

RECLAMATION

Managing Water in the West

CROW TRIBE WATER RIGHTS SETTLEMENT OF 2010

TITLE IV of P.L. 111-291, December 8, 2010

Doug Oellermann, P.E.

Program Manager, Crow Implementation



U.S. Department of the Interior
Bureau of Reclamation

Crow Tribe Water Rights Settlement of 2010

- **ACHIEVE A FAIR, EQUITABLE & FINAL SETTLEMENT FOR CROW TRIBE & ALLOTTEES**
- **AUTHORIZE, RATIFY & CONFIRM THE CROW-MONTANA COMPACT OF JUNE 22, 1999**
- **AUTHORIZE SECRETARY OF INTERIOR TO EXECUTE THE COMPACT**
- **ENSURE AVAILABILITY OF FUNDS TO IMPLEMENT THE COMPACT AND THE SETTLEMENT**

RECLAMATION

Enforceability Date

- **SETTLEMENT FINAL WHEN CONDITIONS ARE MET**
 - Final Decree -Montana Water Court Pending
 - All of BIA funds deposited in Crow Settlement Fund Done
 - Contracts for CIP and MR&I System executed Done
 - Montana funds for Compact deposited Done
 - Tribal membership ratification of Compact Done
 - Bighorn Lake allocation agreement Pending
 - Waivers and Releases executed by Secretary Done

Settlement Funding

- **AUTHORIZES \$460 MILLION THROUGH RECLAMATION AND BUREAU OF INDIAN AFFAIRS**
- **FUNDING THROUGH COMBINATION OF MANDATORY AND DISCRETIONARY APPROPRIATIONS**
- **RECLAMATION FUNDING- APPROXIMATELY \$378 MILLION**
- **BIA FUNDING-APPROXIMATELY \$82 MILLION**

RECLAMATION

BIA Funding

- **ALL MANDATORY FUNDING-DEPOSITED IN THE CROW SETTLEMENT FUND IN SUMMER OF 2011**
- **APPROXIMATELY \$5 MILLION AVAILABLE AFTER REFERENDUM FOR COMPACT ADMINISTRATION**
- **BALANCE AVAILABLE AFTER ENFORCEABILITY DATE**
 - Energy Projects-\$20 million
 - MR&I System OM&R-\$47 million
 - CIP OM&R-\$10 million

Reclamation Funding

- **CROW IRRIGATION PROJECT REHABILITATION AND IMPROVEMENT**
 - **Approximately \$132 Million**
 - **Approximately \$74 Million-Mandatory**
 - **\$58 Million-Discretionary**
- **MUNICIPAL, RURAL & INDUSTRIAL WATER SYSTEM**
 - **About \$246 million**
 - **\$146 Million-Mandatory**
 - **Approximately \$100 Million-Discretionary**

Reclamation Responsibilities

- **Lead Agency-CIP and MR&I Projects**
 - Executed Two Planning, Design and Construction Contracts with Tribe
 - Master Plans Under Development
 - NEPA/NHPA Compliance concurrent with Master Plans
 - Small Construction Projects in CIP with site-specific NEPA/NHPA Compliance
- **Enter into Allocation Agreement with Tribe-Bighorn Lake Storage**
 - 150,000 AF/yr in addition to Bighorn River natural flow right
 - 150,000 AF/yr-supplemental in times of natural flow shortage

Reclamation Responsibilities

- **STREAMFLOW & LAKE LEVEL MANAGEMENT PLAN**
 - Consult with Tribe and State FWP
- **CONSULT WITH TRIBE ON YELLOWTAIL OPERATIONS**
- **YELLOWTAIL AFTERBAY HYDROPOWER**
 - Tribe has Exclusive Right to Develop until 2025
 - Reclamation to Cooperate with Tribe in Planning, Design and Construction
 - Tribe is Conducting Studies
 - Energy Fund-After Enforceability Date

RECLAMATION

BIA Responsibilities

- **BIA & Reclamation Entered into MOU-Cooperate & Coordinate on CIP and MR&I Projects**
- **On the CIP, the Tribe & Reclamation will Construct, then Turn Over to BIA for OM&R**
- **Coordinating with Reclamation on the CIP to Avoid Disruptions to Water Deliveries**
- **Coordinate with Reclamation and Solicitor's for Decree, Current Use List and SB76 Objections Process**

Federal Activities

- **SB76-General Stream Adjudication**
 - BIA and Solicitor's Office Participating in Objections Process
- **Water Court Decree of the Compact**
 - Preliminary Decree Issued-Objections by December 2013
- **Current Use List**
 - Existing Uses of Tribal Water Right
 - Sharing Shortage Provision of Compact
 - Draft List & Maps to Public-August 2013
 - Changes to List by January 21, 2014