Summary of Water Rights Quantified by CSKT-Montana Compact 2015

Description	Priority Date	Count	Purpose	Appendix	Water Right	Description in Practical Terms	Flow Rate (cfs)	Volume (acre-feet)
Off-Reservation Instream Flow Water Rights								
Kootenai River	Time Immemorial	1	Instream Fishery	Appendix 25	76D 30063810	Nonconsumptive instream flow right. Enforceable daily flow schedule based on seasonal water supply under dry year conditions. Not enforceable up tributaries or at all so long as Libby Dam remains in existence, and the Army Corps is in compliance with 2008 Biological Opinion.	Individual Daily Values	N/A
Swan River	Time Immemorial	1	Instream Fishery	Appendix 26	76K 30063809	Nonconsumptive instream flow right. Enforceable daily flow schedule based on seasonal water supply under dry year conditions. Enforceable only against surface water irrigation and over 100 gallons per minute hydrologically connected groundwater irrigation rights. Water right does not affect legal availability for new permit applicants under current DNRC regs.	Individual Daily Values	N/A
Clark Fork River	Time Immemorial	1	Instream Fishery	Appendix 27	76N 30063808	Nonconsumptive instream flow right that equals the Cabinet Gorge and Noxon Dam minimum FERC requirement currently established at 5,000 cfs. Should the FERC requirement be lowered, the enforceable flow rate for this water right must be reduced to match. Enforceable only against mainstem (not tributary) surface water irrigation and over 100 gallons per minute hydrologically connected groundwater irrigation rights. Right does not affect legal availability for new permit applicants under current DNRC water right permitting regulations.	5,000	N/A
North Fork Placid Creek	Time Immemorial	1	Instream Fishery	Appendix 35	76F 30063811	Nonconsumptive instream flow right. There is only one (FIIP) diversion upstream of the protected stream reach; historic diversion levels for this right are maintained.	10	N/A
Kootenai Tributaries: Big, Steep, Sutton, and Boulder Creeks	Time Immemorial	4	Instream Fishery	Appendix 36	76D 30063807, 76D 30052869, 76D 30063806, & 76D 30052868	Nonconsumptive instream use; Cannot be changed; Located in headwaters above all existing water uses, therefore no existing uses subject to call.	Individual Daily Values	N/A
Former Milltown Dam Water Right	1904	2	Instream Fishery	Appendix 30 Appendix 31	76M 94404 01 & 76M 94404 02	Former Milltown Dam hydroelectric water right is changed by the Compact into 2 nonconsumptive instream flow rights. Enforceable daily flow schedule based on seasonal water supply under dry year conditions. Enforceable only against junior surface water irrigation and > 100 gallons per minute groundwater irrigation rights after 4 of 5 consecutive days below minimum flow. Requires 10 years stakeholder planning effort.	Individual Daily Values	
Total Water Rights Recognized		**222**						

- This summary does not include existing water rights to be co-owned by the Tribes and DFWP enumerated in appendices 22, 24, 28, 30
- For more information email: dnrrwrcc@mt.gov or call 406-444-5700

SENATE JUDICIARY
Exhibit No. 2
Date: 2/16/15
Bill No. SB262

Summary of Water Rights Quantified by CSKT-Montana Compact 2015

Description	Priority Date	Count	Purpose	Appendix	Water Right	Description in Practical Terms	Flow Rate (cfs)	Volume (acre-feet)
On-Reservation Water Rights								
Flathead Indian Irrigation Project (FIIP) Water Use Right	1855	3	Irrigation	Appendix 5	76L 30052930 - 76L 30052932	May serve up to, but not more than 135,000 acres (currently 128,242 acres); Exercise of this right satisfied by meeting the RDA values for each RDA Area described in Appendix 3.2. FIIP Irrigators entitled to delivery of water pursuant to Article IV.D.2.	220 Individual Points of Diversion	Maximum Diverted: 360,950
Flathead System Compact Water Right	1855	1	Any	Appendix 9	76LJ 30063812	Direct flow water right from the Flathead River, including Flathead Lake; Up to 90,000 AF per year of storage water from Hungry Horse Reservoir; state has ability to issue leases for 11,000 AF for DCMI mitigation off Reservation; Additional water can be leased from Tribes for any beneficial purpose (on or off Reservation) and is available for FIIP during Shared Shortages.	Details in Abstract	Diverted: 229,383 Consumed: 128,158
Instream Flow - Natural Sites	Time Immemorial	102	Fish & Wildlife	Appendix 10	76LJ 30052674- 76L 30052775	Nonconsumptive instream use; cannot be changed; located in headwaters above existing uses; no existing uses subject to call.	Individual Monthly Values	N/A
Instream Flow - FIIP Sites	Time Immemorial	33	Fish & Wildlife	Appendix 11	76L 30052776- 76L 30052808	Nonconsumptive instream use; cannot be changed; administered with regard to FIIP diversions according to Article IV.C-F of Compact; administered with regard to existing non-project irrigation uses according to Article III.G.3 of the Compact.	Individual Monthly Values	N/A
Instream Flow - Other Sites	Time Immemorial	49	Fish & Wildlife	Appendix 12	76LJ 30052818- 76L 30052866	Nonconsumptive instream use; cannot be changed; enforcement schedules developed per UMO section 2-1-115 must allow for exercise of all valid existing water rights.	Individual Monthly Values	N/A
FIIP Reservoir Minimum Pool	1855	2	Fish & Wildlife	Appendix 15	76L 30052927 & 76L 30052929	Pool minimums designated to protect reservoir biology.	54 Individual Points of Diversion	Evaporation
Wetlands - Protective	Time Immemorial	12	Fish & Wildlife	Appendix 16 Appendix 21 Appendix 23	76L 30052661-667, 76L 30052922, 76LJ 30052924-926	Cannot be used to make call on any water right; no artificial means of diversion or control of water that can be used to manipulate or otherwise affect the water supply, these water rights serve to protect existing Wetlands from adverse effects from new permits and changes to existing water rights.	N/A	N/A
High Mountain Lakes	Time Immemorial	6	Fish & Wildlife	Appendix 17	76L 30052668- 76L 30052673	No artificial means of diversion or control of water; Located in headwaters above all existing water uses, therefore no existing uses will be subject to call.	N/A	N/A
Flathead Lake	Time Immemorial	1	Fish & Wildlife	Appendix 18	76LJ 30052867	Nonconsumptive minimum lake elevation water right that protects the natural elevation level of Flathead Lake, below elevations maintained by Kerr Dam. No artificial means of diversion or control of water. Enforceable at natural lake level 2883' in elevation; Does not affect any existing water users or allow Tribes to drain the lake to that level.	N/A	N/A
Power Generation - Boulder & Hellroaring	1855	3	Hydropower	Appendix 19 Appendix 20	76LJ 30052870- 76LJ 30052872	Non consumptive hydro power water rights.	8 6	nonconsumptive