

Montana Trout Unlimited's view

Why the Proposed Water Compact between the State of Montana and the Confederated Salish-Kootenai Tribes Deserves Your Support

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- The Compact resolves **for all time** the very legitimate, legal and considerable water right claims of the tribes on and off the reservation.
- The Compact includes enhanced protections for instream flows for important trout populations on the Flathead Indian Reservation and for the upper Clark Fork River. It also helps protect current streamflow guarantees off-reservation in the Bitterroot, Blackfoot Flathead, Swan and Kootenai River basins.
- The Compact ensures current irrigators on the reservation, including within the Flathead Indian Irrigation Project (FFIP), continue to get water they have been legally entitled to in the past.
- The Compact provides legally guaranteed water deliveries to FFIP irrigators in perpetuity – a guarantee that few if any other water users in the State have.
- The Compact protects all non-irrigation water rights from a tribal call on water, and it protects existing rights on and off the reservation by limiting tribal rights.
- If approved, the Compact will make available up to 90,000 acre-feet of stored water from Hungry Horse Reservoir for future development in the Flathead Basin. Up to 11,000 can be used in Montana off reservation. This water can be used to supplement irrigation, residential or fishery needs, or, it can be used to mitigate the effects of new development on existing water rights. This water cannot be used out of state.
- Passage of the Compact will lift the significant cloud of uncertainty currently restricting new development of water, including current wells and potential wells for residential and commercial development, on the Flathead Indian Reservation. More than 900 wells currently serving residences and businesses on the reservation are in legal limbo. If the Compact passes, these wells will be declared legal.

- Passage of the Compact will benefit water users on the reservation by triggering state expenditure of \$55 million for improving irrigation infrastructure, paying for pumping costs and water measurement, and investing in stream habitat restoration.
- Passage of the Compact will benefit owners of water rights in all of Montana west of the Divide, as well as in the upper Missouri and Yellowstone basins, because it obviates the needs for Tribes from filing water right claims – as they are legally entitled to do by June 2015 -- on the reservation and within their aboriginal territory. This will save water right owners and the State of Montana millions of dollars in litigation-and court-related costs that come with defending claims in water court and other jurisdictions.
- By not adding thousands of new claims in water court, Montana’s general adjudication of water rights can advance in a judicious and much less expensive fashion. If the Compact doesn’t pass, the Water Court estimates adjudication of water rights in Montana could take another 10-20 years.
- All off-reservation water rights granted to the tribes in the Compact are either subordinate to, or parallel to existing water rights or dam license conditions held by the State of Montana and federal and private utilities.
- If the Compact passes, the CSKT will be giving up forever any future claims to water everywhere in Montana.

For more information contact Bruce Farling at bruce@montanatu.org or Mark Aagenes at mark@montanatu.org.

Additional resources can be found at www.montanatu.org, including informative reports at these weblinks:

<https://drive.google.com/file/d/0BxmvPsrNLjtoRzdaaFFzLTl2X2s/view>. An excellent analysis debunking myths surrounding the Compact authored by Montana property rights lawyer Hertha Lund. (This requires Google Drive to access).

<http://www.dnrc.mt.gov/rwrcc/> Look for the “CSKT Compact Link.” It includes the final version of the Compact and a wealth of background on the accord, including negotiation history, technical reports, and summaries of the proposal and FAQs on common questions.