

**SUMMARY DESCRIPTION OF RESERVED WATER RIGHTS
IN THE
UNITED STATES FISH AND WILDLIFE SERVICE
BOWDOIN NATIONAL WILDLIFE REFUGE - MONTANA COMPACT**

The United States Fish and Wildlife Service Bowdoin National Wildlife Refuge -Montana Compact (Compact) recognizes federal reserved rights for the Bowdoin National Wildlife Refuge located in Water Court Basin 40M near Malta, Montana for existing and future wildlife water and administrative uses and emergency fire suppression. The Compact, the associated Memorandum of Understanding and the abstracts for each current and future wildlife water use may also be reviewed on the Montana Department of Natural Resource and Conservation website at <http://dnrc.mt.gov/rwrcc>.

The Compact quantifies federal reserved water rights for the Bowdoin National Wildlife Refuge from springs, seeps, naturally-occurring surface flows and groundwater sources arising inside the boundaries of the Bowdoin National Wildlife Refuge for:

Subject to the subordination requirement, the Compact recognizes FWS federal reserved water rights for:

- 24,714 acre-feet per year from Beaver Creek;
- Surface flows in Basin 40M that drain naturally into the Refuge;
- 5300 acre-feet per year of deep ground water extracted from wells located on the Refuge that must be drilled into geologic formations dating to the Jurassic Period or older
- 223 acre-feet per year of ground water extracted from any source from wells located on the Refuge. This includes 2.7 acre feet per year of existing groundwater use from springs or wells on the Refuge for wildlife purposes, 7.35 acre feet per year of existing groundwater use from wells on the Refuge for administrative purposes, and the remaining 212.95 AF for future uses.

Before FWS can develop its deep ground water right, it must go through the State permitting process and demonstrate, among other things, that its use of deep ground water will have no adverse impact on any existing user and that the ground water is of sufficient quality to help rather than hurt the Refuge

The priority date for these rights shall be November 12, 1940. FWS water rights are subordinated to all existing users and to all future small domestic and stock users (no large future uses can exist, as Basin 40M was closed by the Montana legislature to the issuance of new water rights permits as part of the approval of the Ft. Belknap-Montana water rights compact)

Exercise of the rights quantified in the Compact is also conditioned on a Memorandum of Understanding (MOU) that was negotiated between the FWS and the State of Montana and approved in early 2013 and that sets conditions on the use of the FWS' compact rights so as to ensure that the rights cannot be used to worsen the Refuge's salt problems

Nothing in this Compact gives the FWS any federal reserved right to water in the Milk River or any Milk River Project water

Nothing in this Compact concerns the management of the Bowdoin National Wildlife Refuge. The Compact addresses only the federal reserved water rights that Bowdoin National Wildlife Refuge managers will have at their disposal