Indian Affairs - Office of Public Affairs

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Assistant Secretary for Indian Affairs Ross Swimmer today signed the Fort Peck Tribal Water Code, a model agreement for the administration of Indian water rights and the first code to be approved since 1975.

The code resulted from a 1985 compact between the Assiniboine and Sioux Tribes of the Fort Peck Reservation and the State of Montana. The Fort Peck tribes own a portion of the Missouri River in northeastern Montana.

"The Assiniboine and Sioux Tribes along with the state of Montana are to be commended for their cooperation which has led to today's signing of the Fort Peck Tribal Water Code," Swimmer said. "This code is a model for administering tribal water rights and is a mess to Indian Country that state and tribal Governments can work together on resolving matters of common concern."

"This is a landmark in state-tribal relations," according to Interior under Secretary Ann McLaughlin. "This is a very essential step in bringing an important water rights settlement to reality."

Today's action implements the Fort Peck-Montana Compact, which was approved last year and is the state's first agreement with a tribal Government concerning Indian water rights. The approval of the water code is an exception to a 1975 moratorium Interior placed on approval of such codes.

"Since water knows no political boundaries, cooperation between state and tribal Government is essential to ensure effective and comprehensive water management. The Fort-Peck Montana compact highlights the benefits of intergovernmental cooperation," Swimmer said.

The purposes of the code are to (1) provide for the orderly resolution of disputes between persons authorized to use the tribal water right; (2) to regulate and administer all diversions and use of water under the tribal water right within the reservation except for diversions or uses received from the Fort Peck Irrigation Project; and (3) to implement the Fort Peck-Montana Compact.

The code creates a Water Resources Control Commission and an appointed water administrator. It also provides for obtaining water permits, transferring water rights, and prioritizing water uses.

Most western tribes lack formal water codes that regulate and administer the water they own through various executive orders and treaties with the federal government. Swimmer said the Fort Peck water code is a model for those tribes to consider.