

# RECLAMATION

*Managing Water in the West*

## CROW TRIBE WATER RIGHTS SETTLEMENT OF 2010

**TITLE IV of P.L. 111-291, December 8, 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**

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# 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

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# 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**

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# 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

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# 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**

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# 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

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# 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

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# 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

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# 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
  - Request for Changes to List by January 21, 2014

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# Current Status

- **Bighorn Lake Allocation Agreement**
  - Held one technical session with Tribe in January 2014
  - Exchanged drafts of agreement
- **Yellowtail Afterbay Dam Hydropower Agreement**
  - Tribe is starting feasibility and final design studies
  - Held one technical session with Tribe in January 2014
  - Reclamation has prepared draft agreement in response to draft agreement submitted by Tribe
- **No meetings are scheduled at this time**