Approved by CITT

SUMMARY OF
COMPACT IMPLEMENTATION TECHNICAL TEAM (CITT) MEETING

Mission Valley Power
Flathead Indian Reservation – Pablo, MT
April 10, 2024, 1:00pm-5:00pm

In Attendance (Quorum Established)
Eric Bruguier, Flathead Indian Irrigation Project (FIIP)
David Lake, Irrigator Representative
Casey Ryan, Confederated Salish & Kootenai Tribes (CSKT)
Maya Rao, MT Department of Natural Resources and Conservation (DNRC)
Daniel Lozar, Bureau of Indian Affairs (BIA)

Call to Order
Chair Casey Ryan called the meeting to order at 1:02 PM. A quorum was established.

Approve Agenda
CITT members were given an opportunity to review the draft agenda for the meeting. No amendments to the agenda were proposed. Motion by David to approve the draft agenda. Second by Eric. Approved by 5 of 5 members.

Informational Updates

Eric provided updates from FIIP. Brian Healy was introduced as the new Water Master for the South Division. Koshon LaCounte Jr. is the Water Master for the North Division. The FIIP Annual Spring Meeting for the irrigators is scheduled for Monday April 15th 6:00 pm – 8:00pm at the Ninepipes Lodge. Eric has distributed the FIIP ISO Contact List for this year. Eric mentioned that there are six positions available that they are trying to fill. FIIP has cleared the road to Placid but the recent snow stopped some of their progress.

Dave provided an update from the Irrigators. Dave noted that there has been a recent potato die off due to a bacterial infection called Dickeya. The bacteria moves in water. If a cull pile is leaking water into a ditch, that water is capable of spreading the bacteria. FIIP should be aware of that when moving water this year.

Casey provided updates from the CSKT. The CSKT Irrigation Infrastructure Program has completed construction of the Jocko K Canal Headworks. The CSKT plans to begin construction on the Falls Creek Diversion Structure and 31A Canal Drop Structure during 2024. The next three projects for bid and construction will be the Jocko Pipeline Conversion Project, the Jocko Lower J Canal Diversion Structure, and the North Fork Jocko Diversion Structure. There are a significant number of other projects in the planning, design, and permitting phases. Casey noted that the CSKT is working on ArcGIS story maps for some of these projects. Casey pointed the audience to the CSKT water compact website (www.csktwatercompact.com) for project updates. Lastly, Casey mentioned the CSKT Agricultural Producer's Summit on April 11th.

Maya provided updates from the DNRC. The DNRC has updates on stock water mitigation that will be presented later in the meeting. Maya introduced Pelah Hoyt as the new manager of the DNRC Compact Implementation Program.

Dan provided updates from the BIA. Dan informed the CITT that 2023 WIIN Act funding will be released soon for projects and equipment. Those projects include the Camas C Canal Lining Project and additional FIIP canal flow measurement structures. Dan will be working with Eric and his team to finalize an initial list for 2024 WIIN Act funding priorities. Dan continues to work with FIIP on other projects.

Water Management Coordination

Update on Water Supply Outlook

Brian Hogenson presented on the April forecast data to inform a water year determination for 2024. Forecast data indicate a Flathead Basin percent median snow water equivalent of 74%, as of April 4th. The three-month climate outlook shows a low likelihood for drastic improvements to snowpack due to either precipitation or temperature.

The NRCS April-July volumetric water supply forecasts indicate percent medians of 55% (Mill Creek), 71% (South Fork Jocko), 85% (Hellroaring Creek), 91% (South Crow), and 96% (Mission Creek). The DNRC's April-July volumetric water supply forecast for Post Creek indicates 83% of normal runoff from snowmelt alone. April-July precipitation could increase that number. The NRCS values and their volumetric April-July projections are below average and fit within the drier end of the range for a 'normal' water year type categorization. Some values are near the statistical threshold of a 'dry' water year type.

After the presentation, Casey provided context on the CITT's categorization of water year type. This determination is called for in Appendix 3.5 and the recommended procedure is described in Appendix 3.7. Casey clarified that River Diversion Allowances and Target Instream Flows are not in effect at this time, so this month's water year type determination is provided for informational purposes only. Discussion was held on the draft water year type categorization memo. Some concern was expressed in the optics of categorizing a below-average year as a 'Normal' water year type.

Casey clarified that the Compact identifies three water year types for adaptive management – wet, normal, and dry. Dry years are those for which the April-July natural flow is below the 80th percentile exceedance level. Wet years are those for which the April-July natural flow is above the 20th percentile exceedance level. Normal years are those falling between the 80th and 20th percentile exceedance levels. In terms of the water year categorization, a year like this year that has projected flow levels that are well below the historical average might intuitively seem like it should be a dry year, but it is important to remember that the categorizations are driven by statistical thresholds, so even a projection equivalent to the 25th percentile (runoff is projected to be less than 75% of the years in the historic dataset) still statistically falls within the 'normal' water year category.

The CITT discussed concerns regarding public misinterpretation of the categorization during years which runoff projections were significantly above or below average but were still statistically considered to be within the 'normal' water year type. The importance of communication was discussed.

The CITT also noted that this month's water year type categorizations is not intended to be applied for the rest of the water year; this categorization process is intended to be performed continuously

throughout the water year. This month's categorization is only in effect until the CITT receives updated water supply forecasts. Pursuant to Appendix 3.5, water year type categorizations are intended to be adjustable and the CITT can change the water year type multiple times during the water year.

Maya noted that the normal is indeed a wide range, however one thing unique about this Compact and the CITT is that this Compact has three water year type categorizations. In a lot of western water law, water rights just have one number. Here, the CITT has the ability to use science to make decisions that change the RDAs and TIFs in order to balance multiple uses and meet Historic Farm Deliveries. Maya also noted that the CITT continues to refine water supply forecasting processes.

The CITT discussed the nuances of how to effectively communicate these water type categorizations to the public, particularly water years that are well above or below average and are approaching the top 20% or the bottom 20% of historical values.

The CITT encouraged water users and water managers to note that this year's snowpack conditions are well below average, and to prepare for a below-average water year. The CITT encouraged water managers to be prepared for changing conditions, including a transition to a 'dry' water year type categorization.

Eric noted that FIIP is already planning to manage water conservatively this year and is planning on managing for well below average water conditions. The CITT will continue to monitor conditions and is prepared to change categorizations as additional data becomes available.

After discussion and review of the data, Dave proposed that the memo be amended and the Little Bitterroot geographical area be categorized as a 'dry' year type, and the remainder of the geographical areas be noted that the forecasts are at the drier end of the 'normal' category. Motion by Dave to approve the draft recommendation memo presented for informational purposes, with the amendment that the Little Bitterroot Area be categorized as a 'dry' water year type. The CITT noted that the early May meeting will be used to refine the determination type. Second by Maya. Motion approved by 5 of 5 members.

Incremental MEFs

Casey introduced the topic of Incremental Implementation of MEFs, including an overview of Interim Instream Flows, Minimum Enforceable Flows, the Compact's language of incremental implementation of the new water allocations, and the Compact's identification of the CITT as the entity responsible for this responsibility.

The 2015 CSKT-MT Compact states that "Incremental implementation of Minimum Enforceable Flows (MEFs), Target Instream Flows (TIFs), Minimum Reservoir Pool Elevations, and River Diversion Allowances (RDAs) will occur as Operational Improvements are implemented." The CITT provided a list of Operational Improvements that have been completed or partially completed by the CITT since the CITT formed in 2016. Those Operational Improvements include:

- Ongoing monthly CITT Water Management Coordination.
- Significant expansion of water measurement at streams, instream flow sites, RDA sites, irrigation reservoirs, and irrigation return flow locations.
- Conversion of the Reservation's surface water gaging network into real-time gages capable of transmitting data every hour via satellite telemetry.
- Construction of six cast-in-place concrete water measurement flumes at key canal locations.

- Establishment of a public water data website, where the Tribes surface water data is published in real-time. That website is accessible to the project as well as the public (www.csktwaterdata.org).
- Creation and establishment of new digital water management planning and operational tools for FIIP, including tools to track instream flow compliance, water availability, RDA diversions, irrigation return flows, real-time reservoir levels, and real-time reservoir volumes.
- Advances in planning for stock water mitigation projects.
- Advances in planning for on-farm efficiency improvement projects.
- Advances in water supply forecasting procedures.
- The establishment of two new water supply forecasting points on the reservation, with two more forecast points in development.
- The expansion of the AgriMet network on the reservation from two locations to five locations.
- CITT assuming the annual cost of the AgriMet cooperative agreement (previously funded by irrigators).
- The collection of survey-grade bathymetric and lidar topographic data for all 14 major FIIP irrigation reservoirs.
- The publication of updated and highly-accurate reservoir capacity information for all FIIP reservoirs.

It was noted that under the language of the Compact, this incremental implementation process should have been initiated years ago when these completed Operational Improvements were implemented; however, the CITT hopes that this additional deferral period has been helpful for FIIP as they plan for Compact implementation. It was also noted that the CITT has taken a conservative approach and has chosen just to focus on MEFs during this meeting, rather than establishing incremental implementation of all of the new water allocations all at once. The CITT has chosen to call these incrementally-implemented MEFs “Incremental MEFs”.

The CITT held discussion regarding whether FIIP could achieve the Incremental MEFs with their current infrastructure. It was clarified that the water allocations agreed upon by the parties were calculated using a thoroughly-analyzed water balance model. The model assumed that there would be no physical enhancement or upgrades made to existing water delivery system infrastructure. Consequently, the only improvements necessary to achieve these allocations are the implementation of better water management practices (Operational Improvements).

Clarification was provided on the difference between Operational Improvements and Rehabilitation and Betterment:

- Operational Improvements are practices that improve the ability of the Project Operator to plan for and manage water storage and allocation between Instream Flows and FIIP Water Use Right.
- Rehabilitation and Betterment means both irrigation facility upgrades that improve water management and operational control at irrigation diversion works, and irrigation facility upgrades to reduce losses in conveyance of water from irrigation sources of supply to irrigation points of use.

The water allocations agreed upon by the parties assumed that no Rehabilitation and Betterment would occur. The Tribes’ Irrigation Infrastructure Program projects are an unforeseen benefit to the project, and those projects are not required for FIIP to meet the Compact water allocations.

Conversation was held regarding how to support FIIP's ability to meet the fully enforceable MEFs. Discussion was held regarding the importance of incremental implementation of these new water allocations, rather than sudden implementation. Several team members noted that this strategy is the best way to position FIIP for success by allowing FIIP to gradually adapt to the new Compact water allocations.

Motion by Maya to approve the draft incremental MEF implementation memo. Maya noted that this is a technical recommendation. Second by Dave. The CITT received public comment on this agenda item. After further discussion by the CITT, the motion was approved by 4 of 5 members (1 opposed).

Casey presented the one-page draft Incremental MEF recommendation transmittal. The transmittal formalizes the transmission of the memo and also recommends that the incremental implementation of MEFs be deferred until May 1, 2024. Motion by Dan to approve the one-page draft incremental MEF recommendation transmittal. Second by Maya. No public comment. Motion approved by 5 of 5 members.

Off-season Stock Water Mitigation

Maya provided an update on administration options for off-season stock water mitigation funding. The CITT has been working to partner with the Montana NRCS on off-season stock water mitigation projects; however, the NRCS has limited capacity and is not able to administer these projects at an individual landowner level. Maya noted that the DNRC may be able to assist with project administration. Maya brought forth questions for CITT consideration including the scope of mitigation efforts, eligible projects, matching funding, etc.

Conversation was held regarding project administration, project eligibility and criteria, geographic scope of project eligibility, options for tiered project delivery, the BIA FIIP stock water policy, FIIP historical stock water diversion practices, data needs, application processes, and next steps for moving forward.

Maya offered to set up a meeting with a DNRC grant administrator to explore project administration options through the DNRC.

The CITT will continue to explore and develop solutions.

On-Farm Efficiency

Casey stated that the Montana State University and MSU Extension Office is interested to partner with CITT to develop an on-farm efficiency specialist position within the Montana State University system. MSU has asked the CITT about their thoughts regarding a potential position description and a scope of work. The CITT held discussion about these questions. The CITT held discussion about the best way to utilize On-Farm Efficiency Improvement funds, and whether to focus on irrigator outreach, infrastructure, or a combination of the two. Casey will forward the questions from MSU to the CITT and asked CITT members to provide input prior to next meeting.

Discuss Next Steps and Schedule

The CITT discussed next steps. The CITT discussed the date of the next CITT meeting and the CITT meeting schedule.

Rotation of Chair per CITT Operating Rules

Casey noted that the position of CITT chair is due for rotation per CITT operating rules. Casey has served as the chair of CITT for the past 12 months. Casey reviewed the responsibilities of the chair position and opened the topic for discussion and nominations. Eric nominated Dave Lake. Dave respectfully declined, citing existing time commitments. Dan nominated Maya Rao to serve as chair of the CITT for the next 12 months. Second by Eric. Approved by 4 of 5 team members (1 abstention). Casey expressed his gratitude for the opportunity to serve as the chair for the past 12 months, and stated that Maya will do a terrific job as the incoming chair.

Public Comment
The CITT received public comment.

The CITT expressed consensus to allow available CITT team members to present CITT updates at the Irrigation District meetings between now and the next CITT meeting.

End Meeting
Meeting adjourned at 5:03 pm.

Next Meeting
The next CITT meeting is tentatively planned for early May, 2024.