results for Reporting Period

Table 1 summarizes instream flow water reservations applied for using DNRC Form 638 by year and **Figure 1** shows the spatial distribution of these applications. During the 2022-2023 reporting period, 23 new instream flow water reservation applications were filed by the Forest Service, for which the DNRC collected \$18,400 in application fees. DNRC issued deficiency letters for 74 applications and completed site visits for 38 applications during the 2022-2023 time period. Thirty-one water reservations were reviewed and issued during that time.

Additional information regarding the USFS Compact and a web map with the locations of instream flow water reservations can be found at <https://dnrc.mt.gov/Water-Resources/Compacts/Forest-Service>.

Table 1: USFS Compact Water Reservations																	
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	
Compacted	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Total 77
Received	4	9	4	5	27	50	19	35	12	12	28	34	25	22	23	0	309
Issued	0	6	7	4	1	25	37	4	11	9	5	35	17	11	7	24	203
Terminated	0	0	0	0	1	4	0	0	0	0	0	2	1	0	0	0	8
Pending¹	0	0	0	0	0	2	2	7	1	4	6	15	17	21	23	0	98
Valid Objections	0	0	0	0	0	2	4	0	1	0	0	0	0	0	0	0	7
Invalid Objections	0	2	0	0	0	18	10	0	7	0	0	1	0	0	0	0	38
Fees Collected	\$3,200	\$7,200	\$3,200	\$3,200	\$20,800	\$40,000	\$15,200	\$28,000	\$9,600	\$9,600	\$22,400	\$27,200	\$20,000	\$17,600	\$18,400	\$0	\$245,600
Cumulative Flow Issued (CFS)	0	72	55	80	7	362	428	96	215	65	16	326	914	107	75	111	2,928

¹ The pending category reflects applications received in a given year that were pending as of 12/31/2023.

Definitions

Discrete Administrative Use: federal reserved water right for the following administrative uses, but not limited to: water for district offices, ranger stations, guard stations, work centers, housing, nurseries, or riding and pack stock.

Dispersed Administrative Use: federal reserved water right for the following incidental administrative uses, but not limited to: water for dust abatement, road construction, fire management, reclamation, or establishing vegetation.

State reservations of waters (85-2-316, MCA): The state, any political subdivision or agency of the state, or any agency of the United States may apply to the department to acquire a state water reservation for existing or future beneficial uses 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.