

### CSKT Compact Proposed Off-Reservation Instream Flow Rights

Location	Priority Date	Owner	Call Protections
Kootenai River	Time Immemorial	Tribes	This right cannot be enforced as long as Libby Dam exists and is in compliance with federal requirements. If this right is ever called, it may only be enforced on mainstem, not tributaries of the Kootenai
Kootenai Tributaries • Big Cr. • Boulder Cr. • Steep Cr. • Sutton Cr.	Time Immemorial	Tribes	All Rights would be located in tributaries that occur on public land and there is no effect on existing state-based water rights.
Swan River	Time Immemorial	Tribes	This right could be enforced against junior surface water irrigators and ground water irrigators pumping 100 gpm or more. Its attributes minimize the likelihood of junior rights being called.
Lower Clark Fork	Time Immemorial	Tribes	As long as Avista complies with the FERC license for Cabinet Gorge and Noxon Dams, this right may not be enforced. If it is ever called it could only be enforced against junior surface water irrigators, and ground water irrigators pumping 100 gpm or more.
N. Fork Placid Creek	Time Immemorial	Tribes	Only one right exists upstream. That right has been historically operated to accommodate this claim, so there would be no change in the status quo.
DFWP Instream Rights • MF Flathead River • SF Flathead River • Rock Creek • Ward Creek • Upsata Lake • Harpers Lake • Owl Creek • Clearwater/Salmon L. • Clearwater/Seeley L. • Clearwater/L. Inez • Clearwater/L. Alva • Clearwater/Rainy L. • Clearwater Lake	12/22/1970 12/22/1970 1/6/1971 5/14/1928 5/37/1958 5/24/1933 9/15/1928 9/13/1928 9/20/1928 8/7/1928 9/5/1928 7/5/1931 9/30/1936	Tribes & DFWP	All co-ownership rights currently exist and therefore have already been taken out of the available water supply. Addition of Tribes as co-owners would change nothing about the enforceability of these rights. Quantification, place of use, period of use, priority date, and all other attributes would remain unchanged
Former Milltown Dam Hydropower Right	12/11/1904	Tribes & DFWP	This right would be split into a 500 cfs minimum flow for the Upper Clark Fork and 700 cfs minimum flow for the Blackfoot. This right would not be enforced for ten years from the Effective Date of the Compact, while stakeholder drought response planning is conducted to minimize impacts to existing water users. This right would be taken over by DFWP in the absence of a Compact.

# PROPOSED CSKT COMPACT OFF-RESERVATION INSTREAM FLOW RIGHTS



-  USGS Gaging Stations
-  Dams
-  Instream Flow Rights
-  MFWP Right Co-ownership
-  Roads
-  Water Court Basins
-  Contract Interests
-  MFWP Right Co-ownership

