EXHIBIT #2
DATE 4/1/09
SB 426

**Testimony in support of the Federal Reserved Water Rights Compact for the National Bison Range**

The National Bison Range was established by special Congressional Acts, May 23, 1908 (35 Stat. L. 267-8, Agricultural Appropriation Act, Fiscal Year 1909 – 12,800 acres) and March 4, 1909 (35 Stat. 1051, Agricultural Appropriations Act, Fiscal Year 1910 – increased acreage to 18,521.35 acres), which authorized the President to reserve land on the Flathead Indian Reservation in Montana for a permanent national bison range for a herd of bison presented by the American Bison Society, and for other mammals and birds. The Refuge currently encompasses 18,540 acres in Lake and Sanders Counties, Montana. It is administered by the U.S. Fish and Wildlife Service, in cooperation with the Confederated Salish and Kootenai Tribes, as a unit of the National Wildlife Refuge System.

Executive Order No. 3596, dated December 22, 1921, provided that "all lands that are now or may hereafter be included within the boundaries the Montana National Bison Range, the Sullys Hill National Park Game Reserve, North Dakota; and the Elk Refuge, Wyoming, be and the same are hereby further reserved for use of the Department of Agriculture as refuges and breeding grounds for birds." This order made it illegal to hunt, trap, capture, willfully disturb or kill any bird, or take the eggs of any bird, within the boundaries of these reservations.

Refuge objectives are as follows:

1. Assist in maintaining a publicly-owned gene pool for continued preservation of bison as a native species of North America.
2. Provide for public viewing and enjoyment of the animals and their habitat to foster understanding and appreciation for wildlife and wildlands.
3. Serve as an educational, demonstration, and training area for people interested and involved with the conservation and management of bison, other wildlife and their habitats.
4. Promote such research on bison, other wildlife species and their habitats as may be compatible with other objectives.
5. Provide surplus bison and other big game species as a source of breeding stock, transplant stock or meat to other public and private entities.

These objectives also apply to other species of big game found on the National Bison Range. Elk, Bighorn sheep, Pronghorn Antelope, Mule deer, White-tailed deer, and Mountain goats were stocked on the Range between 1910 and 1964, with only two White-tailed deer being present at the time the boundary fence was completed in 1910. No active management of birds takes place on the Range, however, birds utilize the riparian areas surrounding the springs, seeps and streams on the Range, as well as the Ravalli Ponds, for feeding, breeding and loafing habitat.

The U.S. Fish and Wildlife Service supports the establishment of a Federal Reserved Water Rights Compact for the National Bison Range. The Service agrees that this mechanism is in the best interest of all Parties for the settlement of the Federal reserved water right claims of the Service for this unit of the National Wildlife Refuge System. This Compact will avoid potentially lengthy and costly litigation in resolving these claims.

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