



## Summary of the Confederated Salish & Kootenai Tribes - Montana Compact

November 2022

### Introduction

The [Confederated Salish and Kootenai Tribes – Montana Compact](#) (Compact) is a water rights agreement between the State of Montana, the Confederated Salish and Kootenai Tribes (CSKT), and the United States. The Compact resolves CSKT’s reserved water right claims and creates a joint state-tribal system for administering water rights on the Flathead Indian Reservation. The CSKT-Montana Compact provides flexibility, local control, and certainty. The list below summarizes the Compact and the associated [Unitary Administration and Management Ordinance](#) (Ordinance).

### Protection of Existing Uses of Water:

- **Limits CSKT’s rights to make call on junior water users.** CSKT agreed to relinquish their right to make a call against *any* non-irrigation existing water right on or off the Flathead Reservation.
- **The State of Montana through DNRC** continues to administer water rights off the Flathead Reservation. Within the boundaries of the Flathead Reservation, a state-tribal Board administers applications for new water uses and changes to existing uses.
- **Quantifies and conditions CSKT’s instream flow rights** on and off the Flathead Reservation in exchange for CSKT’s agreement to relinquish all other claims within Montana.
- **Recognizes existing Tribal uses**, including traditional Tribal cultural and religious uses.
- **Provides funding for improving Flathead Indian Irrigation Project** water management and reducing impacts on fisheries.

#### What does it mean to make a call?

“Call” means the right of the holder of a water right with a senior priority date and an immediate need for a use of water to require a holder of a water right with a junior priority date to refrain from appropriating water otherwise physically available until the senior water right is satisfied.

### Administration of Water Rights on the Flathead Reservation

- **Establishes the state-tribal Flathead Reservation Water Management Board (Board)** to administer water rights for both state and tribal water users on the Reservation. The Board has five voting members: two members selected by the Governor; two members appointed by the Tribal Council; and the fifth member selected by the other four members. The United States Department of the Interior

appoints a sixth, non-voting member.

- **Enacts the Unitary Administration & Management Ordinance** to govern the administration of water uses on the Reservation. The Ordinance provides procedures for permitting new uses of water or changing existing uses and the process for enforcing water rights. The Montana Legislature and the CSKT Tribal Council approved the Ordinance.
- **Describes the powers and duties of the Board** and the process to review the Board's decisions. Neither the Board's jurisdiction nor the Ordinance's jurisdictional area extend off the Reservation.
- **Makes no changes to how water right ownership transfers to the buyer, or is withheld by the seller, in real estate transactions.**

#### **Registration of existing water uses on the Flathead Reservation:**

- Provided a filing period (September 17, 2021, through March 16, 2022) for registering certain previously unrecorded existing uses of water on the Flathead Reservation that were put to use before the Compact went into effect on September 17, 2021.
- In care of the Board, the DNRC maintains a complete record of water use registrations on the Flathead Reservation filed with the DNRC between August 22, 1996 (when the Montana Supreme Court Ciotti decision paused DNRC water rights administration on the Reservation) and March 16, 2022 (the due date for registrations). The Board's Water Office will process these filed registrations and issue certificates for water uses in compliance with registration requirements.
- Water users do not need to register a water use if they have previously 1) filed a claim in the adjudication, 2) registered the water use, or 3) if the use is of Flathead Indian Irrigation Project water.

For more information visit:

<https://dnrc.mt.gov/Water-Resources/Compacts/Flathead-Compact>