

Summary of FWP Public Recreation Claims in the Beaverhead River Basin

FWP has filed 2 Statements of Claim for Existing Water Right–Recreation for instream flow protection on three reaches of the Bitterroot River. The table below summarizes key water right elements of these rights. As the public recreational use is primarily fishing (as well as recreational floating), the flow rates and volumes asserted for these claims were defined by reference to the conditions necessary to support fish habitat. The claimed priority dates for these water rights, 1964, reflects a junior water right in this basin. These claims have yet to be finally adjudicated. Since these claims continue to be part of the state’s general stream adjudication and like all other right the elements asserted are not finally adjudication, FWP has also attained water reservation for this reach. That reservation is even more junior. Additionally the reservation is not additive to the claims listed below

Water Right Number	Source	Use	Q (cfs)	V Ac./Ft./Yr.	Priority
41B 194351-00	Beaverhead River	Recreation	200	144,762	8/29/1964
41B 194352-00	Beaverhead River	Fish and Wildlife	25	18,095	2/31/1961

Claim 194351 is a public recreation claim asserting 200 cfs for maintenance of a trophy trout fishery. The river reach protected is that portion of the Beaverhead River between the mouth of Grasshopper Creek and Clark Canyon Dam. The water need for this reach was defined through a detailed study of fish population and structure as it related to flow conditions. This study was in-turn correlated to an instream flow quantification method known as the *Wetted Perimeter Method*. An optimal flow for this reach would be 300 cfs. FWP determined that a flow of 200 cfs, while not the most desirable flow, would maintain the trophy trout fishery at an acceptable level. This flow would also maintain high densities of small trout as well.

Claim 194352, is a fish and wildlife claim – not a public recreation claim. This claim was filed by FWP, as the state agency responsible for the management of the fish and wildlife resource, to insure that the water released from Clark Canyon Dam to meet minimum flows is protected. The reach protected under the claims begins at Clark Canyon Dam and is intended to remain in instream throughout the length of the Beaverhead River to the confluence with the Big Hole River. Flow rate asserted is a minimum 25 cfs releases from Clark Canyon to maintain a *minimum fishery flow*. This 25 cfs is a minimum instantaneous flow release from the Dam. Releases levels are based upon a June 1965 U.S. Department of Interior Fish and Wildlife Service (USF&WS) study of the fish and wildlife resources for the East Bench Unit of the Clark Canyon project. This report recommends 25 cfs as a minimum flow. Historic operation records reflect different releases under different water supply conditions. The default in drought years is the 25 cfs and the absolute minimum release / by-pass flow for instream fishery.