

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

RESERVATION / TRIBE	STATE	ACF / Yr	Fed \$ (Millions)
Aamont (Pueblos)	NM	6,467	\$174.3
Ak Chin	AZ	85,000	\$101.1
Blackfeet	MT	50,000	\$420.0
Colorado River (5) (Litigation)	AZ	783,134	Not Avail
Colorado Ute	CO	70,000	\$49.5
Crow	MT	697,000	\$461.0
Fallon Paiute	NV	10,588	\$43.0
<b>Flathead (Government Compact)</b>	<b>MT</b>	<b>** 27,744,657</b>	<b>\$2.335.0</b>
<b>Flathead (People's Compact)</b>	<b>MT</b>	<b>508,000</b>	<b>\$600-\$775</b>
Fort Belknap (U.S has not Ratified)	MT	500,000	\$547.0
Fort Hall	ID	581,331	\$22.0
Fort McDowell	AZ	36,350	\$23.0
Fort Peck (U.S. has not ratified)	MT	1,052,472	\$0.0
Gila River ***	AZ	653,500	\$2,328.3
Jicarilla Apache	NM	40,000	\$6.0
Navaho Nation	NM	535,330	\$984.1
Nez Perce (Settled Litigation)	ID	50,000	\$121.3
Northern Cheyenne	MT	83,830	\$73.0

RESERVATION / TRIBE	STATE	ACF/ Yr	Fed \$ (Millions)
Northern Ute	CA	481,035	\$198.5
Pechanga Mission Indians	CA	4,994	\$28.5
Pyramid Lake Paiute	NV	0	\$65.0
Rocky Boy	MT	20,000	\$46.0
Salt River Pima Maricopa	AZ	122,400	\$47.5
San Carlos Apache	AZ	67,965	\$41.4
San Luis Rey	CA	0	\$30.0
Shivwit Paiute	UT	4,000	\$24.0
Shoshone Paiute	ID/NV	114,082	\$60.0
Taos Pueblo	NM	9,628	\$124.0
Tohono O'Odham	AZ	66,000	\$39.8
Soboba Luiseno Indians	CA	9,000	\$21.0
Warm Springs (Litigation)	OR	325,800	Not Avail
White Mtn Apache	AZ	99,000	\$327.2
Wind River (Litigation)	WY	510,000	Not Avail
Yavapai Prescott	AZ	1,550	\$.2
Zuni	AZ	10.600	\$19.3

**GOVERNMENT COMPACT:** CSKT claim is 4 times more water than all other tribes combined and 145 times more water than the average for all other tribes. **Control points for Flathead claims would preclude the use of between 28 and 48 million acf of water for consumptive and non-consumptive uses. Montana has not provided a total volume of water as of November, 2018.**

**THE PEOPLE'S COMPACT:** does a proper quantification of federal reserved water rights for the CSKT, and includes no off reservation claims. Its settlement provisions bring both the volume of water and settlement funds in line with other tribes throughout the United States who have settled their water claims.

**Data 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, Jon Tester SB 3013 and 11/27/2017 Congressional Research Svc Report, Indian Water Rights Settlements by Charles V. Stern, People's Compact i

**NOTES:** \* Indian Federal Reserved Rights Quantification determined through litigation or negotiation  
 \*\* Flathead **PARTIAL QUANTIFICATION** 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).  
 \*\*\* Gila River expenses were estimated to be \$445 million at settlement. This figure is amount to be made available thru FY2046

# 2018 COMPARISON OF MONTANA INDIAN RESERVATION WATER COMPACTS

## with CSKT Partial Quantification

	RESERVATION							
	Blackfeet	Crow	Flathead Gov't Compact	Flathead People's Compact	Fort Belknap	Fort Peck	N Cheyenne	Rocky Boy
<b>Population within Reservation Boundaries</b>	Source: 2010 US Census of Housing and Population CPH-1-28							
Tribal	8,944	5,322	7,042	7,042	2,704	6,714	4,406	3,221
Non-Tribal	1,461	1,541	21,317	21,317	147	3,294	383	102
<b>Total Population</b>	<b>10,405</b>	<b>6,863</b>	<b>28,359</b>	<b>28,359</b>	<b>2,851</b>	<b>10,008</b>	<b>4,789</b>	<b>3,323</b>
<b>Land w/in Reservation Boundaries (Acres)</b>	Source: Indian Education for All—MT Office of Public Instruction 2009							
Tribal Trust	311,175	404,172	653,214	653,214	210,954	413,020	326,547	122,259
Tribal Allotments	701,816	1,166,406	58,729	58,729	406,533	516,092	113,277	0
Other (State/Federal/Private)	512,721	894,336	531,057	531,057	28,089	1,164,012	4,951	0
<b>Total Land</b>	<b>1,525,712</b>	<b>2,464,914</b>	<b>1,243,000</b>	<b>1,243,000</b>	<b>645,576</b>	<b>2,093,124</b>	<b>444,775</b>	<b>122,259</b>
<b>Reserved Water Right Award (Acre Feet)</b>								
On Reservation	50,000	697,000	8,996,983	508,000	500,000	1,052,472	83,830	20,000
Off Reservation	0	0	18,747,674	0	0	0	0	0
<b>Total</b> (Data Source: See Items 1, 2, 4 below)	<b>(1) 50,000</b>	<b>(1) 697,000</b>	<b>(2) 27,744,657</b>	<b>(4) 508,000</b>	<b>(1) 500,000</b>	<b>(1) 1,052,472</b>	<b>(1) 83,830</b>	<b>(1) 20,000</b>
<b>Compact Details</b>								
Federal Settlement Money (Millions)	\$420.0	\$461.0	\$2335.0	\$600-\$775	(3) \$547.0	\$0.0	\$73.0	\$46.0
State Settlement Money (Millions)	\$49.0	\$15.0	\$55.0	\$0.0	\$17.5	Unknown	\$21.8	\$.55
On Reservation Water Rights Administration	Dual	Dual	Tribe/UMO	Dual	Dual	Dual	Dual	Dual
Off Reservation Aboriginal Treaty Rights	No	No	Yes	No	No	No	No	No
Relinquish Irrigation Water Rights to Tribe	No	No	Yes	No	No	No	No	No
Ratified Montana Legislature / U.S. Senate	2009 / 2016	1999 / 2010	2015 / No	No/ No	2001 / No	1985 / No	1991 / 1992	1997 / 1999
<b>Statistics:</b>								
Acre Feet / Tribally Owned Acre	0.05	0.44	38.97	.71	0.81	1.13	0.19	0.16
Acre Feet / Tribal Member	5.59	130.97	3,939.88	72.13	184.91	156.76	19.02	6.21

- (1) Negotiating Tribal Water Rights: Fulfilling Promises In The Arid West, By Bonnie G. Colby, John E. Thorson, Sarah Britton and Congressional Research Svc Report Dated 11/27/2017 by Charles V. Stern
- (2) Flathead Reservation based upon Concerned Citizens of Western Montana analysis of the 01/12/15 compact documents on the DNRC website. This is a partial quantification of the amount of water awarded to the CSKT in the compact. Note: as of August 2018 the commission has not provided quantification numbers for CSKT compact. Legislators voted on the compact without being provided with the volumes of water awarded. Volumes differ from the 2013 version of this chart because the CSKT numbers represent on the updated version include only a **PARTIAL QUANTIFICATION**.
- (3) Fort Belknap federal settlement amount per S1394, submitted by Jon Tester in 2013, rest of state figures come from testimony of Jay Weiner to Congress 05/20/2015
- (4) The People's Compact introduced November 2018