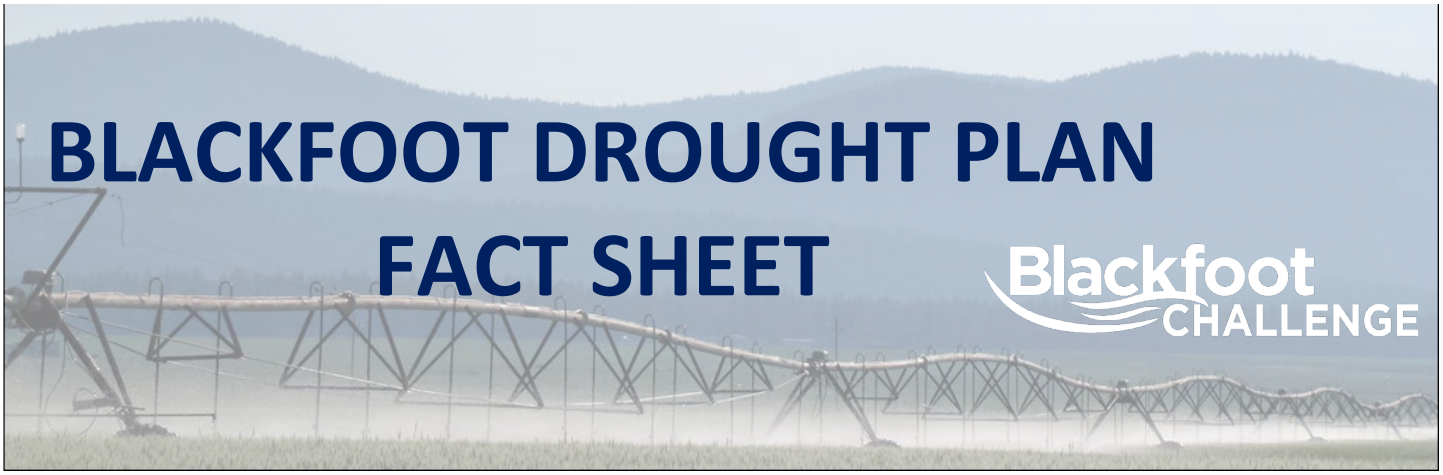


BLACKFOOT DROUGHT PLAN FACT SHEET

Blackfoot CHALLENGE

The Blackfoot River is a treasured natural resource for all who visit, but it is especially cherished by those who are lucky enough to call the Blackfoot watershed home. More than 20 years ago, Blackfoot partners and stakeholders developed a Drought Response Plan as an alternative to traditional water rights enforcement. The plan emphasizes voluntary, shared giving among all water users during periods of water scarcity and is coordinated by the Blackfoot Drought Committee.

DROUGHT PLAN BASICS

- Montana Fish, Wildlife, and Parks (FWP) and the Confederated Salish and Kootenai Tribes (CSKT) co-own instream flow water rights on the Blackfoot River.
- These rights are enforceable when flows in the Blackfoot River drop below 700 cfs at the Bonner gage.
- When flows are below 700 cfs, FWP and CSKT can require water users with junior water rights to cease use of their junior water – this is a "call for water."
- Water users who participate in the Blackfoot Drought Response Plan by creating and implementing an individualized water conservation plan are shielded from call as long as flows stay above 500 cfs.
- When flows are below 500 cfs, all junior water users, including plan participants, are called unless they can show a reduction in the use of senior water that is equal to the amount of junior water use – called a water trade or water pool.

DROUGHT PLAN TRIGGERS AND ACTIONS

> **Streamflow <700 cfs at Bonner**

- Drought plan participants implement their water conservation plans; junior water users not participating in the plan are called on by FWP and CSKT.

> **Stream temperature 71°F for 3 consecutive days at Bonner**

- FWP issues Hoot Owl fishing restrictions (2pm – midnight) on the mainstem of the Blackfoot.

> **Stream temperature 65°F for 3 consecutive days at the North Fork or Monture Creek**

- FWP issues Hoot Owl fishing restrictions on bull trout tributaries.

> **Streamflow <500 cfs at Bonner**

- All Junior water users, including plan participants, are called, unless they have a 1-to-1 trade of senior to junior water.

WATER CONSERVATION OPTIONS

> **Shut down:** Diversions off when drought trigger reached.

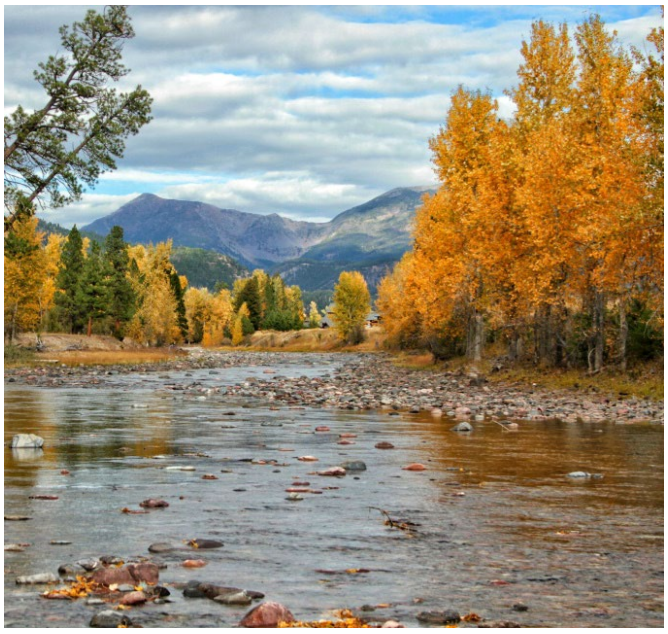
> **Water Trade:** Operator reduces use of a senior water right to continue use of a junior right; the quantity of water returned to the stream is at least equal in flow as the junior water used.

> **Water Mitigation:** Operator reduces use of a senior water right to continue use of junior right but the quantity returned *is not equal* in flow as the junior water used.

> **Reduced Use:** Operator adjusted water use pattern that results in a notable reduction in water demand.

> **Long-Term Conservation**: Land and stream restoration efforts that result in improved fisheries habitat such that some level of junior water use is permitted.

> **Water Pool / Water Bank:** An agreement between a junior operator and a senior water right holder to cease or reduce use of their senior water right to allow the operator of the junior to continue use.



For more information, contact:
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WHO IS AFFECTED BY MILLTOWN

Under the Milltown water right you can be called upon if you are:

1. **A surface water irrigator with a priority date after December 11, 1904.**
2. **A groundwater irrigator who exceeds 100 gallons/minute with a priority date after December 11, 1904.**
3. **Any water user junior to April 24, 2015.**

BLACKFOOT INSTREAM FLOW RIGHTS

There are two significant in-stream flow water rights on the mainstem of the Blackfoot River, often referred to as the Murphy and Milltown rights. Both rights are co-owned by Montana Fish, Wildlife, and Parks (MT FWP) and the Confederated Salish and Kootenai Tribes (CSKT). Both rights call for a minimum of 700 cubic feet per second (cfs) in the Blackfoot River, as measured at the Bonner gage station, throughout the summer months in order to protect fisheries. The Blackfoot Drought Response Plan was first created around the Murphy Right with its priority date of January 6, 1971. With the State's passage of the Confederated Salish and Kootenai Tribes (CSKT) Water Compact in 2015, a new priority date of December 11, 1904 associated with Milltown Water Right will also be implemented in the Blackfoot beginning in 2025.

THE MILLTOWN WATER RIGHT

The Milltown Water Right began as an instream hydropower right for electricity generation at the Milltown Dam but was converted to an instream flow right in 2008. The right became co-owned by FWP and CSKT with passage of the CSKT water compact. Thanks to the long history and success of voluntary, collaborative drought management in the Blackfoot watershed, Montana FWP and the CSKT have agreed to continue and expand the Blackfoot Drought Response Plan as the primary response to managing the Milltown Right.

December 11, 1904

PRIORITY DATE OF THE MILLTOWN INSTREAM WATER RIGHT WHICH GOES INTO EFFECT IN 2025.

THE MURPHY WATER RIGHT

The Murphy Right was created under 1969 legislative authority to protect "blue-ribbon" fisheries in the Blackfoot River from severe low flows. These water rights were claimed in the Blackfoot by FWP as of January 6, 1971. All water uses, except domestic and stock water use, junior to January 6, 1971, are subject to call by the Murphy Right.

WHAT CAN YOU DO?

If you already have an individual drought response plan, you may need to update your plan to account for the changes to the Milltown water right priority date. Rights that are senior to the former Murphy Right may now be junior to the new priority date associated with the Milltown Right and could require additional conservation actions. If you are not yet part of the Drought Response Plan, the Challenge can work with you to tailor a plan for your water rights and resources. Depending on your resources and rights, conservation measures for the drought plans could include trades between senior and junior rights or other conservation strategies such as riparian restoration, water leases, or increasing irrigation efficiency. By joining the Drought Response Plan, you are not only protecting the river and your right to use it but also investing in the future of the watershed's communities.

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