



# MONTANA FISH AND WILDLIFE COMMISSION PROPOSAL & INFORMATION SHEET

THE **OUTSIDE** IS IN US ALL.

**Meeting Date:** Aug. 16, 2024

**Agenda Item:** Parsons Slough and Willow Spring Creek Water Management and Lease Agreement (R3)

**Action Needed:** Final

**Time Needed on Agenda for this Presentation:** 10 minutes

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**Background:** Parsons Slough and Willow Spring Creek are tributaries of the Jefferson River near Waterloo that provide cold water refugia along with important spawning habitat for brown and rainbow trout. FWP proposes to enter into an agreement with the owner of the most senior and most downstream irrigation water rights on Parson Slough and the only irrigator on Willow Spring Creek to lease water in both streams and to change the points of diversion to pump from the Jefferson River instead of diverting the cold water from Parsons Slough and Willow Spring Creek. Flow into the Jefferson River from the streams would increase as much as 11 cfs during the period of high irrigation demand and would be expected to cool the water of the Jefferson by nearly 2°F under low flow conditions. The term of the agreement would be 30 years with the option to renew.

**Public Involvement Process & Results:** The Draft EA was made available for public review and comment from January 12 through January 27, 2024. A legal Notice was published in the Montana Standard and the Draft EA was posted on FWP's Public Notice webpage: <https://fwp.mt.gov/news/public-notices>. The Draft EA was also made available for public review on the Environmental Quality Council or EQC website: <https://leg.mt.gov/mepa/search/>, by individual request, and through notice to identified interested parties. FWP received three comments in support of the project during the public comment period. Partial funding of the project has been approved through the Future Fisheries Improvement Program.

**Alternatives & Analysis:** The water lease provides an opportunity to restore and protect instream flow in both Parsons Slough and Willow Spring Creek and to provide cooler water to the Jefferson River, benefitting brown trout and other fish species.

Alternative A: Approve the Agreement. Along with the subsequent change to instream flow and the change to diverting water from the Jefferson River, approval of this lease is expected to benefit the fishery of the Jefferson River.

Alternative B: The commission could choose not to approve which would maintain the status quo, forgoing an opportunity to improve the fishery.

**Agency Recommendation & Rationale:** The department recommends the commission approve the Water Management and Lease Agreement as it provides a cost-effective project to benefit brown trout.

**Proposed Motion:** I move the Fish and Wildlife Commission approve the Water Management and Lease Agreement with Treasured Mountains Holdings LLC and direct FWP staff to make application to DNRC to temporarily change the irrigation water rights to instream flow in accordance with the Agreement.