



FREQUENTLY ASKED QUESTIONS

1. What is the CSKT-MT-US Water Compact?

The Water Compact is the result of years of negotiation between the CSKT, Montana, and the Federal Government to quantify the CSKT's reserved water rights.

2. When did the CSKT-MT-US Water Compact become effective?

On September 17, 2021, when Department of Interior Secretary Deb Haaland signed the Water Compact that had been entered into by the CSKT, the State of Montana, and the United States in 2015.

3. What is the Unitary Administration and Management Ordinance?

The CSKT and State of Montana each passed into law a Unitary Administration and Management Ordinance ("Ordinance").

- The CSKT law is Ordinance 111-A and the State's law is MCA 85-20-1902
- These two laws are identical and will govern all water rights on the Flathead Reservation as of September 17, 2021

4. What is the Flathead Reservation Water Management Board?

The Water Compact and Ordinance authorized formation of the Flathead Reservation Water Management Board ("Board") to be the exclusive regulatory and administrative entity responsible for all water rights administration within the Flathead Indian Reservation. See the Ordinance 1-2-102 for more information on the Board.

5. Who will be on the Board?

The Board will consist of two members appointed by the CSKT, two members appointed by the State of Montana, a fifth member selected by the first four, and a sixth non-voting member appointed by the Department of Interior.

6. What is the Office of the Engineer?

A Water Engineer and support staff will be hired by the Board to carry out day-to-day functions for the Board. The Office of the Engineer will review new water right applications, answer questions from the public, assist with forms, etc., see the Ordinance 1-2-110 for more information on the Office's duties.

7. Where can I find a copy of the Water Compact and the Ordinance?

Copies are available by going to the CSKT's homepage www.csktribes.org. Click on the *Water Rights* menu located near the top right-hand of the screen.

8. What is the Tribal Water Right?

The Tribal Water Right means the collective water rights of the CSKT, including its members or allottees, the basis of which are federal law, as set forth in Article III of the Water Compact.

9. What is an Existing Use of the Tribal Water Right?

An Existing Use of the Tribal Water Right will include uses of water by the Tribes, tribal members and allottees that: (1) were not previously filed with the DNRC, (2) were developed before September 17, 2021, and (3) are not otherwise specifically quantified by the Compact.

10. How can I file an existing use under the Tribal Water Right?

CSKT has established a Tribal Water Right Office to assist tribal members and allottees complete the registration form for an existing use of the Tribal Water Right.

11. When does an Existing Use of the Tribal Water Right have to be registered?

Existing Uses of the Tribal Water Right must be registered within five-years of the effective date, or by September 17, 2026.

12. Who is eligible to register under the Tribal Water Right?

Only CSKT Tribal members and allottees are eligible to register.

13. What type of existing water use can be registered under the Tribal Water Right?

Water uses include (but are not limited to):

- irrigation, stock water, domestic, lawn & garden, commercial, municipal or industrial uses, and
- historically irrigated allotments with serviceable delivery systems that are held by individuals in trust by the United States that are not being served by the Flathead Indian Irrigation Project, even if such allotments were not being irrigated on the Compact's effective date.

14. What else does the Tribal Water Right Registration Office do?

The Tribal Water Right Registration Office will:

- assist tribal members and allottees in researching, documenting, and filling out the form for their existing use to be registered under the Tribal Water Right
- document and prepare registration forms for domestic wells drilled by SKHA or BIA/IHS for CSKT tribal members
- register the existing uses of water on all CSKT-owned trust property

15. When should completed Tribal Water Right Registration forms be returned?

Forms should be turned in to the Tribal Water Right Registration Office at PO Box 278, Pablo, MT 59855 or dropped off at the office location in Pablo - before September 17, 2026.

16. What happens after the Tribal Water Right Registration form is completed?

The Tribal Water Right Registration Office will review it for completeness and contact the tribal member or allottee if there are any issues. When the Board and the Water Engineer’s office are operational, we will submit the forms for processing and issuance of a Registration Certificate, for details on the process see Ordinance section 2-1-102. The Registration Office will notify the tribal members or allottees when the forms are transferred to the Board.

17. Why should I register my existing use as part of the Tribal Water Right?

Registration under the Tribal Water Right ensures an 1855 priority date, the use will be protected from abandonment, there is no cost to file, and the CSKT will defend all uses under the Tribal Water Right.

18. Who will be the owner of the Tribal Water Right?

The Tribal Water Right will be held in trust by the US for the benefit of the CSKT, its members, and allottees.

19. What if I already filed my water use with the State of Montana/DNRC?

If your water right was already registered with the DNRC, there is nothing else you need to do.

20. What if I do not want to register under the Tribal Water Right?

Sections 2-1-106 and 2-1-107 of the Ordinance allow for certain previously unrecorded state-based water uses to be registered by March 16, 2022.

For more information go to: <http://dnrc.mt.gov/divisions/water/water-compact-implementation-program/confederated-salish-and-kootenai-tribes-compact/registrations-of-existing-uses-under-the-cskt-water-compact-and-ordinance>

21. When can I file for a new use of water or change in use authorization on the Flathead Reservation?

After September 17, 0221, all new uses of water on the Flathead Reservation require pre-approval from the Board. The Board and the Office of the Engineer must be operational before new developments or changes in use can be approved.

- CSKT is not authorized to accept applications for new uses or changes to existing uses and will instruct the applicants to wait for the Board to be operational and apply at that time.

If you have additional questions about the CSKT Tribal Water Right or the Registration of Existing Uses of the Tribal Water Right, contact the Registration Office at (406) 675-2700 ext. 1611.
