

SB 188

FACT SHEET

SETTLEMENT OF RESERVED WATER RIGHTS
U.S.D.A., AGRICULTURAL RESEARCH SERVICE
SHEEP EXPERIMENT STATION

The Montana Reserved Water Rights Compact Commission was created by the Montana Legislature in 1979 to act on behalf of the State and its water users to settle the water rights associated with reserved federal land, such as the U.S. Sheep Experiment Station. The Commission is composed of nine members. Four members are appointed by the Governor, four members are legislators (two from the House and two from the Senate), and one member is appointed by the Attorney General.

The Commission negotiates with federal agencies and Indian tribes that claim federal reserved water rights within Montana. A federal reserved water right is a right to use water under federal law based on a Congressional act or treaty that reserved lands for a specific purpose. In this case, the portion of the U.S. Sheep Experiment Station in Montana was set aside by Executive Order No. 3767 for "experimental sheep grazing." Most of the lands in the U.S. Sheep Experiment Station, managed by the Agricultural Research Service, are in Idaho and water rights for those lands were quantified as part of the Snake River adjudication. This negotiated settlement quantifies the federal reserved water rights for the U.S. Sheep Experiment Station lands in Montana as summarized below. The priority date for all reserved water rights for the U.S. Sheep Experiment Station in Montana is December 19, 1922.

The Compact recognizes federal reserved water rights in three categories: existing uses; future uses; and emergency fire suppression.

Existing Uses

- The U.S. Sheep Experiment Station currently uses up to 11.72 acre-feet per year from surface water for stock water use.

Future Uses

- Additional water, up to a total of 15 acre-feet per year, is recognized for future use. The future use may be for stock water or for administrative uses. (Administrative uses could include water for domestic use, to conduct research, dust abatement, reclamation or other administrative purposes from surface or groundwater to fulfill the purposes of the U.S. Sheep Experiment Station.)

Emergency Fire Suppression

- Emergency fire suppression, as needed.

SB 188 - Fact Sheet

Senate Agriculture, Livestock and Irrigation Committee

Prepared by Reserved Water Rights Compact Commission

January 10, 2007