

Summary of the Yellowstone River Compact's Apportionment Provisions

The Yellowstone River Compact dividing the waters of the tributaries (Clarks Fork, Big Horn, Tongue and Powder) of the Yellowstone among the States of Wyoming, Montana and North Dakota was negotiated in 1950, and ratified by the three States and the Federal government in 1951. This Compact included the following provisions for all four of the tributaries:

- A. Existing rights as of January 1, 1950 maintain their status quo.
- B. Existing and future domestic and stock water uses including stock water reservoirs up to a capacity of 20 acre-feet are exempted from provisions of the Compact.
- C. Devices and facilities for the control and regulation of surface water are exempted from the provisions of the Compact.

The unappropriated or unused total divertible flow of each tributary, after needs for supplemental supply for existing rights are met, is allocated to Wyoming and Montana as follows:

Clarks Fork of the Yellowstone River:

Wyoming	60 %
Montana	40%

Big Horn River (exclusive of Little Big Horn River)

Wyoming	80 %
Montana	20 %

Tongue River

Wyoming	40 %
Montana	60 %

Powder River (including the Little Powder River)

Wyoming	42 %
Montana	58 %

Lands in Montana and North Dakota below Intake, Montana are entitled to beneficial use of the flow of the Yellowstone River on a proportionate basis of acreage irrigated. The points of measurement and the gaging stations used to define the divertible flows are:

Stream

Clarks Fork
Big Horn
Tongue
Powder

Compact Point

above Rock Creek
at Mouth (exclusive of Little Big Horn River)
at Mouth
at Mouth (Exclusive of Little Powder River)

Gaging Station

Clarks Fork at Edgar, MT
Big Horn River near Custer
Tongue River at Miles City
Powder River near Locate