

YELLOWSTONE RIVER

COMPACT COMMISSION

FORTY-FOURTH ANNUAL REPORT

1995

**YELLOWSTONE RIVER COMPACT COMMISSION
821 EAST INTERSTATE AVENUE
BISMARCK, NORTH DAKOTA 58501**

**Honorable Jim Geringer
Governor of the State of Wyoming
Cheyenne, Wyoming 82002**

**Honorable Marc Racicot
Governor of the State of Montana
Helena, Montana 59620**

**Honorable Edward T. Schafer
Governor of the State of North Dakota
Bismarck, North Dakota 58501**

Dear Sirs:

Pursuant to Article III of the Yellowstone River Compact (Compact), the Commission submits the following forty-fourth annual report of activities for the period ending September 30, 1995.

Members of the Yellowstone River Compact Commission convened their 44th Annual Meeting on November 29, 1995 at 8:05 a.m. in Cody, Wyoming. In attendance were Mr. William F. Horak, Chairman and Federal Representative, and Mr. Gary Fritz, Administrator, Water Resources Division, Montana Department of Natural Resources and Conservation. Mr. Gordon W. Fassett, Wyoming State Engineer, was unable to attend but was represented by Ms. Sue Lowry, Wyoming State Engineer's Office. Also in attendance were Mr. Keith Burron, Wyoming Attorney General's Office; Mr. Craig Cooper, Wyoming Board of Control, Water Division III; Mr. Robert Davis, U.S. Geological Survey; Mr. Don Englert, Wyoming Board of Control; Mr. Orrin Ferris, MSE-HKM Associates; Mr. Joe Moreland, U.S. Geological Survey; Mr. Marty Van Cleave, Montana Department of Natural Resources and Conservation, Billings Water Resources Office; and Mr. Mike Whitaker, Wyoming Board of Control, Water Division II.

Mr. Moreland presented information on budgets for current and future water years. He reported that the stream-gaging program for the Yellowstone River Compact Commission cost \$46,900 in water year 1995. Budget estimates approved at the last meeting set costs for the 1996 program at \$64,300. He noted that the increase in funding for 1996 covered the cost of relocating the Tongue River gage. He stated that the estimated cost for operation of gaging stations for 1997 would be \$51,100, for 1998 would be \$53,400, and for 1999 would be \$55,700. He noted that estimated costs for future years had been decreased slightly to reflect lower anticipated rates of inflation. The Commission accepted the proposed budget for the coming year.

Mr. Moreland reported that 1995 runoff was 105 percent of average for the Clarks Fork Yellowstone River, 117 percent of average for the Bighorn River, 134 percent of average for the Tongue River, and 154 percent of average for the Powder River. He noted that flows in all tributaries were above average during June 1995. All reservoirs in the basin had more water in storage at the end of the 1995 water year than at the end of the previous water year.

Mr. Horak stated that the proposed "Rules for the Resolution of Disputes Over the Administration of the Yellowstone River Compact" (the draft dated June 20, 1995) had been reviewed by the U.S. Geological Survey (USGS). The only concern expressed by the USGS related to the language in

section VII of the draft rules. That section specifies the manner of funding the expenses of a facilitator that could be hired to help resolve an outstanding dispute between the representatives of Montana and Wyoming. Mr. Horak proposed that the words "and the USGS" be appended to the end of the sentence in section VII.A of the draft rules. When revised as proposed, section VII.A would state, "The USGS will pay one-half and the States of Montana and Wyoming shall each pay one-quarter of the expenses of the facilitator, which shall not exceed \$10,000, unless agreed to by both States and the USGS." The Commission agreed to the modification.

Mr. Horak reported that he had discussed the procedure for adoption of the Proposed Rules for the Resolution of Disputes with the Department of the Interior Field Solicitor. The Solicitor stated that adoption of the rules did not require publication in the Federal Register. He recommended that Montana and Wyoming follow their Administrative Rules procedures in adopting the proposed Compact rules.

During the ensuing discussion, it was agreed that a process similar to the one that was used for adoption of the Rules for Adjudicating Water Rights on Interstate Ditches would be followed to formally adopt the proposed Rules for Resolution of Disputes. By early spring 1996, Montana will draft an announcement outlining the resolution process and guidelines for public inquiry. Wyoming will review the draft and the two States will agree on the wordage for this announcement to be published in local newspapers. The public announcements should be made concurrently in Montana and Wyoming, for a period of not less than three weeks. At the conclusion of the announcement period, an additional 30 days will be allowed for public comments. Finally, formal responses will be made by the States to whatever comments they receive. If substantive concerns are expressed, public hearings may be required. The meeting participants agreed, however, that public notice of the Commission's intent to adopt the proposed Rules for Resolution of Disputes will unlikely evoke great public concern.

The Commissioners agreed that the proposed rules need to be formally adopted by a vote of the Commission. They further agreed that it would not be necessary to call a special meeting of the Commission to consider adoption of the proposed rules. Action on the rule-adoption issue at the next (1996) annual Commission meeting will be timely enough. Mr. Fritz stated, and others agreed, that progress made by the Commission to adopt the Rules for Resolution of Disputes Over the Administration of the Yellowstone River Compact was a significant step forward.

Mr. Horak asked Wyoming to report on the Clarks Fork Wild and Scenic River issue. Ms. Lowry reported that a public hearing was held in Cody, Wyoming in October 1994. The Greater Yellowstone Coalition was supportive of the proposed Federal reserved water right. A Wyoming Water Development Commission storage facility is located below the Wild and Scenic segment. The Commission's remarks at the hearing acknowledged the boundary of the Wild and Scenic segment would allow for future water development. The application is now awaiting signature. The Clarks Fork Wild and Scenic designation will be the first such designation in Wyoming and the Federal reserved water right for the designated reach will be the first for the State. The priority date for the reservation will be 1990. The reserved water-right quantity during low-flow periods is identical to the Wyoming Game and Fish instream flow right. The Wild and Scenic instream flow right is a variable flow rate based on streamflow conditions and includes provisions for flushing flows. Mr. Fritz asked if any definitive flow rates were set in the reserved water right. Ms. Lowry stated that only the low-flow rate had a quantity figure defined and high-flow amounts are the total flow in the Clarks Fork. Other rates of flow were simply percentages of the streamflow. Ms. Lowry noted that

the U.S. Forest Service had been very helpful in providing hydrologic information.

Ms. Lowry reported on the current status of issues related to the Wind River Indian Reservation settlement. The major unresolved issue is delivery of water to Indian and non-Indian users. A team of specialists from the Federal, State, and tribal governments has been meeting to discuss rehabilitation of Indian water-delivery facilities and other concerns. Mr. Cooper noted that a Federal team joins the discussions about every two months but that local representatives meet more frequently. A Power subgroup of the negotiating team has been evaluating the potential for power generation from project reservoirs. Questions also have been raised about transfer of power revenues from Boysen Reservoir. Recreational issues are involved. The topic has generated considerable negative publicity. There are still unresolved issues concerning Walton Rights. The major discussions are currently focused on day-to-day operations.

Mr. Cooper stated that the team was lead by Mr. Duffey, a solicitor in the Department of Justice. He added that the Shoshone and Northern Arapahoe Tribes have offered to take over operation of Boysen Reservoir but no final decision has been made. The various subgroups of the negotiating team are making progress but no final reports have been completed. Mr. Cooper noted that 278 Walton claims have been filed and that each will be handled individually. The State's general adjudication staff is reporting information on each claim to the Special Masters. The Shoshone and Northern Arapahoe Tribes and the Department of Justice have filed objections to all of the staff reports submitted to date. If non-Indian claims are issued water rights, the claims will carry the same priority date as the Tribes' reserved rights.

Mr. Van Cleave noted the Walton Rights had been claimed on the Northern Cheyenne Indian Reservation in Montana. Mr. Fritz added that the Montana Federal Reserved Water Rights Compact Commission would face the issue in their negotiations with the Crow Indian Reservation.

Mr. Horak asked for an update on the Little Bighorn Energy Project. Ms. Lowry observed that pre-license paperwork had been filed with the Federal Energy Regulatory Commission but that the project no longer has an active full-time staff to pursue the proposal. The proposers have been asked to modify their water-right permit applications but no new requests have been received. An application has been filed for a State instream-flow right and Wyoming plans to process the request. Ms. Lowry indicated that the instream-flow right would have a priority date of 1989 or 1990. She observed that the Wyoming Game and Fish makes the determination of flow requirements and that the Wyoming Water Development Commission files the application.

Mr. Fritz reported on the Tongue River Reservoir Rehabilitation project. He stated that a draft Environmental Impact Statement has been prepared. Montana is currently searching for local sources of aggregate for the project. The project would provide for an increase of 20,000 acre-feet to satisfy water needs for the Northern Cheyenne Indian Reservation. He expressed hope that road construction would be started in the near future with water deliveries possible by the end of 1997 as required by the Compact with the Northern Cheyenne Indian Reservation.

Mr. Horak asked for an update on the Sheridan Area Water Supply/Twin Lakes Project. Ms. Lowry noted that problems in obtaining a 404 permit for the project had been largely resolved. The U.S. Army Corps of Engineers had rejected the original plan because of the potential loss of 23 acres of wetlands. A modified plan has reduced the impacted area to about 5 acres and the 404 permit should be issued in the near future. Wyoming plans to proceed with construction in 1996. The project is planned for completion in 1999. Although the project would increase the current storage capacity

by about 1,000 acre-feet, it is primarily intended to satisfy a requirement to serve treated water to the Sheridan area residents.

Ms. Lowry reported on the Buffalo Water Supply Project. A 404 permit will likely be issued soon for the 2,600 acre-foot Tie Hack Reservoir. The construction will be funded largely with Wyoming Water Development Commission money. When completed, the project will provide minimum flows in a dry reach of the channel and will include a hydropower plant. Mr. Whitaker added that a 6 cubic-foot-per-second transmission line will supply water to the hydropower plant.

Mr. Horak inquired about the status of the Greybull Valley Reservoir. Ms. Lowry explained that the project is a new off-channel storage facility that will store about 20,000 acre-feet of water. The facility will be used to reregulate discharge from the Sunshine Reservoirs at an off-channel site on Roach Gulch. Mr. Cooper stated that the priority date on the water rights for the project would be 1989, although most of the water to be diverted to the facility is water from the Sunshine Reservoirs that has a priority date of 1934. The primary purpose of the project is to regulate large fluctuations in discharge that result from drafting the Sunshine Reservoirs.

Ms. Lowry gave the Commission an overview of a Wyoming Water Center project. The Wyoming State Engineer's Office has requested that the Water Center undertake a project to update land-use data from the Water Planning Program reports. The Center has been developing land-use information using Geographical Information System technology. One thematic layer that would be of interest to the Commission is a post-1950 water-rights overlay. Division II has been mapped at 1:100,000. Parts of the Tongue River basin have been mapped at a scale of 1:24,000. Mr. Cooper added that the impetus for the project was a request from Mr. Dalby with the Montana Department of Natural Resources and Conservation for information on supplemental irrigation supplies.

Mr. Whitaker reported that Wyoming planned to issue a public notice for adjudicating a water-right permit on the Little Missouri River. Mr. Fritz commented that Montana would have no objection to the application.

Ms. Lowry asked about the status of the proposed New World Mine near Yellowstone National Park. Mr. Horak asked if Crown Butte Mines would be seeking a permit for a water right. Mr. Van Cleave reported that no requests have been received. Mr. Davis reported that the mining plan envisions an underground operation with an adit in the Fisher Creek drainage basin.

Mr. Fritz reported that the Montana Department of Natural Resources and Conservation is undergoing reorganization along with other Montana state agencies. A Department of Environmental Quality will be responsible for regulation and the new Department of Natural Resources and Conservation will have management responsibilities. The Water Resources Division will remain in the Department of Natural Resources and Conservation but will relocate to new office space.

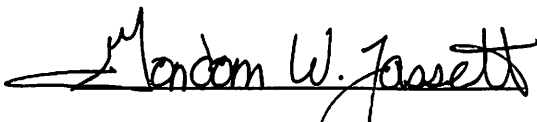
Mr. Ferris reported that his firm is investigating water-rights claims related to the Crow Indian Reservation. The project will start with Pryor Creek and then address the Little Bighorn area.

Mr. Fritz noted that the Montana Federal Reserved Water Rights Commission is currently focusing on water-rights issues on the Rocky Boys Indian Reservation.

Mr. Horak noted that Mr. Moreland had accepted a position in the United Arab Emirates and would be replaced by Mr. Davis. Mr. Horak thanked Mr. Moreland for the excellent services he has

provided the Commission during the past decade as the USGS District Chief for Montana and as Secretary of the Commission. The Commissioners presented Mr. Moreland a plaque commemorating his valuable contributions to the Commission and wished him well in his new foreign assignment.


Having no other business to conduct, the Commission adjourned at 10:30 a.m.



Gordon W. Fassett
Commissioner for Wyoming



Gary Fritz
Commissioner for Montana



William F. Horak
Federal Representative

CONTENTS

	Page
Letter to Governors of signatory States.....	II
General report.....	1
Cost of operation and budget.....	1
Streamflow-gaging station operation.....	1
Diversions.....	2
Storage in reservoirs.....	2
Reservoirs completed after January 1, 1950.....	2
Reservoirs existing on January 1, 1950.....	2
Summary of discharge for Compact streamflow-gaging stations.....	3
Clarks Fork Yellowstone River at Edgar, Mont.	3
Little Bighorn River near Hardin, Mont.	5
Bighorn River above Tullock Creek, near Bighorn, Mont.	6
Tongue River at Miles City, Mont.....	9
Powder River near Locate, Mont.	11
Monthly summary of contents for Compact reservoirs completed after January 1, 1950.....	13
Boysen Reservoir, Wyo.....	13
Anchor Reservoir, Wyo.....	14
Bighorn Lake near St. Xavier, Mont.	15
Monthly summary of contents for Compact reservoirs existing on January 1, 1950.....	16
Rules and regulations for administration of the Yellowstone River Compact.....	17
Rules for adjudicating water rights on interstate ditches.....	21
Claim form for interstate ditches.....	26
Conversion table.....	30

ILLUSTRATIONS

Plate 1. Map showing locations of Compact streamflow-gaging and reservoir-content stations.....	31
Figures 1-4. Graphs showing comparison of discharge during water year 1995 with discharge during water year 1994 and with 10-year and 30-year average discharges for:	
1. Clarks Fork Yellowstone River at Edgar, Mont.	4
2. Bighorn River above Tullock Creek, near Bighorn, Mont.....	8
3. Tongue River at Miles City, Mont.....	10
4. Powder River near Locate, Mont.	12

GENERAL REPORT

Cost of operation and budget

The work funded by the Yellowstone River Compact Commission, which to date has been primarily concerned with the collection of required hydrologic data, has been financed through cooperative arrangements whereby Montana and Wyoming each bear one-fourth of the cost and the remaining one-half is borne by the United States. The salaries and necessary expenses of the State and U.S. Geological Survey representatives, and the cost to other agencies of collecting hydrologic data, are not considered as expenses of the Commission.

The expense of the Commission during fiscal year 1995 was \$46,900, in accordance with the budget adopted for the year.

The budgets for fiscal years 1996, 1997, 1998, and 1999 were tentatively adopted subject to the availability of appropriations.

The budgets for the five fiscal years are summarized as follows:

<u>October 1, 1994, to September 30, 1995 (fiscal year 1995):</u>	
Continuation of existing stream-gaging programs	\$46,900
<u>October 1, 1995, to September 30, 1996 (fiscal year 1996):</u>	
Continuation of existing stream-gaging programs and relocation of Tongue River gage	\$64,300
<u>October 1, 1996, to September 30, 1997 (fiscal year 1997):</u>	
Estimate of continuation of existing stream-gaging programs	\$51,100
<u>October 1, 1997, to September 30, 1998 (fiscal year 1998):</u>	
Estimate of continuation of existing stream-gaging programs	\$53,400
<u>October 1, 1998, to September 30, 1999 (fiscal year 1999):</u>	
Estimate of continuation of existing stream-gaging programs	\$55,700

Streamflow-gaging station operation

Gaging stations at the measuring sites specified in the Yellowstone River Compact were continued in operation and satisfactory discharge records were collected at each station. Locations of streamflow-gaging and reservoir stations are shown on a map of the Yellowstone River Basin at the end of the report.

During water year 1995, annual streamflow was greater than normal¹ in two of the four tributaries of the Yellowstone River as given in the following table:

<u>Station number</u>	<u>Measurement site</u>	<u>Percent of average</u>
06208500	Clarks Fork Yellowstone River at Edgar, Mont., minus diversions to White Horse Canal	105
06294500	Bighorn River above Tullock Creek, near Bighorn, Mont., minus Little Bighorn River near Hardin, Mont. Adjusted for change in contents in Bighorn Lake	117
06308500	Tongue River at Miles City, Mont.	134
06326500	Powder River near Locate, Mont.	154

¹The "normal" range is 80 to 120 percent of average.

Tabulation of streamflow data for water year 1995 and graphical comparisons with average flows for the preceding year and for selected base periods are given in the section "Summary of discharge for Compact streamflow-gaging stations."

Diversions

No diversions were regulated by the Commission during the year. The Commissioners considered the need to develop procedures to administer water in accordance with the provisions of the Compact.

Storage In reservoirs

Reservoirs completed after January 1, 1950

Bighorn Lake, a Bureau of Reclamation project on the Bighorn River, and the largest storage project in the basin, contained 775,100 acre-feet at the beginning of the year and 1,014,000 acre-feet at the end of the year. Daily contents ranged from 775,600 acre-feet on October 1, 1994, to 1,140,000 acre-feet on July 17, 1995. Boysen Reservoir, located on the Wind River and operated by the Bureau of Reclamation, began the year with 444,200 acre-feet in storage and ended the year with 610,600 acre-feet. Storage figures are listed as usable contents, in acre-feet. Monthend and year end contents and a description of these reservoirs are given in the section "Monthly summary of contents for Compact reservoirs completed after January 1, 1950." The Commission is cognizant of other reservoirs in the Yellowstone River basin and considers their aggregate effect to be insufficient to warrant the collection of storage data at this time.

Reservoirs existing on January 1, 1950

As a matter of record and general information, monthend contents are given later in the report for reservoirs in existence upstream from the points of measurement on January 1, 1950. These data are pertinent to allocation under Article V, Section C, Item 3 of the Compact.

06208500 CLARKS FORK YELLOWSTONE RIVER AT EDGAR, MONT.
 (Minus diversions to White Horse Canal)

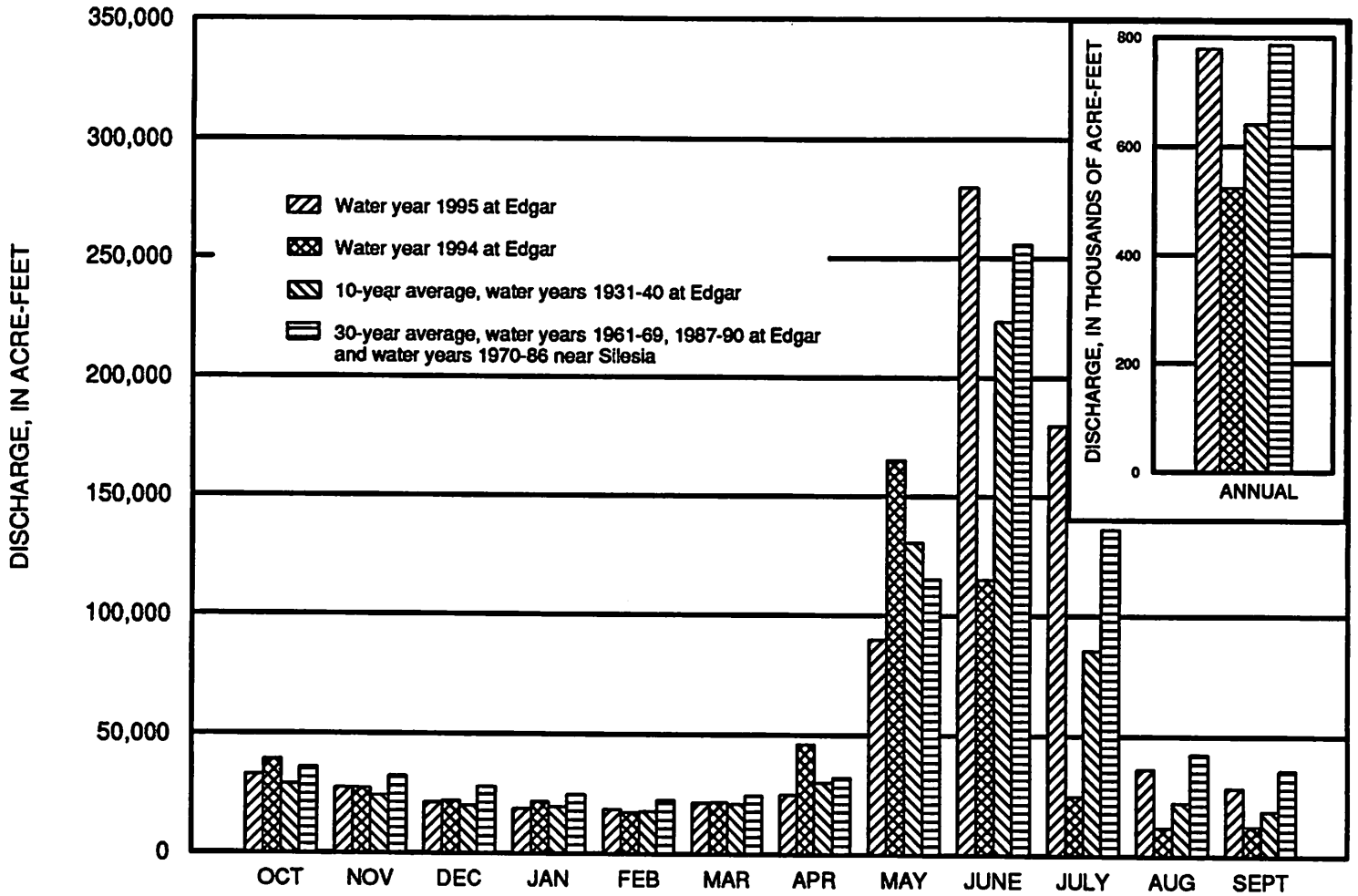


Figure 1. Comparison of discharge of the Clarks Fork Yellowstone River during water year 1995 with discharge during water year 1994 and with 10-year and 30-year average discharges.

SUMMARY STATISTICS

WATER YEARS 1946 - 1961*

ANNUAL MEAN	3358	
HIGHEST ANNUAL MEAN	5501	1947
LOWEST ANNUAL MEAN	1623	1961
HIGHEST DAILY MEAN	25700	Jun 23 1947
LOWEST DAILY MEAN	462	May 12 1961
ANNUAL SEVEN-DAY MINIMUM	528	May 6 1961
INSTANTANEOUS PEAK FLOW	d26200	Jun 24 1947
INSTANTANEOUS PEAK STAGE	b10.65	Mar 20 1947
INSTANTANEOUS LOW FLOW	c275	Nov 15 1959
ANNUAL RUNOFF (AC-FT)	2578000	
10 PERCENT EXCEEDS	6200	
50 PERCENT EXCEEDS	2810	
90 PERCENT EXCEEDS	1500	

*--Prior to construction of Yellowtail Dam.

**--After completion of Yellowtail Dam.

a--Gage height 14.15 ft.

b--Backwater from ice.

WATER YEARS 1967 - 1995**

3882	
5415	1975
1999	1989
50000	May 20 1978
400	Apr 4 1967
843	Nov 18 1977
59200	May 20 1978
14.15	May 20 1978
2812000	
6130	
3430	
1990	

c--About, result of freezeup.

d--Gage height, 8.79 ft, at different site and datum.

e--Estimated.

06294500 BIGHORN RIVER ABOVE TULLOCK CREEK, NEAR BIGHORN, MONT.
 (Adjusted for change in contents in Bighorn Lake
 minus
 Little Bighorn River near Hardin, Mont.)

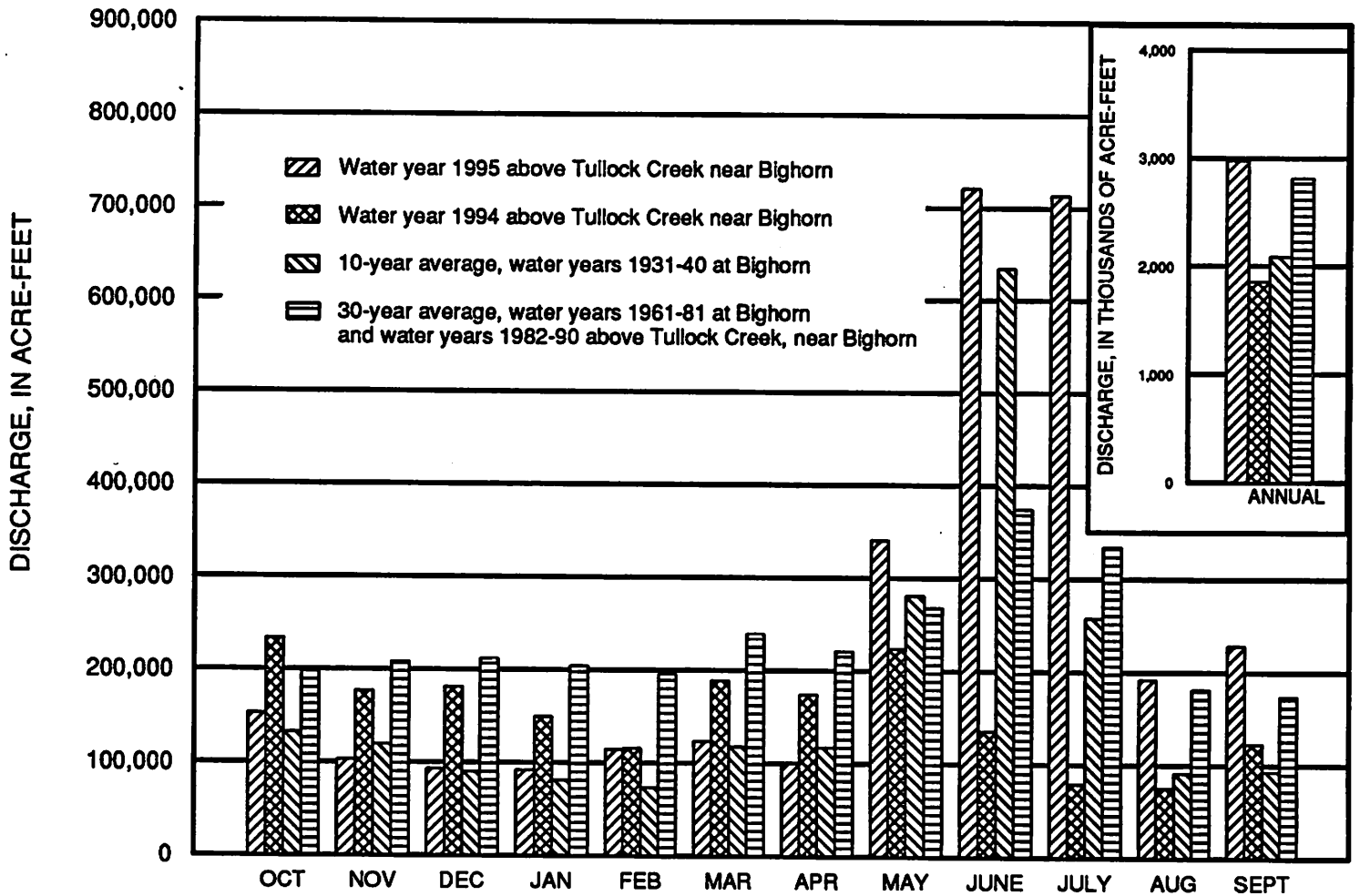


Figure 2. Comparison of discharge of the Bighorn River during water year 1995 with discharge during water year 1994 and with 10-year and 30-year average discharges.

06308500 TONGUE RIVER AT MILES CITY, MONT.

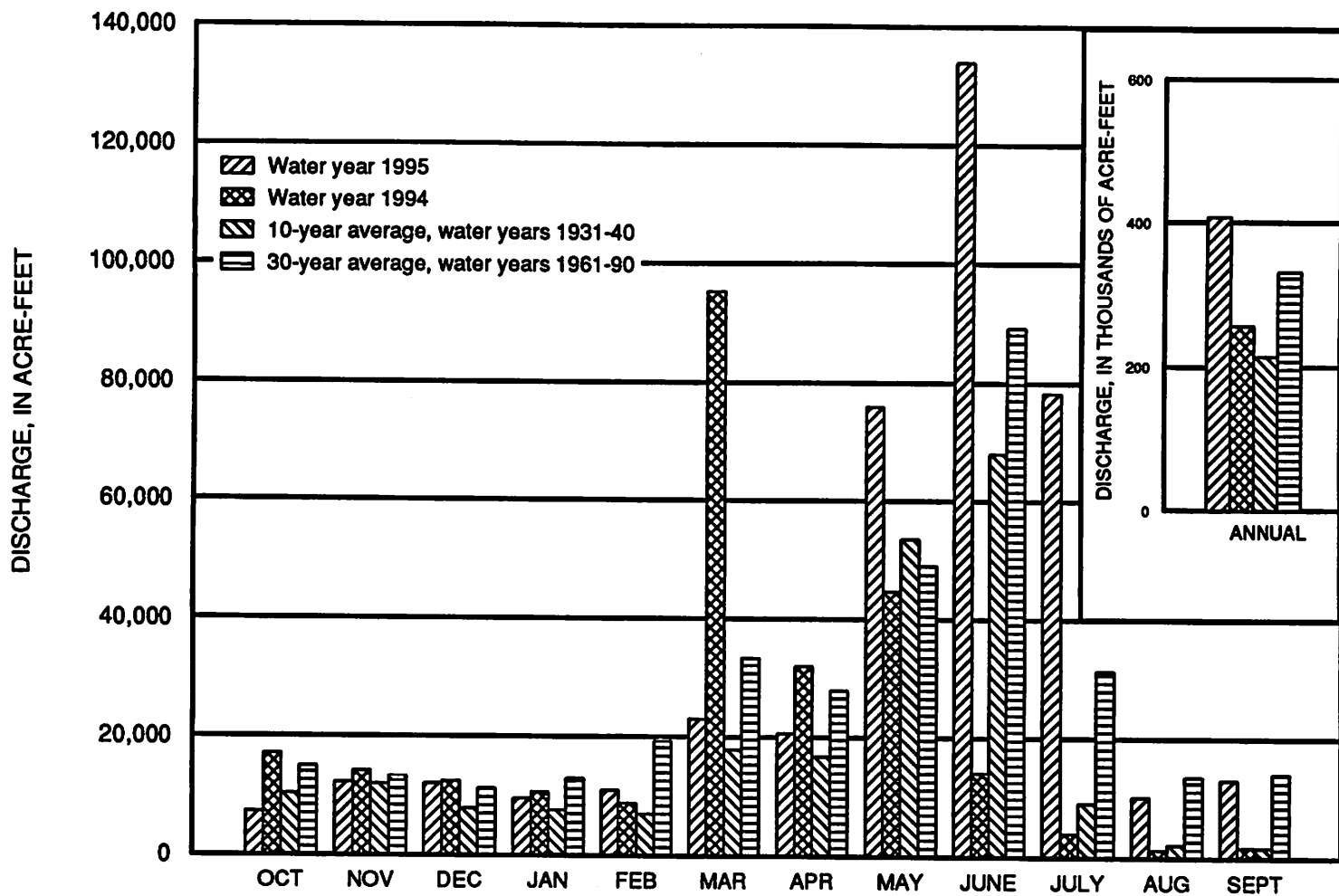


Figure 3. Comparison of discharge of the Tongue River during water year 1995 with discharge during water year 1994 and with 10-year and 30-year average discharges.

06326500 POWDER RIVER NEAR LOCATE, MONT.

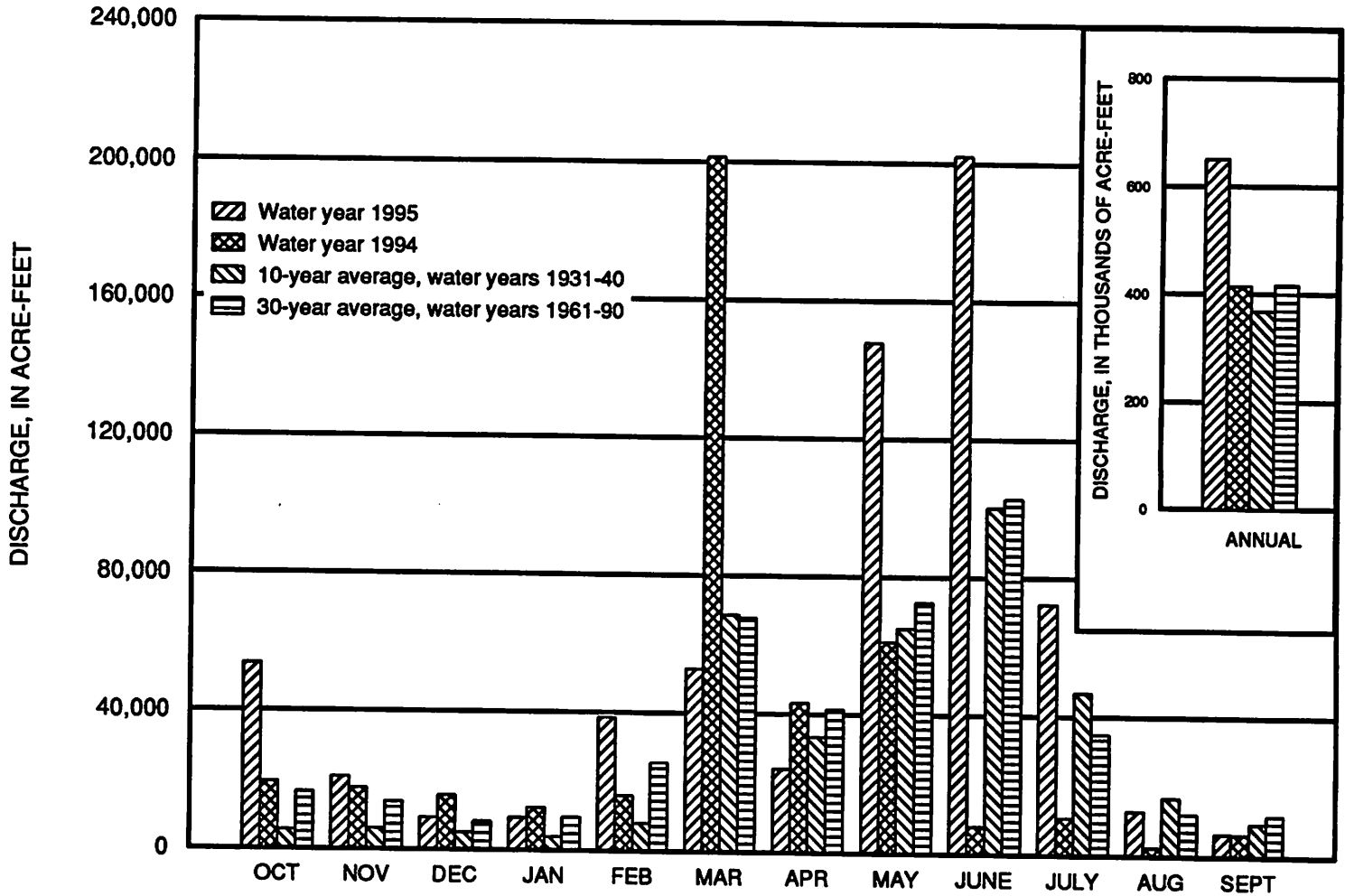


Figure 4. Comparison of discharge of the Powder River during water year 1995 with discharge during water year 1994 and with 10-year and 30-year average discharges.

**MONTHLY SUMMARY OF CONTENTS FOR COMPACT RESERVOIRS
COMPLETED AFTER JANUARY 1, 1950**

06258900 Boysen Reservoir, Wyo.

LOCATION.--Lat 43°25'00", long 108°10'37", in NW1/4 NW1/4 sec. 16, T.5 N., R.6 E., Fremont County, Hydrologic Unit 10080005, at dam on Wind River and 13 mi north of Shoshoni, Wyoming.

DRAINAGE AREA.--7,700 mi².

PERIOD OF RECORD.--October 1951 to current year (monthend contents only).

GAGE.--Water-stage recorder. Datum of gage is feet above sea level (levels by Bureau of Reclamation).

REMARKS.--Reservoir is formed by rock-fill dam completed in October 1951. Storage began Oct. 11, 1951. Usable capacity, 742,100 acre-ft between elevation 4,657.00 ft, invert of penstock pipe, and 4,725.00 ft, top of spillway gate. Dead storage, 59,880 acre-ft below elevation 4,657.00 ft. Prior to Jan. 1, 1966, usable capacity was 757,800 acre-ft and dead storage was 62,000 acre-ft at same elevations. Crest of dam is at elevation 4,758.00 ft. Figures given herein represent usable contents. Water used for irrigation, flood control, and power development.

COOPERATION.--Elevations and capacity table furnished by Bureau of Reclamation.

EXTREMES FOR PERIOD OF RECORD.--Maximum daily contents, 862,500 acre-ft, July 6, 7, 1967, elevation, 4,730.83 ft; minimum daily contents since normal use of water started, 191,900 acre-ft, Mar. 18, 19, 1956, elevation, 4,684.18 ft, capacity table then in use.

EXTREMES FOR CURRENT YEAR.--Maximum daily contents, 802,400 acre-ft, July 15, elevation, 4,727.99 ft; minimum daily contents, 443,900 acre-ft, Oct. 2, elevation, 4,707.19 ft.

Month	Water-surface elevation, in feet	Usable contents, in acre-feet	Change in usable contents, in acre-feet
September 30, 1994	4,707.21	444,200	---
October 31	4,708.03	455,900	+11,700
November 30	4,708.84	467,700	+11,800
December 31	4,709.09	471,400	+3,700
January 31, 1995	4,709.17	472,600	+1,200
February 28	4,710.93	498,800	+26,200
March 31	4,712.67	525,500	+26,700
April 30	4,712.62	524,800	-700
May 31	4,712.30	519,800	-5,000
June 30	4,725.23	746,700	+226,900
July 31	4,724.46	731,600	-15,100
August 31	4,720.31	654,100	-77,500
September 30, 1995	4,717.85	610,600	-43,500
1995 water year			+166,400

06260300 Anchor Reservoir, Wyo.

LOCATION.--Lat 43°39'50", long 108°49'27", in sec. 26, T.43 N., R.100 W., Hot Springs County, Hydrologic Unit 10080007, at dam on South Fork Owl Creek, 2 mi downstream from Middle Fork, 3 mi southeast of Anchor, and 32 mi west of Thermopolis.

DRAINAGE AREA.--131 mi².

PERIOD OF RECORD.--November 1960 to current year (monthend contents only).

GAGE.--Water-stage recorder. Datum of gage is feet above sea level (Bureau of Reclamation benchmark).

REMARKS.--Reservoir is formed by concrete arch dam completed in 1960. Usable capacity, 17,160 acre-ft between elevation 6,343.75 ft, invert of river outlet, and 6,441.00 ft, spillway crest, including 68 acre-ft below elevation 6,343.75 ft. Prior to Oct. 1, 1971, usable capacity was 17,280 acre-ft, including 149 acre-ft below the invert. Figures given herein represent usable contents. Water is used for irrigation of land in Owl Creek basin.

COOPERATION.--Records furnished by Bureau of Reclamation.

EXTREMES FOR PERIOD OF RECORD.--Maximum daily contents, 9,250 acre-ft, July 4, 1967, elevation, 6,418.52 ft; no usable storage on many days some years.

EXTREMES FOR CURRENT YEAR.--Maximum daily contents, 7,960 acre-ft, July 13, elevation, 6,414.30 ft; minimum daily contents, 34 acre-ft, Oct. 1 to Jan. 1, elevation, 6,340.00 ft.

Month	Water-surface elevation, in feet	Usable contents, in acre-feet	Change in usable contents, in acre-feet
September 30, 1994	6,340.00	34	---
October 31	6,340.00	34	0
November 30	6,340.00	34	0
December 31	6,340.00	34	0
January 31, 1995	6,343.50	64	+30
February 28	6,346.00	91	+27
March 31	6,343.00	59	-32
April 30	6,343.00	59	0
May 31	6,372.40	1,080	+1,021
June 30	6,413.60	7,780	+6,700
July 31	6,410.20	6,530	-1,250
August 31	6,365.50	654	-5,876
September 30, 1995	6,350.50	159	-495
1995 water year			+125

06286400 Bighorn Lake near St. Xavier, Mont.

LOCATION.--Lat 45°18'27", long 107°57'26", in SW1/4 SE1/4 sec. 18, T.6 S., R.31 E., Big Horn County, Hydrologic Unit 10080010, in block 13 of Yellowtail Dam on Bighorn River, 1.3 mi upstream from Grapevine Creek, 15.5 mi southeast of St. Xavier, and at river mile 86.6.

DRAINAGE AREA.--19,626 mi².

PERIOD OF RECORD.--November 1965 to current year (monthend contents only). Prior to October 1969, published as "Yellowtail Reservoir."

GAGE.--Water-stage recorder in powerhouse control room. Datum of gage is feet above sea level (levels by Bureau of Reclamation).

REMARKS.--Reservoir is formed by thin concrete-arch dam; construction began in 1961; completed in 1967. Storage began Nov. 3, 1965. Usable capacity, 1,312,000 acre-ft, revised, between elevation 3,296.50 ft, river outlet invert, and 3,657.00 ft, top of flood control. Elevation of spill-way crest, 3,593.00 ft. Normal maximum operating level, 1,097,000 acre-ft, elevation, 3,640.00 ft. Minimum operating level, 483,400 acre-ft, elevation 3,547.00 ft. Dead storage, 16,010 acre-ft below elevation 3,296.50 ft. Figures given herein represent usable contents. Water is used for power production, flood control, irrigation, and recreation.

COOPERATION.--Elevations and capacity table furnished by Bureau of Reclamation.

EXTREMES FOR PERIOD OF RECORD.--Maximum daily contents, 1,346,000 acre-ft, July 6, 1967, elevation, 3,656.43 ft; minimum daily contents since first filling, 641,900 acre-ft, Apr. 14, 1989, elevation, 3,583.30 ft.

EXTREMES FOR CURRENT YEAR.--Maximum daily contents, 1,140,000 acre-ft, July 17, elevation, 3,646.30 ft; minimum daily contents, 775,600 acre-ft, Oct. 1, elevation, 3,608.13 ft.

Month	Water-surface elevation, in feet	Usable contents, in acre-feet	Change in usable contents, in acre-feet
September 30, 1994	3,608.06	775,100	---
October 31	3,616.38	830,500	+55,400
November 30	3,617.96	842,100	+11,600
December 31	3,614.63	818,100	-24,000
January 31, 1995	3,610.87	792,800	-25,300
February 28	3,611.46	796,600	+3,800
March 31	3,611.61	798,000	+1,400
April 30	3,610.46	790,100	-7,900
May 31	3,613.43	810,000	+19,900
June 30	3,640.16	1,056,000	+246,000
July 31	3,641.37	1,072,000	+16,000
August 31	3,638.51	1,036,000	-36,000
September 30, 1995	3,636.72	1,014,000	-22,000
1995 water year			+238,900

**MONTHLY SUMMARY OF CONTENTS FOR COMPACT RESERVOIRS EXISTING ON
JANUARY 1, 1950**

The extent, if any, of the use of reservoirs in this section which may be subject to Compact allocations was not determined. As a matter of hydrologic interest the monthend usable contents in acre-feet of four reservoirs are given. The first three reservoirs are in the Bighorn River basin, Wyoming, and data on contents were furnished by the Bureau of Reclamation. The Tongue River Reservoir in Montana is operated under the supervision of the Water Resources Division of the Montana Department of Natural Resources and Conservation, which furnished the water level data.

Month	Usable contents, in acre-feet			
	06224500 Bull Lake	Pilot Butte Reservoir	06281500 Buffalo Bill Reservoir	06307000 Tongue River Reservoir
September 30, 1994.....	42,940	7,760	209,100	14,490
October 31	47,670	27,970	212,500	21,630
November 30.....	49,190	27,790	224,100	22,960
December 31	49,920	27,280	231,600	23,100
January 31, 1995	50,090	27,200	233,900	19,560
February 28	50,110	27,110	240,300	28,400
March 31	50,450	26,920	253,200	33,080
April 30	51,980	29,580	240,700	31,140
May 31.....	63,610	26,500	290,300	27,060
June 30.....	138,100	26,510	542,200	59,110
July 31	147,900	25,730	642,000	49,170
August 31	126,700	15,950	580,400	33,780
September 30, 1995.....	104,300	11,730	525,200	23,470
Change in contents during water year.....	+61,360	+3,970	+316,100	+8,980

RULES AND REGULATIONS FOR ADMINISTRATION OF THE YELLOWSTONE RIVER COMPACT

A compact, known as the Yellowstone River Compact, between the States of Wyoming, Montana, and North Dakota, having become effective on October 30, 1951, upon approval of the Congress of the United States, which apportions the waters of certain interstate tributaries of the Yellowstone River which are available after the appropriative rights existing in the States of Wyoming and Montana on January 1, 1950 are supplied, and after appropriative rights to the use of necessary supplemental water are also supplied as specified in the Compact, is administered under the following rules and regulations subject to the provisions for amendment revision or abrogation as provided herein.

Article I. Collection of Water Records

A. It shall be the joint and equal responsibility of the members of the States of Wyoming and Montana to collect, cause to be collected, or otherwise furnish records of tributary streamflow at the points of measurement specified in Article V (B) of the Compact, or as near thereto as is physically or economically feasible or justified.

1. Clarks Fork

The gaging station known as Clarks Fork near Silesia, Montana and located in NW1/4 SE1/4 sec. 1, T. 4 S., R. 23 E., shall be the point of measurement for the Clarks Fork.

2. Bighorn River (exclusive of Little Bighorn River)

The gaging station known as the Bighorn River above Tullock Creek, near Bighorn, Montana, and located in SE1/4 SE1/4 NE1/4 sec. 3, T. 4 N., R. 34 E., shall temporarily be the designated point of measurement on that stream. The flow of the Little Bighorn River as measured at the gaging station near Hardin, Montana, and located in SE1/4 NE1/4 NE1/4 sec. 19, T. 1 S., R. 34 E., shall be considered the point of measurement for that stream, except that if or when satisfactory records are not available, the records for the nearest upstream station with practical corrections for intervening inflow or diversion shall be used.

3. Tongue River

The gaging station known as the Tongue River at Miles City, Montana, and located in NE1/4 NE1/4 SE1/4 sec. 23, T. 7 N., R. 47 E., shall temporarily be the point of measurement for that stream.

4. Powder River

The gaging station known as the Powder River near Locate, Montana, and located in NW1/4 SW1/4 sec. 14, T. 8 N., R. 51 E., shall temporarily be the designated point of measurement for that stream.

- B. Records of total annual diversion in acre-feet above the points of measurement designated in the Compact for irrigation, municipal, and industrial uses developed after January 1, 1950, shall be furnished by the members of the Commission for their respective States, at such time as the Commission deems necessary for interstate administration as provided by the terms of the Compact. Providing that if it be acceptable to the Commission, reasonable estimates thereof may be substituted.
- C. Annual records of the net change in storage in all reservoirs, not excluded under Article V (E) of the Compact, above the point of measurement specified in the Compact and completed after January 1, 1950, and the annual net change in reservoirs existing prior to January 1, 1950, which is used for irrigation, municipal, and industrial purposes developed after January 1, 1950, shall be the primary responsibility of the member of the Commission in whose State such works are located; providing such data are not furnished by Federal agencies under the provisions of Article III (D) of the Compact, or collected by the Commission.

Article II. Office and Officers

- A. The office of the Commission shall be located at the office of the Chairman of the Commission.
- B. The Chairman of the Commission shall be the Federal representative as provided in the Compact.
- C. The Secretary of the Commission shall be as provided for in Article III of these rules.
- D. The credentials of each member of the Commission shall be placed on file in the office of the Commission.

Article III. Secretary

- A. The Commission, subject to the approval of the Director of the United States Geological Survey, shall enter into cooperative agreements with the U.S. Geological Survey for such engineering and clerical services as may reasonably be necessary for the administration of the Compact. Said agreements shall provide that the Geological Survey shall:

1. Maintain and operate gaging stations at or near the points of measurement specified in Article V (A) of the Compact.
 2. Assemble factual information on stream flow, diversion, and reservoir storage for the preparation of an annual report to the Governors of the signatory States.
 3. Make such investigations and reports as may be requested by the Commission in aid of its administration of the Compact.
- B. The Geological Survey shall act as Secretary to the Commission.

Article IV. Budget

- A. At the annual meeting of each even-numbered year or prior thereto, the Commission shall adopt a budget for operation during the ensuing biennium beginning July first. Such budget shall set forth the total cost of construction, maintenance and operation of gaging stations, the cost of engineering and clerical aid, and other necessary expenses excepting the salaries and personal expenses of the Commissioners. On odd-numbered years revisions of the budget shall be considered.
- B. It shall be the obligation of the Commissioners of the States of Montana and Wyoming to endeavor to secure from the Legislature of their respective States sufficient funds with which to meet the obligations of this Compact, except insofar as provided by the Federal government.

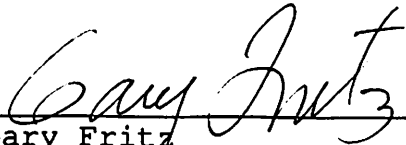
Article V. Meetings

An annual meeting of the Commission shall be held each November at some mutually agreeable point in the Yellowstone River Basin for consideration of the annual report for the water year ending the preceding September 30th, and for the transaction of such other business consistent with its authority; provided that by unanimous consent of the Commission the date and place of the annual meeting may be changed. Other meetings as may be deemed necessary shall be held at a time and place set by mutual agreement, for the transaction of any business consistent with its authority.


No action of the Commission shall be effective until approval by the Commissioners for the States of Wyoming and Montana.

Article VI. Amendments, Revisions and Abrogations.

The Rules and Regulations of the Commission may be amended or revised by a unanimous vote at any meeting of the Commission.

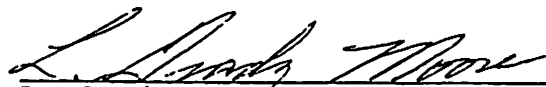


Gary Fritz
Commissioner for Montana



George L. Christopulos
Commissioner for Wyoming

ATTESTED:



L. Grady Moore
Federal Representative

Adopted November 17, 1953
Amended December 16, 1986

RULES FOR ADJUDICATING WATER RIGHTS ON INTERSTATE DITCHES

Article I. Purpose

The purpose of this rule is to determine and adjudicate, in accordance with the laws of Montana and Wyoming, those pre-Compact (January 1, 1950) water rights diverting from the Powder, Tongue, Bighorn and Clarks Fork Rivers and their tributaries where the point of diversion is in one State and the place of use is in the other State which have not yet been adjudicated.

Article II. Authority

In accordance with the Yellowstone River Compact, the State of Montana and the State of Wyoming, being moved by consideration of interstate comity, desire to remove all causes of present and future controversy between the States and between persons in one State and persons in another State with respect to these interstate ditches. Article III (E) of the Compact provides the Yellowstone River Compact Commission with the authority "...to formulate rules and regulations and to perform any act which they may find necessary to carry out the provisions of this Compact...."

Article III. Definitions

The terms defined in the Yellowstone River Compact apply as well as the following definitions:

1. "Acre-feet" means the volume of water that would cover 1 acre of land to a depth of 1 foot.
2. "Cfs" means a flow of water equivalent to a volume of 1 cubic foot that passes a point in 1 second of time and is equal to 40 miners inches in Montana.
3. "Interstate Ditches" shall include ditches and canals which convey waters of the Bighorn, Tongue, Powder, and Clarks Fork Rivers and their tributaries across the Wyoming-Montana State line where the water is diverted in one State and the place of use is in the other State.
4. "Department of Natural Resources and Conservation," hereafter called the "Department," means the administrative agency and Department of the Executive Branch of the Government of Montana created under Title II, Chapter 15, MCA which has the responsibility for water administration in that State.

5. "Water Court" means a Montana District Court presided over by a water judge, as provided for in Title III, Chapter 7, MCA.
6. "State Engineer" shall be the current holder of the position created by the Wyoming Constitution as Chief Water Administration Official for the State of Wyoming.
7. "Board of Control," hereinafter called the "Board," is defined as the constitutionally created water management agency in Wyoming composed of the four Water Division Superintendents and the State Engineer.
8. "Superintendent" is the member of the Board who is the water administration official for the Water Division where the interstate ditch is located. (The two Water Divisions in the Yellowstone River drainage are Water Division Numbers Two and Three.)
9. "Date of Priority" shall mean the earliest date of actual beneficial use of water, unless evidence and circumstances pertaining to a particular claim establish an earlier date.
10. "Point of Diversion" is defined to be the legal land description by legal subdivision, section, township, and range of the location of the diversion structure for an interstate ditch from a natural stream channel.
11. "Place of Use" is defined to be the legal land description (legal subdivision, section, township, and range) of the lands irrigated by an interstate ditch.
12. "Person" is defined as an individual, a partnership, a corporation, a municipality or any other legal entity, public or private.
13. "Claimant" is defined as any person claiming the use of water from an interstate ditch as herein defined.

Article IV. Procedures

The procedures for determining and adjudicating water rights associated with interstate ditches shall be categorized as follows: (A) Where the point of diversion is in Wyoming and place of use in Montana, and (B) Where the point of diversion is in Montana and place of use in Wyoming.

A. Wyoming Procedure

1. The Yellowstone River Compact Commission will provide a claim form to be completed by the claimant that will describe the location and point of diversion and land being irrigated, the priority date claimed, method of irrigation and such other information required to describe the claim. (A sample form for this purpose is attached.)
2. The Yellowstone River Compact Commission will send the claim form to water users on the interstate ditches.
3. Water users will complete the claim form and file it with the Yellowstone Compact Commission, which, when found to be correct and complete, will be forwarded to the Board for verification.
4. Upon receipt of the form, the Board shall forward it to the appropriate Superintendent, who, in cooperation with the Department, will validate the information including the use that has been made of the water, the number of acres and location of lands being irrigated, the priority date, and all other relevant information. The Superintendent and the Department will utilize aerial photography and other information to have prepared a reproducible map showing the location of the ditch system, lands irrigated, point of diversion, etc., of the claim.
5. After the validation procedure, the Superintendent will hold a hearing, after appropriate notice and advertisement, at which time the claimant shall describe, in detail, the use that has been made of the water and the lands that are being irrigated, establish a priority date, etc. Costs incurred in advertising shall be paid by the claimant. If a single hearing is held to consider several claims, the costs of advertising shall be shared equally among the claimants. Anyone who opposes the claim shall appear and state the reasons, if any, for opposition to the claim. If there is no opposition to the claim, cost incurred in holding the hearing shall be paid by the claimant. If protestants do appear and oppose the claim, hearing costs will be paid 50 percent by the claimant and 50 percent by the protestant, or if there is more than one protestant, the remaining 50 percent shall be shared equally among the protestants.
6. At the conclusion of the hearing, the Superintendent shall forward the record to the Yellowstone River Compact Commission with his findings and recommendations. The Yellowstone River Compact Commission will make the

determination of the amount of the right, the location, and the priority date, and then send the record to the Board.

7. The Board shall review the record and integrate it into its water rights system. Upon entry of the record by the Board, the information shall be forwarded to the Department and the Chairman of the Yellowstone River Compact Commission.
8. Upon the entry of the right into the Board's records, it will have the following attributes:
 - a. The right will be a Wyoming water right with a priority date as established by this procedure.
 - b. The amount of the right will be determined as provided by Wyoming law.

B. Montana Procedure

1. The Yellowstone River Compact Commission will provide a claim form to be completed by the claimant that will describe the location and point of diversion and land being irrigated, the priority date claimed, method of irrigation and such other information required to describe the claim.
2. The Commission will send the claim form to water users on the interstate ditches.
3. Water users will complete the claim form and file it with the Yellowstone River Compact Commission, which, when found to be correct and complete, will be forwarded to the Department for verification.
4. Upon receipt of the form, the Department, in cooperation with the Wyoming State Engineer's Office, will validate the information, including the use that has been made of the water, the number of acres and location of lands being irrigated, the priority date, and all other relevant information. The appropriate Superintendent and the Department will utilize aerial photographs and other information to have prepared a reproducible map showing the location of the ditch system, land irrigated, point of diversion, etc., of the claim.

5. The Department will then forward the record to the Yellowstone River Compact Commission with its findings and recommendations. Upon approval by the Commission, the record shall be submitted to the Montana Water Court for adjudication. A duplicate record will be forwarded to the Wyoming State Engineer's Office, the Board, and the Chairman of the Yellowstone River Compact Commission upon adjudication.
6. Upon adjudication of the right by the Montana Water Court, it will have the following attributes:
 - a) The right will be a Montana water right with a priority date as established by this procedure.
 - b) The amount of the right will be determined as provided by Montana law.

Article V. Exclusions

- A. These rules recognize the limitation in Article VI of the Yellowstone River Compact regarding Indian water rights.
- B. These rules shall not be construed to determine or interpret the rights of the States of Wyoming and Montana to the waters of the Little Bighorn River.

Article VI. Claim Form Submission Period

All claims must be submitted to the Yellowstone River Compact Commission, c/o District Chief, United States Geological Survey, 821 E. Interstate, Bismarck, ND 58501, within 90 calendar days after the claimant has received the claim form from the Commission. The blank claim form will be sent certified mail to the water user and the submission period of 90 calendar days will begin with the next day following receipt of the form, as evidenced by the certified mail receipt card. For good cause shown in writing, an extension of time beyond the 90 days for submittal may be obtained from the Commission.

YELLOWSTONE RIVER COMPACT COMMISSION

WYOMING

GORDON W. FASSETT
STATE ENGINEER
HERSCHLER BUILDING
4TH FLOOR EAST
CHEYENNE, WYOMING 82002
(307) 777-7354

UNITED STATES

WILLIAM F. HORAK
CHAIRMAN
U.S. GEOLOGICAL SURVEY
821 E. INTERSTATE AVENUE
BISMARCK, NORTH DAKOTA 58501
(701) 250-4601

MONTANA

GARY FRITZ
ADMINISTRATOR, WATER RESOURCES DIVISION
DEPT. OF NATURAL RESOURCES & CONSERVATION
1520 EAST SIXTH AVENUE
HELENA, MONTANA 59620
(406) 444-6603

YELLOWSTONE RIVER COMPACT COMMISSION

CLAIM FORM FOR INTERSTATE DITCHES

1. Name of ditch or canal: _____
2. Source of water supply: _____
Tributary of _____
3. Name of claimant: _____
Address _____
City _____ State _____ Zip Code _____
Home Phone No. _____ Business Phone No. _____
4. Person completing form: _____
Address _____
City _____ State _____ Zip Code _____
Home Phone No. _____ Business Phone No. _____
5. Method of irrigation: _____
6. Point of diversion: County _____ State _____
Headgate located in the $\frac{1}{4}$ $\frac{1}{4}$, Section _____, T. _____ R. _____

(a) Description of headgate: (Briefly describe the materials and general features, date constructed or last known work, general condition.) _____

9. Describe any additional uses of water claimed from the ditch:

10. Date of first beneficial use of water (priority date) on lands described above for _____ Ditch is _____
(mo/day/yr)
and shall be the same for all lands claimed on this form.
11. Has irrigation water been diverted onto all lands shown in the above tabulation each year since completion of works?___
If not, state exceptions and reasons therefore: _____

12. Attach documentary evidence or affidavits showing your ownership or control of the above lands, as well as the historic use of water on these lands. _____

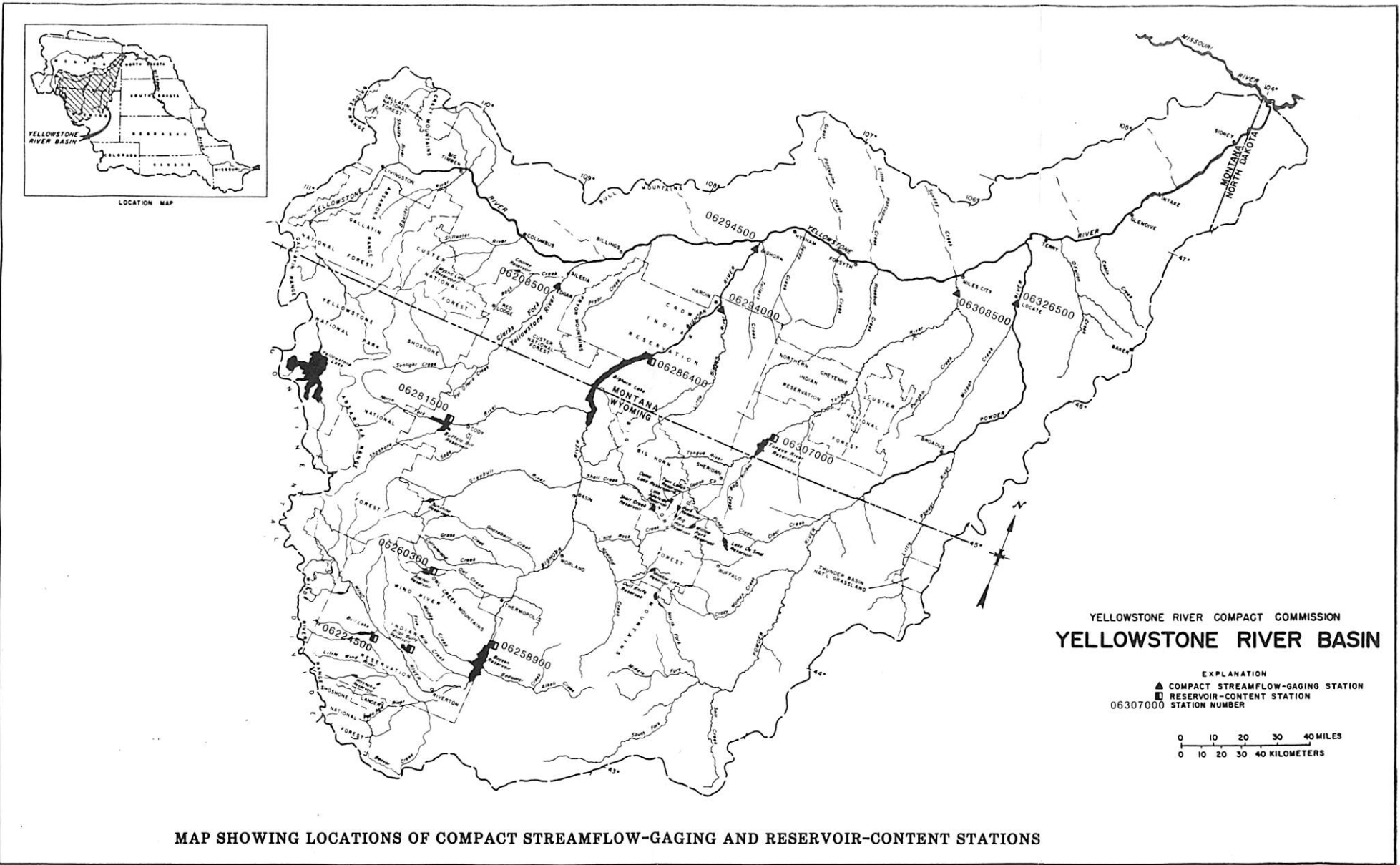
13. What permit or claim numbers have been assigned to known records filed with either the Wyoming State Engineer's Office or the Montana Department (DNRC) for irrigating the above lands? _____

14. Have personnel in the Wyoming State Engineer's Office or the Montana Department (DNRC) been contacted to obtain the information given in No. 13? () Yes () No
15. Describe any flumes or pipelines in the ditch conveyance system: _____

CONVERSION TABLE

<u>Multiply inch-pound units</u>	<u>By</u>	<u>To obtain SI units</u>
	<i>Length</i>	
feet (ft)	0.3048	meters (m)
miles (mi)	1.609	kilometers (km)
	<i>Area</i>	
acres	4,047	square meters (m ²)
	0.4047	*hectares (ha)
	0.4047	square hectometer (hm ²)
	0.004047	square kilometers (km ²)
square miles (mi ²)	2.590	square kilometers (km ²)
	<i>Volume</i>	
cfs-day or second-foot day (ft ³ /s-day)	2,447	cubic meters (m ³)
	0.002447	cubic hectometers (hm ³)
cubic feet	0.02832	cubic meters
acre-feet (acre-ft)	1,233	cubic meters (m ³)
	0.001233	cubic hectometers (hm ³)
	0.000001233	cubic kilometers (km ³)
	<i>Flow</i>	
cubic feet per second (ft ³ /s)	28.32	liters per second (L/s)
	28.32	cubic decimeters per second (dm ³ /s)
	0.02832	cubic meters per second (m ³ /s)
acre-feet per year (acre-ft/yr)	1,233	cubic meters per year (m ³ /yr)
	0.001233	cubic hectometers per year (hm ³ /yr)
	0.000001233	cubic kilometers per year (km ³ /yr)

*The unit hectare is approved for use with the International System (SI) for a limited time. See National Bureau of Standards Special Bulletin 330, p. 12, 1977 edition.



MAP SHOWING LOCATIONS OF COMPACT STREAMFLOW-GAGING AND RESERVOIR-CONTENT STATIONS