

Montana Federal Reserved Water Rights Compact Summary

Agency	Compact Name	Compact Information (provided by DNRC)	State Ratification		Federal Ratification		
			Ratified	Statute	Bill #	Ratified	Statute
BIA	Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation	The compact contains a provision for water marketing by the Tribes, making federal legislation necessary. Federal legislation has not been passed. The Water Court approved this compact. Approved by DOI in June 1985	May 1985	85-20-201	Federal legislation for water marketing provisions of the compact never ratified		
BIA	Northern Cheyenne Tribe	The compact required the federal government and the State of Montana to contribute funds to repair and enlarge the unsafe Tongue River Dam; this has been completed. Congress and the Water Court approved this compact.	May 1991	85-20-301	S. 1607 Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992	September 1992	Public Law 102-374
DOI	National Park Service, Yellowstone and Glacier Parks, Big Hole Battlefield, Little Bighorn Battlefield, Bighorn Canyon Recreation	The compact includes an article providing a controlled ground water area to protect the hydrothermal system in Yellowstone National Park. The Water Court has approved this compact; it and does not require Congressional approval. Big Horn Battlefield codified with the first compact with the National Park Service (above), the Water Court has approved this compact.	January 1994	85-20-401	Does not require Congressional Approval		
DOI	BLM Bear Trap Canyon / Upper Missouri Wild and Scenic River	The compact settles the instream flow rights for two river segments; on the Upper Missouri the Madison River. The Water Court approved this compact	March 1997	85-20-501	Does not require Congressional Approval		
BIA	Chippewa Cree Tribe of the Rocky Boy's Indian Reservation	The compact allocates 10,000 acre-feet per year to the tribe from Tiber Reservoir. Congress and the Water Court have approved this compact	April 1997	85-20-601	S. 438 Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1999	December 1997	Public Law 106-163
DOI	USFWS Benton Lake and Black Coulee	The compact settles the reserved water rights for two of the six national wildlife refuges claiming such rights in Montana. It has been approved by the FWS & U.S. Department of Justice, and the Water Court.	March 1997	85-20-701	Approved by FWS and USDOJ - Congressional approval not required.		
DOI	USFWS Red Rock Lakes National Wildlife Refuge (NWR)	Another of the six wildlife refuges claiming reserved water rights in Montana, the Red Rock Lakes settlement has been approved by the appropriate federal agencies and by the Water Court.	April 1999	85-20-801	Does not require Congressional Approval		
BIA	Crow Indian Reservation	A compact between the Crow Tribe, the United States, and the state passed the Legislature in 1999 and was ratified by Congress in 2010. The Crow Tribe approved the compact by referendum in 2011. The compact allocates 500,000 acre- feet per year of the natural flow of the Bighorn River to the tribe. The U.S. Bureau of Reclamation will allocate 300,000 acre-feet per year of storage in Bighorn Lake to the tribe. The state paid \$15 million in exchange for the tribe's dismissal of a coal severance tax lawsuit and for the state's portion of cost-share for the water settlement. A management plan for Bighorn River and Bighorn Lake was finalized in 2000.	June 1999 Special Session	85-20-901	H.R. 4783 Claims Resolution Act of 2010 - ratified also with the White Mountain Apache Settlement	December 2010	Public Law No: 111-291
BIA	Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Reservation	The compact allocates 645 cubic feet per second from the Milk River to the tribes, limited by the U.S. share of the natural flow of the Milk River and the tribal capacity to develop the water. When uses upstream of the reservation interfere with the tribal water right, the tribes will obtain water from the federal Milk River Project.	April 2001	85-20-1001	S. 1987 Fort Belknap Indian Community Water Rights Settlement Act of 2023	Not Yet Ratified by Congress and the Tribes	

Montana Federal Reserved Water Rights Compact Summary

Agency	Compact Name	Compact Information (provided by DNRC)	State Ratification		Federal Ratification		
			Ratified	Statute	Bill #	Ratified	Statute
USDA	USDA Fort Keogh Livestock and Range Research Station	The compact settles the administrative, irrigation, stock, and emergency fire suppression water rights for Fort Keogh near Miles City. It includes reserved rights to Fort Keogh's current irrigation use from the Yellowstone River, some future irrigation use, and a small amount of current use from a tributary of the Tongue River. The Water Court approved this compact.	March 2007	85-20-1101	Does not require Congressional Approval		
USDA	USDA Sheep Experiment Station	The compact settles the stockwater, domestic, irrigation, storage, dust abatement, reclamation, research, emergency fire suppression, and other water rights for the small portion of the Sheep Experiment Station located southeast of Dillon. The Water Court approved this compact.	March 2007	85-20-1201	Does not require Congressional Approval		
DOI	USFWS Bowdoin National Wildlife Refuge	The compact settles the reserved rights for uses including administrative, wildlife habitat maintenance and enhancement, stockwatering, and other uses. The Water Court approved this compact.	April 2007	85-20-1301	Does not require Congressional Approval		
USDA	USDA Forest Service	In general, the compact recognizes reserved water rights for the Forest Service for administrative and emergency firefighting and for instream flows for the South Fork Flathead Wild and Scenic River. The compact uses state law to create state-based water rights for instream flow on National Forest System lands. The Water Court approved this compact.	April 2007	85-20-1401	Does not require Congressional Approval		
BIA	Blackfeet Tribe	This compact will provide water and economic development for the Blackfeet while protecting the rights of water users locally and downstream on the Milk River. Congress approved this compact in 2016; the tribe approved the compact in 2017. The compact is pending in the Water Court.	April 2009	85-20-1501	S.612 - WIIN Act (Water Infrastructure Improvements for the Nation Act) Ratified as Subtitle G (P187 of 267)	December 2016	Public Law 114-322
DOI	USFWS National Bison Range	This compact quantifies federal reserved water rights for the FWS National Bison Range from springs, seeps, naturally occurring flood flows, and ground water sources arising within the National Bison Range. The Water Court approved this compact.	April 2009	85-20-1601	Does not require Congressional Approval		
DOI	USFWS Charles M. Russell National Wildlife Refuge	This compact quantifies water rights for stock, wildlife, and wildlife habitat. The Department of Interior and Water Court approved this compact.	April 2013	85-20-1701	Congressional approval not required.		
DOI	BLM Upper Missouri River Breaks National Monument	Includes instream rights for the Judith River and Arrow Creek; new appropriations for those two waterways must observe minimum flow requirements. The Dept. of Interior and Water Court approved this compact.	April 2013	85-20-1801	Congressional approval not required.		
BIA	Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation	This compact creates a unitary management board to govern use of state- and tribal-based rights on the reservation. The compact plans to improve the Flathead Indian Irrigation Project; project water rights are part of the tribal water right. The compact includes millions of gallons of water from Hungry Horse Reservoir for future on- and off reservation development. The compact grants the tribe 22 off-reservation water rights, mostly co-owned with the state of Montana. The DOI and tribes have approved this compact. The Water Court must approve this compact.	April 2015	85-20-1901 85-20-1902	H.R.133 - Consolidated Appropriations Act 2021 (Subtitle DD) Page 1829	December 2020	Public Law No: 116-260.