

Water Resources in the Fort Belknap Indian Community



A view of the Fort Belknap Reservation.

Montana's Fort Belknap Indian Community (FBIC), which brings together the Gros Ventre and Assiniboine Tribes on the Fort Belknap Reservation, is home to the nation's oldest federal Indian irrigation project, the Fort Belknap Indian Irrigation Project (FBIIP). The FBIC has Indian reserved water rights in the Milk River basin and recognizes the importance of the water resources delivered by the St. Mary diversion. In this interview, FBIC Water Resources Department Administrator Kristal Fox discusses the history of FBIC's water resources and irrigation and the importance of the Milk River Project.

Irrigation Leader: Please tell us about your background and how you came to be in your current position.

Kristal Fox: I started working at the FBIC Water Resources Department in 1989 as an administrative assistant for Franklin "Randy" Perez, who was the administrator here for many years. Then I left to do other work for the tribes. Eventually, Randy was elected to the FBIC Council, and the FBIC administration asked me to step in as the Water Resources Department administrator. I have held this position for about 8 years. I also served as the FBIIP manager for 6 of those years. One of our younger ditch rider-operators, Craig Adams, stepped into the FBIIP management position last year. He's a bright young man, and I think he was born to run the project. My work, including my work with Randy Perez, has focused primarily

on the FBIC effort to secure our Indian water rights. Negotiating and settling the Fort Belknap Reservation's water rights takes most of my time today, but I do continue to work closely with our new FBIIP manager.

I'm an enrolled member of the Gros Ventre Tribe. We have two tribes here, the Gros Ventre and the Assiniboine. The economy on the reservation is primarily agricultural, and I grew up in an agricultural family. My dad had dry farmland and cattle. Irrigation was new to me when I became the administrator of the Water Resources Department, but I've had some good people guide and mentor me.

Irrigation Leader: How many enrolled members are in both tribes?

Kristal Fox: The total enrollment of the FBIC is just over 8,100 members. About half the enrolled members live on the Fort Belknap Reservation.

Irrigation Leader: Please tell us about the FBIC's water resources and irrigation.

Kristal Fox: We've lived on these lands for centuries, and here at Fort Belknap, we have the oldest of the 16 federal Indian irrigation projects in the United States. The project was built in 1889 by the U.S. government, which wanted to make farmers out of us. The Indians got to choose whether they wanted




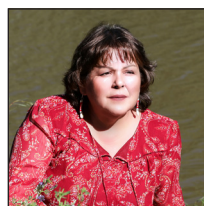
damage that has been done over the past century to the FBIIP because of the federal government's neglect. Our project is run all by gravity—there are no pumps. It's never changed over the course of 100 years. We have a lot of drainage problems. That is our biggest issue. Should the water settlement be approved by Congress, our irrigation project will be updated, modernized, and expanded. Right now, we only have two guys working on the whole project. They're good, dedicated workers, but it's a miracle that they get the water delivered. It's sad that our project is in such disarray. I believe that it could be a beautiful place and our farmers and ranchers could make a good living if the project were rehabilitated.

Irrigation Leader: Tell us about your interest in the St. Mary unit of the Milk River Project.

Kristal Fox: I can't stress enough how much this basin depends on the St. Mary diversion. Our main rights are to water that is delivered by the natural flow of the Milk River, and the St. Mary diversion provides a critical source of water supply for the irrigators on the Milk River Project. We also have a 1946 agreement with the federal government that provides us with a one-seventh share of the storage in Fresno Reservoir, which is also fed by the St. Mary water supply. The FBIC is a big supporter of the St. Mary unit, and I have been the FBIC representative on the St. Mary Rehabilitation Working Group board for the last 8 years. We have developed a subgroup of the working group to try to help advocate for funding and rehabilitation. I'm glad the Milk River Joint Board of Control has been working on that and has obtained some funding, but it's a shame that the federal government neglected the St. Mary unit for so long that there is now a breach in one of the drops in the canal, shutting off the water supply. It really failed the people of the state of Montana.

Irrigation Leader: Is there anything else you'd like to add?

Kristal Fox: We strive to be good neighbors. The tribes often get looked at as a separate group, which we are, but when it comes to these water issues, we all have a claim, and when it comes to the Milk River Project, we all need to be one family. It's really hard to get people to collaborate, but people are coming together in support of the rehabilitation of the St. Mary unit. It's important that the repairs on the St. Mary unit get done, so we need to get along and work toward a common goal. 



Kristal Fox is the administrator of the Fort Belknap Indian Community's Water Resources Department. For more about the FBIC, visit fbelknap.org.

some acreage in the project or lands outside it. Some chose lands in the project, but it was difficult for them to adapt to being farmers. In 1908, a legal issue arose when a non-Indian was diverting our water out of the Milk River. The case rose to the U.S. Supreme Court as *Winters vs. United States* and was settled in our favor, resulting in a principle called the Winters Doctrine that applies to the Indian water rights of all the other reservation tribes across the United States. That case awarded us rights to 125 cubic feet per second of water from the natural flow of the Milk River. The service area of the FBIIP is about 10,000 acres today; we have additional lands that can be irrigated, and we aim to service them with this project also.

We have been working on settling our water rights with the State of Montana since the 1980s. The 1952 McCarran Amendment gave the states the right to adjudicate water rights, so even though we are under federal jurisdiction, our water rights need to be settled with the state as well as with the federal government. Our council approved a water compact with the State of Montana in 2001 that was overwhelmingly approved by the state legislature, and now we are working to get it passed through Congress. Our water rights settlement bill was introduced in the United States Senate by Senator Jon Tester, and it has also been introduced in the U.S. House of Representatives, but we have not yet had a hearing scheduled. We are pushing for that.

We also have claims against the United States for mismanagement and neglect of our water rights and for the