



# State-Tribal Relations Committee

## 63rd Montana Legislature

### SENATE MEMBERS

JONATHAN WINDY BOY--Chair  
SHANNON AUGARE  
JIM PETERSON  
BRUCE TUTVEDT

### HOUSE MEMBERS

ALAN DOANE--Vice Chair  
CLARENA BROCKIE  
FORRESTINA ( FROSTY ) CALF BOSS RIBS  
NICHOLAS SCHWADERER

### COMMITTEE STAFF

CASEY BARRS, Lead Staff  
LAURA SANKEY, Staff Attorney  
DAWN FIELD, Secretary

## Update on CSKT Water Compact

### Timeline

#### **November 2012 :**

The Confederated Salish and Kootenai Tribes (Tribes), the State of Montana and the United States (collectively the Parties) negotiated over many years to reach a proposed water rights settlement. The settlement was released to the public in November 2012. (This compact included a Flathead Indian Irrigation Project water use agreement negotiated between the tribes and the Flathead Joint Board of Control.)

#### **February 2013:**

Following roughly two dozen public meetings held across western Montana, the settlement was revised and re-released in February 2013.

The Montana Reserved Water Rights Compact Commission met on February 26, 2013, and voted 8-1 to recommend taking the proposed settlement to the Legislature for approval during the current session. The proposed settlement was introduced as HB-629, "Implement negotiated water compacts with Montana tribal governments." The compact bill was tabled in the House Judiciary Committee.

#### **February – April, 2013:**

Subsequently, SB-265, an act extending the adjudication claim filing period and requiring a study of the Compact, was passed by the 2013 Legislature. Governor Bullock vetoed this bill. In his veto letter he directed the Compact Commission to prepare a report addressing the questions raised during the 2013 Legislative session about the compact.

#### **January 6-7, 2014:**

As directed by the Governor, the Reserved Water Rights Compact Commission will present a report answering questions about the proposed compact with the Confederated Salish and Kootenai Tribes to the Water Policy Interim Committee WPIC at its January 6-7 meeting.

#### **April 28-29, 2014:**

The State-Tribal Relations Interim Committee will meet with the CSKT Tribal Council in Pablo. Discussion of the SCKT water compact will be on the agenda. Members of the Commission and the WPIC will be invited to the discussion.



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### July 1, 2015:

Pursuant to 85-2-702 (3), the Confederated Salish and Kootenai Tribes have until July 1, 2015 to file their claims.

### Process and Players

The Compact Commission negotiates water right agreements on behalf of the governor, and the Tribes agreed on a settlement in February 2013. That settlement can only be changed by the tribes and the Compact Commission. However, for a settlement to be effective, it must be ratified by the Legislature, the tribes, and the federal government.

The negotiated settlement was presented to the Legislature in the form of HB629. That bill failed to get out of committee.

Changes to the February 2013 negotiated settlement are the domain of the Montana Reserved Water Rights Compact Commission and the tribes.

(In 1979, the Legislature created the Commission for the express purpose of negotiating quantification agreements for tribal and federal claims to water within the boundaries of Montana with Indian tribes and the United States. The Commission has thus far successfully negotiated 18 of these federal and tribal water compacts.)

Again: In addition to legislative approval, a settlement must be approved by the tribes and the federal government.