



FORT BELKNAP INDIAN COMMUNITY WATER COMPACT AND SETTLEMENT

AN HISTORIC OPPORTUNITY TO FUND CRITICAL WATER PROJECTS

The Gros Ventre and Assiniboine Tribes Water Rights Settlement Act resolves water rights issues for the Fort Belknap Indian Community (FBIC) on the Fort Belknap Reservation. Congressional approval of the FBIC Water Compact and the settlement of Tribal claims against the United States will resolve longstanding issues of water use and development for our Reservation, while providing a funding source for critical water projects.

UNIQUE AND SPECIFIC RIGHTS UNDER FEDERAL TREATY LAW

Indian tribes have unique rights to water that are reserved for each tribe when a reservation is established by federal treaty law or other agreements. In 1908, the Supreme Court ruled in *Winters v. United States* that the Assiniboine and Gros Ventre Tribes have an implied right to the waters on their Reservation. This federal law on Indian water rights, known as Winters rights, is based on the fact that the Tribes ceded a large reserve and were placed on the smaller Fort Belknap Reservation with the federal government's expectation that they would become an agrarian society. The State of Montana and federal government committed to negotiating with the Fort Belknap Indian Community to determine the sources and quantity of the FBIC water rights and Congress established a policy of settling tribal water rights claims through negotiations over litigation.

THE WATER COMPACT: CONFIRMS & QUANTIFIES TRIBAL WATER RIGHTS

The 2001 Water Compact is a government-to-government negotiated agreement among the Fort Belknap Indian Community, the state of Montana and the federal government that identifies the sources, quantity, and administration of the FBIC water rights for the use and benefit of tribal members, including allottee irrigators. The Water Compact negotiations resulted in compromises on the part of the FBIC, the state, and the federal government in order to achieve a win-win outcome for the parties that supports the development of the FBIC water rights while recognizing existing state water users. It includes recognition of the FBIC's jurisdiction and authority to regulate, manage, administer, and enforce Tribal water rights.

The Water Compact requires the approval of the FBIC, the state of Montana and the United States. The Water Compact was approved by the FBIC Council and the state of Montana in 2001, with the agreement of the federal government. Congress will approve the Water Compact through the passage of the Water Settlement Act and approve monetary compensation to resolve long-standing FBIC water-related claims against the United States. The Congressional



funding will support the water projects recognized in the Water Compact and allow the FBIC to fully develop, administer, and regulate its water rights. When the Water Settlement Act becomes federal law, the Tribes will have a reliable, long-term water supply that can be used for:

- irrigation
- municipal and domestic
- commercial and industrial
- livestock
- wildlife habitat
- cultural uses
- other use determined by the FBIC to be appropriate

The FBIC will also be able to develop and market its water supply to other water users by leasing and other agreements on and off the reservation.

BENEFITS: SUPPORTS FORT BELKNAP INDIAN COMMUNITY'S WATER-RELATED NEEDS

The Water Settlement Act will:

- settle the FBIC's water rights claims through Congressional compensation and approval
- resolve the FBIC water rights amicably and create peace and harmony in the Milk River Basin
- avoid lengthy and costly litigation and ensure finality in the rights of all northcentral water users
- provide sufficient funding for critical water and economic development projects
- restore 58,553 acres of public lands to the FBIC in partial satisfaction of the Tribal claims

This Water Settlement Act will also:

- include the construction of water resource infrastructure projects that will create jobs and improve the standard of living of the Tribal members
- rehabilitate, expand, and modernize the Tribal irrigation projects in both the northern and southern parts of the Reservation
- support development of the FBIC's water resources
- create a multi-faceted, diversified economy for sustainable economic development opportunities for current and future generations.

TRANSFER OF LANDS BACK INTO TRUST FOR THE FBIC

The Water Rights Settlement Act provides for the transfer of 58,533 acres of land to be returned to the FBIC and held in trust by the United States. Within the total 58,553 acres of land being transferred in this process, the Fort Belknap Indian Community is seeking the return of 14,495 acres of federal lands—also known as the Grinnell Lands—in the Little Rocky Mountains to the Gros Ventre and Assiniboine people as part of the water rights settlement. We seek to restore

14,495 acres of land surrendered by our ancestors under threat of death and starvation under the Grinnell Agreement.

In 1896, the U.S. government successfully sought to acquire a portion of our Reservation so that miners could make their fortunes from the gold on our Reservation. Government officials told our people they would run out of food and supplies, with nowhere to turn for help, if they didn't sign the agreement. They were given an ultimatum, sign or starve. Under this threat, our ancestors signed the agreement, ultimately surrendering up to 68,000 acres of land along our southern Reservation border. This is far more than the 40,000 acres estimated by the government negotiators, and for which compensation was provided, than the Gros Ventre and Assiniboine leaders were told at the time of the signing.

Our people have called these lands home since time immemorial. We know each mountain peak and stream, and these lands have cultural and spiritual significance for us. Importantly, the headwaters for our communities and Tribal members residing in the southern part of the Reservation are located on these lands. We are in the best position to manage these lands and waters for the use of our community today, and into the future.

WHAT'S NEXT: THERE ARE A NUMBER OF NEXT STEPS, INCLUDING:

1. The United States Congress must pass the Gros Ventre and Assiniboine Tribes Water Rights Settlement Act of 2019 to settle the FBIC water-related claims and fund the FBIC water development projects.
2. Congress must approve the Fort Belknap-Montana Water Compact as part of the Water Rights Settlement Act. The tribal membership will then vote to approve the Water Rights Settlement Act and Water Compact.
3. The FBIC, state of Montana, and United States will submit the Water Compact to the Montana State Water Court to issue a decree recognizing the FBIC reserved water rights with the ability to enforce these rights

For more information:

<https://ftbelknap.org/>

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