

SUMMARY DESCRIPTION OF WATER RIGHT

YELLOWSTONE NATIONAL PARK (BASINS 41F, 41H AND 43B)

For purposes of notice in accordance with Mont. Code Ann. § 85-2-232, the following is a summary description of the National Park Service water right for Yellowstone National Park recognized in the National Park Service-Montana Compact. This description is only a summary of the water right. The complete National Park Service water right is set forth in the Compact and any question as to its specific nature or extent, or its effect on any other right, must be resolved by reference to the Compact.

1. Consumptive uses:

- (a) Source or sources of water included in the right: Surface or groundwater within the Montana portion of Yellowstone National Park ["YNP"];
- (b) Quantity of water included in the right: See table below:

Place of Use	Total Volume (ac-ft)	Maximum Flow Rate (gpm)
<u>Yellowstone River Basin</u>		
North Entrance	1.70	35
Stephens Creek facilities	12.00	50
TW facilities (Gardiner)	58.70	300
NE Entrance	15.60	50
Backcountry Use	10.70	
Backcountry Patrol Cabins	2.00	15
Day Use Areas	2.40	6
<u>Gallatin River Basin</u>		
NW Entrance Area	15.00	50
Backcountry Use	2.80	
Backcountry Patrol Cabins	0.50	10
Day Use Areas	0.60	6
<u>Madison River Basin</u>		
West Entrance	48.90	200
Backcountry Use	2.80	
Backcountry Patrol Cabins	0.50	10
Day Use Areas	0.70	6
YNP TOTAL	174.90	

- (c) Priority date of right: March 1, 1872;
- (d) Purpose for which the water included in the right is used: Park administrative and domestic uses including: concessions, maintenance sites, visitor centers, lodges, entrance stations, backcountry patrol cabins, day use areas;
- (e) Place of use and description of the land to which the right is appurtenant: Yellowstone National Park;
- (f) Place and means of diversion: Various means of diversion, depending on the particular use.

- (g) Other information necessary to fully define the nature and extent of the right:
Fire Suppression: The NPS may divert and use water for fire suppression as necessary.

2. Instream flow:

- (a) Source or sources of water included in the right: Surface water originating on and flowing through or adjacent to YNP;

- (b) Quantity of water included in the right:

(i) BLACK BEAR CANYON, BLACK BUTTE, BLACKTAIL DEER, COUGAR, DALY, DUCK, FAN, GRAYLING, LANDSLIDE, MOL HERON, PEBBLE, SPECIMEN, STEPHENS, UPPER REESE, and WICKIUP CREEKS, and the GARDNER RIVER: The entire natural flow less any NPS consumptive use rights. This right ends at the point these creeks exit YNP.

(ii) BACON RIND, BUFFALO, COTTONWOOD, COYOTE, HELLROARING, LITTLE COTTONWOOD and SNOWSLIDE CREEKS: The entire natural flow less any consumptive use rights of the United States. This right ends at the point these creeks exit YNP.

(iii) CREVICE, DRY CANYON, SLOUGH and TEPEE CREEKS: The entire natural flow, (a) less any consumptive use right of the United States, (b) subordinate to all water rights recognized under state law with a priority date before Jan 1, 1993 and all water rights recognized under state law with a priority date after January 1, 1993, up to the limits described in Table 9 of the Compact, provided that the subordination to water rights with a priority date on or after January 1, 1993 does not apply when the level in these creeks drops below the level specified in Table 10 of the Compact.

(iv) SODA BUTTE CREEK: The entire natural flow, (a) less any consumptive use right of the United States, and (b) subordinate to all water rights recognized under state law with a priority date before January 1, 1993 and all water rights recognized under state law with a priority date after January 1, 1993, up to the limits described in Table 11 of the Compact, provided that the subordination to non-domestic and non-municipal water rights does not apply when the level in the creek drops below the level specified in Table 12 of the Compact.

(v) GALLATIN, MADISON and YELLOWSTONE RIVERS: The entire natural flow where the Rivers flow within or form the boundary to YNP, (a) less the consumptive use right of the United States, and (b) subordinate to all water rights recognized under statelaw with a priority date before January 1, 1993, and all water rights recognized under state law with a priority date after January 1, 1993, up to the limits described in Table 13.

(vii) BEAR CREEK: The entire natural flow in the hot springs which contribute to the Yellowstone River located at the mouth of Bear Creek.

(viii) LAKE LEVELS: The NPS has the right to maintain natural lake levels within YNP (a) less NPS consumptive uses and (b) subordinate to water rights recognized under state law.

(c) **Priority date of right:** March 1, 1872, subordinated to pre-1993 water rights and permits and a specified amount of future development;

(d) **Purpose for which the water included in the right is used:** Instream flow;

(e) **Place of use and description of the land to which the right is appurtenant:** See (a), above. The instream flow right is limited to the portion of the stream or river flowing on or adjacent to YNP in Montana;

(f) **Place and means of diversion, if any:** Not applicable;

(g) **Other information necessary to fully define the nature and extent of the right:**

(i) **Impoundments:** After January 1, 1993, no new impoundments will be allowed on the streams listed in (b)(ii), (iii), (iv) and (v), above, upstream of or along the boundary of YNP. Impoundments existing on those rivers and streams as of January 1, 1993 may be repaired or rehabilitated so long as the repairs do not cause the impoundment to exceed its original capacity.

3. Hydrothermal Water

(a) **Source or sources of water included in the right:** Surface and ground water originating on or flowing through or adjacent to YNP.

(b) **Quantity of water included in the right:** Amount necessary to preserve the hydrothermal features within YNP.

(c) **Priority date of right:** March 1, 1872.

(d) **Purpose for which the water included in the right is used:** In-situ use for the hydrothermal system.

(e) **Place of use and description of the land to which the right is appurtenant:** Within the boundaries of YNP.

(f) **Place and means of diversion, if any:** Not applicable.

(g) **Other information necessary to fully define the nature and extent of the right:** The Yellowstone Controlled Ground Water Area is established adjacent to YNP in which restrictions are placed on the development of ground water to protect the hydrothermal system within YNP.

SUMMARY DESCRIPTION OF WATER RIGHT

GLACIER NATIONAL PARK (BASINS 40T, 76I, 76LJ, 40F, 41L, AND 41M)

For purposes of notice in accordance with Mont. Code Ann. § 85-2-232, the following is a summary description of the National Park Service water right for Glacier National Park recognized in the National Park Service-Montana Compact. This description is only a summary of the water right. The complete National Park Service water right is set forth in the Compact and any question as to its specific nature or extent, or its effect on any other right, must be resolved by reference to the Compact.

The water right priority is recognized to be junior to the priority dates of reserved water rights of the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation and the Blackfeet Tribe of the Blackfeet Indian Reservation.

1. Consumptive uses:

- (a) Source or sources of water included in the right: Surface or groundwater within Glacier National Park;
- (b) Quantity of water included in the right: See table below:

Place of Use	Total Volume (ac-ft)	Maximum Flow Rate (gpm)
<u>North Fork Flathead River Basin</u>		
Station, campground	4.7	70
Backcountry Use	1.98	
Backcountry Patrol Cabins	2.06	55
<u>Middle Fork Flathead River Basin</u>		
McDonald Creek areas	246.00	1720
Middle Fork areas	0.70	10
Backcountry Use	2.42	
Backcountry Patrol Cabins	2.06	55
<u>Saint Mary River Basin</u>		
Northern Border areas	2.20	20
Many Glacier areas	166.40	600
Saint Mary areas	128.40	915
Backcountry Use	2.02	
Backcountry Patrol Cabins	1.50	40
<u>Two Medicine River Basin</u>		
Two Medicine areas	6.40	70
Backcountry Use	0.38	
Backcountry Patrol Cabins	0.19	5
<u>Cut Bank River Basin</u>		
Backcountry Use	0.18	
Backcountry Patrol Cabins	0.19	
<u>Milk River Basin</u>		
Backcountry Use	0.02	
GNP TOTAL	567.80	

- (c) Priority date of right: May 11, 1910;
- (d) Purpose for which the water included in the right is used: Park administrative and domestic uses, including: concessions; maintenance sites; ranger stations; campgrounds; entrance stations, backcountry patrol cabins, day use areas and lodges;
- (e) Place of use and description of the land to which the right is appurtenant: Glacier National Park;
- (f) Place and means of diversion: Various means of diversion, depending on the particular use.

2. Instream flow:

- (a) Source or sources of water included in the right: Surface water originating on, and flowing through or adjacent to, Glacier National Park;

- (b) Quantity of water included in the right:

(i) SAGE, SPRUCE, KISHENEHN, STARVATION, KINTLA, RED MEDICINE BOW, AGASSIZ, FORD, PARKE, LONG BOW, AKOKALA, NUMA, POCKET, JEFFERSON, BOWMAN, RAINBOW, CUMMINGS, LOGGING, ANACONDA, MCGEE, CAMAS, FERN, FISH, HOWE, LONGFELLOW, TRAPPER, CONTINENTAL, FLATTOP, KIPP, CATTLE QUEEN, AHERN, MINERAL, ALDER, HAYSTACK, LOGAN, HIDDEN, AVALANCHE, SNYDER, SPRAGUE, WALTON, LINCOLN, THOMPSON, PACIFIC, STIMSON, NYACK, PERIL, PINCHOT, ELK, COAL, MUIR, PARK, DEBRIS, OLE, SHIELDS, AUTUMN, UPPER BEAR, BOUNDARY, OLSON, SOUTH FORK VALENTINE, VALENTINE, KOOTENAI, PASS, CAMP, CLEVELAND, STREET, WHITECROW, REDGAP, LEE, OTATSO, KENNEDY, WINDY, APPEKUNNY, PTARMIGAN, ICEBERG, WILBUR, CATARACT, ALLEN, SWIFTCURRENT, BOULDER, TWO DOG, ROSE, BARING, SIYEH, REYNOLDS, VIRGINIA, MEDICINE OWL, HUDSON BAY, RED EAGLE, ATLANTIC, NORTH FORK CUT BANK, LAKE, DRY FORK, ASTER, PARADISE, APPISTOKI, TWO MEDICINE, FORTYMILE, FORTYONE MILE, MIDVALE, RAILROAD, COONSA, LONG KNIFE, JACKSON, GRINNELL, KAINA, LUNCH, PYRAMID, THUNDERBIRD and UPPER SUMMIT CREEKS and WATERTON, ST. MARY, NORTH FORK BELLY, MOKOWANIS and BELLY RIVERS: The entire natural flow less NPS consumptive use rights.

(ii) APGAR, CANYON, DUTCH, HARRISON, MCDONALD and QUARTZ CREEKS: The entire natural flow, (a) less NPS consumptive use rights, and (b) subordinate to any water rights recognized under state law with a priority date before Jan 1, 1993.

(iii) NORTH FORK and MIDDLE FORK OF THE FLATHEAD RIVER: The entire natural flow, (a) less NPS consumptive use rights, (b) subordinate to all water rights recognized under state law with a priority date before January 1, 1993, and (c)

subordinate to all water rights recognized under state law with a priority date after January 1, 1993, up to the limits described in Table 6 of the Compact.

(iv) **DIVIDE, JULE and WILD CREEKS:** The entire natural flow, (a) less NPS consumptive use rights, and (b) subordinate to all water rights recognized under state law with a priority date before January 1, 1993.

- (c) **Priority date of right:** May 11, 1910, subordinated to pre-1993 water rights and permits and a specified amount of future development;
- (d) **Purpose for which the water included in the right is used:** Instream flow;
- (e) **Place of use and description of the land to which the right is appurtenant:** See (a), above. The instream flow right is limited to the portion of the stream or river flowing on or adjacent to Glacier National Park;
- (f) **Place and means of diversion, if any:** Not applicable;
- (g) **Other information necessary to fully define the nature and extent of the right:**

(i) **Impoundments:** After January 1, 1993, no new impoundments will be allowed on the Middle and North Forks of the Flathead River, Divide Creek, Jule Creek and Wild Creek upstream of or along the boundaries of Glacier National Park. Impoundments existing on those rivers and streams as of January 1, 1993 may be repaired or rehabilitated so long as the repairs do not cause the impoundment to exceed its original capacity.

(ii) **Lakes:** The NPS has the right to maintain natural lake levels within Glacier National Park (a) less NPS consumptive uses and (b) subordinate to water rights recognized under state law with a priority date before January 1, 1993.

(iii) **Fire Suppression:** The NPS may divert and use water for fire suppression as necessary.

SUMMARY DESCRIPTION OF WATER RIGHT

LITTLE BIGHORN BATTLEFIELD NATIONAL MONUMENT (BASIN 430)

For purposes of notice in accordance with Mont. Code Ann. § 85-2-232, the following is a summary description of the National Park Service water right for the Little Bighorn Battlefield National Monument recognized in the National Park Service-Montana Compact. This description is only a summary of the water right. The complete National Park Service water right is set forth in the Compact and any question as to its specific nature or extent, or its effect on any other right, must be resolved by reference to the Compact.

The water right priority is recognized to be junior to the priority dates of reserved water rights of the Crow Tribe of the Crow Indian Reservation.

1. Consumptive uses:

- (a) Source or sources of water included in the right: Groundwater**
- (b) Quantity of water included in the right: 450 gallons per minute up to a maximum volume of 84.9 acre-feet/year;**
- (c) Priority date of the right: December 7, 1886;**
- (d) Purpose for which the water included in the right is used: Cemetery, visitor center, administrative offices, historic buildings, maintenance area and firehouse;**
- (e) Place of use and description of the land to which the right is appurtenant: All lands within the Little Bighorn Battlefield National Monument, Bighorn County, Montana;**
- (f) Place and means of diversion: Groundwater well;**
- (g) Period of use: January 1 through December 31.**

2. Instream flow:

- (a) Source or sources of water included in the right: Little Bighorn River where it forms the western boundary of the Little Bighorn Battlefield National Monument;**
- (b) Quantity of water included in the right: 51 cubic feet per second (cfs) minimum flow on year-round basis and, subject to the conditions set forth in (g), below, 950 cfs for a 15- day period between May 1-June 30.**
- (c) Priority date of right: March 22, 1946, subordinated to rights with a priority date before May 30, 1995;**

- (d) Purpose for which the water included in the right is used: Instream flow;
- (e) Place of use and description of the land to which the right is appurtenant: All lands within the Little Bighorn Battlefield National Monument, Bighorn County, Montana;
- (f) Place and means of diversion, if any: not applicable;
- (g) Other information necessary to fully define the nature and extent of the right: The NPS may divert water for fire suppression at the Recreation Area as needed. The 950 cfs instream flow right is subject to the following conditions:
 - (i) During May or June NPS may request Montana Department of Natural Resources and Conservation (DNRC) to call non-subordinated users (those with permitted rights with a priority date after May 30, 1995) for up to 15 days if the flow drops below 950 cfs;
 - (ii) Call ends after 15 days of 950 cfs flow or June 30, whichever occurs first;
 - (iii) If river will not reach 950 cfs by calling non-subordinated users, there will be no call;
 - (iv) If river stays above 950 cfs during 15 day period, there will be no call;
 - (v) Any days in March or April during which the river runs at 950 cfs flow or more are counted against the 15 day period allowed in May and June;
 - (vi) Call cannot extend to water rights with a priority date before May 30, 1995, all domestic or stockwater wells under 35 gallons per minute and 10 acre-feet per year, all instream stock water uses, and all non-consumptive uses.

SUMMARY DESCRIPTION OF WATER RIGHT

BIGHORN CANYON NATIONAL RECREATION AREA (BASIN 43P)

For purposes of notice in accordance with Mont. Code Ann. § 85-2-232, the following is a summary description of the National Park Service water right for the Bighorn Canyon National Recreation Area recognized in the National Park Service-Montana Compact. This description is only a summary of the water right. The complete National Park Service water right is set forth in the Compact and any question as to its specific nature or extent, or its effect on any other right, must be resolved by reference to the Compact.

This water right is for the Recreation Area only and does not include water rights for water impounded behind Yellowtail Dam. The water right priority is recognized to be junior to the priority dates of reserved water rights of the Crow Tribe of the Crow Indian Reservation. This water right does not include two state-based claims, 43P-W-162354-00 and 43P-W-162348-00, which will continue in the adjudication process.

1. Consumptive uses:

(a) Source or sources of water included in the right: Surface or groundwater within the Recreation Area

(b) Quantity of water included in the right:

Place of Use	Total Volume (ac-ft)	Maximum Flow Rate (gpm)
Fort Smith Visitor Center	17.6	110
Ok-A Beh/Marina	6.9	35
Grapevine Creek Overflow Campground	12.5	110
Barry's Landing, Trail Creek Chain Canyon	29.3	180
Bighorn River Ranch	4.7	35
Layout Creek Ranger Station, Sorenson Ranch	140.4	230
Lockhart Ranch	25.6	110
Hillsboro Site	11.0	230
Stock and Wildlife Watering	3.5	
Total Volume of Use:	<u>251.5 acre-feet</u>	

(c) Priority date of the right: October 15, 1966;

(d) Purpose for which the water included in the right is used: Visitor center, administrative uses, campground, irrigation, maintenance, and stock and wildlife watering;

- (e) Place of use and description of the land to which the right is appurtenant: See (b), above;
- (f) Place and means of diversion: See (b), above.

2. Instream flow:

- (a) Source or sources of water included in the right: Streams and springs on the west side of Bighorn Canyon National Recreation Area, excluding any springs or stream segments on Crow Indian Reservation;
- (b) Quantity of water included in the right:
 - (i) TRAIL CREEK, NORTH and SOUTH FORK TRAIL CREEK: All naturally occurring water less all water rights with a priority date before May 30, 1995. Basin closed to new appropriation under state law except for new domestic or stockwater wells under 35 gallons per minute (gpm) and 10 acre-feet per year (afy), new instream stock water uses, and new non-consumptive uses;
 - (ii) DRY HEAD CREEK, DEADMAN CREEK, DAVIS CREEK and LAYOUT CREEK: same as in (b)(i), except a small amount of water is allocated to new consumptive uses prior to basin closure;
 - (iii) PETE'S CANYON CREEK: one-half the naturally occurring flow; and
 - (iv) TRIBUTARY TO DEADMAN CREEK THAT ORIGINATES AT ANNERER SPRING: 1 gpm;
 - (v) SORENSON SPRING, LOCKHART NO. 1 SPRING, LOCKHART NO. 2 SPRING, HILLSBORO SPRING: All naturally occurring flow.
- (c) Priority date of right: October 15, 1966; Water rights described in (i) are subordinate to rights with a priority date before May 30, 1995. Water rights described in (ii) are subordinate to rights with a priority date before May 30, 1995, and a small amount of new consumptive use;
- (d) Purpose for which the water included in the right is used: Instream flow, stock, wildlife;
- (e) Place of use and description of the land to which the right is appurtenant: See (b), above. The instream flow right is limited to the portion of the stream flowing through or adjacent to the Recreation Area;
- (f) Place and means of diversion, if any: Not applicable;
- (g) Other information necessary to fully define the nature and extent of the right: The NPS may divert water for fire suppression at the Recreation Area as needed.

SUMMARY DESCRIPTION OF WATER RIGHT

BIG HOLE NATIONAL BATTLEFIELD (BASIN 41D)

For purposes of notice in accordance with Mont. Code Ann. § 85-2-232, the following is a summary description of the National Park Service water right for the Big Hole National Battlefield recognized in the National Park Service-Montana Compact. This description is only a summary of the water right. The complete National Park Service water right is set forth in the Compact and any question as to its specific nature or extent, or its effect on any other right, must be resolved by reference to the Compact.

1. Consumptive uses:

- (a) **Source or sources of water included in the right:** Surface or groundwater within the Big Hole National Battlefield;
- (b) **Quantity of water included in the right:** 7.14 acre feet per year, at a rate not to exceed 50 gpm;
- (c) **Priority date of the right:** June 9, 1939
- (d) **Purpose for which the water included in the right is used:** Visitor center, administrative offices, picnic area, maintenance area, residences, and irrigation within the Battlefield;
- (e) **Place of use and description of the land to which the right is appurtenant:** Big Hole National Battlefield;
- (f) **Place and means of diversion:** Big Hole National Battlefield; well.

2. Instream flow:

- (a) **Source or sources of water included in the right:** North Fork of Big Hole River as it flows through or adjacent to the Big Horn National Battlefield;
- (b) **Quantity of water included in the right:**
 - (i) November through March: 10 cubic feet per second (cfs), subordinated to existing water rights with a priority date before January 1, 1993;
 - (ii) April through October: The amount left in the river after all existing consumptive uses with a priority date before January 1, 1993 are satisfied, plus any new consumptive use up to the point where the total current and new use reach the limits in the following table. At that point the basin upstream from the Battlefield will be closed to new permits in that month.

Month	Consumptive Use (cfs)
April	4.85
May	23.85
June	18.70
July	4.05
August	1.75
September	1.35
October	1.50

- (c) **Priority date of right:** October 15, 1966, subordinated to all existing rights with a priority date before January 1, 1993;
- (d) **Purpose for which the water included in the right is used:** Instream flow;
- (e) **Place of use and description of the land to which the right is appurtenant:** The instream flow right is limited to the portion of the North Fork of the Big Hole River flowing through or adjacent to the Battlefield;
- (f) **Place and means of diversion, if any:** Not applicable;
- (g) **Other information necessary to fully define the nature and extent of the right:**
 - (i) Existing rights to divert water from points within the Battlefield for use off the Battlefield are not affected by the compact;
 - (ii) The NPS may divert water from the North Fork of the Big Hole River for fire suppression at the Battlefield as needed.