

AGENDA

**Confederated Salish and Kootenai Tribes
State of Montana Reserved Water Rights Compact Commission
& United States
Water Rights Negotiation Session**

9:00 a.m. Wednesday, May 30, 2012

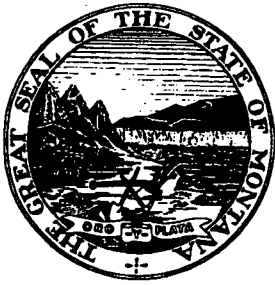
Tribal Council Chambers

US Highway 93 East

Pablo, MT 59855

1-406-675-2700

- 1. Opening Prayer**
- 2. Introductions**
- 3. Opening Statements**
- 4. Status of FJBC – CSKT Stipulation Talks on the Flathead Indian Irrigation Project**
- 5. Status of CSKT Response to the State's Off-Reservation Proposal**
- 6. Technical/Legal Working Group Update**
- 7. Public Comment & Questions on Unitary Administrative Ordinance**
- 8. Other**
- 8. Question & Answer Period**
- 9. Public Comment**
- 10. Set Next Negotiation Date**



RESERVED WATER RIGHTS COMPACT COMMISSION

SIGN IN SHEET FOR

MEETING (SICK WATER RIGHTS NEGOTIATION SESSION)

DATE WEDNESDAY MAY 30 2012 PABLO

PLEASE PRINT

SONJA HEGGLUND	RWRCC	PO Box 201601	HELENA, MT 59620-1601	406.444.6843
Name	Organization	Address	City/ST/Zip	Phone
Lamont Pinkade		132 Little Ct, Bigfork	MT 59911	2494997
Name	Organization	Address	City/ST/Zip	Phone
Vallejo, Roy		Box 386	St. Ignace 59865	745-4250
Name	Organization	Address	City/ST/Zip	Phone
Vallejo, Sheila		Box 386	St. Ignace 59865	745-4250
Name	Organization	Address	City/ST/Zip	Phone
Erica K. Kirsom	FCS	137 E. 1st	Helena 59709	
Name	Organization	Address	City/ST/Zip	Phone
Carmine Mowbray	MT Senate			
Name	Organization	Address	City/ST/Zip	Phone
Kenneth R H	Pitkin Offices	31429 McGraw Lane	Polson 59860	
Name	Organization	Address	City/ST/Zip	Phone
Ruth Swaney	Tribal member	Post Creek	MT	275-2741
Name	Organization	Address	City/ST/Zip	Phone
STEVE LDZAR	CSKT COUNCIL	31663 ROCKY PT.	POLSON MT 59860	675-2700
Name	Organization	Address	City/ST/Zip	Phone
A B Carter	CSKT	P.O. Box 279	Pablo MT	675-2700
Name	Organization	Address	City/ST/Zip	Phone
RON TRAHAN	CSKT	P.O. Box 278	Pablo MT	675-2700



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MEETING CSKT negotiation
 DATE 5/30/12

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Name	Organization	Address	City/ST/Zip	Phone
Joe Dugli	CSKT		Pablo MT 59855	675-2700
Rich Janssen	CSKT		" "	" "
Reagan Mathias	CSKT	P.O. Box 278	Pablo, Mt. 59855	675-2700
Peter Paine	CSKT	P.O. Box 5	Atlee MT 59821	546-3302
Shirley Lavin	CSKT	# 278	Pablo MT-59855	675-2700
James Bing	CSKT	P.O. Box 278	Pablo, Mt 59855	675-2700
Cavey Gamford	CSKT	P.O. Box 278	Pablo MT 59855	675-2700
Dan Salomon	RWRCC	42400 Salomon Road	Ronan	
Debby Barrett	RWRCC	18580 Hwy 324	Dillon MT 59725	681-3177
JAY WEINER	AGO/RWRCC	1625 11 th AVE	HELENA, MT 59620	444-6844 Weiner



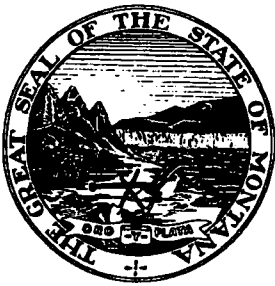
RESERVED WATER RIGHTS COMPACT COMMISSION

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MEETING CSKT Negotiation
 DATE 5/30/12

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Name	Organization	Address	City/ST/Zip	Phone
DICK BARRETT	RWRCC	219 AGNES	MISSOULA MT 59801	(406) 396-3256
Bill Schultz	RWRCC	2705 Spurgin Bldg C	MSLA 59804	406 542 5880
Chuck Courville	BIA	FLATHEAD Agency	Pablo MT	406-675-2700
Duane Mecham	USDI	Solicitor's Office	Portland OR	503-231-6299
Ed Sheets	Consultant	3055 NW Cumberland Rd	Portland/OR/97210	503-222-1700
Jason Smith	Candidate	HD15 37547 Trohan Ln	Polsen, MT 59860	406-471-4677
Rhonda Sumney	CSKT	Box 278	Pablo, MT 59855	406-675-2700
David Reddorese	BIA	911 NE 11TH Ave	Portland, OR 97232	503-231-6893
Dan J. Decker	CSKT	P.O. Box 278	Pablo, MT 59855	406-675-2700
Rob McDonald	CSKT	P.O. box 278	Pablo mt 59860	BT 249-1818

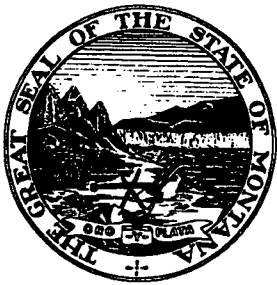


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Name	Organization	Address	City/ST/Zip	Phone
Olivier K Dupuis	SKAT	38752 MT HWYS	Polson 59868	406-983-2824
Judy Coibert		P.O. Box 377, Pablo	5	210-9723
Barbara Hall	Clark Fork Coalition	140 S 4th St W Unit 1	Meda 59802	542-0539
Gerald Mueller		440 Evans	Missoula 59801	543-0026
Mark D Reller	BPA	321 Fuller	Helena 59601	406-439-7337
Wade Irion	DOWLHKM		Billings	406-656-6397
Craig Barfoot	CSKT		Pablo	675-2700
TED HEIN	CAMAS	64 RED BARN RD	HOT SPRINGS, MT 59895	741-3140
Dick Erb		Maiese		
Mary Paine	CSCT	P.O. Box 278 Pablo	MT 59855	675-2700



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Land Lindbergh-Blackfoot Challenge-10120 Sunset Hill Road-Greenough, MT-59823

Name	Organization	Address	City/ST/Zip	Phone
Rick Smith	SELF - C.ZI	119 Archer Way	59860	471-0377

Name	Organization	Address	City/ST/Zip	Phone
Bernie Azune			NAUAIL	726-3610

Name	Organization	Address	City/ST/Zip	Phone
Tony Incaishala	CSKT	P.O. Box 550 SPD	St Ignatius, MT 59865	745-4572

Name	Organization	Address	City/ST/Zip	Phone
Leonard W. Gray	CSKT	27 Moose Valley Rd,	Hot Springs, MT 59845	741 5071

Name	Organization	Address	City/ST/Zip	Phone
Pill Greiman	RWRCC			

Name	Organization	Address	City/ST/Zip	Phone

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CSKT Off-Reservation Water Rights

- Summary of State of Montana Proposal: submitted in two parts – July 20, 2011 and January 30, 2012
- Summary of CSKT response to State of Montana Proposal
<http://www.dnrc.mt.gov/rwrcc/Compacts/CSKT/Default.asp>
- Next steps in process

Elements of State Proposal

1. Instream Flow Water Right (Enforceable Hydrograph) on the Swan River and the Kootenai River
 - Water right based on a natural, dry year hydrograph with a fisheries purpose
 - Water right held by the CSKT with a time immemorial priority date
2. Co – Ownership of Water Rights currently held by the Montana Fish, Wildlife and Parks
 - Public Recreation or Murphy [Instream] rights on the mainstem of the Bitterroot River, the Blackfoot River, the Flathead River and mainstem forks, Rock Creek in the Clark Fork, and filed use rights on the Tobacco River and Young Creek in the Kootenai Drainage
 - Public Recreation Water Rights on lakes in the Clearwater and Blackfoot Drainages and upper Little Bitterroot Basin

Elements of State Proposal *continued*

3. Co-Ownership with MFWP of current Contract Water held in storage in Painted Rocks Reservoir and Lake Como in the Bitterroot Valley
 - Three separate contracts – 2 for Painted Rocks totaling 15,000 acre-feet of water, and 1 for Como totaling 3,000 acre-feet of water
 - Water is retained in reservoirs and released for fisheries support in the summer / early fall months

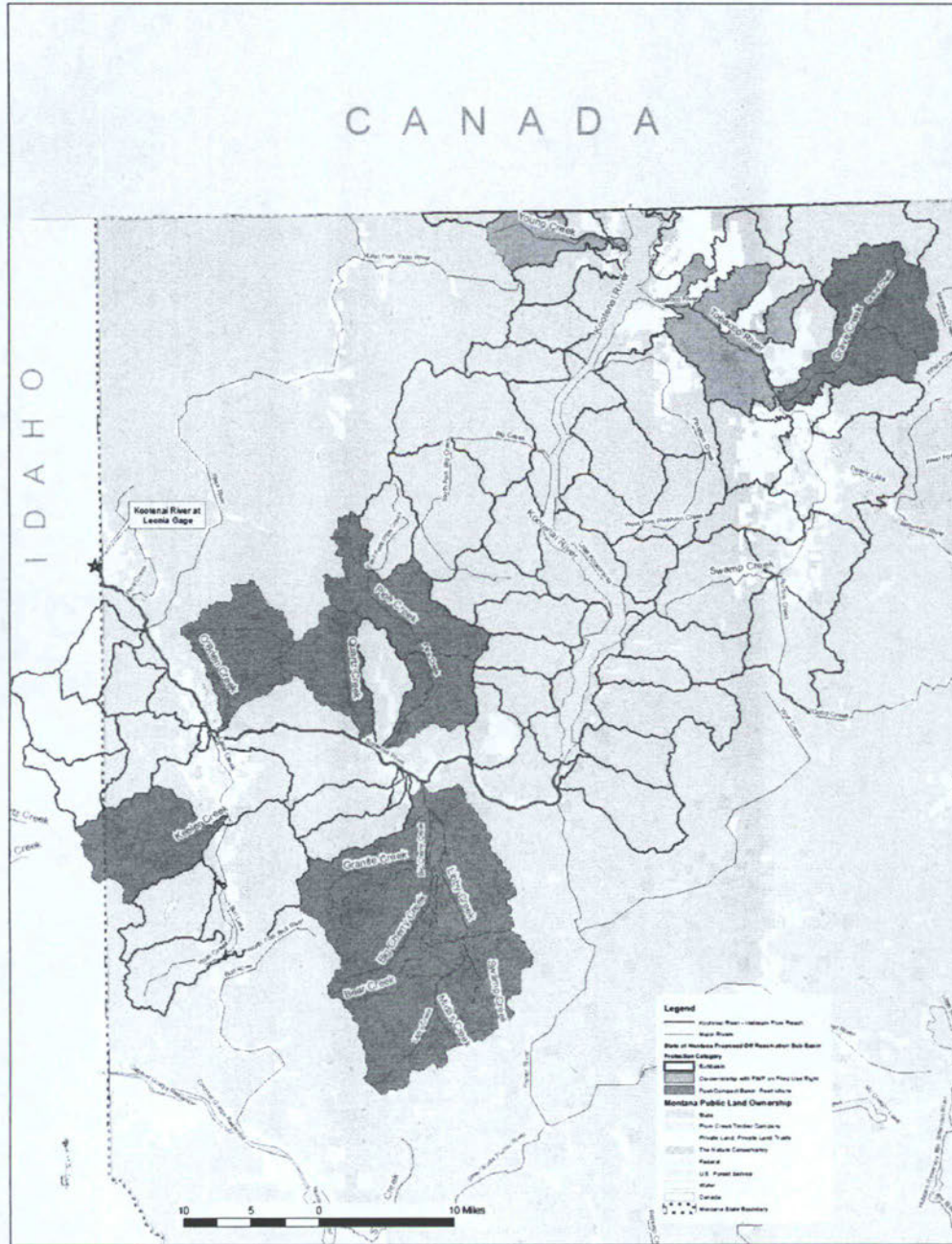
4. Co – Ownership with MFWP of the non-consumptive water right at the Milltown Dam site
 - Water right would have fishery purpose and 1904 priority date
 - Water right would be held jointly by MFWP and CSKT

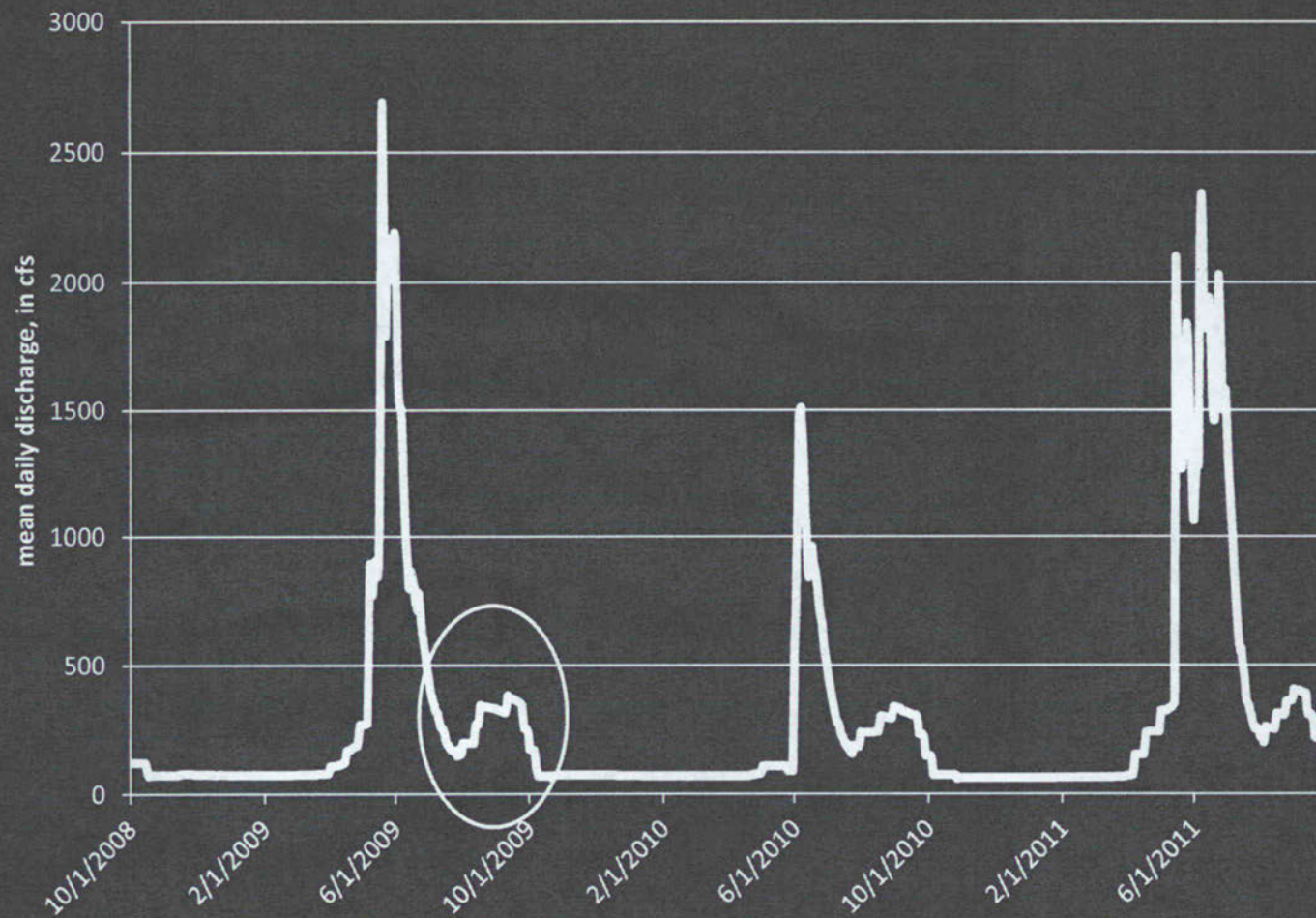
Elements of State Proposal *continued*

5. Basin Restrictions in selected tributaries in the Kootenai and Swan Valleys

- Basin Restrictions are located in tributaries that are defined as critical bull trout habitat – not all tributaries in the Kootenai or Swan valleys included
- The State, through DNRC administration, would place a cap on future development of water in named tributaries. No water right would be assigned to the Tribes
- In two basins in the Kootenai Drainage – Graves Creek and O'Brien Creek, the State would close the basins to future appropriations

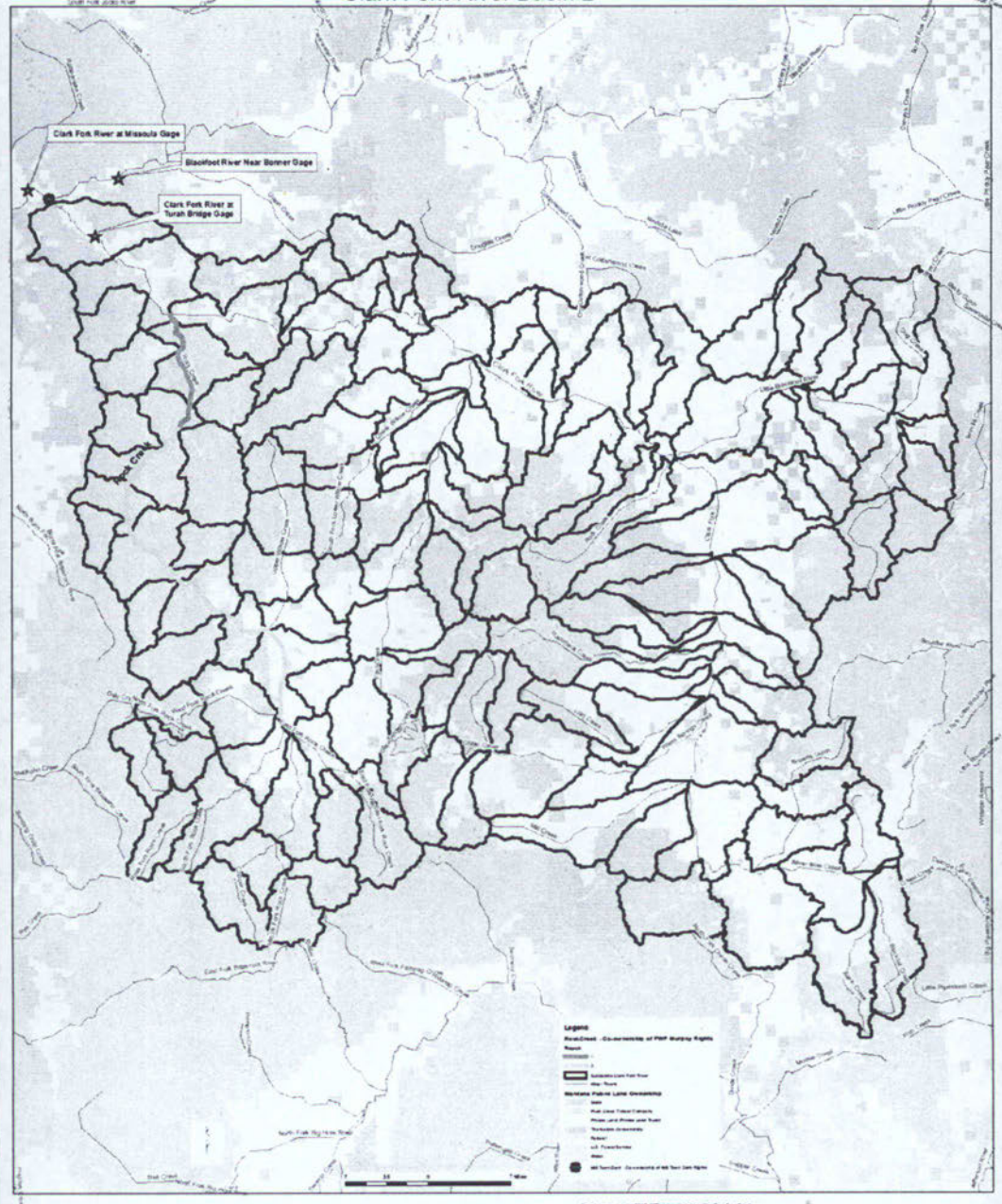
Kootenai River Basin 2

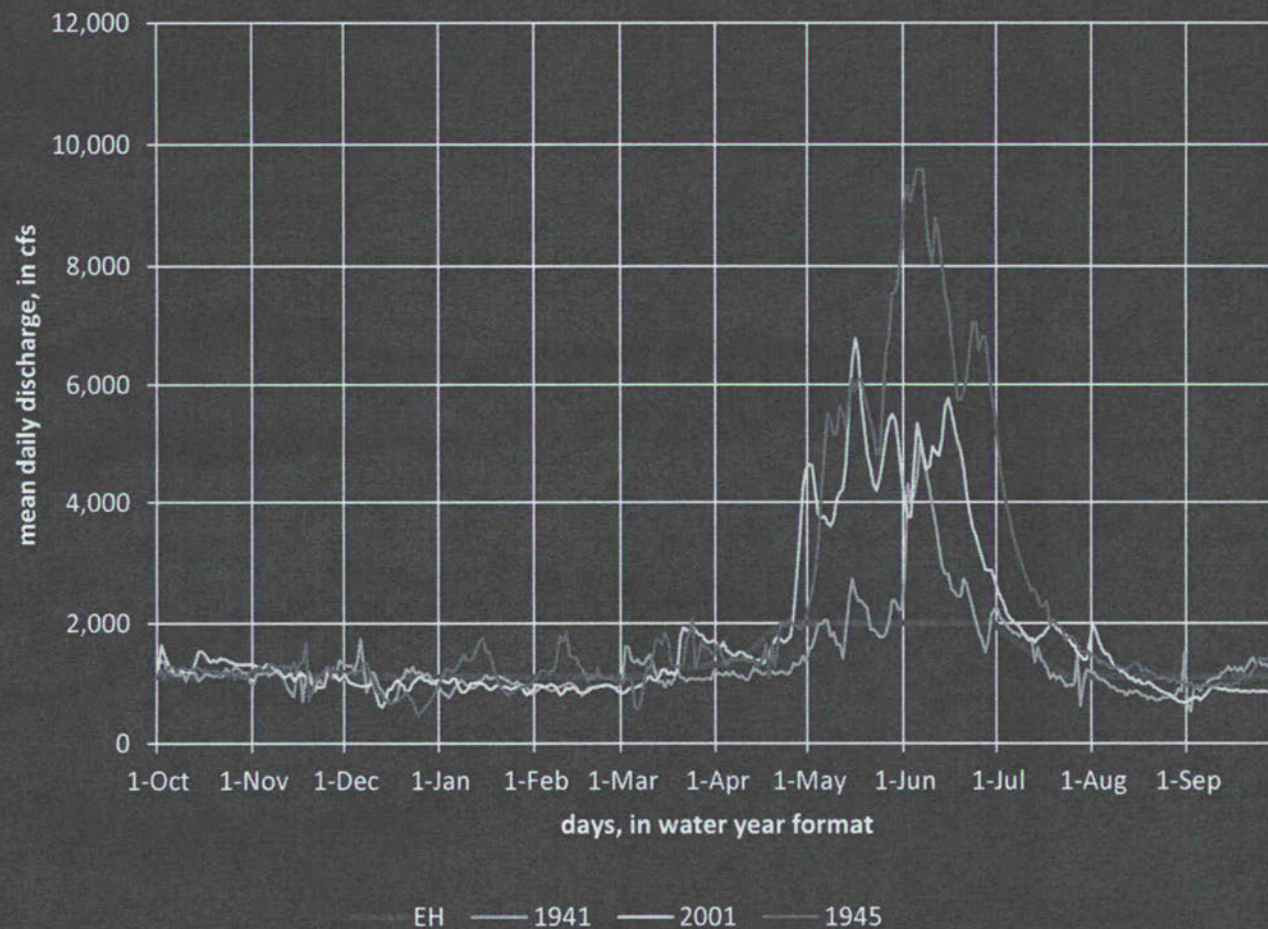




West Fork Bitterroot River near Conner; gage located below Painted Rocks Reservoir. Hydrograph shows the summer release pattern, which includes contract water releases for irrigation and instream flow uses.

Clark Fork River Basin 2





Clark Fork River above Missoula gage.

EH is State proposed enforceable hydrograph; 1941 is driest year in period; 2001 is 10th percentile year in period; 1945 is 20th percentile year in period. Period 1930 – 2011.