

**USFWS Red Rock Lakes NWR – Montana Compact
Summary
85-20-801, MCA**

FWS Settlement Water Right

Consumptive use:

- * The FWS water rights for consumptive use are listed in a table in article II.A.1. of the Compact. The consumptive uses represent existing conditions with minor increases for possible future increases in visitation and irrigation.
- * The priority date of the consumptive use water rights is subordinate to all upstream state-based water rights with a priority date before final approval of the Compact, and all subsequent upstream state-based water rights that are exempt from the basin closure listed below.
- * The FWS must comply with state law procedures for application for change in water right, prior to altering the use of a consumptive use water right.

Natural Flow in stream within Red Rock Lakes National Wildlife Refuge:

- * The FWS water rights for natural flow in streams within the Red Rock Lakes National Wildlife Refuge is the remaining flow after satisfaction of all upstream state-based water rights with a priority date before final approval of the Compact, and all subsequent upstream state-based water rights that are exempt from the basin closure listed below.
- * The FWS water right for natural flow must remain in the stream and may not be diverted, transferred, or changed to any other use.
- * The natural flow water right has no impact on existing and future water rights downstream from the Refuge.

Minimum Flow:

- * In addition to the natural flow, a minimum flow is established on three creeks at the point they enter the Refuge:
- * Red Rock Creek: 15 cubic feet per second (cfs)
- * Tom Creek: 1.4 cfs
- * Odell Creek: 11 cfs
- * The water right for minimum flow is subordinate to all upstream state-based water rights for domestic and instream stockwatering purposes (including stock tanks installed to replace instream stockwatering).
- * The water right for minimum flow is not subordinate to any other state-based water rights, thus the FWS may assert priority over junior upstream water rights to satisfy the minimum flow.
- * Stream flow on the three creeks rarely drops to the minimum. These low flows are most likely to occur in late summer of very dry years.
- * Most water users upstream from the Refuge on the three creeks have agreed to enter cooperative agreements with the FWS that will allow their needs to be met during periods where streamflow is below the minimum.

Basin Closure

The basin upstream from the Refuge will be closed to new permits for water use with the following exceptions:

- * Groundwater wells of developed springs of 35 gallons per minute or less with a maximum appropriation of 10 acre-feet per year.
- * Larger groundwater wells that appropriate water that is not connected to surface water.
- * Stock impoundments of less than 15 acre-foot capacity with an appropriation of less than 30 acre-feet per year.
- * Non-consumptive uses.
- * Temporary emergency appropriations.