EXHIBIT 1
DATE 2-18-13
N/A

MONTANA RESERVED WATER RIGHTS COMPACT COMMISSION

Bill Schultz, Staff Director
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Web site: http://www.dnrc.mt.gov/rwrcc/

Working to "conclude compacts for the equitable division and apportionment of waters between the State and its people and the several Indian Tribes claiming reserved water rights within the state," and "between the State and its people and the federal government claiming non-Indian reserved waters within the state" (85-2-701, 703)

- ***Montana's Reserved Water Rights Compact Commission* (RWRCC)** was established by the Montana Legislature in 1979 as part of the state-wide general stream adjudication process (85-2-701, MCA). The RWRCC is attached to the Department of Natural Resources & Conservation for administrative purposes. The Commission is scheduled to sunset on July 1, 2013.

- ***The RWRCC is composed of nine members.*** Four members are appointed by the Governor, one member is appointed by the Attorney General, two members are appointed by the President of the Senate and two members are appointed by the Speaker of the House of Representatives. A professional and technical staff of five supports the RWRCC including the staff director, one attorney, an agricultural engineer, one hydrologist, and a GIS specialist. The staff is scheduled to transfer to the DNRC to conduct compact implementation tasks upon sunset of the Commission.

- ***The RWRCC is authorized to negotiate settlements*** with federal agencies and Indian tribes that claim federal reserved water rights within the State. A federal reserved water right is a right to use water that is implied from an act of Congress, a treaty, or an executive order establishing a tribal or federal reservation. The amount of water to which a reservation is entitled depends on the purpose for which the land was reserved. In Montana, reserved water rights have been claimed for seven Indian reservations, for allotments for the Turtle Mountain Chippewa Tribe, for national parks, forests, and wildlife refuges, and for federally designated wild and scenic rivers.

- ***The claims of the tribes and the federal agencies are suspended from adjudication*** in the Montana Water Court while they are being negotiated by the RWRCC (85-2-217 MCA). Settlements negotiated by the RWRCC on behalf of the State are ratified by the Montana Legislature and the Tribes and approved by the appropriate federal authorities. In some instances, approval by the U.S. Departments of Justice and the Interior will be sufficient. In other cases, where federal authorization or federal appropriations are needed to implement provisions of the settlement, Congressional approval will be required.

- ***Citizen participation*** is an essential element of each negotiation and insures that the RWRCC's deliberations on behalf of the State address the concerns of the public and incorporate local solutions to water use problems. The negotiations are open to the public and additional public meetings are held during initial stages of negotiations and again when negotiations are nearing completion. Public comment may be submitted during the legislative phase and finally, objections may be made to the Montana Water Court prior to the incorporation of a compact into a basin decree.

COMPLETED COMPACTS

(Dates of passage and approval by Montana Legislature)

Fort Peck Tribe –Assiniboine and Sioux
May 1985, 85-20-201, MCA

Northern Cheyenne Tribe
September 1992, 85-20-301, MCA
Congress: P.L. 102-374 (1992)

U.S. Department of the Interior, National Park Service
Jan. 1994, 85-20-401, MCA
Yellowstone National Park
Glacier National Park
May 1995
Little Bighorn Battlefield National Monument
Big Hole National Battlefield
Bighorn Canyon National Recreation Area

U.S. Department of the Interior, Bureau of Land Management
September 1997, 85-20-501, MCA
Upper Missouri National Wild and Scenic River
Bear Trap Canyon Public Recreation Site

Rocky Boy's Reservation – Chippewa Cree Tribe
April 1997, 85-20-601, MCA
November 1999, Congress: P.L. 106-163

U.S. Department of the Interior, Fish and Wildlife Service
July 1997, 85-20-701, MCA
Black Coulee National Wildlife Refuge
Benton Lake National Wildlife Refuge
April 1999, 85-20-801, MCA
Red Rock Lakes National Wildlife Refuge
March 2007, 85-20-1301, MCA
Bowdoin National Wildlife Refuge
April 2009, 85-20-1601
National Bison Range

Crow Tribe
June 1999, 85-20-901, MCA Special Legislative Session
Congress: Claims Resolution Act of 2010

Fort Belknap - Gros Ventre and Assiniboine
April 2001, 85-20-1001, MCA

U.S.Department of Agriculture, Agriculture Research Service
March 2007, 85-20-1101, MCA
Fort Keogh Livestock and Range Research Laboratory
March 2007, 85-20-1201, MCA
Sheep Experiment Station

U.S. Department of Agriculture, Forest Service
April 2007, 85-20-1401, MCA

Blackfeet Tribe
2009, 85-20-1501, MCA

COMMISSIONERS

(Four-year terms)

Chris Tweeten, Chairman
Attorney General's Office appointee 2011

Richard Kirn
Governor's appointee 2011

Gene Etchart
Governor's appointee 2011

Dorothy Bradley
Governor's appointee 2011

Mark DeBruycker
Governor's appointee 2011

Representative Kathleen Williams
House Speaker appointee 2012

Representative Daniel Salomon
House Speaker Appointee 2011

Senator Debby Barrett
Senate President Appointee 2011

Senator Dick Barrett
Senate President Appointee 2012