

SUMMARY DESCRIPTION OF RESERVED WATER RIGHTS IN THE U.S.D.A.-FOREST SERVICE-MONTANA COMPACT

The U.S.D.A.-Forest Service-Montana Compact recognizes reserved water rights for the Forest Service for consumptive uses, for administrative uses and for emergency fire suppression. The Compact also recognizes one instream flow reserved water right for the South Fork of the Flathead Wild and Scenic River. The Compact and the abstracts for each current and future discrete administrative use may also be reviewed on the Department of Natural Resources and Conservation website at www.dnrc.mt.gov/wrd.

Administrative Uses:

- Discrete Administrative Uses - These reserved water rights to divert or withdraw water are to serve present and future administrative sites on National Forest System Lands. These rights typically are for water used at ranger stations, guard stations, and work centers, water for permanent tree nurseries and seed orchards, and water for riding and pack stock used for administrative purposes. These uses are in discrete (site specific) places and the priority date is the creation of the national forest¹. Each Discrete Administrative Use that is currently in place has an Abstract of Water Right. 88% of the 264 current discrete administrative uses have a volume of 1.5 acre-feet per year or less. The total volume for current discrete administrative uses in each water basin is set out in Table 1 below.² Because the United States reserved water for present and future Forest Service need, an amount of water to develop future permanent administrative sites in each water basin is also set out in Table 1.
- Dispersed Administrative Uses – These reserved water rights to divert or withdraw water are for administrative uses that are neither site specific nor for permanent fixtures but are occasional uses in varying places within the national forests, such as road watering, prescribed fire management, and temporary tree nurseries. The priority date is the creation of the national forest. Dispersed Administrative Uses in each water basin cannot exceed the total yearly volume set out in Table 1.

Emergency Fire Suppression: The Compact recognizes a reserved water right with a priority date of the creation of the national forest (Table 1) to divert or withdraw water for emergency fire suppression.

South Fork Flathead Wild and Scenic River: The Compact recognizes one reserved water right for instream flows. The South Fork of the Flathead River from the headwaters to where it enters Hungry Horse Reservoir is a congressionally designated Wild and Scenic River. The reserved water right is for the entire flow subject to any water rights developed prior to the approval of the Compact. The priority date is October 12, 1976.

¹ The following water rights have a priority date earlier than those listed in Table 1 of the Compact as specified in the Abstract of Water Right: 39F 30026625; 41H 30026676; 41H 30026677; 41H 30026678; 41H 30026679; 76D 30026771; 76F 300026794; 76M 30026846; 76M 30026847; 76M 30026848; 76M 30026849; 76M 30026853; and, 76M 30026859.

² The total volume contained in the Abstracts for basin 76M is 1003.82 acre-feet an amount slightly larger than the 1000.28 acre-feet per year in Table 1.

TABLE 1

			DISCRETE ADMINISTRATIVE USES			DISPERSED ADMINISTRATIVE USES
MT ADJ BASIN	PRIORITY DATE	NATIONAL FORESTS	CURRENT (AF/YR)	FUTURE (AF/YR)	TOTAL (AF/YR)	VOLUME (AF/YR)
39E	1906-09-24	CUSTER	0.00	2.00	2.00	12.20
39F	1906-09-24	CUSTER	0.25	2.00	2.25	11.90
39FJ	1906-11-05	CUSTER	0.00	2.00	2.00	5.50
40A	1902-08-16	LEWIS & CLARK	1.36	2.00	3.36	90.00
	1906-08-10	GALLATIN				3.30
40B	1906-11-05	LEWIS & CLARK	0.00	2.00	2.00	5.50
40C	1906-11-05	LEWIS & CLARK	0.00	2.00	2.00	2.70
41A	1906-11-05	BVRHEAD-DEERLODGE	2.13	2.13	4.26	121.00
41B	1906-11-05	BVRHEAD-DEERLODGE	1.26	2.00	3.26	42.90
41C	1906-11-05	BVRHEAD-DEERLODGE	8.90	8.90	17.80	70.90
41D	1906-11-05	BVRHEAD-DEERLODGE	202.27	49.27	251.54	310.60
41E	1906-04-12	BVRHEAD-DEERLODGE	0.00	2.00	2.00	85.50
	1905-05-12	HELENA				1.20
41F	1902-08-16	BVRHEAD-DEERLODGE	14.62	14.62	29.24	98.50
	1902-08-16	GALLATIN				69.50
41G	1906-04-12	BVRHEAD-DEERLODGE	2.50	2.50	5.00	81.80
41H	1906-03-07	GALLATIN	14.63	14.63	29.26	147.60
41I	1905-10-03	GALLATIN	4.75	4.75	9.50	15.40
	1905-10-03	HELENA				169.30
41J	1905-10-03	HELENA	5.51	5.51	11.02	36.00
	1906-11-06	LEWIS & CLARK				102.30
41K	1897-02-22	LEWIS & CLARK	6.63	6.63	13.26	44.80
41M	1897-02-22	LEWIS & CLARK	3.01	3.01	6.02	43.50
41O	1897-02-22	LEWIS & CLARK	3.75	3.75	7.50	24.40
41Q	1902-08-16	LEWIS & CLARK	0.33	2.00	2.33	72.10
41QJ	1906-11-06	LEWIS & CLARK	0.00	2.00	2.00	0.80
	1928-05-17	HELENA				17.10
41R	1903-12-12	LEWIS & CLARK	0.00	2.00	2.00	9.50
41S	1902-08-16	LEWIS & CLARK	2.50	2.50	5.00	96.80
41U	1897-02-22	LEWIS & CLARK	0.01	2.00	2.01	11.20
	1928-05-17	HELENA				14.40
42B	1907-03-02	CUSTER	0.00	2.00	2.00	13.10
42C	1907-03-02	CUSTER	39.35	39.35	78.70	133.70

42J	1907-03-02	CUSTER	0.00	2.00	2.00	11.20
43A	1906-08-10	GALLATIN	1.51	2.00	3.51	43.40
43B	1902-09-04	GALLATIN	14.33	14.33	28.66	136.10
43BJ	1902-09-04	GALLATIN	9.64	9.64	19.28	22.50
43BV	1902-09-04	GALLATIN	0.00	2.00	2.00	8.20
43C	1902-09-04	CUSTER	3.00	3.00	6.00	34.50
43D	1902-09-04	GALLATIN	2.25	2.25	4.50	3.40
	1902-09-04	CUSTER				25.50
43N	1906-11-06	CUSTER	0.00	2.00	2.00	14.40
43P	1906-11-06	CUSTER	0.10	2.00	2.10	9.90
76B	1906-08-13	KOOTENAI	0.02	2.00	2.02	129.10
76C	1907-03-02	KOOTENAI	1.00	2.00	3.00	110.00
76D	1907-03-02	KOOTENAI	9.60	9.60	19.20	384.30
76E	1905-10-03	BVRHEAD- DEERLODGE	4.00	4.00	8.00	76.90
	1905-10-03	LOLO				52.10
76F	1928-05-17	HELENA	19.40	19.40	38.80	65.90
	1906-11-06	LOLO				123.70
76G	1906-04-12	BVRHEAD- DEERLODGE	85.75	9.75	95.50	112.30
	1906-04-12	HELENA				35.00
	1905-10-03	LOLO				17.00
76GJ	1905-10-03	BVRHEAD- DEERLODGE	0.00	2.00	2.00	51.90
76H	1897-02-22	BITTERROOT	96.82	75.00	171.82	280.20
	1897-02-22	LOLO				59.00
76I	1897-02-22	FLATHEAD	0.02	2.00	2.02	22.30
76J	1897-02-22	FLATHEAD	4,247.75	2.16	4,249.91	120.00
76K	1897-02-22	FLATHEAD	241.51	241.51	483.02	97.10
76L	1907-03-02	FLATHEAD	0.00	2.00	2.00	3.40
	1907-03-02	LOLO				8.50
76LJ	1907-03-02	FLATHEAD	5.78	5.78	11.56	246.40
	1897-02-22	KOOTENAI				12.20
76M	1906-11-06	LOLO	1,000.28	335.28	1335.56	337.90
76N	1907-03-02	KOOTENAI	4.26	4.26	8.52	138.80
	1907-03-02	LOLO				168.40

All other water rights contained in the U.S.D.A. Forest Service-Montana Compact including those in Table 2 of the Compact, (not attached) are post-1973 state-based water rights and are not part of this proceeding in the water court adjudication.