

# The Flathead Water Compact Ratified by the Montana Legislature is not a federal reserved water rights settlement

Compact Appendix	# of Claims	Priority Date	Purpose	On FIR?	Acre Feet of Water			
					Tribal Reserved	Federal Reserved	Other	Total
05 FIIP WUA	3	07/16/1855	Irrigation	Y			179,539	179,539
09 Flathead System Compact Water	1	07/16/1855	Any Purpose	On / Off	229,383			229,383
10 FIP Natural Instream Flow	102	Time Immemorial	Fish and Wildlife	Y	747,780			747,780
11 FIP Instream Flow	33	Time Immemorial	Fish and Wildlife	Y	1,330,557			1,330,557
12 Other Instream Flow	59	Time Immemorial	Fish and Wildlife	Y	8,210,815			8,210,815
15 Minimum Reservoir Pool	2	07/16/1855	Fish and Wildlife	Y	29,583			29,583
18 Flathead Lake	1	Time Immemorial	Fish and Wildlife	On / Off	18,792,800			18,792,800
19 Boulder Creek	1	07/16/1855	Power Generation	Y			5,792	5,792
20 Hellroaring Creek	1	07/16/1855	Power Generation	Y			4,344	4,344
24 FWS Co-Owned	3	Various	Recreation	Y	3,964			3,964
25 Kootenai Mainstem	1	Time Immemorial	Fish and Wildlife	N	6,249,774			6,249,774
26 Swan River	1	Time Immemorial	Fish and Wildlife	N	506,943			506,943
27 Lower Clark Fork Basin	1	Time Immemorial	Fish and Wildlife	N	3,620,000			3,620,000
28 FWP Co-Owned Decreed	36	Various	Fish and Wildlife	N	3,002,010			3,002,010
29 FWP Co-Owned not Decreed	47	Various	Fish and Wildlife	N	11,081,315			11,081,315
30 Milltown	2	Various	Fish and Wildlife	N	1,036,074			1,036,074
32 Painted Rocks	1	Contract	Fish and Wildlife	N	10,000			10,000
33 West Fork Bitterroot	1	Contract	Fish and Wildlife	N	32,000			32,000
33 Lake Como	1	Contract	Fish and Wildlife	N	3,037			3,037
34 Placid Creek	1	Time Immemorial	Fish and Wildlife	N	7,240			7,240
35 Kootenai Basin	4	Time Immemorial	Fish and Wildlife	N	320,213			320,213
<b>Total Acre Feet of Water Precluded from Use</b>	<b>302</b>				<b>55,213,488</b>	<b>0</b>	<b>189,675</b>	<b>55,403,163</b>
<b>% of Total</b>					<b>99.7%</b>	<b>0.0%</b>	<b>0.3%</b>	<b>100.0%</b>

Summary of Water Claims by Purpose		Tribal	Federal	Other	Total
Irrigation	<b>Note 1</b>	0	0	179,539	179,539
Any Purpose	<b>Note 2</b>	229,383	0	0	229,383
Power Generation		0	0	10,136	10,136
Recreation		3,964	0	0	3,964
Fish and Wildlife		54,980,141	0	0	54,980,141
<b>Total Volume of Water Precluded from Use</b>	<b>Note 3</b>	<b>55,213,488</b>	<b>0</b>	<b>189,675</b>	<b>55,403,163</b>

**Data Source:** Flathead Water Compact Documents dated January 12, 2015

**Note 1** The Compact awards bare legal title to 100% of Flathead Irrigation Project Water to the tribe. This appendix is only to document a small set aside of water for irrigators on the project, making them **Users of the Tribal Water Right**. This is not a federal reserved water right.

**Note 2** In the compact, Montana gave to the US/CSKT 100,000 acre feet of Hungry Horse reservoir water that was intended for future growth and development of the Kalispell area. While the water rights abstract specifies the water can be for any use, the abstract indicates that the water will be leased both on and off the reservation.

**Note 3** As of 01/22/2023 the compacting parties have not provided the public with a quantification of the water rights incorporated into the Flathead Compact. The figures noted above reflect the volume of water that is recorded on the water rights abstracts within the appendices to the compact. These volumes of water, coupled in most instances with a time immemorial property date will serve to preclude the use of this volume of water by all other water users.