

Objection Helps

We are not attorneys, the following information has been searched out and we recommend that you listen to the videos on this site as to how to file your objection. How the CSKT impacts your property right can be understood in the videos.

We believe under the articles of the “Administrative Procedure Act” all Montana Citizens have standing in the defense of their property rights and the taking of rights documented as being the property of the State of Montana and its Citizens: that under no circumstances are these rights subject to any transfer to a private or other public entity.

The attached page: “General Objections to CSKT” comes from a filing by another and can be used as a basis for filing your objection; we recommend that you use it as a basis but do not copy it word for word.

1. One aspect of your standing can be based upon your history and what you have for a water right, and what you do with your water right.
 - a. Your water right can be found on the DNR link on this site; be sure once on the site that you enter your last name first a space with punctuation and then your first name.
 - b. Physical Locations for accessing information on your water right:
 1. The Montana DNRC, Water Resources Regional Office, 2705 Spurgin Road, Bldg. C, Missoula, MT 59806-5004; (406) 721-4284 (all documents).
 2. The Montana DNRC, Water Resources Regional Office, 655 Timberwolf Parkway, Ste 4, Kalispell, MT 59901-1215; (406) 752-2288 (all documents).
 3. Or your county Clerk and Records Office
2. The Montana Water Court can only consider objections relating to the parts of the compact that determine the Tribes Water Rights and their administration.
3. Your Objection may include the following information to describe your current water right, but it is not necessary. And we believe these are discretionary and up to the filer to use.
 - a. Volume - Acre feet, gallons, cubic feet.
 - b. Flow Rate - Gallons per minute (GPM), Cubic Feet per second (CFS), Miners Inch (MI).
 - c. Priority Date: - When was the water appropriated and used or this may be operation of law with water set aside by Act of Congress, Treaty, State Legislative Act or Court Decision. It is usually a date such as July 10, 2008. It is not the date a well was drilled but the day it was put to use.
 - d. Place of Use - Where is the water used - a section, township and range, a lot on block one to City of Polson or a Tract of Certificate of Survey. This is usually called POU.
 - e. Point of Diversion - Location of a well, location of a headgate, location of a dam, vicinity in a larger parcel of land where horses drink. This is generally called POD.

- f. Ownership of Claim - Who owns the water that is being diverted. This may be an individual, a State, the USA, A Tribe or otherwise. There may be multiple owners.

The use of these is up to you the real issue is how this compact intrudes on your right as a Montana Citizen.

- 4. The items above may be tied to the history of the land, the history of the use of the land, the history of how the parcel of property was created and the history of the ownership of the property.
- 5. The history aspect also of your water right could apply to the use of the water. This is not just when, where, why and how and what for. Uses could include:
 - a. Domestic
 - b. Lawn and Garden - Generally smaller scale
 - c. Irrigation
 - d. Livestock
 - e. Recreation
 - f. Power Generation - Water wheel- Electricity - Baffle Movement
 - g. Navigation - Float a Boat - Float a Canoe - Float a Log
 - h. Riparian or Wetlands Preservation

If your land was allocated by a Tribal Member¹ and then sold, you may want to consider an objection based on ownership if the conveyance of the land did not exclude the water. You will need to consider many things to frame any objections.

We are aware of others without Water Rights living in a city, who are filing objections based upon a violation of rights in the taking of these rights to access water from the State of Montana and giving the discretionary administration to a private entity.