

**AMENDMENT TO
AGREEMENT BETWEEN
THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION
AND
THE STATE OF MONTANA
REGARDING BIRCH CREEK WATER USE**

This AMENDMENT to the AGREEMENT BETWEEN THE BLACKFEET TRIBE OF THE BLACKFEET INDIAN RESERVATION AND THE STATE OF MONTANA REGARDING BIRCH CREEK WATER USE (hereinafter "Agreement"), is made and entered into by and between the Blackfeet Tribe of the Blackfeet Indian Reservation and the State of Montana (hereinafter the "Parties") on the 13th day of February, 2009.

WITNESSETH:

WHEREAS, the Parties entered into the Agreement in order to set out the terms and conditions under which full implementation of the Blackfeet Tribe's Birch Creek water right under the Compact will occur.

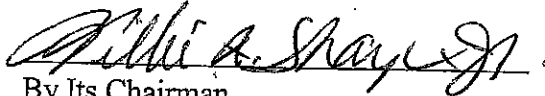
WHEREAS, the Parties now wish to amend the Agreement in order to address certain concerns raised by the Pondera County Canal and Reservoir Company.

NOW THEREFORE, the Parties amend the Agreement as follows [to add a new paragraph 22]:

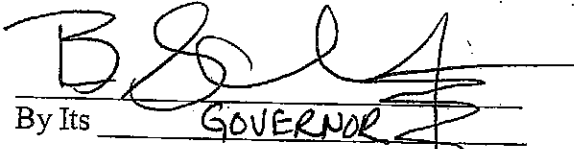
The Parties agree that, as a result of development and use of the Tribal Water Right described in Section C.1. of Article III of the Compact, the water supply of the Pondera County Canal and Reservoir Company (hereinafter referred to as "PCCRC") and its water users will, at times, be adversely affected if no mitigation of impacts is provided. The Parties agree the Four Horns Project, as described in paragraph 3 of this Agreement, can mitigate these impacts to PCCRC and its water users provided that such water is delivered to PCCRC's water delivery system. The Parties agree that such a mitigation measure will be included in any federal legislation which ratifies this Compact as provided for in paragraph 3 of this Agreement. The Parties further agree that additional funding may be required to mitigate the impacts of development of the Tribal Water Right described in Section C.1. of Article III of the Compact on PCCRC and its water users after the expiration of the term of this Agreement, and the parties would support federal funding for this purpose.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment of the date indicated.

**BLACKFEET TRIBE OF THE BLACKFEET
INDIAN RESERVATION, MONTANA**


By Its Chairman

STATE OF MONTANA


By Its GOVERNOR
2/13/2009 