

**U.S. Fish & Wildlife Service, Charles M. Russel National Wildlife Refuge – Montana
Water Rights Compact
Summary**

The key provisions of this compact include:

1. **Protection of all existing water rights arising under State law** with a priority date earlier than the Effective Date of the compact. All state-based rights with a priority date prior to the Effective Date of the compact are effectively senior in priority to any rights granted to the USFWS under this compact.
2. **Continued Exception to permitting for domestic wells and stock ponds** that are excepted from permitting under § 85-2-306, MCA. Uses less than the current exception limits will not be subject to call by the Reserved Right, including those with a priority date after the Effective Date of the compact.
3. **Water Right.** In settlement of the Refuge's federal reserved water right, the following rights will be recognized:
 - a. A quantified right of ½ or 1 cfs in 68 named streams draining onto the refuge for instream use to benefit stock, wildlife, and wildlife habitat. The place of use is from the point where the Refuge boundary crosses each named stream to its confluence with Ft. Peck Lake or the Missouri River. The period of use is March 1 to June 30.
 - b. A minimum instream flow right of 70 cfs in the Musselshell River measured where the mainstem river enters USFWS owned land within the Refuge. The place of use is from the point where the mainstem river channel enters USFWS land on the refuge to its confluence with Fort Peck Lake. The period of use is from March 1 to June 30. This right shall run coextensively with and junior to the Montana Fish, Wildlife & Parks right for the same source and flow rate. This right will be enforceable when the flow on the Musselshell falls below 70 cfs for 5 consecutive days.
 - c. Filed rights to wells, ponds, and developed springs. The claims that are consistent with the purposes for which the Refuge was established will be incorporated into the Reserved Right and withdrawn from the adjudication.
4. **Conditions applied to compacts.** On streams with a quantified right, the DNRC may issue new permits subject to the Reserved Right. On the stream reaches identified in Appendix 5 on the map titled "Article IV.C. Protected Reaches for On-Stream Impoundment Limitations," no new on-stream impoundments may be constructed after the Effective Date of this compact, with the following exceptions:
 - a. On-stream impoundments less than 15 AF capacity allowed;
 - b. On-stream diversion works to serve off-stream impoundment 15 AF or larger allowed;
 - c. On-stream impoundments 15 AF or larger allowed upstream of restricted reach;
 - d. On-stream impoundments 15 AF or larger allowed on tributaries of restricted reach.