

Quantification of Indian Federal Reserved Water Rights in the United States *

RESERVATION / TRIBE	STATE	Acre Feet / Yr
Ak Chin	AZ	85,000
Blackfeet (U.S. has Not Ratified)	MT	86,880
Colorado River Tribes (4)	AZ	783,134
Colorado Ute	CO	70,000
Crow (Under Allottee legal challenge)	MT	800,000
Fallon Paiute	NV	10,588
Flathead (proposed compact)	MT	** 27,744,657
Fort Belknap (U.S has not Ratified)	MT	500,000
Fort Hall	ID	581,331
Fort McDowell	AZ	36,350
Fort Peck (U.S. has not ratified)	MT	1,052,472
Gila River	AZ	655,000
Jicarilla Apache	NM	40,000

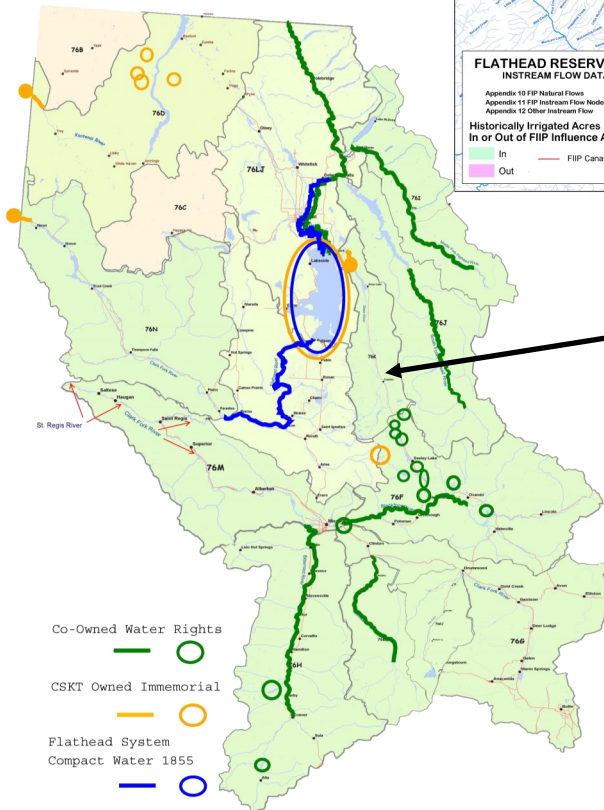
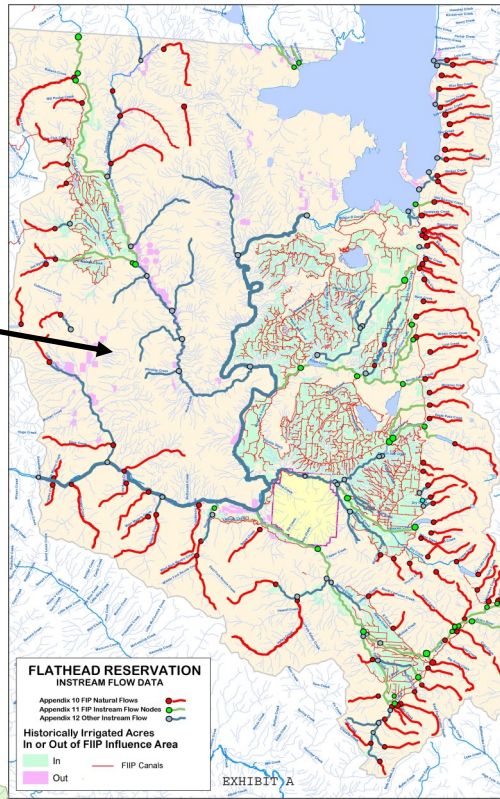
RESERVATION / TRIBE	STATE	Acre Feet / Yr
Las Vegas Paiute	NV	2,000
Nez Perce (Settled Litigation)	ID	50,000
Northern Cheyenne	MT	91,330
Northern Ute	UT	481,000
Pyramid Lake Paiute	NV	520,000
Rocky Boy	MT	20,000
Salt River Pima Maricopa	AZ	122,400
San Carlos Apache	AZ	77,435
Shivwit Paiute	UT	4,000
Tohono O'Odham	AZ	66,000
Warm Springs	OR	325,800
White Mtn Apache	AZ	99,000
Wind River (Litigation)	WY	490,000

Total All Other Tribes Combined **7,065,720**
Flathead Water Compact (Proposed) **** 27,744,657**

Sources: Negotiating Tribal Water Rights, Colby, Thorson, Britton, 2005; Arizona Water Atlas; Settlements Approved by Congress 2011 (www.westgov.org); 2015 CSKT Water Compact Abstracts

Notes * Indian Federal Reserved Rights Quantification determined through litigation or negotiation
 ** Flathead partial Quantification was determined using (Appendices 5,15 (FIP & Reservoirs), Appendix 9 (Hungry Horse only), Appendix 18 (Flathead Lake less Kerr), Appendix 25 (Kootenai), and Appendix 27 (Lower Clark Fork) . **Control points for Flathead instream flow claims would preclude the use of between 28 and 48 million acre feet of water for consumptive and non-consumptive uses. The state has not provided a total volume of water as of 03/31/2015.**

**FLATHEAD RESERVATION
INSTREAM
FLOW
CLAIMS**



**MONTANA
CLAIMS
WEST OF THE
CONTINENTAL
DIVIDE
99% FOR
INSTREAM
FLOW,
1% FOR
OTHER USES**

CSKT WATER COMPACT: JUST SAY NO

The Water Compact for the **FLATHEAD INDIAN RESERVATION** consists of 1,500 pages of legal documents and maps making it impossible to understand its adverse impacts and far reaching implications. The legislature intended it to be a negotiation of the Confederated Salish and Kootenai Tribe's Federal Reserved Water Rights within the reservation. This compact goes well beyond that mandate to create a new kind of water right, allowing the tribe to claim vast amounts of water both on and off the reservation throughout western Montana.

The most troublesome aspects of the compact include:

- It cedes vast amounts of state water to the federal government and tribes with time immemorial priority dates giving the federal government control over the waters of western Montana.
- It awards to the tribe control and ownership of all water flowing through, under and over the Flathead Reservation, in spite of the fact that the reservation was opened to settlement in 1909 and 1/2 of the land is privately owned.
- It creates a water right to fulfill a treaty right to take fish.
- It transfers bare legal title to 100% of irrigation project water to the tribe although 90% of the lands served by it are privately owned.
- It awards to one tribe at least 4 times more water than all other tribes in the United States combined.

CSKT COMPACT PARTIAL QUANTIFICATION

Description	Appendix	Priority	Volume (ACF)
Flathead Irrigation Project	5	1855	179,539
Hungry Horse	9	1855	90,000
FIP Storage	15	1855	29,544
Flathead Lake (2,883 elevation)	18	Immemorial	17,575,800
Kootenai Mainstem	25	Immemorial	6,249,774
Lower Clark Fork	27	Immemorial	3,620,000
Total			27,744,657