

FOR DNRC USE ONLY

Maximum amount under this agreement: « 1»

Source of Funds

Fund Name
« 4»

Fund No.
« 5»

Subclass

Org. No.

Percent

Approved

No. « 2»

Amendment No. « 3»

Division _____

FSO _____

Legal _____

MEMORANDUM OF UNDERSTANDING
(MOU)

Purpose:

This MOU is between the Department of Natural Resources and Conservation (“DNRC”) and the Flathead Reservation Water Management Board (“Board”). The DNRC and the Board are sometimes referred to in this MOU as the “Parties.” The purpose of this MOU is to provide support in the form of an assigned contractor for the Parties to complete database enhancements to the Water Rights Information System (“WRIS”) to provide for access to and use of WRIS for water rights administration on the Flathead Reservation (“Reservation”).

1. Both the Board and DNRC agree that completing the database enhancements (“FRWMB-WRIS Enhancements”) is an urgent priority, and that these enhancements are required under the Confederated Salish and Kootenai Tribes – Montana Water Rights Compact (“Compact”), MCA 85-20-1901.ART.IV.K.
2. The FRWMB-WRIS Enhancements are fundamental to allow water right administration to move forward on the Reservation as required under the Compact (MCA 85-20-1901) and the Unitary Administration and Management Ordinance (MCA 85-20-1902) (“Ordinance”).
3. The Board through the Office of the Engineer and DNRC through its Compact Implementation Program (CIP) will work together with RESPEC, a software developer, to develop, test, and deploy the database enhancements. The Board is responsible for final approval of enhancements.
4. In acknowledgement that effective and functional completion of the FRWMB-WRIS enhancements will require in-depth familiarity with WRIS and background with water rights administration, DNRC is making available expert staff with prior experience developing and testing WRIS enhancements and a background in water rights administration.

DNRC agrees to make Kathleen Schubert (“Assigned Contractor”), a DNRC Water Resources Specialist based in the Missoula Regional Office, available to support the completion of the FRWMB-WRIS Enhancements. The Assigned Contractor will:

1. Devote approximately 20 hours per week to work on the FRWMB-WRIS project, averaging to 0.5 FTE between the effective date of this MOU and December 31, 2023.
2. Participate in story development and testing;
3. Consult and advise on technical and administrative questions and issues as they arise;

4. Train staff within the Board's Office of the Engineer ("OE") on using WRIS;
5. Work collaboratively and adaptively with the core project team and the greater OE.

The Board agrees to adopt the document titled "FRWMB Enhancements to WRIS Development MOU" on June 6, 2023.

Both DNRC and the Board agree that:

1. The Compact and the Ordinance provide that the State and the Tribes equally fund the Board. Accordingly, the State and the Tribes will equally share the cost of the Assigned Contractor's work on the FRWMB-WRIS Enhancements, estimated at \$29,699.06 in 2023 (pay and benefits in the amount of \$28,649.06 and office rent and supply costs of \$1,050.00). DNRC's share will be reflected as an in-kind credit to be deducted from the State's contribution to the next FRWMB Funding Agreement between the State and the Tribes.
2. The Board, through the OE, shall have sole decision-making authority related to the FRWMB-WRIS Enhancements and is responsible for final approval of all enhancements.
3. The Assigned Consultant is a State employee throughout their time working under this MOU. The Assigned Contractor shall act as an independent contractor to the OE and the Board, shall have a solely advisory role, may not act for or represent the Board, and has no decision-making responsibility or authority. The Assigned Consultant shall remain subject to the terms of her employment with the State of Montana.
4. Either party may cancel this agreement with advance notice.

Date: _____

 CI Program Manager, Arne Wick
 Department of Natural Resources and Conservation

Date: _____

 FRWMB Chair, Clayton Matt

Date: _____

 Water Engineer, Ethan Mace
 FRWMB, Office of the Water Engineer