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JUN 26 2015



U.S. Department of Justice

Environment and Natural Resources Division

DNR.C. [REDACTED]

DWH:lcd
90-6-2-93

REPLY TO:
David W. Harder
U.S. Department of Justice
999 Eighteenth Street
South Terrace, Suite 370
Denver, CO 80202

Telephone: (303) 844-1372
Fax: (303) 844-1350

June 25, 2015

By Federal Express For Delivery on June 26, 2015

John Peterson
Montana Dept. of Natural Resources and Conservation
ATTN: Tim Davis
P.O. Box 201601
1424 9th Avenue
Helena, Montana 59620

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Dear Mr. Peterson:

The United States, the Confederated Salish and Kootenai Tribes ("Tribes"), and the Reserved Water Rights Compact Commission worked cooperatively for many years and with hard work and compromises on all sides were able to negotiate a compact. This year the Montana Legislature approved the compact and the Governor signed the ratification bill (SB 264) in late April. The United States strongly supports the government parties using the settlement path to resolve differences over water rights. We look forward to working with the Tribes and the State to seek ratification of the compact, but as the compact has not yet been ratified by the United States Congress or by the Tribes, the United States is today submitting water right claims in accordance with the state statutory process.

With the expiration of the stay of tribal water rights litigation on July 1, 2013, the United States is required to file its federal Indian reserved water right claims on behalf of the Tribes. 85-2-217, 85-2-702(3), MCA. Pursuant to that statutory dictate, please find attached a portion of the claims the United States files on behalf of the Tribes.¹ Specifically, we attach for filing the following claims on the enclosed DVD: 1,094 off-Reservation instream flow and lake claims, within claim numbers 30074702 – 30076226; 145 on-Reservation instream flow claims, within claim numbers 30076069 – 30076214; and 52 on-Reservation reservoir minimum pool claims, within claim numbers 30076227 – 30076278. The claim forms, and associated map books, are

¹ Additional claims for Reservation consumptive uses will be submitted under separate cover tomorrow.

provided in PDF Portfolio format on the enclosed DVD-ROM disk. (We enclose two identical copies of the disk.)

In off-Reservation instream flow and lake claims, one or more claims are being filed in 54 basins, totaling 1,094 claims. These claims are organized by DNRC drainage basin. Within the folder "OffReservation.zip," there is one claim pdf for each basin that contains all the claims for that basin, and one basin exhibit pdf, containing the associated maps. As an example, for Basin 40A, there are 31 claims contained in the "Basin40A.pdf," and "Basin40A_Exhibits.pdf" contains all the associated maps for the Basin 40A claims.

The 145 on-Reservation instream flow claims are found in the folder "OnReservation.zip." Unlike the off-Reservation instream flow and lake claims, the on-reservation claims have a single portfolio pdf for each individual claim. Each pdf contains the claim and the associated map/exhibit. As an example, the first claim has two pdfs entitled: "76L_30076086.pdf" and "76L_30076086.Exhibits.pdf."

Finally, the 52 irrigation project reservoir minimum pool level claims are found in the folder "OnRes_FIIP_ReservoirMinPool.zip." Similar to the on-Reservation instream flow claims, there is a single portfolio pdf for each claim, but with each claim there are three pdfs. One pdf of each claim group is the claim form and the other two pdfs are the associated tribal claim form and tribal claim exhibits. As an example, the first claim has three pdfs that are entitled: "76F_30076235.pdf," "CSKT_30031776.pdf", and "CSKT_30031776_Exhibits.pdf".

We reiterate the pledge made several months ago to provide DNRC with claim information and attributes that are compatible with its electronic filing system, later this year. Please do not hesitate to contact us with information or database related questions.

In addition to providing an overview of what is being submitted for filing, this cover letter also fulfills the statutory requirement of affirmation by the claimants' representatives that the claims submitted on the attached disc entitled "United States' Instream and Lake Claims" and dated June 25, 2015, are true and correct to the best of their knowledge and belief.

Finally, we have enclosed a copy of this submission letter and a self-addressed, postage pre-paid envelope. We ask that you return the copy of this submission letter after stamping it with the date of the receipt of this group of claims.

If you have any questions, please do not hesitate to contact us at the numbers listed below.



Michael Dammarell
Water Rights Specialist
Northwest Region
Bureau of Indian Affairs
911 N.E. 11th Avenue
Portland, OR 97232-4169
Phone: (503) 231-2269



David W. Harder
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999 18th Street
Denver, CO 80202
Phone: (303) 844-1372

cc:

Duane Mecham
Jennifer Frozena
John Carter

NOTARY SEALS:

for Michael Dammarell only.



Valerie Baxter 6/25/15
Multnomah County, OR

for David W. Harder



Karen T. Miller 6/25/15
Denver County, CO.



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Environment and Natural Resources Division

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June 26, 2015

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JUN 29 2015

DNRC [REDACTED]

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John Peterson
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ATTN: Tim Davis
P.O. Box 201601
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Dear Mr. Peterson:

The United States, the Confederated Salish and Kootenai Tribes ("Tribes"), and the Reserved Water Rights Compact Commission worked cooperatively for many years, and as a result of hard work and compromises by all sides, were able to negotiate a compact. This year the Montana Legislature approved the compact and the Governor signed the ratification bill (SB 264) in late April. The United States strongly supports the government parties using the settlement path to resolve differences over water rights. We look forward to working with the Tribes and the State to seek ratification of the compact, but as the compact has not yet been ratified by the United States Congress or by the Tribes, the United States is today submitting water right claims in accordance with the state statutory process.

With the expiration of the stay of tribal water rights litigation on July 1, 2013, the United States is required to file its federal Indian reserved water right claims on behalf of the Tribes. 85-2-217, 85-2-702(3), MCA. Pursuant to that statutory requirement, please find attached a portion of the claims the United States files on behalf of the Tribes. These claims are for actual uses and future uses on tribal and trust land on the Flathead Reservation. They are in addition to the on-Reservation and off-Reservation instream flow and lake claims submitted on June 25.

The claim forms, and associated map books, are provided in PDF format on the enclosed DVD-ROM. (We enclose two identical copies of the disk.) The location, format, and specific content of the various claim types on the DVD is provided in the attached table.

We reiterate the pledge made several months ago to provide DNRC with claim information and attributes that are compatible with its electronic filing system, later this year. Please do not hesitate to contact us with information or database related questions.

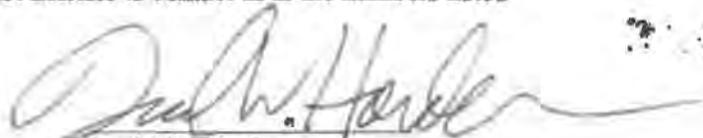
In addition to providing an overview of what is being submitted for filing, this cover letter also fulfills the statutory requirement of affirmation by the claimants' representatives that the claims submitted on the attached disc entitled "United States' Commercial, Domestic, Industrial, Irrigation, Lake, Municipal, Power, Springs, Stockwater, Wells, and Wetlands Claims" and dated June 26, 2015, are true and correct to the best of their knowledge and belief.

Finally, we have enclosed a copy of this submission letter and a self-addressed, postage pre-paid envelope. We ask that you return the copy of this submission letter after stamping it with the date of the receipt of this group of claims.

If you have any questions, please do not hesitate to contact us at the numbers listed below.



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cc:
Duane Mechem
Jennifer Frozena
John Carter

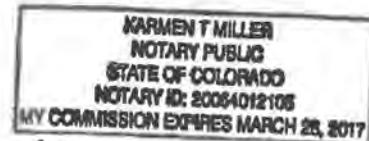
NOTARY SEALS:

for Michael Dammarell only



Valerie Baxter 6/26/2015
Multnomah County, OR

for David W. Harder



Karmen T. Miller 6/26/15
Denver County, CO

DVD Content Table for the United States' Commercial, Domestic, Industrial, Irrigation, Lake, Municipal, Power, Springs, Stockwater, Wells, and Wetlands Claims					
Basins	Folder/Claim Type	No. of Claims	Claim No. Range	USE	PDF Format on DVD
76L, 76LJ	DCMI	4	30082519 - 30082522	actual	One PDF per claim form and single exhibit PDF for all claims
76L, 76LJ	Future Use - DCMI	4	30082458 - 30082461	future	One PDF per claim form
76L, 76LJ	Future Use-IRRIGATION	4	30082454 - 30082457	future	One PDF per claim form
76L, 76LJ	Future Use-IRRIGATION RESERVOIR	14	30082462 - 30082475	future	Single PDF containing all claim forms
76L, 76LJ	Future Use- LARGE INDUSTRIAL	4	30082450 - 30082453	future	One PDF per claim form
76L, 76LJ	Future Use - POWER GENERATION	26	30082476 - 30082501	future	Single PDF per Basin containing all claim forms
76L, 76LJ	HIGH MOUNTAIN LAKES	180	30079070 - 30079249	actual	Single PDF containing all claim forms and three exhibit PDFs: Map Index Figure, NAIP Mapbook, and TOPO Mapbook
76L, 76LJ	IRRIGATION (FIIP)	1269	30079254 - 30080522	actual	Single PDF containing all claim forms and three exhibit PDFs: Map Index Figure, NAIP Mapbook, and TOPO Mapbook
76L, 76LJ	IRRIGATION (HIA)	835	30076502 - 30077336	actual	Single PDF containing all claim forms and three exhibit PDFs: Map Index Figure, NAIP Mapbook, and TOPO Mapbook
76L, 76LJ	IRRIGATION RESERVOIRS	19	30077337 - 30077355	actual	Two PDFs containing all Irrigation Reservoir and all FIIP Irrigation Reservoir Claim forms and three exhibit PDFs: Map Index Figure, NAIP Mapbook, and TOPO Mapbook
76L, 76LJ	POWER GENERATION	4	30079250 - 30079253	actual	One PDF per claim form and three exhibit PDFs: Map Index Figure, NAIP Mapbook, and TOPO Mapbook
76L, 76LJ	SPRINGS	238	30078832 - 30079069	actual	Single PDF per Basin containing all claim forms and five exhibit PDFs: (1) Map Index Figure for both Basins 76L and 76LJ, (2) NAIP Mapbooks for Basins 76L and 76LJ, and (2) TOPO Mapbooks for Basins 76L and 76LJ
76L, 76LJ	STOCKWATER	388	30077356 - 30077743	actual	Single PDF per Basin containing all claim forms and five exhibit PDFs: (1) Map Index Figure for both Basins 76L and 76LJ, (2) NAIP Mapbooks for Basins 76L and 76LJ, and (2) TOPO Mapbooks for Basins 76L and 76LJ
76L, 76LJ	WELLS	1927	30080523 - 30082449	actual	One PDF per claim form and five exhibit PDFs: (1) Map Index Figure for both Basins 76L and 76LJ, (2) NAIP Mapbooks for Basins 76L and 76LJ, and (2) TOPO Mapbooks for Basins 76L and 76LJ
76L, 76LJ	WETLANDS	1088	30077744 - 30078831	actual	One PDF per claim form and five exhibit PDFs: (1) Map Index Figure for both Basins 76L and 76LJ, (2) NAIP Mapbooks for Basins 76L and 76LJ, and (2) TOPO Mapbooks for Basins 76L and 76LJ
	Total	8004			