

**DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION
Water Resources Division**



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RE: Summary of instream flow water right application information (form 638) pursuant the US Forest Service-Montana Water Rights Compact, MCA 85-20-1401.

The compact was ratified on April 17th of 2007. As part of that ratification, in Article V, seventy-seven instream state-based water reservations were issued, purposed for instream fisheries, and assigned 2007 priority dates. These rights cumulatively total 1,725.5 cubic feet per second (CFS) in protectable instream flow. The US Forest Service (USFS) was also granted the opportunity to apply for additional instream state-based water reservations pursuant Article VI, whose priority dates are designated as the date of application filing with DNRC. It is important to note that USFS instream flow reservations must be located on USFS property.

Protectable flow rates are determined using the Wetted Perimeter Methodology, which estimates upper and lower flow rate values (inflection points) that designate habitat quality thresholds. The fish species present within the proposed protected reach determines which flow rate can be used. To date all but one 638 application have pursued the upper inflection point. The following table summarizes application activity since the ratification of the compact.

US Forest Service Instream Flow 638 Applications as of December 09, 2015						
Attribute	Year					Total
	2008-2011	2012	2013	2014	2015	
Applications Received	22	27	50	19	35**	153
Water Rights Issued*	20	23	38	0		81
Applications Cancelled*	2	1	1	0		4
Pending Applications	0	3	11	19	35**	68
Application with Valid Objection(s)*	1	1	2			4
Total Application Fees Received	\$17,600	\$21,600	\$40,000	\$15,200	\$28,000	\$122,400
Protected Flow Rate (CFS)**	61.4	420.4	426.9			908.7
* actions may have occurred on a subsequent year, but are organized here by application received date						
** new applications as of 12-7-2015, not yet included on detailed spreadsheet						

Attached is a detailed table of all 638 instream flow applications.