

EXHIBIT 6  
DATE 2/14/11  
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85-20-1401  
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WATER COMPACTS

- (a) the purpose of use of the water remains a Discrete Administrative Use as defined in Article I(4) and described in Article II, section A;  
(b) the quantity of water for Discrete Administrative Uses diverted or withdrawn shall not exceed the total amount as set forth in Article II, Table 1; and  
(c) the change shall not adversely affect a Water Right Recognized Under State Law.

**2. Dispersed Administrative Uses.**

The United States' federal reserved water right to divert or withdraw water for Dispersed Administrative Uses as described in Article II, section B., shall not be changed to any other use.

**3. Emergency Fire Suppression.**

The United States' federal reserved water right to divert or withdraw water for Emergency Fire Suppression as described in Article II, section C., shall not be changed to any other use.

**4. South Fork Flathead Wild and Scenic River.**

The United States' federal reserved water right for instream flow for the South Fork Flathead Wild and Scenic River, as described in Article II, section D., shall not be changed to any other use.

**E. Reporting Requirements.**

1. The Forest Service agrees to provide a report to the Department on an annual basis or on a periodic basis agreed to by the Parties containing information on development of Discrete Administrative Uses, as described in Article III, section C.2., and any change of a Discrete Administrative Use, as described in Article III, section D.1.

2. Upon request by the Department, the Forest Service shall report to the Department information it has regarding water use for Emergency Fire Suppression, as described in Article II, section C.

3. For Dispersed Administrative Uses, as described in Article III, section C.3.(c)(ii) and (iii), upon request by the Department, the Forest Service shall provide copies of notice postings for the stream or basin requested.

4. For Dispersed Administrative Uses, as described in Article III, section C.3.(c)(i), upon request by the Department, the Forest Service shall report information it has available. In the event the Department requests additional information for future reports on a stream or basin for enforcement or water distribution purposes, the Forest Service agrees to comply with the request.

**F. Ownership Interest in Water for Purposes of Statewide Adjudication.**

The federal reserved water rights for Administrative Uses and Emergency Fire Suppression described in Article II, sections A., B., and C., are ownership interests in water and its use for each water source within National Forest System Lands that has been affected by a temporary preliminary decree or preliminary decree.

ARTICLE IV  
STATE LAW PROVISIONS

**X A. Compact Principles.**

In order to promote settlement of issues between the United States and the State, the United States agrees to relinquish any and all claims to federal reserved water rights for instream flows on National Forest System Lands. The State agrees that, in consideration for the United States' agreement not to pursue federal reserved water rights for instream flows on National Forest System Lands, the following principles, subject to the terms of this Compact, shall be included in state law:

**1. Forest Service Water Rights Recognized Under Law Created in This Compact.**

There shall be created by this Compact Water Rights Recognized Under State Law held by the Forest Service as set forth in Article V, Table 2.

**2. State Water Reservation Process.**

(a) There shall be a state water reservation process providing a means for the United States to appropriate state-law-based water rights for a minimum instream flow, level, or quality of water that provides an opportunity for hearing and judicial review.

(i) Any appropriation granted under this process will result in a water right held by the United States that is protectable and enforceable under state law, and shall not be subject to periodic review or reallocation.

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(ii) The date of appropriation for water rights granted under the state water reservation process will be the date of filing of the application for state water reservations and will be sent in priority to any applications for state water reservations filed after that date.

(b) The Parties agree that the language of 85-2-316, MCA, on the Effective Date of This Compact and the terms of Article VI of this Compact satisfy the principles in Article IV, section A.2.

**3. New State Water Reservation Section.**

The United States shall have the right to apply for a state water reservation under a new specific procedure in limited circumstances for state water reservations as set forth in Article V section B.

**4. Standing.**

In the ongoing statewide adjudication, the United States shall have the right to object to or participate as an objector to any water right claim for water use or storage on or water conveyed across National Forest System Lands. The Parties agree that the language of 85-2-233, MCA, on the Effective Date of This Compact satisfies the principles in Article IV, section A.4.

**B. State Law Adopted as a Condition Precedent to This Compact.**

Subject to Article VIII, section D., the Parties agree that as a condition precedent to this Compact, the following provisions will be adopted as state law:

**1. Sequencing.**

(a) The permitting process for water appropriations under state law and the permitting for the access and use of National Forest System Lands in relation to water appropriations will be sequenced to avoid conflict between state and federal permitting.

(b) The applicant is required to show proof of federal authorization before the application for a new appropriation of water or a change of appropriation will be correct and complete when:

(i) a state permit is required prior to a new appropriation of water, including ground water or a change of appropriation; and

(ii) a federal authorization is required to occupy, use, or traverse National Forest System Lands for the purpose of diversion, impoundment, storage, transportation, withdrawal, use, or distribution of water for the appropriation or change of appropriation.

(c) The state permit for a new appropriation shall be subject to any terms, conditions and limitations related to the use of water contained in the required federal authorization.

(d) The Parties agree that the language of 85-2-302, 85-2-310, 85-2-311, 85-2-312, and 85-2-402, MCA, on the Effective Date of This Compact satisfies this condition precedent.

**2. Change of Diversionary Use to Instream Flow.**

In addition to any other process available under state law, the Forest Service may apply for a change of use from an appropriation right to divert or withdraw water on land owned by the United States that is located within or immediately adjacent to the exterior boundaries of National Forest System Lands on the Effective Date of This Compact to an instream flow water right on National Forest System Lands within or immediately adjacent to the exterior boundaries of National Forest System Lands on the Effective Date of This Compact in accordance with procedures required under state law. The Parties agree that the language of 85-2-320 on the Effective Date of This Compact satisfies the principles in Article IV, section B.2.

**ARTICLE V  
 WATER RIGHTS RECOGNIZED UNDER STATE LAW**

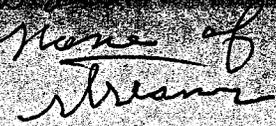
There is created by this Compact appropriations of Water Rights Recognized Under State Law held by the Forest Service for instream flow or in situ use as set forth in Article V.

**A. Water Rights Recognized Under State Law**

**TABLE 2**

Water Right Number	Flow Rate Source	Lower Stream Point					Upper Stream Point			
		(CFS)	SEC	TWP	RGE	QTR SEC	SEC	TWP	RGE	QTR SEC
41F-30023850	Horse Creek	3.0	25	10S	01W	NESE	29	10S	01W	SWNW
41F-30023851	Sheep Creek	4.0	1	12S	02E	SWSE	20	12S	03E	SWNW
41H-30023852	East Fork Hyalite Creek	7.0	23	04S	06E	SWNW	12	05S	06E	SWSW
41H-30023853	Hyalite Creek	28.0	14	03S	05E	SESW	15	04S	06E	NWSW

2009 MCA



1H-30023854	West Fork Hyalite Creek	12.0	26	04S	06E	NWNW	23	05S	06E	NW
1I-30023855	Beaver Creek	10.0	19	12N	02W	SWNE	11	12N	02W	SENE
1J-30023856	Sheep Creek	27.0	2	12N	05E	NWSW	5	12N	06E	SESE
1J-30023857	Tenderfoot Creek	15.0	30	14N	05E	NENE	22	14N	05E	NWSW
1S-30023858	Dry Wolf Creek	5.0	28	15N	10E	SWNW	31	15N	10E	SWSW
1S-30023859	South Fork Judith River	3.5	1	12N	11E	NENE	4	11N	11E	SENE
3B-30023860	Little Mission Creek	2.5	14	03S	11E	NENW	27	03S	11E	NWNE
3B-30023861	Pine Creek	4.0	8	04S	10E	NWSW	16	04S	10E	NWSW
3B-30023862	South Fork Deep Creek	7.0	5	04S	10E	NENW	14	04S	10E	NWNW
3B-30023863	Upper Deer Creek	2.0	13	02S	14E	NENW	29	03S	14E	SESE
3B-30023864	North Fork Yaak River	24.0	15	37N	31W	SWNE	4	37N	31W	NE
3B-30023865	Pete Creek	15.0	5	35N	32W	NENW	29	36N	32W	SWNW
3B-30023866	Seventeenmile Creek	40.0	27	34N	33W	NWSE	5	33N	32W	NWNW
3B-30023867	South Fork Yaak River	19.0	2	35N	32W	NENE	5	34N	31W	SWSW
3B-30023868	Spread Creek	50.0	3	35N	33W	SWSE	29	36N	33W	SENE
3B-30023869	West Fork Yaak River	30.0	32	37N	31W	NWNE	35	37N	32W	NENE
3C-30023870	East Fisher	15.0	31	26N	29W	NWNE	31	26N	29W	NENE
3C-30023871	Silver Butte/Fisher River	34.0	17	26N	29W	NENE	35	26N	30W	SENE
3C-30023872	West Fisher River	28.0	1	26N	30W	NWNW	4	26N	30W	SWSE
3D-30023873	Barron Creek	2.0	27	32N	29W	SWNW	21	32N	30W	NW
3D-30023874	Big Cherry Creek	40.0	27	29N	31W	SWSW	3	28N	31W	NENE
3D-30023875	Big Creek	19.0	3	34N	29W	NWNW	34	35N	30W	NWNW
3D-30023876	Bobtail Creek	5.0	20	31N	31W	NWSW	8	31N	31W	NESW
3D-30023877	Bristow Creek	12.0	14	32N	29W	NWNW	8	32N	29W	NESE
3D-30023878	Callahan Creek	60.0	24	31N	34W	NWNW	21	31N	34W	NWSE
3D-30023879	Canyon Creek	4.0	22	31N	29W	SWSE	29	31N	28W	SWSW
3D-30023880	Cripple Horse Creek	8.0	2	31N	29W	NESE	5	31N	28W	SWSW
3D-30023881	Five Mile Creek	4.0	17	32N	28W	SWNW	19	32N	27W	NENE
3D-30023882	Granite Creek	21.0	2	29N	31W	NWNW	5	29N	31W	NESE
3D-30023883	Libby Creek	40.0	16	28N	30W	NWNW	18	28N	30W	SESE
3D-30023884	Midas Creek	1.5	31	28N	30W	SWNW	8	27N	30W	SWSE
3D-30023885	North Fork Big Creek	14.0	28	35N	30W	SWSE	31	36N	30W	SWSE
3D-30023886	Parmenter Creek	10.0	7	30N	31W	SWNE	18	30N	32W	SWSW
3D-30023887	Quartz Creek	17.5	12	31N	32W	SESW	2	31N	32W	SWNE
3D-30023888	Ross Creek	20.0	8	28N	33W	NENE	17	28N	34W	SWNW
3D-30023889	South Fork Big Creek	20.0	33	35N	30W	SENE	5	32N	30W	NENE
3D-30023890	Therriault Creek	4.0	3	35N	26W	SWNW	3	35N	26W	SENE
3D-30023891	Young Creek	6.0	17	37N	28W	NESE	8	37N	29W	SE
3E-30023892	Middle Fork Rock Creek	41.0	18	04N	15W	NENE	25	04N	16W	NWSW
3E-30023893	Rock Creek at Bitterroot Flat	150.0	7	08N	17W	NWNW	7	07N	16W	SESE
3E-30023894	Rock Creek at Mouth	250.0	13	11N	17W	SENE	30	11N	16W	SWNW
3E-30023895	West Fork Rock Creek	12.0	35	06N	16W	NESE	2	05N	17W	NWSW
3F-30023896	Clearwater River at Lake Alva	13.0	24	18N	16W	SWSE	24	18N	16W	NWSE
3F-30023897	Copper Creek	11.0	26	15N	08W	SENE	9	15N	08W	NENE
3F-30023898	Morrell Creek	12.0	35	17N	15W	SWSE	1	17N	15W	NESE
3F-30023899	North Fork Blackfoot River	39.0	2	15N	11W	NWNW	27	16N	11W	NESE
3F-30023900	Placid Creek	7.0	13	16N	16W	SWSW	10	16N	16W	NWNW
3F-30023901	Poorman Creek	7.0	8	13N	08W	NWSW	24	13N	08W	SENE
3G-30023902	Little Blackfoot River	17.0	30	09N	06W	NENW	12	08N	07W	SWNE
3G-30023903	Schwartz Creek	10.0	4	11N	17W	NWNW	8	11N	17W	SESW
3H-30023904	Lolo Creek	41.0	29	12N	22W	NENE	25	12N	23W	NENW
3H-30023905	South Fork Lolo Creek	15.0	6	11N	21W	NWNW	7	11N	21W	NWNW
3J-30023906	Wounded Buck Creek	11.0	17	29N	18W	SWNW	30	29N	18W	SWSW
3K-30023907	Bond Creek	6.0	24	25N	18W	NWNW	17	25N	17W	NWSE
3K-30023908	Cedar Creek	7.0	12	22N	18W	NENW	21	22N	18W	SESE
3K-30023909	Cold Creek	22.0	28	21N	17W	SWNE	33	21N	18W	NENW
3K-30023910	Elk Creek	25.0	16	20N	17W	NENE	23	20N	18W	SENE
3K-30023911	Goat Creek	11.0	17	23N	17W	NWSW	12	23N	17W	NWNE
3K-30023912	Groom Creek	2.5	12	25N	18W	SWSW	5	25N	17W	SE
3K-30023913	Hall Creek	2.5	11	25N	18W	SENE	11	25N	18W	NENE
3K-30023914	Lion Creek	19.0	8	22N	17W	SWNE	10	22N	16W	NWSW
3K-30023916	North Fork Lost Creek	6.0	27	25N	17W	NWSE	5	24N	16W	NESE
3K-30023917	Piper Creek	9.0	8	22N	17W	SWSW	33	22N	18W	NENW
3K-30023918	Scout Creek	1.5	12	23N	17W	NWNE	19	23N	16W	SESE
3K-30023919	South Fork Lost Creek	6.0	6	24N	16W	SWSW	19	24N	16W	NWSE
3LJ-30023920	Red Meadow Creek	16.0	7	35N	21W	SWNW	11	35N	22W	NWNW
3LJ-30023921	Trail Creek	37.0	34	37N	22W	SESE	28	37N	22W	SESW
3M-30023922	Rattlesnake Creek	17.0	2	13N	19W	NWNE	14	14N	18W	NENW
3M-30023923	Trout Creek	28.0	23	16N	26W	SWSW	5	15N	26W	NESW
3N-30023924	Bull River	29.0	14	28N	33W	NWNW	14	28N	33W	NENW
3N-30023925	Graves Creek	28.0	36	23N	30W	SWSW	36	23N	30W	NWNE
3N-30023926	Trout Creek	14.0	24	24N	32W	NENE	28	24N	32W	SWSW
3N-30023927	Vermilion River	110.0	14	24N	31W	SWSE	7	24N	30W	NWSW

Number	Source	Volume (AF/YR)	SEC	TWP	RGE	QTR SEC
M-30023928	Shoofly Meadow	50.75	4	14N	17W	SW