

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

**UPDATE:** January 15, 1999

The parties are continuing to work on specific practical approaches to achieving a water rights settlement. Negotiating sessions were held September 4 and December 9, 1998 in Fort Belknap Agency and Helena. A tour of the People's Creek drainage and the Little Rocky Mountains on the Fort Belknap Reservation was held in conjunction with the September 4th meeting. The Commission held a Public Comment Group meeting in Malta in September prior to the negotiating session. The Legal and Technical Working Groups are looking at time lines to consider a 2001 target for a compact settlement to reach the state legislature.

#### **TECHNICAL WORK IN PROGRESS**

Commission staff is preparing a computer analysis of a proposed Nelson dam and operation change. The Joint Technical Working Group is beginning technical work on Peoples Creek, Big and Little Warm Creeks and Beaver Creek. Commission staff will provide the latest updates on GIS data base, including irrigation district updates to BOR, for use in the adjudication and the Technical Group will review this with a focus of looking at it as a management tool. The Technical Group is continuing work on putting various scenarios into the model, showing impacts, reviewing potential storage sites and reviewing methods for accounting for natural flow. The Economic Model will be completed to include the addition of property tax, and will be used to evaluate the economic impact of the proposed alternatives. The Technical and Legal Working Groups will report back to the negotiators at the next negotiating session after the legislative session in spring, 1999 in Billings.

**TRIBE:** Chippewa Cree Tribe of the Rocky Boy's Reservation

**UPDATE:** January 15, 1999

In 1997 the Chippewa Cree Tribe of the Rocky Boy's Reservation and the Reserved Water Rights Compact Commission agreed on a compact to settle the Tribe's reserved water rights and the compact passed the legislature in April, 1997. Federal legislation was drafted last spring, and a Congressional bill was introduced with the support of the U.S. Departments of Interior and Justice. Although negotiating parties testified at Congressional hearings on the bill in June, 1998, the bill did not make it through Congress and will be reintroduced in 1999.

**TRIBE:** Blackfeet Tribe of the Blackfeet Reservation

**UPDATE:** January 15, 1999

The Tribal Council decided in 1997 that returning to negotiations with the Commission was preferable to continuing litigation with the State. Meetings and conference calls have since been held between the Tribe, State and United States representatives focusing on exchange of information to allow the parties to examine the impacts of the Tribe's proposed settlement. The parties have asked the Water Court to stay litigation and to allow examination of non-Tribal claims to go forward in basins downstream and adjoining the Reservation.

**TRIBE:** Confederated Salish and Kootenai Tribes of the Flathead Reservation

**UPDATE:** January 15, 1999

The Confederated Salish and Kootenai gave a presentation to a December, 1998

RWRCC Commission meeting stating that they would like to go forward with negotiations. The federal team for CSK&T has said the Department of the Interior is serious about Flathead negotiations and is in the process of doing a computer water model of the basin as a first step.

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

**UPDATE:** January 15, 1999

The compact for the Upper Missouri National Wild and Scenic River and the Bear Trap Canyon Public Recreation Site (on the Madison River) has been approved by all the necessary parties. The required first Annual Report has been sent from the State to the BLM, and reports required for presentation of the Compact to the Water Court are being worked on.

**TRIBE:** Crow Tribe

**UPDATE:** January 15, 1999

The Crow Tribe submitted a proposal to the state to settle a number of issues during this legislative session, including Tribal reserved water rights. Negotiating sessions were held in Billings on January 21, 1999, and February 17, 1999 to discuss the water rights portion of the proposal. Commission staff has been working to respond to the proposal and has drafted initial compact language.

#### TECHNICAL WORK IN PROGRESS

The Commission staff has been proceeding on a fast track with technical work looking at the land ownership, soils and water supply on the Reservation as necessary to analyze the Crow proposal. In addition, the staff and Commission are keeping in contact with the Wyoming State Engineer's Office to discuss Wyoming's concerns regarding a water rights settlement.

Prior to receipt of the Crow proposal, the Bureau of Reclamation and MSE/HKM, tribal consultant, were proceeding with work on the hydrologic modeling of the Bighorn River and the Little Bighorn River. Claims examination of Basin 43P is ongoing.

**AGENCY:** United States Department of Agriculture for the U.S. Forest Service, the Range and Livestock Experiment Station, and the Sheep Experiment Station.

**UPDATE:** January 15, 1999

During the last negotiating session on September 30, 1998, the parties reviewed progress on technical work and discussed major issues. A field trip was held so RWRCC Commissioners and staff could examine several of the test watersheds. A supplemental Memorandum of Understanding between the Forest Service and the Commission is being prepared to reflect the agreement made in Phase II, which involves identification and tentative agreement on fundamental issues. The Forest Service has agreed to clarify what it believes is its authority to require by-pass flows for private on-forest water diversions. The Commission will then evaluate the potential impacts on existing water rights. The RWRCC continues to monitor activities in Idaho, Wyoming, and Colorado regarding Forest