CROW TRIBE WATER RIGHTS
SETTLEMENT OF 2010

TITLE IV of P.L. 111-291, December 10, 2010

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U.S. Department of the Interior
Bureau of Reclamation
Crow Tribe Water Rights Settlement of 2010

• ACHIEVE A FAIR, EQUITABLE & FINAL SETTLEMENT FOR CROW TRIBE & ALLOTTEES

• AUTHORIZE, RATIFY & CONFIRM THE CROW-MONTANA COMPACT OF JUNE 22, 1999

• AUTHORIZE SECRETARY OF INTERIOR TO EXECUTE THE COMPACT

• ENSURE AVAILABILITY OF FUNDS TO IMPLEMENT THE COMPACT AND THE SETTLEMENT
Enforceability Date

- **SETTLEMENT FINAL WHEN CONDITIONS ARE MET**
  - Final Decree - Montana Water Court: Pending
  - All of BIA funds deposited in Crow Settlement Fund: Done
  - Contracts for CIP and MR&I System executed: Done
  - Montana funds for Compact deposited: Done
  - Tribal membership ratification of Compact: Done
  - Bighorn Lake allocation agreement: Pending
  - Waivers and Releases executed by Secretary: Done
Settlement Funding

- AUTHORIZES $460 MILLION THROUGH RECLAMATION AND BUREAU OF INDIAN AFFAIRS
- FUNDING THROUGH COMBINATION OF MANDATORY AND DISCRETIONARY APPROPRIATIONS
- RECLAMATION FUNDING - APPROXIMATELY $378 MILLION
- BIA FUNDING - APPROXIMATELY $82 MILLION
BIA Funding

• ALL MANDATORY FUNDING-DEPOSITED IN THE CROW SETTLEMENT FUND IN SUMMER OF 2011

• APPROXIMATELY $5 MILLION AVAILABLE AFTER REFERENDUM FOR COMPACT ADMINISTRATION

• BALANCE AVAILABLE AFTER ENFORCEABILITY DATE
  – Energy Projects-$20 million
  – MR&I System OM&R-$47 million
  – CIP OM&R-$10 million
Reclamation Funding

• **CROW IRRIGATION PROJECT REHABILITATION AND IMPROVEMENT**
  - Approximately $132 Million
    • Approximately $74 Million-Mandatory
    • $58 Million-Discretionary

• **MUNICIPAL, RURAL & INDUSTRIAL WATER SYSTEM**
  - About $246 million
    • $146 Million-Mandatory
    • Approximately $100 Million-Discretionary
Reclamation Responsibilities

• Lead Agency-CIP and MR&I Projects
  – Executed Two Planning, Design and Construction Contracts with Tribe
  – Master Plans Under Development
  – NEPA/NHPA Compliance concurrent with Master Plans
  – Small Construction Projects in CIP with site-specific NEPA/NHPA Compliance

• Enter into Allocation Agreement with Tribe-Bighorn Lake Storage
  – 150,000 AF/yr in addition to Bighorn River natural flow right
  – 150,000 AF/yr-supplemental in times of natural flow shortage
Reclamation Responsibilities

**STREAMFLOW & LAKE LEVEL MANAGEMENT PLAN**
- Consult with Tribe and State FWP

**CONSULT WITH TRIBE ON YELLOWTAIL OPERATIONS**

**YELLOWTAIL AFTERBAY HYDROPOWER**
- Tribe has Exclusive Right to Develop until 2025
- Reclamation to Cooperate with Tribe in Planning, Design and Construction
- Tribe is Conducting Studies
- Energy Fund-After Enforceability Date
BIA Responsibilities

- BIA & Reclamation Entered into MOU-Cooperate & Coordinate on CIP and MR&I Projects
- On the CIP, the Tribe & Reclamation will Construct, then Turn Over to BIA for OM&R
- Coordinating with Reclamation on the CIP to Avoid Disruptions to Water Deliveries
- Coordinate with Reclamation and Solicitor’s for Decree, Current Use List and SB76 Objections Process
Federal Activities

• SB76-General Stream Adjudication
  – BIA and Solicitor’s Office Participating in Objections Process

• Water Court Decree of the Compact
  – Preliminary Decree Issued-Objections by December 2013

• Current Use List
  – Existing Uses of Tribal Water Right
  – Sharing Shortage Provision of Compact
  – Draft List & Maps to Public-August 2013
  – Changes to List by January 21, 2014