

**IN THE WATER COURT OF THE STATE OF MONTANA
BLACKFEET TRIBE'S OFF-RESERVATION INSTREAM RESERVED WATER RIGHTS**

CASE NO. WC-1991-01

**Appendix A
Tribal Instream Flow Rights
Lewis and Clark National Forest**

Badger Creek	North Badger Creek
Benson Creek	North Fork Birch Creek
Birch Creek	North Fork Little Badger Creek
Blind Creek	North Fork Sheep Creek
Box Creek	North Fork Whitetail Creek
Coon Creek	Phillips Creek
Crucifixion Creek	Pike Creek
Deep Creek	Pool Creek
Dry Creek	Red Poacher Creek
East Fork Woods Creek	Rowe Creek
Elbow Creek	Sawmill Creek
Hall Creek	Sidney Creek
Haywood Creek	Slippery Hoof Creek
Hungry Man Creek	Small Creek
Hyde Creek	South Badger Creek
Killem Horse Creek	South Fork Birch Creek
Killem Quick Creek	South Fork Little Badger Creek
Kip Creek	South Fork Two Medicine River
Lee Creek	South Fork Whitetail Creek
Limestone Creek	Steep Creek
Lonesome Creek	Summit Creek
Lookout Creek	Townsend Creek
Lost Shirt Creek	Whiterock Creek
Muskrat Creek	Woods Creek

**Appendix A
Tribal Instream Flow Rights
Glacier National Park**

Allen Creek	Lunch Creek
Apikuni Creek	Medicine Owl Creek
Appekunny Creek	Midvale Creek
Appistoki Creek	North Fork Cut Bank Creek
Aster Creek	Otatso Creek
Atlantic Creek	Paradise Creek
Baring Creek	Ptarmigan Creek
Boulder Creek	Railroad Creek
Canyon Creek	Red Eagle Creek

Cataract Creek
 Coonsa Creek
 Divide Creek
 Dry Fork Fortymile Creek
 Fortyone Mile Creek
 Grinnell Creek
 Hudson Bay Creek
 Hudson Creek
 Iceberg Creek
 Jule Creek
 Kennedy Creek
 Lake Creek
 Lee Creek

Reynolds Creek
 Rose Creek
 Saint Mary River
 Siyeh Creek
 South Fork Cut Bank Creek
 South Fork Milk River
 Swiftcurrent Creek
 Two Dog Creek
 Two Medicine Creek
 Virginia Creek
 Two Medicine Creek
 Wilber Creek
 Wild Creek
 Windy Creek

Appendix B
Lewis and Clark National Forest

The Tribal Instream Flow Water Rights within the boundaries of the Forest are subject to the following:

1. The reserved water rights the United States holds on behalf of the Forest Service for Discrete and Dispersed Administrative Uses pursuant to Mont. Code Ann. § 85-20-1401, Article II. A. and B., and shown in the table below.

Basin 41M	Current	Future	Total
Discrete Administrative Uses	3.01	3.01	6.02
Dispersed Administrative Uses			43.50
Total			49.52

2. The reserved water right the United States holds on behalf of the Forest Service pursuant to Mont. Code Ann. § 85-20-1401, Article II.C., for use of water for emergency fire suppression.
3. Incidental backcountry uses of water in the Badger-Two Medicine area including, but not limited to, stock and personal water use by: outfitters and guides and their clientele; recreational users; researchers; and federal employees, volunteers, and partners working on trails, weeds, or other resource protection activities. Such use shall be considered part of the Forest Service Dispersed Administrative Uses quantity in the Table in paragraph 1 above.
4. Up to 40.50 acre feet per year of Post-1973 consumptive water use the United States may appropriate on behalf of the Forest Service under state law in the Badger-Two Medicine area ("Post-1973 Forest Service State Law Water Use Permits"). The Forest Service hereby agrees to reduce the quantity of water that it exercises as a Dispersed Administrative Use pursuant to Mont. Code Ann. § 85-20-1401, Article II. B., and shown in the above table, by the quantity of any active Post-1973 Forest Service Water Use Permit. The Forest Service further agrees that if the State of Montana deems an application for a Post-1973 Forest

Service Water Use Permit correct and complete, the Forest Service shall notify the Tribe of the application in addition to any notice the Tribe may receive pursuant to Mont. Code Ann. § 85-2-307(d)(2015)(or subsequent statutory notice requirement).

**Appendix C
Glacier National Park**

Tribal Instream Flow Water Rights within the boundaries of Glacier National Park are subject to the water rights owned by the United States on behalf of the National Park Service described below.

Place of Use:	Volume AF/YR	Maximum Flow Rate
Saint Mary River Basin 40T		
Northern Border areas	2.20	20
Many Glacier areas	166.40	600
Saint Mary areas	128.40	915
Backcountry Use	2.20	
Backcountry Patrol Cabins	1.50	40
Place of Use:		
Badger Two Medicine Basin 41M		
Two Medicine areas	6.40	70
Backcountry Use	0.38	
Backcountry Patrol Cabins	0.19	5
Place of Use:		
Cut Bank Creek Basin 41L		
Backcountry Use	0.18	
Backcountry Patrol Cabins	0.19	
Place of Use:		
Milk River Basin 40F		
Backcountry Use	0.02	
Glacier National Park Total		
	307.88	

**Appendix D
Lewis and Clark National Forest**

The Tribal Instream Flow Water Rights are subject to the following water rights arising under state law, as that term is defined in Article II(52) of Mont. Code Ann. § 85-20-1501, that the United States owns on behalf of the Forest Service:

41M 56930 00	41M 56946 00
41M 56932 00	41M 56947 00
41M 56933 00	41M 56948 00
41M 56934 00	41M 56949 00

41M 56935 00	41M 56950 00
41M 56936 00	41M 56951 00
41M 56937 00	41M 56952 00
41M 56938 00	41M 56953 00
41M 56939 00	41M 56954 00
41M 56940 00	41M 56955 00
41M 56941 00	41M 56956 00
41M 56942 00	
41M 56943 00	
41M 56944 00	
41M 56945 00	

Appendix D

The Tribal Instream Flow Water Rights are subject to the following Water Rights Arising Under State Law, as that term is defined in Article II(52) of Mont. Code Ann. § 85-20-1501.

WRNUMBER	PURPOSES	SRCNAME	PRIORITY DATE
41M 102123 00	Irrigation	Badger Creek	5/7/1910 0:00
41M 113543 00	Irrigation	Coonsa Creek	11/19/1920 0:00
41M 113545 00	Commercial	Two Medicine River, South	3/4/19210:00
41M 113544 00	Irrigation	Two Medicine River, South	3/4/19210:00
41M 153733 00	Stock	Railroad Creek	7/16/19210:00
41M 12464100	Domestic	Unnamed Tributary Of TW	6/4/1923 0:00
41M 124643 00	Stock	Railroad Creek	7/31/1928 0:00
41M 89580 00	Stock	Two Medicine River, South	6/12/1930 0:00
41M 89587 00	Stock	Summit Creek	6/12/1930 0:00
41M 118412 00	Irrigation	Deep Creek	1/6/1936 0:00
41M 175867 00	Domestic	Groundwater	6/30/1936 0:00
41M 175868 00	Domestic	Spring, Unnamed Tributary	6/30/1936 0:00
41M 175862 00	Stock	Spring, Unnamed Tributary	6/30/1936 0:00
41M 175863 00	Stock	Groundwater	6/30/1936 0:00
41M 175864 00	Stock	Spring, Unnamed Tributary	6/30/1936 0:00
41M 175865 00	Stock	Unnamed Tributary Of TW	6/30/1936 0:00
41M 175866 00	Domestic	Spring, Unnamed Tributary	6/30/1939 0:00
41M 159327 00	Stock	Unnamed Tributary Of TW	12/31/1941 0:00
41M 159337 00	Stock	Deep Creek	12/31/1942 0:00
41M 159341 00	Stock	Spring, Unnamed Tributary	12/31/1942 0:00
41M 156893 00	Stock	Unnamed Tributary Of SU	12/31/1947 0:00
41M 155364 00	Domestic	Unnamed Tributary Of SU	12/31/1957 0:00
41M 159328 00	Domestic	Groundwater	8/31/1958 0:00
41M 44025 00	Stock; Industrial	Unnamed Tributary Of UN	6/29/1970 0:00
41M 131191 00	Domestic	Summit Creek	6/30/1973 0:00
41M 131192 00	Domestic	Two Medicine River, South	6/30/1973 0:00
41M 24230 00	Domestic	Groundwater	8/15/1979 0:00
41M 24927 00	Commercial	Groundwater	10/25/1979 0:00
41M 33471 00	Commercial; Domestic	Groundwater	6/2/1981 0:00
41M 42075 00	Domestic	Groundwater	7/1/1981 0:00
41M 38023 00	Domestic	Groundwater	11/23/1981 0:00
41M 47974 00	Domestic; Lawn and Garden	Groundwater	11/24/1981 0:00
41M 46032 00	Commercial; Domestic	Groundwater	3/11/1982 0:00

41M 46033 00	Commercial; Domestic	Groundwater	3/11/1982 0:00
41M 43542 00	Domestic; Lawn and Garden	Groundwater	4/8/1982 0:00
41M 51321 00	Domestic; Lawn and Garden	Groundwater	8/25/1983 0:00
40T 51371 00	Commercial; Domestic	Groundwater	11/2/1983 0:00
41M 54637 00	Lawn and Garden; Domestic	Groundwater	12/1/1983 0:00
41M 75861 00	Domestic	Groundwater	12/7/1990 0:00
41M 108325 00	Domestic	Groundwater	10/27/1999 0:00