

RESERVED WATER RIGHTS  
COMPACT COMMISSION



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STATE OF MONTANA

July 13, 1988

The Honorable W.W. Lessley  
Chief Judge  
Montana Water Court  
P.O. Box 1568  
Bozeman, MT 59815

Dear Judge Lessley:

In compliance with Section 85-2-705, MCA, the Montana Reserved Water Rights Compact Commission hereby submits to you its biannual report on negotiations with the federal agencies and Indian tribes.

For the past six months, the activities of the Commission have remained focused on the negotiation of reserved water rights in the Milk River Basin. In particular, meetings and technical analyses have focused on the reserved rights of the Assiniboine and Gros Ventre Tribes of the Fort Belknap Reservation.

Other meetings and technical analyses have also addressed reserved right claims of the United States Fish and Wildlife Service and the Bureau of Land Management. Informal communications continue with all the entities claiming federal reserved rights in Montana whenever appropriate opportunities occur.

Please do not hesitate to contact me if you have questions.

Sincerely,

*Jack E. Galt*

Senator Jack E. Galt (by *M. Rundle*)  
Commission Chairman

Enc.

cc: Commission Members  
Richard Whitesell  
Richard Aldrich  
Robert Delk  
Marcia Rundle

Marcia Beebe Rundle  
Legal Counsel/Program Manager  
1520 East Sixth Avenue  
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TRIBE: Assiniboine and Gros Ventre Tribes of the Fort Belknap Reservation

UPDATE: July 15, 1988

Throughout the past six months, meetings concerning the reserved water rights for the Fort Belknap Reservation have continued with representatives of the Assiniboine and Gros Ventre Tribes and with representatives of other agencies. Technical analyses of the resources on the reservation continue in progress by both the Tribes and the Commission staff.

**MEETINGS RELATED TO FORT BELKNAP WATER RIGHTS:**

January 27, 1988 - Meeting at Fort Belknap Agency to discuss the proposed rehabilitation of the Milk River Irrigation Project was attended by representatives of the Fort Belknap Community Council, the Bureau of Reclamation, the Montana Department of Natural Resources and Conservation, and the Milk River irrigation districts.

January 27, 1988 - Public meeting at Harlem was held to inform the area residents of the proposed rehabilitation of the Milk River Irrigation Project.

February 9, 1988 - Commission representatives met with DNRC and Bureau of Reclamation to discuss tribal participation in the proposed rehabilitation of the Milk River Project.

February 11, 1988 - Commission members and staff attended the Boundary Advisory Committee meeting in Great Falls at which water rights in the Milk River Basin were discussed, including the reserved water rights of the several Tribes and the water rights of the Canadians under the Boundary Waters Treaty.

May 13, 1988 - John Allen and Ed Azure of the Fort Belknap Tribes attended a Compact Commission meeting at which the Commission staff discussed the data that is being assembled by the Commission analyzing the land and water resources on the Fort Belknap Reservation.

May 20, 1988 - Commission representatives met with personnel from DNRC, the Bureau of Reclamation, and the 49th Parallel Institute to discuss future coordination of agency efforts regarding the proposed rehabilitation on the Milk River Project.

May 23, 1988 - Dennis Iverson and Marcia Rundle met with the Water Policy Committee of the Fort Belknap Community Council at Fort Belknap to discuss the future course of negotiations.

June 13, 1988 - Commission members and staff toured the Fort Belknap Agency Irrigation Project with members of the Water Policy Committee of the Assiniboine and Gros Ventre Tribes and staff.

June 14, 1988 - An informational meeting co-hosted by the Compact Commission and the Water Policy Committee of the Tribes was held at Fort Belknap Agency with representatives of the DNRC, the Bureau of Reclamation, the USGS and the Milk River irrigation districts all participating.

#### SCHEDULED MEETING:

July 21, 1988 - The Commission will host a second informational meeting at which the Bureau of Reclamation, the DNRC, and the Montana Water Court have been invited to make presentations. Topics will include the adjudication process, the water permit process, prior studies of potential storage sites on the reservation, the use of geographic information systems to analyze reserved water rights, and components of the negotiation process.

#### TECHNICAL WORK IN PROGRESS:

The Commission has purchased a Landsat satellite image of the Fort Belknap Reservation which the staff is currently analyzing. The Commission staff is also in the process of digitizing soils maps obtained from the Soil Conservation Service in Fort Worth, Texas. Additional data has been obtained from the United States Geological Survey and the Bureau of Reclamation. The Commission staff is also working with the Bureau of Land Management and the Bureau of Indian Affairs to obtain data. Analysis of the land and water resources on the Fort Belknap Reservation is scheduled to continue through the summer of 1989.

TRIBE: Blackfeet

UPDATE: July 15, 1988

Informal conversations have continued between representatives of the Tribe and representatives of the Commission. At the invitation of the Commission and the Water Policy Committee of the Fort Belknap Community Council, representatives of the Blackfeet Tribe attended an informational meeting at Fort Belknap in June to discuss the management roles and responsibilities of the several federal, state and tribal entities in the Milk River Basin.

TRIBE: Chippewa-Cree Tribe of the Rocky Boy Reservation

UPDATE: July 15, 1988

The Commission met with representatives of the Tribe at Rocky Boy in January to discuss tribal participation in the proposed rehabilitation of the Milk River Project. Discussions continue between the representatives of the Tribe and the Commission, and between the Commission, the Tribe, the Bureau of Reclamation and the Department of Natural Resources and Conservation.

The Tribe has contracted with new legal counsel and has at least two technical contracts in progress. The Commission has purchased a Landsat satellite image and USGS data. The Commission is in the process of acquiring additional data from appropriate federal agencies and preparing a timeline for completion of the technical work necessary to negotiate the reserved water rights of the Chippewa-Cree Tribe.

TRIBE: Confederated Salish & Kootenai Tribes of the Flathead Reservation

UPDATE: July 15, 1988

Research continues into the many complex legal, historical and technical issues raised by the reserved water right claims of the Confederated Tribes. The negotiating team for the Confederated Tribes met in March. Members of the Compact Commission also met this spring with members of the Joint Board of the Flathead Irrigation Districts.

Communications between representatives of the Tribes and the Commission continue on an informal basis. Representatives of the Confederated Tribes attended the Commission meeting in May.

TRIBE: Crow

UPDATE: July 15, 1988

There has been no communication during the past six months between the Commission and representatives of the Crow Tribe and no meetings are expected to be scheduled in the near future because of the focus of the adjudication on the Milk River Basin.

TRIBE: Northern Cheyenne

UPDATE: July 15, 1988

Discussions continue on a regular but informal basis between representatives of the Commission and the Northern Cheyenne Tribe. The legal advisors for the Tribe have informed the Commission that the Tribal Council and the Bureau of Indian Affairs are now in agreement on a proposal to submit to the Commission and that it will be sent to the Commission in the near future.



TRIBE: Turtle Mountain Band of Chippewa Indians

UPDATE: July 15, 1988

There has been no communication during the past six months between the Commission and representatives of the Turtle Mountain Band of Chippewa Indians and no meetings are expected to be scheduled in the near future because of the focus of the adjudication on the Milk River Basin.

AGENCY: National Park Service

UPDATE: July 15, 1988

There has been no communication during the past six months between the Commission and representatives of the National Park Service and no meetings are expected to be scheduled in the near future because of the focus of the adjudication on the Milk River Basin.

**AGENCY:** United States Department of Agriculture for the  
United States Forest Service

**UPDATE:** July 15, 1988

The Commission negotiating team for U.S. Forest Service claims met in January to discuss legal developments regarding U.S. Forest Service claims in Colorado. No negotiating sessions have been scheduled at this time.

AGENCY: United States Bureau of Land Management as Administrator of the  
Wild and Scenic Missouri River

UPDATE: July 15, 1988

The Commission and the Bureau of Land Management conducted a joint tour of the BLM claims in June that included presentations from staff of the Montana Department of Fish, Wildlife and Parks, the Bureau of Land Management regional office in Lewistown, and the state BLM office in Billings. A negotiating team meeting is scheduled for later this month in which representatives of the appropriate state agencies have been requested to participate. A meeting with BLM is anticipated this fall.

AGENCY: United States Fish and Wildlife Service

UPDATE: July 15, 1988

The Commission negotiating team for U.S. Fish and Wildlife Service claims met in January to discuss results of the staff field investigations and analyses. In March the Commission informed the USFWS of the status of Commission review of the claims and invited the agency to propose a meeting date this spring or summer. A meeting date has not yet been determined.

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STATE OF MONTANA

January 15, 1988

The Honorable W.W. Lessley  
Chief Judge  
Montana Water Court  
P.O. Box 1568  
Bozeman, MT 59815

Dear Judge Lessley:

In compliance with Section 85-2-705, MCA, the Reserved Water Rights Compact Commission hereby submits to you its biannual report on negotiations with the federal agencies and Indian tribes.

In accordance with the directives of the legislature, the activities of the Commission are focused primarily on the resolution of reserved water rights in the Milk River Basin. In particular, technical work is focusing on the units of the National Wildlife Refuge System and the Indian reservations in that basin.

Some technical, historical and legal research continues with regard to claims in other basins and informal communications continue with all the entities.

Please do not hesitate to contact me if you have questions.

Sincerely,

*Senator Galt*  
*by MBR*

Senator Jack E. Galt  
Commission Chairman

Enc.

cc: Commission Members  
Richard Whitesell  
Richard Aldrich  
Robert Delk

Marcia Beebe Rundle  
Legal Counsel/Program Manager  
1520 East Sixth Avenue  
Helena, Montana 59620-2301  
(406) 444-6841

TRIBE: Assiniboine and Gros Ventre Tribes of the Fort Belknap Reservation

UPDATE: January 15, 1988

In accordance with the priorities established by statute, the Commission has made negotiations with the tribes in the Milk River Basin the focus of discussions and technical work. Representatives of the Fort Belknap Tribes have met informally with Commission representatives at Fort Belknap and in Helena.

Meetings are scheduled to continue between the Water Policy Committee of the Tribes and the negotiating team of the Commission this winter. Commission representatives also participate in discussions with the Bureau of Reclamation and the Department of Natural Resources concerning the operation and the proposed rehabilitation of the Milk River Irrigation Project.

Technical analyses of the resources on the Fort Belknap Reservation are in progress by both the Tribes and the Commission staff. The anticipated completion of the technical work is the summer of 1989.

TRIBE: Blackfeet

UPDATE: January 15, 1988

Informal conversations have continued between representatives of the Tribe and representatives of the Commission. The Tribal Business Council currently has under consideration a resolution to appoint negotiating representatives for the Tribe. In addition, the Blackfeet have contracted with a new technical consultant to assess the water and land resources of the Blackfeet Reservation.



TRIBE: Chippewa-Cree Tribe of the Rocky Boy Reservation

UPDATE: January 15, 1988

Representatives of the Commission met with tribal representatives at Rocky Boy Agency this fall. Informal communications continue between the Tribe and the Commission, and between the Commission, the Tribe, the Bureau of Reclamation and the Department of Natural Resources and Conservation.

TRIBE: Confederated Salish & Kootenai Tribes of the Flathead Reservation

UPDATE: January 15, 1988

Research continues into the many complex legal and historical questions raised by the reserved water right claims of the Confederated Tribes. Informal communications continue between the Tribes and the Commission, but no formal discussions are scheduled at this time as the Commission is focusing on the Milk River Basin.

TRIBE: Crow

UPDATE: January 15, 1988

Informal conversations have continued between the Commission and representatives of the Crow Tribe, but no meetings are expected to be scheduled in the near future.

TRIBE: Northern Cheyenne

UPDATE: January 15, 1988

Informal discussions occur regularly between representatives of the Commission and the Northern Cheyenne. The technical and legal advisors for the Tribe assure the Commission that they are actively developing their proposal for quantification of the Tribe's reserved water rights.

Representatives of the Northern Cheyenne attended the December meeting of the Water Policy Committee of the legislature. At that time they expressed continued interest in developing a cooperative agreement on the Tongue River Dam.

TRIBE: Turtle Mountain Band of Chippewa Indians

UPDATE: January 15, 1988

Technical and historical research continues into the complex issues involved in these public domain allotments.

AGENCY: National Park Service

UPDATE: January 15, 1988

The Commission has been in communication with the National Park Service on an informal basis, but no meetings are expected in the near future.

AGENCY: United States Department of Agriculture for the United States  
Forest Service

UPDATE: January 15, 1988

The Commission negotiating team met twice this fall and has planned another meeting for next month. No negotiating sessions have been scheduled at this time.

AGENCY: United States Bureau of Land Management as Administrator of the  
Wild and Scenic Missouri River

UPDATE: January 15, 1988

The chairman of the Commission negotiating team met with representatives of the BLM this fall in Billings in an attempt to arrange a joint field investigation. However, there were insufficient flows in the Missouri River to proceed with the planned investigations. It is now expected that the investigations and subsequent meetings will be held late this spring.



AGENCY: United States Fish and Wildlife Service

UPDATE: January 15, 1988

A large proportion of the time and resources of the Commission have been spent the past six months on analysis of the claims submitted by the USFWS for units of the National Wildlife Refuge System. In addition, Commission staff conducted field investigations on four of the five refuges for which reserved rights are claimed.

The Commission met with representatives of the USFWS in Billings in October. Since that time, additional data has been submitted and the technical analysis continues. A meeting of the Commission negotiating team has been scheduled for later this month. It is expected that another meeting with the USFWS will follow soon after.