



FORT BELKNAP INDIAN COMMUNITY WATER COMPACT AND SETTLEMENT CHRONOLOGY

1855

Treaty of the Blackfoot Nation: recognized a large portion of the country east of the Rocky Mountains for the Blackfoot Nation, consisting of the Blackfeet, Piegan, Blood, and Gros Ventre Tribes, for their exclusive use and control. The Assiniboine Tribe was included in a common hunting-ground. The Tribes agreed to remain within their respective countries.

1888

Act of May 1, 1888: Established the Fort Belknap Reservation for the Gros Ventre and Assiniboine Tribes for the purpose of establishing homes for their exclusive use and occupancy and an agricultural economy on a smaller, independent reservation. The Act resulted in the relinquishment of title to the lands of numerous tribes of more than fourteen million acres, and represents what remains of the vast ancestral territory of the Blackfoot Nation and Assiniboine Tribe.

1889

The Fort Belknap Indian Irrigation Project started with the Indian Agents' use of the Milk River for both domestic and agricultural needs. The Gros Ventre and Assiniboine Tribal members were using flood waters from Peoples Creek, Three Mile Creek, and various coulees on the Reservation to promote natural grasses as pasture for livestock.

1893

After construction of the Three Mile Coulee Unit, the Bureau of Indian Affairs constructed a small irrigation ditch to divert water from the right bank of the Milk River to support the development of agriculture on the Reservation. In 1896, irrigation systems on the Peoples Creek and Lodge Pole were put into operation.


1895

The Grinnell Agreement resulted in the additional loss of as much as 68,000 acres from the Reservation's southern, mountainous area known as the Little Rockies, which included sacred sites and cultural resources used by the Tribal members.

- Monetary compensation was authorized for \$360,000 for the taking of these lands, estimated as 40,000 acres. The compensation did not account for about 28,000 additional acres that were actually removed from the Reservation.
- Indian Commissioners informed the U.S. Senate, as they had informed the Tribal leaders, that it was absolutely certain that "your women and babies will suffer and starve" if the Tribes did not surrender these lands so they could feed their people.
- Surrendered lands include the headwaters of a significant portion of Tribal water rights that flow north onto the southern part of the Reservation.

1898

The Gros Ventre and Assiniboine Tribal members were irrigating about 30,000 acres on the Milk River for grain, grass, and vegetables, and Congressional authority was granted for the



construction of irrigation systems on the Milk River and Big Warm Springs Units. At one time, other Southern Tributary Irrigation Projects were built and operated, including the Brown, Upper Peoples Creek (Hays), Lower Peoples Creek (Ereaux), and Duck Creek Units.

1908

Winter vs. United States: The United States defended the right of the Tribes to develop and use the Milk River on their semi-arid Reservation lands as against non-Indian irrigators upstream who were diverting and depleting the water. The Supreme Court reasoned that with the creation of the Reservation, the Tribes gave up a larger tract of land where they had command of all the lands and the waters for all their beneficial uses, including hunting, grazing, and agriculture. The Court held that when the federal government created the Fort Belknap Reservation with the purpose of establishing a permanent homeland for the Gros Ventre and Assiniboine Tribes, it intended that the Tribes would have a continuing and sufficient water right necessary to irrigate their lands and provide for their domestic, livestock, and other needs.

The Court also ruled that the priority date for the use of the Indian water rights is the date of the establishment of a reservation.

1935

Gros Ventre and Assiniboine Tribal members adopted the Constitution of the Fort Belknap Indian Community (FBIC) on October 19, 1935, under the Indian Reorganization Act. The FBIC Council is the governing body of the Fort Belknap Reservation and its peoples.

1979

The Montana Reserved Water Rights Compact Commission was established, and the Fort Belknap Indian Community Council subsequently approved a resolution to begin negotiations with the State and the federal government to settle their Indian reserved water rights.

2001

The Fort Belknap-Montana Water Compact is ratified. After 15 years of negotiations between the Fort Belknap Indian Community Council, the Montana Reserved Water Rights Compact Commission, and the United States, the State of Montana and the Council approved the Water Compact.

2012

The Gros Ventre and Assiniboine Tribes Water Settlement Bill was introduced in the Senate for Congressional approval and reintroduced in 2013, but no further Congressional action has been taken to date, although negotiations continued.

2018

Fort Belknap Indian Community Council approved moving forward with the proposed Water Rights Settlement Act and working with the Montana Congressional delegation for its introduction in Congress and completing the negotiations to secure a comprehensive water rights settlement.

Fort Belknap Indian Community Council approved the inclusion of a portion of the Grinnell lands as part of the Reservation lands within the ancestral territory of the Tribes to be transferred and held in trust for the FBIC as part of the Reservation, providing non-monetary compensation as part of the total settlement compensation.

2019

- On December 19, 2019, Senator Jon Tester (D-MT) introduced the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community Water Rights Settlement Act of 2019 in the United States Senate.