

Jacks Notes from July 11, 2022 6PM MDT Flathead Water Court - What the Water Court Judge Said

- 1) Intent to outline what the water court is doing with compact.
- 2) There are 85 basins in Montana.
- 3) This is CSKT Compact is a special decree.
- 4) There are two judges, + staff n+ water masters.
- 5) CSKT Compact = reserve water rights.
- 6) Includes Parks and Forests.
- 7) Flathead water rights is a negotiated process and took a long time. It is the same process for all compacts, et al.
- 8) The Compact was approved by Montana legislature plus tribes plus US Congress.
- 9) This period allows people to raise objections.
- 10) Water Court does what legislature tells them.
- 11) Water Court has a web site but cannot give legal advice.
- 12) December 6, 2022 is the objection deadline.**
- 13) Objection form on web site [Link here](#).
 - a. This starts a legal proceeding.
 - b. Court requires all to be processed & some are combined
 - c. Tribal water rights are not individual/private, i.e. they are tribal reserve rights.
 - d. Water rights have priority and limits in relation to each other.
 - e. Water Court tabulates all water rights in Montana.
 - f. They quantify and integrate tribal rights in all Montana.
 - g. DNRC is the go to agency for water rights, offices in Kalispell
- 14) There are lots of good water lawyers in Montana, judge sees them all the time, search on the internet, try Montana BAR.
- 15) CSKT & Fort Belnap Compacts have not been approved by Water Court, all other have been.
- 16) Cities and towns will have their own rights.
- 17) File your own water rights through DNRC.
- 18) All water rights are relative in Montana.
- 19) Go to DNRC to ask about particular water rights on land.
- 20) DNRC maps on web site show geography.

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- 21) You do not need an attorney to file objection.
- 22) Highest priority is most senior water rights first.
- 23) Objector has the burden of Proof to prove what they object too.
- 24) Judge refused to answer question regarding Individuals wells being metered or if CSKT compact impacted them on private no Reservation property as it was to specific a question. Ask DNRC in Kalispell.
- 25) 16 to 20 water compacts have been approved already.
- 26) Judge can only say where to find information and what deadlines.
- 27) Other cases have gone to SCOTUS and have approved water courts. This has happen twice in Montana regarding tribes and reservations.

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