

MEMORANDUM OF UNDERSTANDING: FRWMB ENHANCEMENTS TO WRIS

PURPOSE

In accordance with the Confederated Salish and Kootenai Tribes – Montana Water Rights Compact (Compact) and the Unitary Management and Administration Ordinance (Ordinance), the Flathead Reservation Water Management Board (FRWMB) and its Office of the Water Engineer (OE) now administers water rights on the Flathead Indian Reservation (Reservation). In the Compact, the State of Montana and the Confederated Salish and Kootenai Tribes (CSKT) provided the following in reference to a system for water right administration on the Reservation:

WHEREAS, the Parties desire to create a unitary administration system that would provide a single system for the appropriation and administration of the waters of the Reservation and for the establishment and maintenance of a single system of centralized records for all water uses of the Reservation regardless of whether the use is based on State or Federal law (85-20-1901 M.C.A., Article I - Recitals).

The Compact also states:

The Board (FRWMB) shall cause all Appropriation Rights and Changes in Use authorized by the Board and all uses of water registered pursuant to the Law of Administration to be entered into the DNRC water rights database in a format agreed to by the Board and the DNRC (85-20-1901 M.C.A., Article IV, K).

DNRC's water rights database is called the Water Rights Information System (WRIS). The existing WRIS must be enhanced to account for all the types of water rights and to allow for water rights administration on the Flathead Indian Reservation as required by the Ordinance. The Project will create the functionality in WRIS to allow the FRWMB's OE to directly access, enter, modify, and administer water right information related to water rights on the Flathead Reservation. To provide for this level of access, additional WRIS modifications including access permissions may be necessary.

This Memorandum of Understanding (MOU) serves as the outline of the Parties' agreement to the Project, defining FRWMB and DNRC roles for each party in the Project (referred to herein as "the Parties"). This document is not legally binding but signals the willingness of the Parties to move forward with the Project. This document is written with the understanding that the OE is the administrative arm of the FRWMB and is the principal designee and authority for enactment of FRWMB portions of the Project and that the OE will act on behalf of the FRWMB under their authority.

The FRWMB is responsible for final approval of enhancements. As the owner and manager of the existing WRIS, DNRC will operate as a principal partner in the Project—providing authority over the WRIS, technical support, financing, and coordination with the existing WRIS. If any enhancements are needed for DNRC to administer ownership updates on fee land on the Flathead Reservation, DNRC will play a leadership role and is responsible for final approval of any enhancements related to fee land ownership updates. The Parties agree that the success of the Project depends on the active, consistent, and responsive involvement of each party in the Project.

This MOU also describes the general role of DNRC's WRIS contractor. DNRC will arrange and contract with RESPEC to operate as a paid partner in the Project, providing project management and software development services to capture, create, and test the FRWMB enhancements to WRIS. RESPEC's role will be further defined in a separate contract between RESPEC and DNRC which will be managed by DNRC.

ADDITIONAL PROJECT DEFINITIONS

FRWMB: Flathead Reservation Water Management Board. Includes both the Board and its Office of the Water Engineer.

DISCOVERY: The process of determining the scope of the Project.

USER STORIES: A written description, created and used by RESPEC, of the detailed steps necessary to enter and process each type of appropriation of water and change in use in WRIS—including necessary information fields, reports, and events. User stories include the steps needed to manage all functions of authorizations and any needed limitations on data entry (for example: only allowing up to 10-acre feet to be entered for Development Allowances).

UAT: User Acceptance Testing Team. The team of users who go through RESPEC's software developments in the test database to ensure the software developments function for each appropriation and change in use type. UAT is a near-final step after RESPEC has provided first and second Quality Assurance and Quality Control testing that is inherent in their contract with DNRC.

TRAINING ROLES, COMMITMENTS, AND EXPECTATIONS

The Parties acknowledge that the Project will take a significant amount of work. The Parties expect to complete the Project over an approximately six-month period. If the Parties dedicate more staff time, the Parties can complete the project more quickly. Squeezing the Project into a shorter time can be more efficient because individuals can keep details in mind. Stretching that work over a longer period can be easier to manage with other responsibilities. The Parties acknowledge that the interim systems for processing water rights are inefficient so the quicker the Project is complete, the quicker the Parties can efficiently administer water rights and ownership updates.

Under a separate MOU between the DNRC and the FRWMB/OE, the DNRC plans to provide an Assigned Contractor, who is a DNRC WRIS expert to work on behalf of the OE to implement the Project. For purposes of managing the Project, and when assigned to the FRWMB/OE, the Assigned Contractor will work under the authority of the FRWMB/OE and not DNRC.

FRWMB/OE

The OE is ultimately responsible for defining and describing enhancements needed for FRWMB and OE water rights administration. The OE is poised to take over water right data entry and administration of WRIS components related to water right administration on the Reservation. Designated OE personnel will be available for training with DNRC and RESPEC and they will have access to a test version of WRIS during the Project and eventually to WRIS itself.

The OE leads and is responsible for providing RESPEC information they will use for user story development and for providing direction to RESPEC on what is needed for each water right type, application, and feature. The designated OE staff will participate in user story development meetings and respond to emailed questions in a timely manner as much as is practicably possible.

The Assigned Contractor will work for the FRWMB's OE to:

- Provide WRIS training to the OE's staff, especially OE WRIS manager trainee,
- Serve as a liaison between DNRC, RESPEC, and FRWMB,
- Provide the OE's project management of User stories and User acceptance testing.

The Water Engineer will:

- Assign an OE staff WRIS Manager to be trained by DNRC and RESPEC to manage OE WRIS enhancements and eventual entry and administration.

Water Engineer and/or OE WRIS Manager will:

- Define all water right elements needed for each water right type, including value controls:
- Define all water right events needed:
- Define all water right remarks needed:
- Identify all reports needed for each water right or change type:
- Provide examples of each report type: and
- Other items identified by RESPEC.

DNRC: DNRC will provide the OE with access to the Test WRIS and eventually the full Production WRIS. DNRC will train Compact Implementation Program (CIP) and OE staff to use WRIS. DNRC's Compact Implementation staff will complete the majority of DNRC's responsibilities to the Project.

DNRC plans to provide an Assigned Contractor, who is a WRIS expert to work on behalf of the OE to implement the Project.

DNRC supports the development of user stories. The designated DNRC staff will participate in all user story development meetings and respond to emailed questions in a timely manner. Designated staff: Joel Harris, and Maya Rao (interim until replaced by CSKT-MT Compact Coordinator).

Kathy Olsen will support Compact Implementation staff through initial user story development training.

DNRC does not expect new user stories will be needed for DNRC to administer ownership updates on fee land on the Flathead Reservation. If new stories are needed, DNRC is responsible for fee land ownership update user story development and will provide direction to RESPEC on what is needed for each story. The designated DNRC staff will participate in all fee land ownership update development meetings and respond to emailed questions in a timely manner.

Fee land ownership updates Designated Staff: If needed, DNRC staff that completed the ownership update stories when the current WRIS was produced two years ago will be involved.

RESPEC:

Performs project management, and software upgrades needed for the Project. RESPEC will train OE staff and solicit necessary information from OE staff needed for the Project

PHASED DEVELOPMENT

Forms for each appropriation and change in use type (including applications and permits/certificates) must be completed before stories for that type can be developed. FRWMB and DNRC agree to complete the Project in two phases.

Phase 1 includes, but is not limited to, the following appropriation and change in use types:

- State-based Registrations;
- Redundant and Substitute Wells;
- Domestic Allowances;
- Stock Water Allowances;
- Fee Land Ownership Updates; and
- Withdrawals, Corrections, and Reductions.

Phase 1 will conclude with the FRWMB and DNRC agreeing to the start date for Phase 2 and agreeing to the date the FRWMB will finalize the remaining form types. Phase 1 may include OE access to WRIS for purposes of issuing essential Phase 1 functions needed for OE business.

Phase 2 includes all other appropriation and change types needed.

USER ACCEPTANCE TESTING EXPECTATIONS BY PROJECT ROLE

User acceptance testing (UAT), also called *application testing* or *end-user testing*, is a phase of software development in which the software is tested in the real world by its intended audience. UAT is often the last phase of the software testing process and is performed before the tested software is released to its intended market. The goal of UAT is to ensure software can handle real-world tasks and perform up to development specifications. Each enhancement must be tested and accepted by the users. A large amount of testing is needed to complete the Project.

FRWMB

FRWMB leads and is responsible for the user acceptance testing process and outcome. The designated FRWMB workers listed below will participate in all acceptance testing meetings and will complete each user acceptance testing within the timeframe designated by RESPEC.

DNRC

Designated DNRC staff listed below will participate in all user acceptance testing meetings and will complete each user acceptance testing within the timeframe designated by RESPEC. Designated staff: Joel Harris and Maya Rao (interim until replaced by Coordinator).

Kathy Olsen and other Water Rights Bureau staff will test to ensure new stories do not harm the existing WRIS.

If any testing is needed for DNRC to administer ownership updates on fee land on the Flathead Reservation, DNRC leads and is responsible for the fee land ownership update user acceptance testing process and outcome. The designated DNRC staff will participate in all fee land ownership update acceptance testing meetings and will complete each user acceptance testing within the timeframe designated by RESPEC. Designated staff: If needed the DNRC staff that completed the ownership update testing when WRIS was developed will be involved.

RESPEC CONTRACTING

Pursuant House Bill 10, the state may provide up to \$656,667 for the Project, which will be informed by the discovery process. DNRC will contract with RESPEC for the Project. DNRC has already contracted with RESPEC to complete a portion of the discovery work.

The Water Resources Deputy Administrator will manage the contract. The Deputy Administrator will seek OE input on change requests and is responsible for approving any change requests.

WRIS LONG-TERM MAINTENANCE

There will be costs associated with long-term maintenance of WRIS. Long-term maintenance needs to be defined. OE acknowledges that the Project does not provide maintenance planning and DNRC is actively developing its long-term maintenance plan for its existing WRIS and will need to discuss expectations by role for maintenance with OE in the future. For the life of the contract, RESPEC will provide fixes to any deployed enhancement that have issues and major security fix requirements.

June 01, 2023

PROJECT ASSIGNMENTS

Project Executive Managers: Arne Wick, Ethan Mace, Cori Hach

FRWMB Staffing:

Clayton Matt: FRWMB Lead

Ethan Mace: Product Owner

Kerri Mueller: OE WRIS Manager Trainee

Kathy Schubert: Assigned Contractor - WRIS Expert assigned to OE

State Staffing:

Trevor Watson: DNRC Lead & RESPEC Contract Manager

Arne Wick: Project Sponsor

Cori Hach: Project Sponsor

Joel Harris: Project Manager

Chris Kuntz: State IT

Dave Coey: System Analyst

RESPEC Staffing:

Andrea Worthy: Project Manager

Susan Franklin: Technical Specialist

June 01, 2023

MOU SIGNOFF AND AGREEMENT:

THE FRWMB AGREES AND COMMITS TO THIS MOU

FRWMB Chairman, Clayton Matt:

_____ Date _____

FRWMB Water Engineer, Ethan Mace:

_____ Date _____

THE DNRC AGREES AND COMMITS TO THIS MOU

DNRC Deputy Division Administrator, Trevor Watson:

_____ Date _____

DNRC Compact Implementation Program Manager, Arne Wick:

_____ Date _____