

# Montana Water Compact Gives Away Our Rights



Bret Bailey Lakeside a day ago · Mon, Jan 9, 2023 2:31 PM

The Flathead Compact defines the reserved water rights of the Tribes within the State of Montana and will entitle the Tribes to divert and use water in accordance with the Flathead Compact within all or part of the following basins: Basin 76D, Kootenai River; Basin 76E, Rock Creek; Basin 76F, Blackfoot River; Basin 76J, Flathead River (South Fork); Basin 76K, Swan River; Basin 76L, Flathead River (below Flathead Lake); Basin 76LJ, Flathead River (to and including Flathead Lake); Basin 76M, Clark Fork River (between Blackfoot and Flathead Rivers); and Basin 76N, lower Clark Fork River (below Flathead River). A summary of the Tribal water rights within these basins is enclosed with this Notice. Also, Tribal water rights can have an impact on water rights in Basin 76G, Clark Fork River (above Blackfoot River); 76GJ, Flint Creek; and Basin 76I, Middle Fork of the Flathead River.

THE CONSTITUTION OF THE STATE OF MONTANA  
ARTICLE IX. ENVIRONMENT AND NATURAL RESOURCES  
Part IX. ENVIRONMENT AND NATURAL RESOURCES

## Water Rights

**Section 3. Water rights.** (1) All existing rights to the use of any waters for any useful or beneficial purpose are hereby recognized and confirmed.

(2) The use of all water that is now or may hereafter be appropriated for sale, rent, distribution, or other beneficial use, the right of way over the lands of others for all ditches, drains, flumes, canals, and aqueducts necessarily used in connection therewith, and the sites for reservoirs necessary for collecting and storing water shall be held to be a public use.

(3) All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law.

(4) The legislature shall provide for the administration, control, and regulation of water rights and shall establish a system of centralized records, in addition to the present system of local records.

Montana Water Court June 2022 preliminary water compact decree (top). Montana Constitution, Article IX Section 3 (bottom).

Fellow Montanans,

We have been given the opportunity to defend our water rights against the over-reach of the Confederated Salish Kootenai Tribes (CSKT) Water Compact. I am writing this letter to shed light on the CSKT Compact, and share the process for submitting an objection to the Water Court.

Yes, your water rights will be impacted by the pending CSKT Compact! The specifics of the Compact are not yet clear, but surface and groundwater both on and off the reservation will be placed under the control of the CSKT through the Flathead Water Management Board created by [the Compact](#). The Montana Water Use Act of 1973 will no longer apply, and we will lose water rights within our private property.

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Water Court

. Stephen R. Brown, Associate Water Judge. June 9th, 2022.

Montana

The Montana Water Court's [preliminary decree](#) was only mailed to approximately 68,000 of the 300,000 residents affected by the CSKT compact. This violates the citizen's right to know as found in our Montana Constitution. The powers pushing the CSKT Compact are attempting to keep this out of the public's eye because they know if the people get wind of what is going on there will be significant pushback. Furthermore, the Compact violates US Amendment IV, V, X, and XIV, as well as Montana [Article II Section 3](#), and [Article IX Section 3](#). Both Federal and State Constitutions are being ignored to a shocking degree.

1/9/23, 3:34 PM

Section 3. Water rights, MCA

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## Montana Code Annotated 2021

THE CONSTITUTION OF THE STATE OF MONTANA

ARTICLE IX. ENVIRONMENT AND NATURAL RESOURCES

Part IX. ENVIRONMENT AND NATURAL RESOURCES

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Montana

Constution,

So what can we do to stop this attack on our rights? All concerned people need to submit an objection to the Montana Water Court via their website. All submissions are due no later than February 9<sup>th</sup>, 2023. It is imperative that we follow [their directions exactly](#) or the submittal will be rejected. Please pass this information onto family and friends and together we can defeat this attack on our property.

For some history and recent blogs on this topic please check out the [Western Montana Water Rights website](#).



About Bret Bailey

*Bret Bailey is a husband, and father of one. He and his wife look forward to continuing to grow their family, and are passionate about protecting liberty in the Flathead Valley.*

[Read more from Bret Bailey](#)