

**APPENDIX 2**  
**DRAINAGE STIPULATIONS FOR**  
**FILING IN WATER COURT**

## DRAINAGE STIPULATIONS

Drainage stipulations may be negotiated in response to objections, if any, raised by individual water users to the Compact, or to objections, if any, raised by the United States as trustee for the Tribe or by the Tribe in subsequent proceedings in water court adjudicating individual water claims. Negotiated drainage stipulations once finalized will be included as part of this Appendix 2 to the Compact.

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**FILED**

FEB 04 2002

Montana Water Court  
**ORIGINAL**

**IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER AND LOWER MISSOURI RIVER DIVISIONS  
ROCKY BOY'S COMPACT SUBBASIN**

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In the Matter of the Adjudication of  
Existing and Reserved Rights to the Use  
of Water, Both Surface and Underground,  
of the Chippewa Cree Tribe of the  
Rocky Boy's Reservation Within the  
State of Montana. )

Cause No. WC 2000-01

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**NOTICE OF SUPPLEMENTAL FILING TO APPENDIX TWO  
OF THE CHIPPEWA CREE TRIBE-MONTANA COMPACT**

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The State of Montana hereby serves notice of the filing with the  
Water Court, as an addition to Appendix Two of the Chippewa Cree Tribe-  
Montana Compact, the attached Stipulation on all Settling Parties and  
Objectors to the Compact.

Respectfully submitted this 31st day of January, 2002.

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By: *Candace F. West*  
CANDACE F. WEST  
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**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the attached  
Notice of Supplemental Filing to Appendix Two was mailed to:

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DATED

January 31, 2002

Constance J. West

IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER AND LOWER MISSOURI RIVER DIVISIONS  
ROCKY BOY'S COMPACT SUBBASIN

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IN THE MATTER OF THE ADJUDICATION OF	)	
EXISTING AND RESERVED RIGHTS TO THE	)	
USE OF WATER, BOTH SURFACE AND	)	CAUSE NO. WC-2000-01
UNDERGROUND, OF THE CHIPPEWA CREE	)	
TRIBE OF THE ROCKY BOY'S RESERVATION,	)	
WITHIN THE STATE OF MONTANA.	)	

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**STIPULATION  
BETWEEN THE CHIPPEWA CREE TRIBE, THE UNITED STATES,  
AND BERT CORCORAN**

The Chippewa Cree Tribe of the Rocky Boy's Reservation ("Tribe"), the United States, solely in its capacity as trustee for the Tribe and in no other capacity, by and through their undersigned attorneys, and Bert Corcoran stipulate and agree as follows:

1. Purpose. This stipulation is made pursuant to and in accordance with § B.1.b. of Article IV of the Montana-Chippewa Cree Tribe Water Rights Compact, Mont. Code Ann. § 85-20-601, for the purpose of (a) specifying the point of diversion to which the Tribe shall deliver no more than 104 AFY from Bonneau Reservoir or from the direct flow of Box Elder Creek and (b) specifying a delivery schedule for such water.

2. Point of Diversion. The 104 AFY shall be diverted from the direct flow of Box Elder Creek to Brown's Ditch for delivery to Mr. Corcoran's property. The point of measurement and the point of control of the 104 AFY shall be the point on the Reservation where the water exits the Reservation onto Mr. Corcoran's property.

3. Delivery Schedule. The 104 AFY shall be delivered in two releases during the Tribe's irrigation season. The specific volume and timing of the two releases will be agreed upon annually between the Tribe and Mr. Corcoran. This schedule may be modified from time to time by written agreement between the Tribe and Mr. Corcoran, consistent with the terms of the Compact.

4. Conditions. Pursuant to § B.1.b. of Article IV of the Compact, delivery of the 104 AFY is subject to the following conditions: The Tribe shall have no responsibility to upgrade or to increase the capacity of the existing delivery system; and the Tribe shall not be required to release water from Bonneau Reservoir below the minimum pool established by the Tribe plus 240 AF prior to satisfaction of the 240 acre-feet per year release set forth in Section B.1.c. of Article IV, and the minimum pool at all other times.

5. Waiver of Right to Object. Mr. Corcoran hereby waives his right to object to any decree of the Montana water court or any other court of competent jurisdiction entering the water right of the Tribe and approving the Compact. The Tribe and United States, solely in its capacity as trustee for the Tribe and in no other capacity, hereby waive their respective rights to object to the following irrigation water right claim filed by Mr. Corcoran in accordance with State law: Water Right Number – 40H W155786-00.

6. Attachment to Compact. Pursuant to § B.1.b. of Article IV of the Compact, this stipulation shall be attached as part of Appendix 2 of the Compact.

DATED this 4<sup>th</sup> day of December, 2001.



BERT CORCORAN  
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WILLIAM W. MERCER  
United States Attorney  
District of Montana

BY: S. L. Schneider 1-24-02

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