

# Montana State Legislature

**2015 SESSION**

## **ADDITIONAL DOCUMENTS**

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[Signed by Chairman]

**Roll Call**

**Standing Committee Reports**

**Tabled Bills**

**Fiscal Reports**

**Rolls Call Votes**

**Proxy Forms**

**Visitor Registrations**

**\*Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

**\*Witness Statements that were not presented as exhibits.**

**Montana Historical Society Archives**

**225 N. Roberts**

**Helena MT 59620-1201**

**2015 Legislative**

**E-Document Specialist Susie Hamilton**

**BUSINESS REPORT**  
**MONTANA SENATE**  
**64th LEGISLATURE - REGULAR SESSION**  
**SENATE JUDICIARY COMMITTEE**

**Date:** Monday, February 16, 2015  
**Place:** Capitol

**Time:** 8:00 A.M.  
**Room:** 303

**BILLS and RESOLUTIONS HEARD:**

SB 262 - Implement CSKT water rights settlement - Sen. Chas Vincent

**EXECUTIVE ACTION TAKEN:**

**Comments:**



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SEN. Scott Sales, Chair

# MONTANA STATE SENATE

## 2015 JUDICIARY COMMITTEE

# ROLL CALL

DATE: 2/16/15

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
CHAIRMAN, SENATOR SCOTT SALES	—	
VICE CHAIRMAN, SENATOR JENNIFER FIELDER	—	
SENATOR DIANE SANDS	—	
SENATOR ROBYN DRISCOLL	—	
SENATOR KRISTEN HANSEN		—
SENATOR JEDEDIAH HINKLE	—	
SENATOR DOUG KARY	—	
SENATOR CLIFF LARSEN	—	
SENATOR MARY MCNALLY	—	
SENATOR MARY SHEEHY MOE	—	
SENATOR NELS SWANDAL	—	
SENATOR CHAS VINCENT	—	

**MONTANA STATE SENATE**  
**Visitors Register**  
**SENATE JUDICIARY COMMITTEE**

Monday, February 16, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

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Name	Representing	Support	Oppose	Info
Lyle Whiteman	them myself		X	
Rudolf Jankowi	myself		X	
DAVID Olson	" G.O.	✓		
Carolyn Palmquist	Citizens		X	
Marie Helen Palmquist	Citizen of Montana		X	
Dellbet Palmquist	me		X	
Diane Speer	Citizens		X	
Andrew Spear	" "		X	
Robert L Starks	NO to the Compact		✓	
ROGER STARKEL	STARKEL FARMS INC	X		
Ken Cornelius	Tractor	X		
Patrick Lake	Lake Land + Lake Family Farm	X		
Jann Roemm	MR. RAWEN		X	
James Johnson	Rancher	X		
My School	Dairy Farm SELF	X		
Beverly Storen	" "		X	
Pat Kelly	Rancher		X	
Michael Heber	Myself, Family, Flathead		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

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Name	Representing	Support	Oppose	Info
Brent Janka	American Land Council		<input checked="" type="checkbox"/>	
David Sikes			<input checked="" type="checkbox"/>	
Josh Tankersley	Freedom		<input checked="" type="checkbox"/>	
Aaron Gams	Myself	<input checked="" type="checkbox"/>		
Roger Welch	"		<input checked="" type="checkbox"/>	

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SB 262 - Implement CSKT water rights settlement

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Name	Representing	Support	Oppose	Info
Claudia McCreedy	myself Rancher	X		
Bruce White	FSBC		X	
Julie White	FSBC		X	
Jennifer Nicholson	RMSG - Rancher		X	
Christine M. Tashody	FSBC		X	
James W. Gould	LCRC		X	
Kenneth Jacobs	Cascade		X	
Bruce Clark			X	
Allen Patert	Self Nat & Farmer		X	
Jamie Iguchi	self	X		
Mark Haag	self	<del>mark</del>	X	
Dorothy C Huff	self		X	X
Bon Trippet	self		X	
Sharon H. Galt	Montana Multiple Use		X	
Sharon M. Mitzner	Kalispell Liberty		X	
Clacie F. Ryan	self		X	
Helene Robinson	self		X	
John Shuster	self		X	
Barlow Herder	Self Rancher		X	
JILL READ	MYSELF		X	
ALBERT ARNOLD	MYSELF		X	
Patrick Legend	"		X	

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SB 262 - Implement CSKT water rights settlement

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Name	Representing	Support	Oppose	Info
NANCY O'BRIEN	self		YES	
Teresa Boels	✓		X	
Elaine McPherson	✓		X	
Ken Mathiesen	self		X	
Jim [unclear]	self		X	
Brittany Chaffin	self		X	
Brian Munnick	self		X	
Erin [unclear]	Forest farmer Inc		X	
Don Chideckel	Montana		X	
Coral Lyons	Montana citizens		X	
David [unclear]	self		X	
John [unclear]	self		X	
Jill Shepherd	self		X	

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Name	Representing	Support	Oppose	Info
<i>[Signature]</i>	Self		X	
<i>[Signature]</i>	Self		X	
<i>[Signature]</i>	Phifer Ranch		X	
Jocho Stone Heronmickson	We the membership		X	
Shelley Hendrickson	we the membership		X	
Leslie Buck	we the membership		X	
Randy Doty	Self		X	
Kate Pearson	SELF + Husband		X	X
Todd Bernhardt	Self		X	
Wayne Blevins	FID, MWR/1 SPAK		X	
REP. KERRY WHITE	HD 64		X	

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**SB 262 - Implement CSKT water rights settlement**

**Sponsor: Sen. Chas Vincent**

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Name	Representing	Support	Oppose	Info
R.C. "Bobby" Lane	Self		X	
FRED HAMMEL	SELF		X	
William FRY/IV	self/Family		X	

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Name	Representing	Support	Oppose	Info
Jerry Gentry	Self		<input checked="" type="checkbox"/>	
Rachel Nicholson	Self		<input checked="" type="checkbox"/>	under review
JAMES GOULD	SELF		<input checked="" type="checkbox"/>	
Shirley M. King	SELF		<input checked="" type="checkbox"/>	
Ann J. King	SELF		<input checked="" type="checkbox"/>	
Ben Hurwitz	Self		<input checked="" type="checkbox"/>	
Carol Kinniburgh	/		<input checked="" type="checkbox"/>	
Daniel Kinniburgh	Self		<input checked="" type="checkbox"/>	

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**SB 262 - Implement CSKT water rights settlement**

**Sponsor: Sen. Chas Vincent**

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Name	Representing	Support	Oppose	Info
Frank Delgado	Lake County		✓	
Pat Trulley	Lake County			
<del>Hertha Lund</del>	Lake County		✓	
Hertha Lund	Commonwealth Citizens for CSKT	X		
Megan McNamer	Independent	✓		
Joseph E. Oeschger	Independent		✓	
Alice M Oeschger	Lake Co.		✓	
Bob Gilbert	C.B.U.		X	
CHARLES WOOLLEY	SELF		X	
Roy Vallejo	self St Ignace		✓	
Sheila Vallejo	self St Ignace		✓	
Edward Wehakeim	SELF		✓	
Deanna Belser	self		✓	
Carl Brooks	SELF		✓	
William Spruell	..		✓	

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Name	Representing	Support	Oppose	Info
(Kerry Paulson) Kerry Paulson	Self		X	
JOAN EMBRY	Self		X	
Sally Edwards	Self		✓	
Walter Karlavig	Self		✓	
George Hudson	Self		✓	
Jusan Cuthingham	Self	X		
Russell Miller	Self		X	✓
Verdell Jackson	Self		X	
Rebecca Coleman	Self		X	
Joan Cartoll	Self Mineral County Tea Party		X	
Virginia Jurek	Self Min County Tea Party		X	
Paul Meyer	BAYSIDE SEWER		X	
Jay Bodner	MCW/MASGD	X		
Mike McLane	MT FWP			X
David Mannis	Self	X		
Amy Seaman	Montana Archibon	X		
CHRIS SULLIVAN	Self		X	
Pat Cable	Self & family		X	
Boone Cole	FJBC		X	
Harley Hettick	Self - Dixon Melons, Inc.		X	
Susan Webber	HD16/Glacier Co/BLACKFOOT NATION	X		
DAN HAPPEL	SELF		X	

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Name	Representing	Support	Oppose	Info
REX BACHKE	LOWER Willow CREEK lee. Dist Flint CREEK Water Users Assc		X	
Jay Hendrix	Flint CREEK WATER USER ASSC		X	
Abigail St. Lawrence	FJBC		X	
Charlote Kaurida	self		X	
Lynda Osborn e	self		X	
David Ortiz	self		X	
Rita Hall	self / off-res		X	
JILL SHEPHERD	SELF		X	
Leana McName	Self		X	
Sam Still	Missoula Area Chamber of Commerce	X		
Vivian Allen	Self		✓	
Timothy McName	self		✓	
Deborah M. Wilson	self		X	
Patrick McCain	self		X	
KAREN FAGG	self	X		
Jacob Conroy II	MT Farmers Union	X		
Elena Bagliano	Granite County		X	
Shelbi Pantić	MT Conservation Voters	X		
RICHARD MOTTA	GRANITE COUNTY		X	
DONALD S CARPENTER	self		X	
Suzette Billedeau	CSKT	X		
Celestine Duncan	self	X		

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Name	Representing	Support	Oppose	Info
John Toback	Farm Irrigators		<input checked="" type="checkbox"/>	
Ann Pearson	OR RANCH		<input checked="" type="checkbox"/>	
Jean Pugh	Self		<input checked="" type="checkbox"/>	
Walt Salas	AGAS / Self	<input checked="" type="checkbox"/>		
John Carter	CSAT	<input checked="" type="checkbox"/>		
Evelyn Lake	self	<input checked="" type="checkbox"/>		
Dorothy Bradley	self on Compact Comm	<input checked="" type="checkbox"/>		
Colleen Cuyler	self	<input checked="" type="checkbox"/>		
Mike Gaffney	Gallatin Irrigators	<input checked="" type="checkbox"/>		
Bill Slaughter	Beepole Co Commission		<input checked="" type="checkbox"/>	
Tom Kuff	Wall Day Producers		<input checked="" type="checkbox"/>	
William K. Kistner	HALL HAY & CRAPS		<input checked="" type="checkbox"/>	
Jim Hagenbush	SELF	<input checked="" type="checkbox"/>		
Bob Storer	Ranching		<input checked="" type="checkbox"/>	
Candace J. West	Self	<input checked="" type="checkbox"/>		
LARRY DOLEZAL	Self / Hunter / Fisherman		<input checked="" type="checkbox"/>	
Jim Valentine	self / Hunter / Fisherman		<input checked="" type="checkbox"/>	
Jim Gould	self / Hunter, etc		<input checked="" type="checkbox"/>	
JAN HAYES	self / FARMER / RANCHER		<input checked="" type="checkbox"/>	
Linda Heffernan	homemaker /		<input checked="" type="checkbox"/>	
Debbie Biolo	self		<input checked="" type="checkbox"/>	
JOHN TROCHMANN	SELF		<input checked="" type="checkbox"/>	

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Name	Representing	Support	Oppose	Info
Dotty Stevens	CSKT Council	X		
Lana Triche	/		X	
Susanna Pyron	CSKT Compact		X	
Mary Weber	CSKT Compact		X	
Jim Clear	Compact		X	
Jim KUBICHEK	SELF		X	
Matt Graveley	RMSG & Family		X	
Susan Lake	Lake Farms	X		
Harry D. Baertch	Lake Irrigators		X	
Jeanette M Zenzgog	husband + self		X	
Susan Torr	Torr Farm		X	
Marilyn HATCH	Citizen		X	
Alana Road	Moran Ranch - <sup>Mr.</sup> Greenough		X	
Judy Samuelson	Property Owners <sup>St.</sup> Association		X	
Margaret A. Mullaly	Self		X	
Rick Jassent	CSKT	X		
Jasen Adams	CSKT	X		
John Harrison	CSKT	X		
Beian Upton	CSKT	X		
Mike Murphy	MWRA	X		
Diane Speer	Citizens		X	
Andrew Speer	citizens		X	

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Name	Representing	Support	Oppose	Info
JANE C. McPHERSON	Supply Ditch & Farm Bureau	X		
Jan Jacob	Montana Farm Union	X		
RIC SMITH	SELF	X		
Steve Cortiss	GLID		X	
Victoria Burkhardt	self	X		
Kim Baker	Baker Land & Cattle		✓	✓
DENNIS DURY	MISSION BAY FEALTY	X		
Ken McAlpin	McAlpin Ranch	X		
Jack Lake	Lake Farms	X		
Harry Van Dyke	Van Dyke Farms	X		
Paul Costa	Self		X	
Gail Stafford	self			
LEONARD SHUMSKI	Leonard Shumski		X	
GREG HINKLE	Greg Hinkle		X	
CAROLYN PIERSON	Carolyn Pierson		X	
Stuart Hughes	MWRA - Self	X		
Jeffrey Todd Julo			X	
Clayton Smith	self		X	
Joan Mason	self		✓	
Lynn Mason	Self		X	
Diane Brewer	Self		X	
Charles Knappet	Self		X	

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Name	Representing	Support	Oppose	Info
Roger Payne	Toussie Crossing Ranch <sup>PRWRA</sup> <sub>WFRF</sub>	✓		
Roberta A. Stoken	Stoken Ranch		✓	
Beverly HORNER	HORNER Ranch	✓		
JACK HORNER	HORNER Ranch	✓		
MARY STRANDBUNN	Comma Grand Farm	✓		
Audra Purboss	Self & others		✓	
GINA McALPIN	McAlpin Ranch	✓		
Dick Erb	Erb Farm	✓		
Wayne D Scammon	Wayne D Scammon	✓		
Delia Shanski	Self		✓	
Sean Vincent	Vincent Ranch	✓		
Maccine Scammon	Self	✓		
Jennifer Curtiss	self		✓	
ROBERT D. PIENSON	SELF		✓	
Catherine Vaudemper	Mt. Land + Water Alliance		✓	
Kristine Evans	Brwrc, Self	X		
Carolyn Beecher	self	✓		
Paul Guenzler	Self	✓		
Sharon Guenzler	self	✓		
Kathy Waring	Self		✓	
Dennis Roush	Self		✓	
Craig McClure	self, AS irrigator	✓		

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Name	Representing	Support	Oppose	Info
DEAN BROCKWAY Gene Erb	IRRIGATOR (Rancher) Rancher		X	
DEONT CARPENTER Mark Agones	Self Montana TV	X	X	
GEORGE ALBERDA Paula Klebsta	SELF self	X		
Jana Clairmont Edward McClure	SELF SELF	X		
Ken Twoteeth Ada Montague	CSKT Franz & Driscoll, PLLP	X		
Dan Salom WADSWORTH ROBINSON	HD 93 self	X		
Shelby Demars Andrew Olsen	Self SELF	X		
Gene & Beverly Coville Shane Morrison	self CSKT		X	
Clyde Matt Larlee Wendeloth	CSKT CSKT	X		
Melissa Herbein Dan Decker	RWRLL CLUE CSKT	X		
Steve Arca	CSKT/self	X		

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Name	Representing	Support	Oppose	Info
Charlene K Kuykendall	self		✓	
Lloyd Phillips	self/part		✓	
Jim Pugh	self		✓	
Chris HAGAR	Self	✓		
Don Melancon	RMSGA-Dixon Melons		X	
Shonda Swaney	CSKT	✓		
Holly Franz	Billings Chamber of Commerce Mountain Water Co.	X		
John Crowley	BITTERROOT Irrigation	X		
Joel Clairmont	Rancher - CSKT member	X		
Britt Jahn	Kalispell			
Julie Doherty	Kalispell self		X	
MICHAEL KEANE	Kalispell MT		X	
Lance Jasper	Quinn's Hot Springs		X	
Derek Hiles	self Kalispell		X	
Frank Delgado	Lake County		X	
Jim Berg	my self	X		
Ron Hepp	self Great Falls		X	
J R T Lman	Painted Rocks Water	X		
Joey Jayne	Self - Arlee MT	X		
Jennifer Finley	self Ronan, MT	X		
Adam Haight	Northern Plains Resource Council	X		

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Name	Representing	Support	Oppose	Info
Lloyd In	CSKT	Yes		
Marvie Irvine	CSKT	Yes		
Nakotah Irvine	CSKT	Yes		
Dillon Dustybull	CSKT	Yes		
Susette Billedewewa	CSKT	Yes		
Eli Sheridan	CSKT	Yes	Yes	
Judy Gregor	myself ranching		Yes	
Mark Gregor				
Louis Hodgson	Myself- property		Oppose	
Michael Delgado	Property owner		Oppose	
Austin Taylor	PROPERTY OWNER		Oppose	
Wendy Raynal	water user-irrigator	Yes		
Laura O'Neil	Concerned Citizens of the Flathead		Yes	
BARRY L. MCHENRY	SELF FLATHEAD		YES	
DeLothaav	self		Yes	
Kranda Miller	self		YES	
NANCY OBIZIEN	self		YES	
Jeri Swenson	self		X	
Karen	Self		X	
Matt Regier	Self		X	
Julie Wolf	Self		X	
JEFF WOLF	SELF		X	

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Name	Representing	Support	Oppose	Info
VERXI CHAIRMONT	Self	YES		
Lynell Phyllis	Self	Yes		
Lane Beckwith	Montana State University	Yes		
<del>ROBERTA DECKER</del>	<del>SELF</del>	<del>YES</del>		
Dore M. Tolson	Self	Yes		
Derris Lopez	PCC	X		

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Name	Representing	Support	Oppose	Info
JOHN MASON	SELF.		✓	
Roy Lake	Self	✓		
HOWARD LYONS	Self		✓	
Perry Francis	Self Adler Irrigator		✓	
John Youngberg	MFBF	X		
Katrina's Foreland			✓	
DALE SNYDER	MISSION VALLEY		X	
Gordon Wind	Self	✓		
Brian Quigley	Self + RMSGA		✓	
Kim Skinner	Self + RMSGA		✓	
Stacy	FJBC P.A.		✓	
Scott Ken	Self		✓	
MICHAEL GALE	SELF		✓	
ROBERT STARKS	SELF		✓	
Bryndi Bow	Ranewood Ranch		✓	
POPE John	Self		✓	
David Tobol	Tobol Farms		✓	
Johanna Clack	Clack Ranch		✓	
NORM Reum	Twin Willow Ranch		✓	
Charly Lyons	My Ranch		✓	
Steve Tobol	Ronan Irrigators		✓	
Craig Woolard	City of Bozeman	✓		

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Name	Representing	Support	Oppose	Info
JAN HAAG	SELF		X	
Jerry Gentry	self		X	
Jim Huff	self		X	X
Shirley McHenry	Self		✓	
Daniel G. Kizimburg	Self		✓	
Carol Kizimburg L	self		✓	
Julie Johns	self		✓	
Chris Grier	self		X	
Jack Graw	self		X	
Dominic Vaalce	Self	X		
Daniel D Cameronford	Self		X	
Jerry O'Neil	self		X	
Therwin Leep	GCJ	X		
Brendan Leep	Self	X		
John O'Neil	"		X	
Wade Reynolds	Self		X	

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**Carmine M. Mowbray**

P.O. Box 1202 • 38334 Pinewood Dr. • Polson, Montana 59860  
406.883.4677 • Fax 406.883.4680 carminemowbray@gmail.com

**Additional Documents**

**SENATE: Judiciary**

Date: 2/16/15

Bill No. SB262

February 12, 2015

Greetings Honorable Senators

Sales  
Fielder  
Sands  
Vincent  
Driscoll  
Hansen  
Hinkle  
Kary  
Larsen  
McNally  
Moe  
Swandal,

There is no need to repeat the facts. Soon you will make a decision that will either kill the Water Compact; or release it and unlock Western Montana from the shackles of uncertainty, discord and enormous legal costs.

Montanans who have read the document (as I have) realize it does not completely satisfy either party. Having followed each iteration of the terms, I'm sure you'd agree that further concessions would have antagonized the "conceding" side.

We elected you to represent the best interests of Montanans, and lead without fear.

Please see the wisdom of a YES vote so we can move toward the future again. Thank you very much.

Respectfully,  
Carmine Mowbray  
Former Montana Dist. 6 Senator  
Polson, Montana



**Billie J Lee**

**BillieLee Project Consulting, dba**

*Providing Economic and Community Development Services to Local Governments and Nonprofit Organizations*

February 14, 2015

Senator Scott Sales, Chair  
Members of the Committee

Subject: Proponent – SB262 Water Compact

I am writing this to the Committee as a proponent to SB262 and to ask that the Committee work to ratify this Compact, and that the Committee members speak on behalf of its subsequent ratification in other Committees and on the floors of the Senate and House

I have provided leadership to economic and community development activities in Lake County and within the Western Rural Development Region serving Lake, Mineral and Sanders Counties and the Flathead Indian Reservation for over 22 years. I have witnessed both the very positive economic impacts that result from the Tribe and the communities and citizens that live in our region working together; and the very negative impact that is resulting from the continuing battle between neighbors and communities and the Tribe as a result of these ongoing negotiations. Individuals and businesses alike have grown fearful of either investing or expanding in the region as a result of the on-going fear-mongering that has marked the opposition's attempts to derail and defeat the negotiations. Communities are at risk of losing their abilities to assure a future with adequate water supplies for their citizens. And hateful conversations and letters have become a fixture in our newspapers.

To their credit, the Tribe and the State have been willing to come again and again to the table; have listened and have hammered away at the issues that have been brought to them. I believe that the result is fair and just to: the Tribe; local communities; irrigators and both current and future residents of the area and, indeed, the whole of Montana.

Water is the most treasured resource we have; as a peoples, we tend to be more than wasteful with it, as if it will last forever. I ask that you take the responsible steps of ratifying this Compact. It is good for our Communities, for the long term economy of both our region and the state, and for the very earth we live on.

Sincerely,

*Billie J Lee*

405 16h Ave E, Polson, MT 59860

406.253.5064

**My husband & I are irrigators in the Mission Valley. We have been farming and ranching here for 22 years. We support the compact. The people who oppose the compact do not speak for the majority of the irrigators.**

**The monies we would receive from the State and Federal Governments for passing the compact would help to improve and upgrade our irrigation systems and put money back into the community and give the economy a boost.**

**In our personal situation, we are at the end of the ditch and it is hard to get stock water to our livestock in May so we can turn our cattle out on pasture. A lot of water is lost thru evaporation and soaking the ditch to get it the distance to us. One of the improvements that have been discussed is putting in wells in places like ours that would save significant amounts of water.**

**If the compact does not pass, we will be in litigation for decades. This would not only affect us financially but also our physical and mental health would suffer from the stress of litigation and not knowing what will happen with the water.**

**Passing the compact is good for the entire State of Montana, not just the Flathead Reservation. The Federal Government, the State and the Tribe have worked hard to make a fair compact, and it is fair for everyone.**

**Please vote YES to pass the compact.**

**Glen & Karen Raisland**

34365 Gunlock Road  
Charlo, MT 59824  
Feb 12, 2015

Dear Senator

We are writing to you out of concern for the Water Compact for the Flathead Indian Reservation. We have lived on the Flathead Indian Reservation since 1994. Currently we own approximately 100 acres with irrigation water for 70 acres, part in the Mission District and part in the Flathead District.

Curtis is a retired Civil Engineer with 41 years experience, receiving his Professional Engineer license in Montana in 1966. He is a supervisor with the Lake County Conservation District.

Janette has been a Realtor in the Mission Valley since 1994. We currently own and she operates Windermere Real Estate, Ronan/Inc. She is the current president of the Boys and Girls Club of the Flathead Reservation and Lake County.

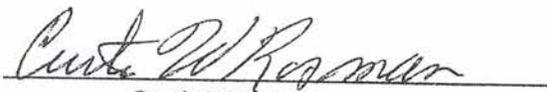
We have both attended numerous meetings concerning the compact, read many articles both pro and con, and know and have listened to people both for and against the compact.

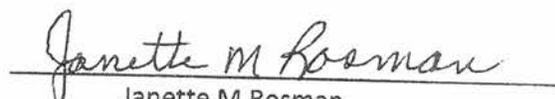
We believe that after all the years preparing the compact, it is time to bring it to completion. It is a very acceptable compromise considering all the issues. The Flathead Indian Irrigation Project collects the water and distributes that water, as available, to irrigated ground within the project. That agreement to safeguard our irrigation is sufficient for us. Instream flows are a given. Wells are protected.

Currently our Flathead Board of Control has taken our administrative funds to wage war against the compact, when a great many, and very likely the majority of irrigators are for the compact.

Without the compact, property values on the reservation will fall dramatically. Lenders will be afraid to make real estate loans due to the uncertainty of water rights.

We urgently request your support of the compact,

  
Curtis W Rosman

  
Janette M Rosman

## Jan Tusick

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**From:** janette <janette@ronan.net>  
**Sent:** Saturday, February 7, 2015 10:46 AM  
**To:** foodandagcenter@gmail.com  
**Subject:** water compact, irrigator and realtor

As an irrigator I support the Salish And Kootenai water compact. As a Realtor for 21 years I also see the need for the legislature to pass the water compact. When I started selling real estate in 1994 the State of Montana, , Salish & Kootenai Tribe and the US Government were in the process of negotiating this compact. In recent years there has been serious negotiating, is It perfect no, it s terrible, no. Will there ever be a time that everyone is satisfied, No. You have had more than enough time to study the compact, the public has had more than enough time to study the compact, the US Government, Salish and Kootenai Tribes and the State of Montana have had more than enough time to study and put this compact together and it is time to Vote YES and put the Compact in Motion.

As a Realtor I have concerns about not passing the compact how it will effect the property values in Lake County. The 20 realestate contracts I closed last year only two were out of state buyers. The past five years nearly 95% of my business is local, I have not seen very many out of state buyers, they have called and questioned me about the compact. I feel by not passing the compact in the 2013 legislature it has already affected economic conditions in the Mission Valley. We live on the Reservation, I personally feel the Tribe has been more than fair in their negotiating and it is a fair compact.

Recently I checked the irrigation fees on our property in the Saint Ignatius Project. Tax ID 12769. The Flathead Irrigation O & M has remained the same for several years. The Flathead Irrigation Administration fees have doubled. We have 51 acres in this parcel and 24.27 acres are irrigated. The Adm. Fees are \$121.35 for 24 acres per year. On tax ID 21274 we have 48.45 Acres and 45.50 Acres are irrigated and the Adm. Fees are \$227.50. Those fees for that parcel have doubled as well. I'm a bit unhappy with the Flathead Joint Board Control for hiring lawyers and lobbyist and the increasing the Flathead Irrigation Administration fees to pay for what they think is right. They appear to be the force for holding up the passing of this compact, I am disappointed because I don't feel they represent the irrigators in a fair and just way and their efforts are having a negative impact here in the valley and in the halls of the capitol in Helena. Take the Vote, Vote YES, pass the Compact, move forward so there can be some healing in the valley between irrigators, neighbors, farmers and realtors.

Janette Rosman  
Broker/Owner  
Windermere Real Estate/Ronan, Inc.  
63506 Hwy 93  
PO BOX 489  
Ronan, Mt. 59864  
406-676-3443 Office

406-261-6792

Merrill Bradshaw  
30968 Jocko Road  
Arlee Montana, 59821  
February 13, 2015

Senate Judiciary Committee  
Montana State Legislature  
64<sup>th</sup> Session  
Helena, Montana

Members of the Senate Judiciary Committee,

I live in the Jocko Valley, near Arlee, and own irrigated land. We have grown oats, hay crops, livestock, fruits, vegetables, and native grass and flower seeds.

Please support SB 262; the Confederated Salish and Kootenai Tribes revised Water Compact. A reliable supply of irrigation water is good for the Jocko Valley and all Flathead Indian Irrigation Project users. A reliable supply of water for streams on the Flathead Indian Reservation is good for all its residence. This agreement is a visionary document that will accompany a future strategy to manage drought years, and secure a sustainable use of water for irrigation, wildlife, and human consumption.

Thank you,  
Merrill Bradshaw  
Arlee, Montana

## Jan Tusick

---

**From:** cindy@cindywillis.com  
**Sent:** Wednesday, February 11, 2015 8:11 PM  
**To:** foodandagcenter@gmail.com  
**Subject:** water compact

My name is Cindy Willis. I have been a Realtor in Lake County since 1990, representing buyers solely since 1998. Buyers want a great deal of certainty before buying property. I give every buyer what I call my "water lecture" in which I give a quick overview of water rights issues west of the Mississippi and specifically my understanding of the situation on the Flathead Reservation. Montana law requires me to disclose any "material fact" that could have an impact on a buyers decision to purchase.

I have had potential buyers stop me "right there" with no need to go any further since they could buy property elsewhere without the uncertainty of such an essential part of our lives.

I urge the passage of the Water Rights Compact.

Lucinda K. (Cindy) Willis  
42318 Park Circle Drive  
Polson MT 59860

Broker Owner of Real Estate Buyers Solutions Montana Brokers License #6684

February 12, 2015

To: Senate Judiciary Committee

Re: SB 262 CSKT Water Compact – 2015

Knowing you will be inundated with data, ideas, opinions, and predictions at your hearing on the CSKT Water Rights Compact on Feb 16, I will keep my input brief:

This process of adjudicating water rights in Montana was initiated by the Montana Legislature to protect our water uses from downstream claims (in other states) and is not creating any new rights.

Due to cost and time considerations the water adjudication courts could not and can not complete the above goal. The Compact process was originated to facilitate the process.

No new water rights are being created or transferred.

Keeping our word is the way we do things both in America and "out west" and a treaty is our word as is a negotiated agreement.

During 2009 Session (61<sup>st</sup> Legislature) I testified to committee and spoke on the floor in favor of extending the time allowed for reaching a Compact agreement. We were pleading for more time because at the time the negotiators were talking not fighting. More than once we heard "Whiskeys for drinking, water is for fighting". Time was extended and an agreement was reached only to be rejected by the 62<sup>nd</sup> Legislature.

Now the Compact is back with changes in management, but also a new set of opponents with new complaints based on mythical "water rights" and likely will never be satisfied. The motivation for this group is in question and based on past results judicial action will most likely not favor the State of Montana, the Federal side, the FIIP, individual water users (including domestic), nor will it favor the town water systems.

Please support SB 262 and save the people of the Flathead Reservation and Lake County from expensive and questionable outcomes in judicial proceedings.

John Fleming

- Landowner and Irrigator in Lake Co and Flathead Reservation
- Representative Lake County 61<sup>st</sup> Legislature
- Lifelong resident



Lake County Commissioners

406-883-7204

Fax (406) 883-7283

# LAKE COUNTY

106 4th Ave. E.

Polson, Mt. 59860

February 11, 2015

Senate Judiciary Committee  
State Capitol  
Helena, MT 59620

To the Committee:

In January of 2014 the Lake County Commissioners sent a letter to the legislative Water Compact Interim Committee stating our support for passage of the Confederate Salish and Kootenai Tribes and State of Montana Water Compact. This letter serves to re-affirm our support of the Compact. We believe acceptance of the Compact is in the best interests of all Lake County citizens for the following reasons:

- We believe that the process followed to create the compact was fair, reasonable, and equitable to all citizens of Lake County.
- We believe that acceptance of the proposed compact will prove to be an economic benefit to Lake County. The compact resolves all Tribal claims to water which promotes stability in private property values, and passage will also encourage new businesses to locate in our county.
- We believe that acceptance of the compact will prevent lengthy and costly litigation for all parties on both sides of the issue.
- We believe that the debate in our county has been centered on project irrigation issues, and as important as these issues are, they are only part of the compact debate. Equal importance should be placed on the guarantees afforded by the Compact to the approximate 3000 private wells at stake, the municipal water supplies, i.e. Polson, Ronan, & St. Ignatius, and for irrigation waters outside the project.

Debate for and against the Compact has been long and contentious, not only in our county, but also in surrounding counties. We believe that all parties have had ample opportunity to participate in the debate and it is now time to move forward and accept the Compact.

Thank you for your consideration of our comments.

Sincerely,

Gale Decker, Chairman  
Board of Lake County Commissioners

Giles Conway-Gordon

4:22 PM (2 minutes ago)

to me

Jan,

This is to confirm that I have sent the message below to each of the members of the Senate committee for the hearing on Monday.

-----  
Dear Senator .....,

I and my wife are irrigators (85 irrigated acres, 4 miles West of I93 on Duck Road, 2 miles South of Ronan).

I am contacting you for two reasons:

First, to confirm our strong support for the water Compact with the Tribes as negotiated. We believe strongly that the Compact is very much the best solution to the question of rights to irrigation and very strongly urge you to support it in committee and the Montana legislature.

Secondly, you should be aware that the **opposition of the Flathead Joint Board of Control to the Compact does NOT represent the opinion of the irrigators**. The Board have taken no steps to ascertain by proper ballot the actual balance of irrigators for or against the Compact and have no good evidence to support their opposition to it. They are acting without the proper authority.

Yours sincerely

Giles Conway-Gordon

Bernadette Bigley

-----  
Best regards

Karen Ryan [karenryan@montana.com](mailto:karenryan@montana.com) [via lakecountycdc.org](http://via.lakecountycdc.org)

2:22 PM (2 hours ago)

to jan.tusick

Dear Legislators,

We are irrigators in Ronan and we are in favor of the Water Compact. There has been an incredible amount of misinformation regarding the compact. We feel it is a fair and reasonable compact and without it our future as farmers and property owners will be greatly devalued.

We urge you to do the right thing and vote Yes for this compact.

Sincerely,

Dan and Karen Ryan  
44864 Kaiser Rd  
Ronan MT 59864

**TO:** Senate Judiciary Committee Members  
**FROM:** Irrigators in the Gallatin Valley  
**DATE:** Monday, February 16<sup>th</sup>, 2015  
**SUBJECT:** Compact Benefits Gallatin Irrigators, Future Water Users

Chairman Sales & Members of the Committee,

We take many things in our society for granted—but we can't afford our water to be one of them.

Irrigators in the Gallatin Valley, and across the state, don't just depend on access to water, they depend on the certainty of being able to use it now and in the future. Our family farms and ranches, municipalities, and industrial users rely on our water rights for our livelihood. Montana's water users need to know whether they will be able to utilize water at historic levels, even in times of water shortage and whether that access/use can be transferred from one generation to the next. The Confederated Salish & Kootenai Tribes Reserved Water Compact provides this certainty and protects the water users of today and tomorrow.

The Compact protects all existing water rights. It doesn't create new water rights or alter existing ones in the Gallatin, but ensures that the existing rights and historical uses of Montana's water users are upheld and protected. Through the Compact the tribes have agreed to co-own a few specific in-stream flow rights with Montana Fish, Wildlife & Parks instead of seeking sole ownership. None of the co-owned instream rights are in the Gallatin. Additionally, with the Compact the tribes have agreed that they will not litigate instream flows that exist off of the reservation—meaning Gallatin irrigators won't have to go back to the Water Court, again.

By releasing more water from Hungry Horse Reservoir to be used on tribal lands and in other water short basins, Montana water users will benefit from the availability of additional water resources that the Compact provides. Without the Compact the use of this water remains at the discretion of the Federal Government.

However, should the Compact fail, irrigators will be subject to more uncertainty than perhaps any other stakeholder group impacted by the CSKT Water Compact. If the Compact does not pass, much of the adjudication that has already been settled by the Montana Water Court will have to be revisited and a minimum of 35 basin decrees will have to be reopened – including the Gallatin. This will unquestionably hurt irrigators, individually forcing us back into the adjudication process – even though we thought we were done. Not only will much of the work done by the Montana Water Court have to be reexamined, but with the filing of an overwhelming number of new claims it will take decades to complete the adjudication process.

The Compact has many benefits that are the product of extensive negotiations and cooperative efforts between all parties involved. With input from irrigators, farmers, ranchers, and water users from every corner of the state, the CSKT Water Compact is the

best option for all Montanans. With such positive impacts on the line and the future of our water hanging in the balance, we have an obligation to pass the CSKT Water Compact—not just for the protections that it will offer to water users across the state today, but for the opportunities it preserves for the farmers, ranchers, and irrigators of tomorrow.

The above letter has been signed by the following irrigators in the Gallatin Valley:

Al Lien  
Alan English  
Alan Venema  
Becky Weed  
Bill Kimm  
Bill Tatarka  
Brian Dunning  
Chris Stucky  
Clark V. Johnson  
Curtis Dykstra  
Cynthia K Johnson  
Dale Flikkema  
Dan McReynolds  
Dan Triemstra  
Darren Braaksma  
David Pruitt  
Don Vaniman  
Doug Alberda  
Doug Braaksma  
Doug Dyk  
Duane Burkenpas  
Eileen Flikkema  
Elizabeth Triemstra  
Eugene Cole  
Gabriel Ditch  
Gallatin Conservation District  
Gary Paulson  
George Alberda  
Glen Droge  
Greg Braaksma  
Greg Leep  
Ilene Casey  
James House  
Jason Kimm  
Jennifer Mohler  
Joe Axtell  
John Hunziker  
John Mahoney

John Schutter  
John Venhuizen  
Jon Alberda  
Knife River  
Larry Klompier  
LaVonne Stucky  
Les McCartney  
Louise Smith  
Mark Huyser  
Mark Kimm  
Maynard Flikkema  
Mick Seeburg  
Mike Gaffke  
Pamela Hainsworth  
Rick Braaksma  
Rod Triemstra  
Sherwin Leep  
Sid Kamps  
Sid Schutter  
Spain Ferris Ditch Company  
Spencer Smith  
Spring Creek Farms  
Steve VanDyken  
Susan Duncan  
Walt Sales  
White Ditch Company  
Carl Vandermolen  
Craig Bos  
Kathryn Kelly  
Martin Kimm  
Nick Schutter  
Paula Posey

**MONTANA  
AMERICAN INDIAN  
CAUCUS**



**64<sup>TH</sup> LEGISLATIVE  
SESSION**

**ADDRESS:**

PO BOX 200400  
HELENA, MT 59620  
PHONE: 406.444.1634  
FAX: 406.444.4362

**SENATE MEMBERS:**

SHARON STEWART-  
PEREGOY  
LEA WHITFORD  
JONATHAN WINDY BOY

**HOUSE MEMBERS:**

GEORGE KIPP III  
G. BRUCE MEYERS  
CAROLYN PEASE-LOPEZ  
RAE PEPPERS  
BRIDGET SMITH  
SUSAN WEBBER

**CAUCUS STAFF:**

ABBIE COOK

**Additional Documents**

**SENATE: Judiciary**

Date: 2/16/15

Bill No. SB 262

To: Senate Judiciary Committee  
Honorable Chairman Sales

February 16, 2015

Honorable Chairman Senator Sales and Members of the Senate Judiciary  
Committee

We, the Montana American Indian Caucus would like to express our full support  
of the adoption of the Confederated Salish Kootenai Tribes Water Compact.

We are in full support of the language and appropriations outlined in the bill and  
we ask that you recommend a 'do pass'.

The Water Rights outlined in the bill are based upon a joint agreement between  
the tribes and other invested parties.

We fully concur that this compact will ensure the shared water rights of the tribes  
and other invested parties.

Respectfully submitted,

The Montana American Indian Caucus

**Testimony Supporting SB 262 and the CSKT Water Compact**  
**Senate Judiciary Committee**

February 16, 2015

8:00 AM

Room 303

Mr. Chairman, members of the Committee, my name is Jim Hagenbarth and our family has been using water and livestock to enhance the land we manage in southwestern Montana and southeastern Idaho for 140 years. In the last 35 years I have filed 178 water right claims and guided them through the adjudication process and am still not completed in Montana. In this process we used collaboration, mitigation, stipulations, and litigation to secure the most practical, beneficial and defensible water right possible. Of all these tools, litigation has been the least productive. My ego and my greed have cost our family dearly in trying to gain the ultimate outcome through litigation.

Over the years I have been intensely involved in the collaborative process dealing with water, watersheds, bison, brucellosis and Sage-Grouse. These efforts have lasted from a few months to several decades. They included all interests to find workable, practical and feasible solutions to very difficult issues.

The Water Compact being discussed today is a similar negotiated agreement that took over a decade of collaboration effort. It is being presented to the legislature as a template to guide the management of water rights between the state, its people, the federal government and the Confederated Salish/Kootenai Tribe. It is disappointing that commission member opposition to the Compact is occurring and that individual legislators have little regard or understanding of the holistic nature of this negotiated agreement. Opposition to this Compact is certainly expected and is a healthy exercise in understanding the issues, but failure to pass this Compact intact will have huge negative consequences for users within the compact basins and along the major rivers in Montana claimed as aboriginal territories of the tribe.

Failure of this water compact could jeopardize all the complicated negotiations that make available other sources of stored and pumped water to meet the needs of all users in the basin. It may limit the availability of the massive state and federal funding needed to address the failing infrastructure of the delivery system. It will certainly expose individual water right holders within the Compact Basins and throughout Montana to water right litigation with the Federal Government and the Tribes with a priority date that trumps everyone. Instream flows

have become a major issue in Montana and with an 1855 priority the Tribes and the Federal Government will have a lot of partners who will participate based on being an interested party and not solely a water right owner. Instream flows claimed by the Tribe will be based on generous flows determined by the Fish and Game and supported by every inflow stream advocate in the state and nation. This could result in the exposure of thousands of water rights to expensive and time consuming litigation and re-adjudication. Whether we like it or not, the Tribe has a royal flush. This collaborative state compact includes all water users in amenities greater than each would get on their own.

I ask that we all rein in our egos and our greed and exercise common sense and pass this compact.

Thank you.

The sovereign status of Indian tribes was recognized by the British crown and later the United States through the treatment of tribes as foreign nations. This concept is most notably recognized through the various treaties between the United States and Indian tribes, and is confirmed by well-settled federal law that acknowledges the distinct nature of tribes and their inherent self-governing authority. Indeed, the notion of tribal sovereignty was confirmed by the United States Supreme Court in its very first term in 1832. *See Johnson v. McIntosh*, 21 U.S. (8 Wheat.) 543 (1823).

Tribal sovereignty refers to a tribe's powers of self-government, which can under certain circumstances extend to non-Indians and even outside of a tribe's reservation boundaries. But tribal sovereignty also refers to the *source* of a tribe's powers. Federal courts have repeatedly confirmed that tribal powers are inherent, stemming from time immemorial. Unlike a county government, for example, which receives delegated powers from a state legislature, tribal power needs no such delegation.

Tribal sovereignty is limited in certain respects—all sovereigns have limitations—as articulated through federal court jurisprudence. Below we have briefly described the primary limitations on tribal sovereignty. Generally, other aspects of inherent tribal self-government authority remain intact.

1. Tribes may not grant (or sell) lands except to the United States. *See Johnson*. This limitation originated during the treaty-making era and prohibited private individuals and states from acquiring Indian lands directly. Today, lands held in trust by the United States for the benefit of tribes, continue to require federal approval (usually by the BIA) in order to be sold. Lands purchased by tribes can be freely sold by tribes without federal involvement.
2. Tribes may not treat with foreign nations. *See Cherokee v. Georgia*, 30 U.S. (5 Pet.) 1 (1831), *Worcester v. Georgia*, 31 U.S. (6 Pet.) 515 (1832).
3. The inherent criminal authority of tribes is limited to punishment of Indian offenders, except in cases of domestic violence. *See Oliphant v. Suquamish*, 435 U.S. 191 (1978), *U.S. v. Lara*, 541 U.S. 193 (2004) Indian Civil Rights Act, as amended, Tribal Law and Order Act, and Violence Against Women Act, as amended.
4. Tribes generally lack civil authority over the activities of nonmembers. This general rule has two exceptions. First, tribes may retain authority to regulate through taxation or other means the activities of nonmembers who enter into leases or consensual relationships with tribes. Second, tribes may regulate non-Indians whose activities have an effect on the political integrity, economic security, or the health and welfare of the tribe. *See Montana v. United States*, 450 U.S. 544 (1981).

There are numerous specific scenarios relating to the extent of tribal sovereignty, far too numerous to mention here. Accordingly, any specific question as to the power of an Indian tribe with regard to a certain person, entity, issue or activity would require in-depth analysis.

Senate Judiciary Committee:

I have been an irrigator on the Flathead Indian Reservation at St. Ignatius, MT for 55 years. My wife and I live on the same place my folks moved to in 1960. We support the Water Compact (SB 262) and it's passage, believing it is best for all of Montana, for the following reasons:

- We will have the right to use water as before but with the same priority date as the tribe.
- We will retain the low cost block of power associated with Kerr Dam.
- There will be additional water for pumping from Flathead lake.
- Our wells, private and municipal, will be protected as well as the right to drill future wells.
- The Tribes off reservation claims will be settled.
- There will be federal and state funding for improving the Flathead Indian Irrigation Project.

Without the compact we will see:

- Years perhaps decades of litigation.
- Less water for the Flathead irrigators due to increased in-stream flows.
- USFWS looking into bull trout water requirements.
- The Tribe filing off reservation water claims on the west half of Montana because of their status as a Stevens Treaty Tribe.
- Land values falling due to the uncertainty of the outcome creating economic hardship not only for agriculture but for all of Montana.

In the 1980's and 1990's the irrigation districts, under the Flathead Joint Board of Control, took the Tribe and the BIA to court some 30 times over in-stream flows, project operations, water rights, control of the power division of the irrigation project, the Tribes right for environmental regulation and other issues. In every case involving water, environmental regulation or administrative decisions by the U.S., Flathead irrigators lost. We believe they will lose again. We ask what has changed? The majority of the board members of the current Flathead Joint Board of Control are choosing to relive those years by using our administration fees to pay attorneys, lobbyists and advisors to defeat the Water Compact (SB 262). We ask that you please stop the insanity by voting for it's passage.

Respectfully

Wayne & Maccine Scammon

The following irrigators have ask to have their names be added in support:

John and Lydia Fleming  
Hank and Dorothy Jorgenson  
Ester Bick

Les Billington  
Norton and Sharon Couron  
Rodd Richardson

Additional Documents

SENATE: Judiciary

Date: 2/16/15

Bill No. SB262

February 12, 2015

Dear Judiciary Committee:

We the following owners of businesses and property in Lake County Montana are in support of a compact to settle the Reserved Water Rights here on the Flathead Indian Reservation. We feel it would be a very costly mistake for our local economy if this were to be settled in the court system. This issue is not just an irrigation issue. The uncertainty that years of litigation will bring will affect our real estate market, our building industry, banking industry and the ability for cities in our area to expand their water systems.

We would appreciate a positive vote for moving this bill to the senate and then to the house.

Sincerely,

Dennis Duty	Polson, MT
Mac Swan	Polson, MT
Matt O'Neill	Polson, MT
Larry Ashcraft	Polson, MT
Gordon Zimmerman	Polson, MT
Wayne Schile	Polson, MT
Karen Duty	Polson, MT
Dorothy Ashcraft	Polson, MT
Gloria Califato	Polson, MT
Tim McGinnis	Polson, MT
Mike Maddy	Polson, MT
Tim Hinderman	Whitefish, MT
Ric Smith	Polson, MT
Herb Kimball	Polson, MT
Keith Urbach	Polson, MT
Bea Cottington	Polson, MT
Bill Boettcher	Polson, MT
Sarah Smith	Polson, MT
John Stene	Polson, MT

Sue Urbach	Polson, MT
Bonnie Kimball	Polson, MT
Dave Cottington	Polson, MT
Karla Gallatin	Polson, MT
Tim Pfahler	Frenchtown, MT
Carlisa London	Polson, MT
David Salomon	Polson, MT
Toni Young	Polson, MT
Cort Potter	St Ignatius, MT
Tami Sanderson	Polson, MT
Martin Olsson	Ronan, MT
Dave Ottun	Polson, MT
Tom Tibbles	Polson, MT
Rob Sloan	Polson, MT
Jeff Gallatin	Polson, MT
Paul London	Polson, MT
Rob Turner	Polson, MT
Carol Tibbles	Polson, MT
Hans Lund	Polson, MT
Kathy Crockett	Polson, MT

# LORENTS GROSFIELD

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285 Grosfield Lane  
Big Timber, MT 59011-7724  
Phone/Fax: 406-537-4489  
Email: lorents@mcn.net

February 16, 2015

Senate Judiciary Committee

Re: CSKT Compact (SB 262)

Chairman Sales and Members of the Committee,

My name is Lorents Grosfield and I am a third generation cattle rancher and irrigator from Big Timber, in southcentral Montana, who has been very interested in water issues and water policy for over 35 years.

I strongly support the CSKT Compact because I believe it is fair to both tribal and nontribal members who live on the Flathead Reservation, and because I am very fearful of the consequences of not passing it. Besides agreeing with the many points made here today by all the other proponents, I want to focus on just one point.

April 30<sup>th</sup>, 1982 was an important day for Montana water users. That was the date by which all irrigators, municipalities, businesses, etc. who believed they had valid water rights had to file their claims in our adjudication process. Not to file was considered abandonment of those water rights, with no remedy. The only entities left out of that requirement were those federal and tribal entities that had reserved water rights under federal law, and who were participating in the Reserved Water Rights Compacting process. The CSKT is the last such entity, and this is the Compact before you. If this Legislature does not pass the Compact, the Tribes are required under Montana water law to file all their claims by June 30, 2015. The impact of this deadline is exactly the same as the April 30<sup>th</sup>, 1982 deadline was for the rest of us. In other words, if the Compact does not pass and the Tribes neglect to file by this deadline, all their water rights will be deemed abandoned.

Obviously, the Tribes would be stupid not to file their claims, just as I and all irrigators in this room would have been stupid not to file their claims by April 30<sup>th</sup>, 1982.

I want to ask you to think a little about how things will unfold if this Compact does not pass. The Tribes will obviously file all their claims by the deadline at the end of June, just 4½ months from now. It is certain that these claims will be larger and more extensive, both on and off the reservation, than the rights granted in the Compact.

Each tribal claim will be accompanied by evidence to support the claim. For off-reservation claims, all of which will be instream flow claims with a "time immemorial" priority date, this supporting evidence for each claim will include at least the following two elements:

1. expert witness testimony, affidavits or depositions that the claim involves "usual and accustomed places" that the Tribes used historically, and
2. expert biological testimony that the amount claimed is necessary to support a viable fishery in the reach claimed.

This puts any objectors in the position of having to find their own expert witnesses to refute the expert witness testimony that is part of the claim. The Tribes' expert evidence from reputable anthropologists and historians will be based largely on research of items like the Lewis and Clark Journals, trapper's and

Good Morning. Thank you for allowing me to provide input in the discussion about the proposed Water Compact between the Confederated Salish & Kootenai Tribes and the State of Montana. There are many areas of concern and issues to be decided, but I would like to highlight one area that does not seem to get much "press." That area is the potential cost each homeowner and/or business would have to bear to defend their state-based water right.

My interest is both as an individual homeowner and a representative of the Flathead Lake United Methodist Camp. The Camp serves youth and adults from across Montana and has limited financial resources.

Of the more than 219, 000 state-based water rights, roughly 1/4 to 1/3 are likely to be in the area affected by the CSKT-Montana Compact. That means around 70,000 individuals are likely to incur personal expenses to defend their water rights. The process to accomplish a successful defense is at best 8 to 10 hours. That means an individual could have to pay an attorney between \$2,000 and \$3,000 dollars out of their own pocket to defend their water rights. Many Montanans cannot afford such an expense and thus, could lose their water rights if they fail to respond to a legal or administrative requirement. Some individuals might choose to defend their rights in person rather than hiring an attorney. If so, they would have to take time off from work resulting in lost wages. Either way, this process will be costly and could clog the water adjudication process for many, many years.

Cities and towns too will have to defend their water rights at costs much greater than those cited above. This is likely to take funds away from other programs and services.

The Compact must be approved during this session. Without it, the Tribes will file their claim for their reserved water rights by June 30, 2015. That will start the expensive process of water rights defense mentioned previously.

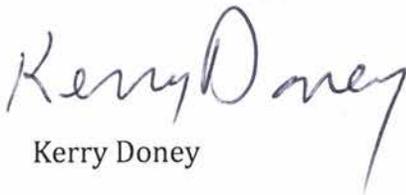
The Compact presented to you is not perfect. You may feel frustrated because you want to make changes to the Compact. As you know, you cannot because it is a negotiated agreement, a "take it or leave it" document. But please remember, both parties, the State of Montana and the Confederated Salish & Kootenai Tribes, had expert representatives working together for years to come up with this agreement. The result is a document in which both parties compromised.

As you decide whether to approve or deny this Compact, please remember that you will be affecting the lives and livelihoods of many, many Montanans. I urge you to support and approve the Water Compact. Again, thank you for your service to our state.

Respectfully submitted,

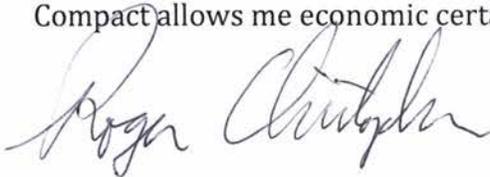
Chris Hagar  
P.O. Box 244  
Bigfork, MT 59911

My Name is Kerry Doney. I have been ranching all my life in the Jocko Valley on the Flathead Indian Reservation. I work close to 1000 acres of land and am in the middle of calving so I can't get over to Helena to testify. I am on the Flathead Joint Board of Control and strongly disagree with the present course the majority of the board is taking. They failed to participate in the negotiation sessions that occurred over the summer. They are under the influence of the Concerned Citizens of Western Montana, an anti federal government, fear -mongering group of mostly people who do not make a living farming. They choose to have no understanding of Montana law or federal reserve water rights and are quite loose with their facts. I believe that my economic security as a farmer is guaranteed if the Compact passes. I am fearful of the economic, social and political impacts if the Compact fails. I wish I could be in Helena to say this myself



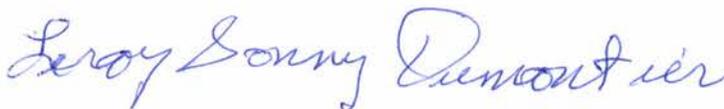
Kerry Doney

I, Roger Christopher a former commissioner of the Flathead Joint Board of Control, also think the board has taken a wrong turn in opposing the Compact. Passing the Compact allows me economic certainty for running my farm.



Roger Christopher

My name is Sonny Dumontier. I am a former commissioner of <sup>the CME</sup> ~~the Flathead Joint Board of Control~~ and I feel that the FJBC has been hijacked by group of people who not only don't understand the issues, but are throwing us farmers and ranchers who make a living working the land under the bus with their opposition to the Compact



Sonny Dumontier

Ron Hepp (Irrigated Farmer)  
235 Sun River Road  
Great Falls, MT 59404

Additional Documents  
SENATE: Judiciary  
Date: 2/16/13  
Bill No. SB 262

The Hellgate Treaty of 1855 does not allow off reservation water rights.

The legislature creating off reservation rights will set the precedence for other tribes to demand off reservation rights.

The threat to file 10,000 water right claims is a desperate threat, as the Montana Water Court has handled over 200,000 claims, which is where these claims belong.

Article IV of the compact allows off reservation and out of state leasing of the water for the tribes monetary benefit. The State of Montana should be leasing the water for every Montanan's benefit.

This compact is much worse than when former Governor Racicot pushed for and the legislature voted for utility deregulation that resulted in the breakup of the Montana Power Company. History will not be kind to those who vote to forever give our water away.

Please vote against the compact.

Ron Hepp HD19 (406-799-0648) represented by Rep. Randall Pinocci (406-899-1947) who opposes the compact.

## The “10,000 Claims” Hoax: Fear Mongering in Montana! *Extorting Montana’s Approval of the Water Compact?*

### • The Threat:

- “If the Compact is not passed, the CSKT will file 10,000 claims across the State of Montana.” --Governor Steve Bullock, vetoing 2013 legislation that would have legislatively authorized continued negotiations with the CSKT
- “If the CSKT Compact is not passed, the 10,000 claims will complication, re-open and delay the Montana General Stream Adjudication by 20-30 years”. —Corey Swanson, Attorney General Fox Special Counsel, Water Compact, February 7, 2015
- “If the 10,000 claims are filed by the CSKT, everyone is going to have to hire their own lawyer to protect their water rights”. —Chris Tweeten, Chairman of the Compact Commission, January 10, 2015

### • The Truth:

- “The 10,000 Claims have no basis in fact.” —Judge Russ McElyae, Chief Judge of the Montana Water Court, to Representative Kathleen Williams, September 4, 2014
- Aboriginal Territory is Not Subsistence Territory. The Treaty of Hellgate granted the CSKT *no rights* in Eastern Montana. —*Indian Claims Commission Proceedings*
- Flathead Tribe Specifically Excluded from Judith River and other Treaties East of the Continental Divide
- Federal Reserved Water Rights Do Not Exist Off the Reservation —*Winters Doctrine, 1908; McCarran Amendment 1953; Montana Constitution*

## SUMMARY OF FEDERAL RESERVED INSTREAM FLOW CLAIMS IDAHO SNAKE RIVER BASIN ADJUDICATION

AGENCY / TRIBE	TYPE OF CLAIM	NO. OF ORIGINAL CLAIMS FILED	ALLOWED	DISALLOWED OR DISMISSED	STATUS
FOREST SERVICE	ORGANIC ACT	1,359	0	1,359	Final Settlement
	MUSYA	2,389	0	2,389	Final Decision
	WILDERNESS	7	0	7	Final Decision
	WILD & SCENIC	8	6	2	Final Decree
	SAWTOOTH NRA	5	0	5	Final Decision
	HELLS CANYON NRA	1	1	0	Final Settlement (comprehensive claim was reduces to claims on specific streams and lakes)
FISH AND WILDLIFE SERVICE	DEER FLAT REFUGE	4	0	4	Final Decision
NEZ PERCE / BIA	TRIBAL INSTREAM FLOW	1,133	0	1,133	SRBA Decrees Entered
NORTHWESTERN BAND OF SHOSHONI	TRIBAL INSTREAM FLOW	27	0	27	Final Decision
SHOSHONE BANNOCK TRIBES	TRIBAL INSTREAM FLOW	1,030	0	1,030	Dismissed with prejudice
SHOSHONE PAIUTE TRIBES	TRIBAL INSTREAM FLOW	7	0	7	Final Settlement
TOTAL INSTREAM FLOW CLAIMS		5,970	7	5,963	

## THERE IS AN ALTERNATIVE TO THE CSKT COMPACT: HB0247

No legislator should vote for a bill when scare tactics are used to ensure its passage. The threat of litigation has been used by the Compact Commission and the CSKT to push Montanan's into accepting a 1,500 page water compact that is impossible to read and understand. The water compact is a forever document that is far too big, too complicated and too fraught with potential legal issues to ratify without comprehensive and independent studies and analysis.

Representative Bob Brown has come up with a viable solution to the dilemma legislators are faced with. In the event that the CSKT Water Compact is not ratified, HB0427 provides that \$13million in funding will be set aside to defend the water rights of Montanans throughout the state against the threatened aggressive claims of the Confederated Salish and Kootenai Tribes. The bill title says in part:

**"AN ACT PROVIDING FOR THE DEFENSE OF WATER RIGHTS THROUGHOUT THE STATE OF MONTANA FROM COMPETING CLAIMS TO BE FILED IF THE LEGISLATURE DOES NOT PASS THE CONFEDERATED SALISH AND KOOTENAI TRIBES WATER RIGHTS COMPACT; PROVIDING AN APPROPRIATION FOR PROCESSING WATER RIGHTS CLAIMS FILED ON OR OFF THE FLATHEAD INDIAN RESERVATION" ....**

This bill allows the state of Montana to stand against the scare tactics used by the compact commission and the tribe, to protect the water rights, state sovereignty, and the constitutional protections of its citizens from the overreach that is contemplated in the CSKT Compact. **PLEASE VOTE "NO" ON THE CSKT COMPACT AND INSTEAD CHOOSE TO PROTECT MONTANAN'S RIGHTS BY VOTING FOR REPRESENTATIVE BROWN'S BILL HB0247.**

Sunday, February 15, 2015

**Additional Documents**

**SENATE: Judiciary**

Date: 2/16/15  
Bill No. SB262

Mr. Chairman and Members of the Senate Judiciary Committee:

Please vote in OPPOSITION to SB 262, which goes way beyond simply assuring water for the Reservation. All citizens must have their fair share of water as called for in the Constitution. Only a "NO" VOTE protects water for ALL living in 11 counties west of the Continental Divide (farms, ranches, towns, cities).

IF PASSED, control goes from a State Managed Water Rights System to a small Reservation decision-making group. This bill is an insult and threat to the citizens of Montana undermining political integrity and threatening our personal and social economic well-being, security, and way of life, now and in the indefinite future.

I IMPLORE YOU, OUR HONORED LEGISLATOR ON THE SENATE JUDICIARY COMMITTEE, to PLEASE VOTE NO to SB 262 Monday morning at 8:00 a.m.

Sincerely;



Charlotte Komenda

Additional Documents

SENATE: Judiciary

Date: 2/16/15

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Sincerely,

  
Brock Dockery

Because SB 262 will go on forever and will affect everyone, everyone should know how it will affect them and unborn generations.

After watching the proponents presentation 3 times there are still way too many unknowns. Why wasn't the other side given the opportunity? Probably could have cleared up a lot of questions if both sides had been present.

By the way who is Farmers & Ranchers for Montana? Is this what would be called a 'dark money' group if it was the other side?

Does the phrase 'you have to pass it to find out what's in it' apply here.

This may be a good deal but the 'you have to pass it now' makes it look suspicious.

Please spend the next two years convincing the rest of us what a good deal it is. We're not stupid - if it's a good deal we'll like it.

The consensus now is that this is a much better compact than the original. Another two years is a nano second in forever.

**Schindler, Pam**

**From:** Jack Cochrane <jfcoch@cyberport.net>  
**Sent:** Friday, February 13, 2015 2:22 PM  
**To:** Schindler, Pam  
**Subject:** SB 262--CSKT Water Compact

TO: Senate Judiciary Committee  
Date: February 13, 2015  
Subject: Confederated Salish and Kootenai Tribes (CSKT) water compact

PLEASE VOTE NO ON SB 262. I am convinced the CSKT water compact, will severely affect my off-reservation irrigation water permits (167 & 448 gpm).

On July 10, 2004, DNRC shutdown my irrigation system. Why? Drought. This will be repeated when other droughts occur.

If approved as currently written, the CSKT water compact WILL NOT PROTECT existing irrigation permits of more than 100 gpm. I WILL BE ADVERSELY IMPACTED because two of my irrigation water rights exceed 100 gpm.

PLEASE DON'T RUSH to get this CSKT water compact approved during this legislative session. Do you, our elected officials, truly understand the eternal impact of your vote on this CSKT water compact? Whatever decision is made will last "FOREVER" and will transfer Montana water rights to a foreign nation—the Confederated Salish and Kootenai Tribes.

Sincerely

John F. Cochrane  
1725 Farm to Market Road  
Kalispell, MT 59901  
ph. 406-257-0965

Additional Documents

SENATE: Judiciary

Date: 2/16/15

Bill No. SB262

Legislators;

My concern with the CSKT Water Compact is what it will do to the Mission Valley Seed Potato Industry if the seed potato farmer does not receive the proper allocation of water for their crop this will eliminate the seed potato industry if the water compact is passed we know allocations of water will be reduced therefore possibly eliminating the Mission Valley Seed Potato Industry.

As I foresee it this will be a devastating blow to the UNITED STATES potato industry therefore I urge a no vote on SB262.

Thank You,

*George D. Stone*

February, 2015

*duanegeo.stone@hotmail.com*

Date: 2/16/15

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Thank You,

*Gary L. Baertsch*

February, 2015

Date: 2/16/15

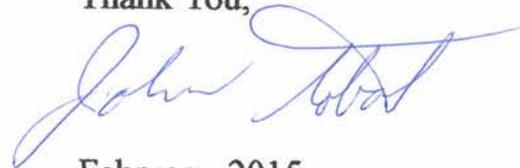
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Thank You,



February, 2015

*Seed Grower*

Date: 2/16/15

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Thank You,



February, 2015

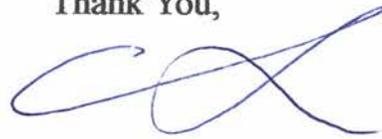


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Thank You,



February, 2015

*Spauld & Roy Vallejo  
St. Ignace, MT  
farmer*

Legislators;

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Thank You,

*Carl Lyons*

February, 2015

*St. Ignace  
Ranch*

Legislators;

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Thank You,

February, 2015

*Seed Grower — Steve Abel*

Additional Documents

SENATE: Judiciary

Date: 2/16/15

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Legislators;

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Thank You,

A handwritten signature in blue ink that reads "Duff Bone Cole". The signature is written in a cursive style.

February, 2015

Additional Documents

SENATE: Judiciary

Date: 2/16/15

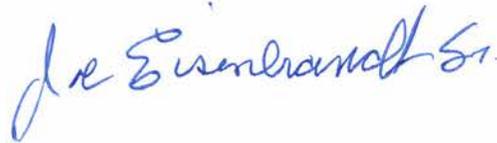
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As I foresee it, this will be a devastating blow to the UNITED STATES potato industry; therefore, I urge a NO vote on SB262.

Thank you,



February 2015

Joe Eisenbrandt  
Plains, MT

Additional Documents

SENATE: Judiciary

Date: 2/16/15

Bill No. SB262

Legislators:

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Thank you,



February 2015

KAREN EISENBRANDT

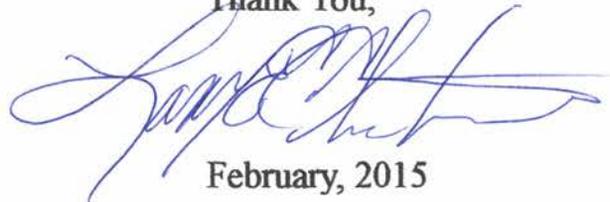
PLAINS, MT

Legislators;

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Thank You,



February, 2015

LARRY CHRISTENSON  
PLAINS, MONTANA

Date: 2/16/15

Bill No. SB262

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Thank You,

Maryann Knutson

February, 2015

MARYANN KNUTSON  
PLAINS, MONTANA

Additional Documents

SENATE: Judiciary

Date: 2/16/15

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Thank You,

*Kenneth D. Baker*

February, 2015

*Kenneth D. Baker  
PLAINS, MONTANA*

Additional Documents

SENATE: Judiciary

Date: 2/16/15

Bill No. SB 262

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Thank You,   
Warren Wickham  
P.O. Box 1314  
Pharm, MT

February, 2015

Legislators;

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Thank You,  
*Glenda Kolb*

February, 2015

*Glenda Kolb*  
*PARADISE, MONTANA*

Legislators;

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Thank You,

*Eugene Kolb*

February, 2015

*Eugene Kolb  
PARADISE, MONTANA*

Date: 2/16/15

Bill No. SB262

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Thank You,

*Ann Baker*

February, 2015

ANN BAKER  
PLAINS, MONTANA

Legislators;

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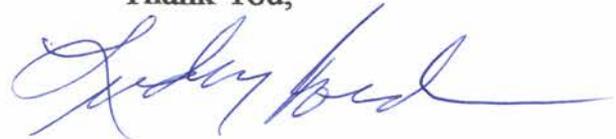
Kim Laven Robinson  
Plains MT

Legislators;

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Thank You,



February, 2015

Ludwig Roeder  
PLAINS, MONTANA

Date: 2/16/15

Bill No. SB262

for, and for said water by it conveyed, or to be conveyed, from said point of appropriation to said land or point of final discharge, and also the right of location upon any lands of any dams, flumes, reservoirs, constructed or to be constructed, by United States in appropriating and in using said water.

VI. That the said United States also claims the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of said right, water, ditch or said appurtenances in part or whole at any time.

Claiming the same all and singular, under any and all laws, National and State and in accordance with the rulings and decisions thereunder, in the matter of water rights.

TOGETHER with all and singular, the heriditaments and appurtenances thereunto belonging and appertaining or to accrue to the same.

THE UNITED STATES OF AMERICA,

By H. N. Savage

Its officer and agent in that behalf and thereunto duly authorized by the Secretary of the Interior.

State of Montana, )  
(ss  
County of Lewis & Clark. )

H. N. Savage, having first been duly sworn, deposes and says, that he is of lawful age and an officer and agent of the United States of America, the appropriator and claimant of the water and water right mentioned in the foregoing notice of appropriation and claim, and that affiant makes the said appropriation of said water and claims the said water right for and on behalf of the said United States as its agent thereunto duly authorized, that affiant is the person whose name is subscribed thereto as officer and agent of the appropriator and claimant, the said United States; that he knows the contents of the said foregoing notice and that the matters and things therein stated are true.

H. N. Savage

Subscribed and sworn to before me, this 27th day of December, A. D. 1909.

Julius Barney

Notary Public in and for the State of Montana, residing at Heleesa, Montana. My commission expires June 19, 1910.

(SEAL)

Recorded at request of E. F. Tabor, this 3rd day of January, 1910 at 9-05 o'clock AM.

C. T. Young, County Recorder.

No. 4880

By J. R. Sausser, Deputy.

Transcribed from Flathead County Records, Book 71 Water Rights, Page 400.

NOTICE OF APPROPRIATION

The United States of America, )

State of Montana (ss

County of Flathead. )

TO ALL WHOM THESE PRESENTS MAY CONCERN:

BE IT KNOWN That the United States of America, under and by virtue of an Act of the Legislative Assembly of the State of Montana, entitled " An Act authorizing the Government of the United States to appropriate the waters of the streams in the State of Montana, subject to certain restrictions ", approved February 27, 1906, and acting by and through E. N. Savage Supervising Engineer, thereunto duly authorized by the Secretary of the Interior of the said

United States in that behalf, does hereby publish and declare as a legal notice to all the world as follows, to-wit:

I. That the said United States has a legal right to the use, possession and control of and claims 100,000 cubic feet per second of the waters of Flathead River in said County and State for irrigating and other purposes.

II. That the purpose for which said water is claimed, and the place of intended use is for the purpose of irrigating 50,000 acres of land on the Flathead Indian Reservation, for domestic uses, and for developing power for pumping and other purposes.

III. That the means of diversion, with size of flume, ditch, pipe or aqueduct, by which it is intended to divert the said water, is as follows: A dam and tunnel 11 x 11 feet and such other tunnels as are needed and pumps, pipes and canals to carry water to the land. Said tunnels are to lead to suitable machinery to pump water and furnish power for other purposes, and pipe lines and pumps are to be located south-west of Polson at the Big Rock Rapids and at such other points as are suited to reach the lands requiring irrigation, the lands to be irrigated lie in Tps. 20, 21, 22 N. R. 19, 20, 21 and 22 E. M. P. M. The development of power is contemplated by turbines located at the outlet of the proposed tunnels and at such points along the river as proper fall exist, thruout the Reservation.

IV. That the said United States of America, in the appropriation of said water and said appropriation was made on the 27<sup>th</sup> day of December, A. D. 1910, and said appropriation and the diversion of said waters is to be effected and consummated by means of said dam, tunnels, pumps, pipes and canals.

V. That the said United States also hereby claims said ditch and the right of way therefor, and for said water by it conveyed, or to be conveyed, from said point of appropriation to said land or point of final discharge, and also the right of location upon any lands of any dams, flumes, reservoirs, constructed or to be constructed by United States in appropriating, and inhasing said water.

VI. That the said United States also claims the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of said right, water, ditch, or said appurtenances in part or whole at any time.

CLAIMING the same, all and singular, under any and all laws, National and State and in accordance with the rulings and decisions thereunder, in the matter of water rights.

TOGETHER with all and singular, the hereditaments thereunto belonging and appertaining or to accrue to the same.

THE UNITED STATES OF AMERICA

By H. N. Savage

Its officer and agent in that behalf and thereunto duly authorized by the Secretary of the Interior.

State of Montana, )  
                          ) ss  
County of Lewis & Clark.

H. N. Savage, having first been duly sworn, deposes and says, that he is of lawful age and an officer and agent of the United States of America, the appropriator and claimant of the water and the water right mentioned in the foregoing notice of appropriation and claim, and that affiant makes the said appropriation of said water and claims the said water right for and on behalf of the said United States, as its agent thereunto duly authorized, that affiant is the person whose name is subscribed thereto as officer and agent of the appropriator and claimant, the said United States; that he knows the contents of the said foregoing

LAKE COUNTY, MONTANA

notice and that the matters and things therein stated are true.

E. N. Savage

Subscribed and sworn to before me this 27th day of Dec. A. D. 1909.

Julius Barney

Notary Public in and for the State of Montana, residing at Helena, Montana. My Commission expires June 19, 1910.

(SEAL)

Recorded at request of E. P. Tabor, this 3rd day of Jan. 1910 at 9-06 o'clock AM.

C. T. Young, County Recorder.

By J. R. Sausser, Deputy.

R/10

No. 4881-

Transcribed from Flathead County Records, Book 71 Water Rights, Page 401. ✓

NOTICE OF WATER APPROPRIATION

TO WHOM THESE PRESENTS MAY CONCERN: I, Francis P. Ryder, of Bigfork, Montana, by virtue of Sections 4840 to 4891 inclusive of the Revised Codes of Montana, and all acts amendatory thereof, have appropriated and hereby do appropriate two and one half cubic feet per second of time of the waters of Glen Creek which runs through sections twenty-two twenty-eight and twenty-nine of Township twenty -five north, range nineteen west, emptying into Flathead Lake in said Section twenty-nine in Flathead County, Montana.

Said water is claimed and appropriated for mining, mechanical, industrial, irrigating, domestic and other useful and beneficial uses and purposes upon the following described land, situate in said County, to-wit:

The most northerly three quarters in width of Lot three in section twenty, and the most northerly three quarters in width of the northwest quarter of the southwest quarter of section twenty-one, township and range aforesaid.

Said waters are to be diverted from said stream by means of a ditch thirty inches in width on the bottom and ten inches in depth, at a point on the right bank thereof where the notice of appropriation is posted on a fir tree in said creek about ten rods below a large rock slide (being the first rock slide above the mouth of said creek) which is in the north central part of the northwest quarter of the northeast quarter of said section twenty-eight. The date of said appropriation is the thirtieth day of December nineteen hundred nine. The name of the appropriator is Francis P. Ryder.

Witness my hand this fourteenth day of January, in the year nineteen hundred ten.

Francis P. Ryder

[Notary Seal]

State of Montana,  
County of Flathead.

(ss)

Francis P. Ryder, being first duly sworn, says: That he is the appropriator named in the and the person whose name is subscribed to the foregoing notice of water appropriation; that he has read such notice and knows the contents thereof, and that the statements therein made are true.

Francis P. Ryder

Subscribed and sworn to before me, this fourteen th day of January in the year nine-  
teen hundred ten.

C. H. Foot

Notary Public for the State of Montana, residing  
at Kalispell, Montana. My Commission expires August  
10, 1912.

(SEAL)

Recorded at request of F. O. Williams this 16th day of Jan. 1910 , at 4-50 oclock PM.

C. T. Young, County Recorder.

By Fred S. Perry, Deputy.

No. 5144-

Transcribed from Flathead County Records, Book 71 Water Rights, Page 403. ✓

NOTICE OF APPROPRIATION

The United States of America, )  
State of Montana ) ss  
County of Flathead )

TO ALL WHOM THESE PRESENTS MAY CONCERN:

BE IT KNOWN, That the United States of America, under and by virtue on an Act of the  
Legislative Assembly of the State of Montana, entitled : " An Act authorizing the Government  
of the United States to appropriate the water of the streams in the State of Montana, subject  
to certain restrictions", approved February 27, 1906, and acting by and through H. M.  
Savage, Supervising Engineer, thereunto duly authorized by the Secretary of the Interior  
of the said United States in that behalf, does hereby publish and declare as a legal notice  
to all the world, as follows, to-wit:

I. That the said United States has a legal right to the use, possession and control of  
and claims 100,000 cubic feet per second of the waters of The Flathead River in said County and  
State, for irrigating and other purposes.

II. That the purpose for which said water is claimed and the place of intended use is for  
the purpose of irrigating 50,000 acres of land on the Flathead Indian Reservation for domestic  
use, and for developing power for pumping and other purposes.

III. That the means of diversion, with size of flume, ditch, pipe or aqueduct, by which  
it is intended to divert the said water, is as follows: a dam or dams and tunnel 11 x 11 feet  
and such other tunnels as are needed and pumps, pipes and canals to carry the water to the  
land. Said tunnels are to lead to suitable machinery to pump water and furnish power for  
other purposes, and pipe lines and pumps are to be located southwest of Polson at the Big Rock  
Rapids and at such other points as are suited to reach the land requiring irrigation. The lands  
to be irrigated lie in Tps. 20, 21, 22 N. R. 19, 20, 21 & 22, E. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000. The development of  
power is contemplated by turbines located at the outlet of the proposed tunnels and at such  
other points along the river as proper fall exist, throught the Reservation.

IV. That the said United States of America is the appropriator of said water and said app-  
ropriation was made on the 22 day of Jan. A. D. 1910 and said appropriation and the diversion  
of said waters is to be effected and consummated by means of said dams, tunnels, pumps, pipes  
and canals.

V. That the said United States also hereby claims said ditch and the right of way there-  
for, and for said water by it conveyed, or to be conveyed, from said point of appropriation  
to said land or point of final discharge, and also the right of location upon any lands of

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See 1910 Proceedings

LAKE COUNTY, MONTANA

any dams, flumes, reservoirs, constructed or to be constructed, by the United States, in appropriating, and inusing said water.

VI. That the said United States also claims the right to keep in repair and to enlarge said means of water appropriation at any time and the right to dispose of said right, water, ditch or said appurtenances, in part or whole at any time.

CLAIMING the same, all and singular, under any and all laws, National and State, and in accordance with the rulings and decisions thereunder in the matter of water rights. TOGETHER WITH ALL AND SINGULAR the heriditaments, and appurtenances thereunto belonging and appertaining or to accrue to the same.

THE UNITED STATES OF AMERICA

By H. N. Savage,

Its officer and agent in that behalf and thereunto duly authorized by the Secretary of the Interior.

State of Montana, )  
County of Missoula. ) ss

H. N. Savage, having first been duly sworn, deposes and says that he is of lawful age and an officer and agent of the United States of America the appropriator and claimant of the water and the water right mentioned in the foregoing notice of appropriation and claim and that affligit makes the said appropriation of said water and claims the said water right for and on behalf of the said United States as its agent thereunto duly authorized, that affligit is the person whose name is subscribed thereto as officer and agent of the appropriator and claimant, the said United States; that he knows the contents of said foregoing notice and that the matters therein stated are true.

H. N. Savage

Subscribed and sworn to before me this 21 day of Jan. A. D. 1910.

George H. Beckwith

Notary Public for the State of Montana, residing at St. Ignatius, Missoula County, My commission expires ninth day of Sept. 1911.

(SEAL)

Recorded at request of H. F. Tabor Jan'y 28th, 1910. C. T. Young, Co. Recorder.

No. 527B-

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Transcribed from Flathead County Records, Book 71 Water Rights, Page 405. ✓  
Location of Water Right.

NOTICE OF APPROPRIATION

State of Montana, )  
County of Flathead, ) ss To All whom these Presents may Concern:-

BE IT KNOWN, That Lucinda Markle of Camas in the County of Sanders in the State of Montana, does hereby publish and declare, as a legal notice to all the world, as follows, to-wit;

That Lucinda Markle has a legal right to the use, possession and control of and claims one Hundred (100) inches, Miners' measurement, equal to 2 1/2 cubic feet, of the waters of a certain spring and seepage therefrom in the County and State aforesaid, for irrigating and other useful and beneficial purposes.

That the purpose for which said water is claimed is irrigating, domestic and other beneficial purposes.

That the place of intended use is on  $\frac{1}{4}$  NW $\frac{1}{4}$  Section 2, and  $\frac{3}{4}$  of NE $\frac{1}{4}$  of Section 3 in Township 22 north range 23 west of the Montana Meridian.

That the means of diversion with size of flume, ditch, pipe or aqueduct, by which she intends to divert the said water is as follows;- a ditch 24 inches by 10 inches in size which carries and conducts 100 inches, miners' measurement, equal to 2 $\frac{1}{2}$  cubic feet of water from said spring and seepage which said ditch diverts the water from said spring and runs thence easterly thence over and upon said land.

That Lucinda Markle appropriated and took said water on the 30th day of January, A. D. 1910, by means of said ditch.

That the name of the appropriator of said water is Lucinda Markle.

That Lucinda Markle also hereby claims said ditch and the right of way therefor, and for said water by it conveyed, or to be conveyed from said point of appropriation to said land or point of final discharge, and also the right of location upon any lands, of any dams, flumes, reservoirs, constructed or to be constructed by said Lucinda Markle in appropriating and using said water.

That she also claims the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of the said right, water, ditch or said appurtenances in part or whole at any time.

Claiming the same all and singular, under any and all laws, national or state, acts of Congress and Federal and State Court rulings and decisions thereunder, in the matter of water rights.

Together with all and singular, the hereditaments and appurtenances thereto belonging and appertaining or to accrue to the same.

Witness my hand at Thompson, Montana, this 3rd day of February, 1910.

Lucinda Markle, Claimant

By W. Markle, Her father and Natural Guardian and her agent.

State of Montana,,  
County of Sanders,

)  
(ss  
)

W. Markle being first duly sworn on his oath deposes and says;- that he is of lawful age and the father and natural guardian of Lucinda Markle, the appropriator and claimant of the water and water right mentioned in the foregoing notice of appropriation and claim and that he makes this affidavit for and on behalf of the said appropriator and claimant; that he has read the foregoing notice of appropriation and claim and knows the contents thereof, and that the matters and things therein set forth are true of his own knowledge.

W. Markle

Subscribed and sworn to before me this 3rd day of February, 1910.

W. E. Nippert

(SEAL)

Clerk of the District Court, Sanders County, Montana.

Recorded at the request of W. Markle, this 19th day of February, 1910 at 2-55 o'clock PM.

G. T. Young, County Recorder.

RJD



11-20- Brown Seal Co. Bull

The United States of America

By H. H. Savage

Its Officer and agent in that behalf and thereunto duly authorized by the Secretary of the Interior.

State of Montana, }  
County of Lewis & Clark. } ss

H. H. Savage having first been duly sworn, deposes and says, that he is of lawful age and an officer and agent of the United States of America, the appropriator and claimant of the water and the water right mentioned in the foregoing notice of appropriation and claim, and that affiant makes the said appropriation of said water and claims the said water right for and on behalf of the said United States, as its agent thereunto duly authorized that affiant is the person whose name is subscribed thereto as the officer and agent of the appropriator and claimant, the said United States; that he knows the contents of the said foregoing notice and that the matters and things therein stated are true.

H. H. Savage

Subscribed and sworn to before me this 29th day of March, A. D. 1910.

Julius Barney

(Julius Barney)

(Notarial Seal)

(Lewis & Clark County, Montana)

Notary Public in and for the State of Montana, residing at Helena, Mont. My commission expires June 19th, 1910.

Recorded at request of E. F. Tabor this 11th day of April, 1910 at 2-20 o'clock PM.

C. T. Young, County Recorder.

By Fred S. Perry, Deputy.

No. 6304-

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Transcribed from Flathead County Records, Book 71 Water Rights, Page 408.

NOTICE OF APPROPRIATION

The United States of America, )  
State of Montana (ss  
County of Flathead. )

TO ALL WHOM THESE PRESENTS MAY CONCERN:

BE IT KNOWN, That the United States of America, under and by virtue of an act of the Legislative Assembly of the State of Montana, entitled: "An Act authorizing the Government of the United States to appropriate the water of the streams in the State of Montana, subject to certain restrictions", approved February 27, 1905, and acting by and through H. H. Savage, Supervising Engineer, thereunto duly authorized by the Secretary of the Interior of the said United States in that behalf, does hereby publish and declare as a legal notice to all the world, as follows, to-wit:

1. That the said United States has a legal right to the use, possession and control of and claims 100,000 cubic feet per second of the waters of the Flathead River in said County and State, for irrigating and other purposes.

11. That the purpose for which said water is claimed, and the place of intended use is for the purpose of irrigating 40,000 acres of land on the Flathead Indian Reservation for domestic uses and for developing power for pumping and other purposes.

Appointed March 26, 1910



D. E. H. - Register Book, Co. - 1011

Subscribed and sworn to before me, this 29<sup>th</sup> day of March A. D. 1910

Julius Barney

Notary Public in and for the State of Montana, residing at Helena, Mont. My commission expires June 19th, 1910.

) Julius Barney)  
(Notarial Seal)  
( Lewis & Clark )  
(County, Montana)

Recorded at request of E. P. Tabor this 11th day of April, 1910 at 3-21 oclock PM.

G. T. Young, County Recorder.

By Fred S. Parry, Deputy.

No. 6305-

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Transcribed from Flathead County Records, Book 71 Water Rights, Page 409.

NOTICE OF APPROPRIATION

The United States of America )  
State of Montana ( ss  
County of Flathead. )

TO ALL WHOM THESE PRESENTS MAY CONCERN:

BE IT KNOWN, That the United States of America, under and by virtue of an Act of the Legislative Assembly of the State of Montana, entitled ; " An Act authorizing the Government of the United States to appropriate the water of the streams in the State of Montana, subject to certain restrictions", approved February 27, 1908, and acting by and through H. H. Savage, Supervising Engineer, thereunto duly authorized by the Secretary of the Interior of the said United States in that behalf, does hereby publish and declare as a legal notice to all the world, as follows, to-wit:

I. That the said United States has a legal right to the use, possession and control of and claims 100,000 cubic feet per second of the waters of <sup>the</sup> Flathead river in said County and State, for irrigating and other purposes.

II. That the purpose for which said water is claimed, and the place of intended use is for the purpose of irrigating 50,000 acres of land on the Flathead Indian Reservation, for domestic uses, and for developing power for pumping and other purposes.

III. That the means of diversion, with size of flume, ditch, pipe or aqueduct by which it is intended to divert the said water, is as follows: a dam across the river near this notice and tunnels and open cuts leading from the river having an area of 1000 square feet, conveying water to a power house situated about one-half mile west hereof, and such pumps, pipes, reservoirs, flumes and canals as are necessary to raise, convey, store and distribute water to the lands described, also such hydraulic and electric machinery as will be needed to develop convey and apply power for pumping and other purposes. the lands to be irrigated lie in Tps. 19 to 26 N. Rs. 19 to 22 W. M. P. M. The development of power is contemplated by turbines at above named power house and other suitable sites within the Flathead Indian Reservation.

IV. That the said United States of America is the appropriator of said water, and said appropriation was made on the 29<sup>th</sup> day of March, A. D. 1910, and said appropriation and the diversion of said waters is to be effected and consummated by means of said dams, tunnels, cuts, pumps, pipes, reservoirs, flumes and canals and hydraulic and electric machinery.

V. That the said United States also hereby claims said ditch and the right of way therefor, and for said water by it conveyed, or to be conveyed, from said point of appropriation to said land or point of final discharge, and also the right of location upon any lands of

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Approved & Filed April 29 1910

LAKE COUNTY, MONTANA

any dams, flumes, reservoirs, constructed or to be constructed by the United States in appropriating, and inusing said water.

VI. That the said United States also claims the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of said right, water, ditch or said appurtenances in part or whole, at any time.

Claiming the same, all and singular, under any and all laws, national and state and in accordance with the rulings and decisions thereunder, in the matter of water rights.

Together with all and singular, the hereditaments thereunto belonging and appertaining or toaccrue to the same.

The United States of America

By H. N. Savage, Its officer and agent in that behalf and thereunto duly authorized by the Secretary of the Interior.

State of Montana, )  
County of Lewis & Clark. ) ss

H. N. Savage, having first been duly sworn, deposes and says, that he is of lawful age, and an officer and agent of the United States of America, the appropriator and claimant of the water and <sup>the</sup> water right mentioned in the foregoing notice of appropriation and claim, and that affiant makes the said appropriation of said water and claims the said water right for and on behalf of the said United States, as its agent thereunto duly authorized, that affiant is the person whose name is subscribed thereto as officer and agent of the appropriator and claimant the said United States; that he knows the contents of the said foregoing notice and that the matters and things therein stated are true.

H. N. Savage

Subscribed and sworn to before me this 29<sup>th</sup> day of March, A. D. 1910.

Julius Barney

(Julius Barney)  
(Notarial Seal)  
(Lewis & Clark)  
(County, Montana)

Notary Public in and for the State of Montana, residing at Helena, Mont. My commission expires June 19th, 1910.

Recorded at request of B. F. Tabor this 11th day of April, 1910 at 2-28 oclock PM.

C. T. Young, County Recorder.

By Fred S. Perry, Deputy.

No. 6206-

\*\*\*\*\*

Transcribed from Flathead County Records, Book 71 Water Rights, Page 411. ✓

NOTICE OF APPROPRIATION

State of Montana, )  
County of Flathead. ) ss

To All Whom These Presents May Concern:

Be it known, that Henry Fisher of Helena, Lewis And Clark County and State, do hereby publish and declare, as a legal notice to all the world, as follows, to-wit:

- 1. That he ha- a legal right to the use, possession and control of and claims 500 inches of the waters of School Meadow Creek in said County and state, for irrigating and other purposes.

Date: 2/16/15Bill No. SB 262PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT

**WHEREAS**, the negotiating parties for the CSKT Reserved Water Rights Compact concede western Montana water rights to Federal and Tribal governments with complete disregard of historical acts by the Federal Government to "open" the reservation to homesteading,

**WHEREAS**, the proposed compact will give the CSKT legal title to all the water in the Flathead Irrigation Project (FIP) although 90% of the lands under the project are not tribally owned, and water deliveries to irrigators will be reduced by as much as 70%,

**WHEREAS**, the compact documents have far reaching environmental and economic implications that have been largely ignored by the state,

**WHEREAS**, the Unitary Management Ordinance also known as the "Grand Bargain", is designed to unconstitutionally remove all citizens within the exterior boundaries of the Flathead Reservation from under state jurisdiction concerning our water rights,

**WHEREAS**, the off reservation water claims in this compact are out of the scope of the compact commission and are not Federal Reserved Water Rights,

**WHEREAS**, I adamantly do not agree with, oppose and will oppose in any way possible any government or legislative action that will result in the United States in trust for the CSKT, or the CSKT owning or controlling any aspect of the property rights of others up to and including the fee title and associated water rights.

**THEREFORE**, I (we) demand our legislature:

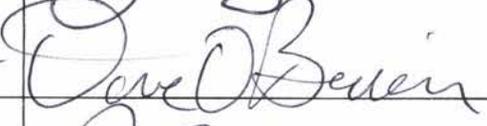
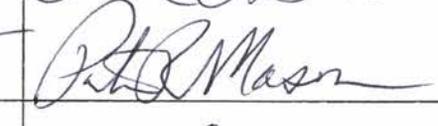
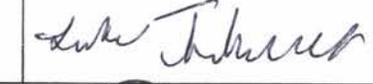
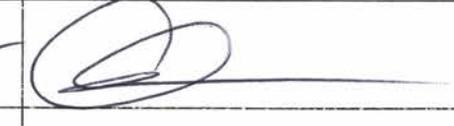
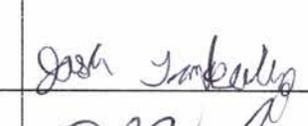
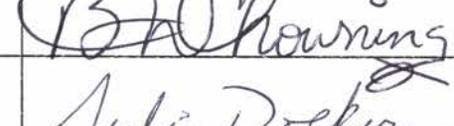
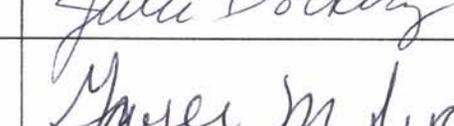
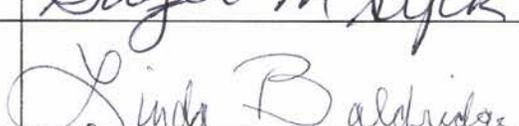
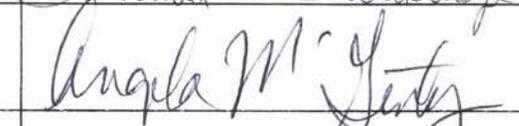
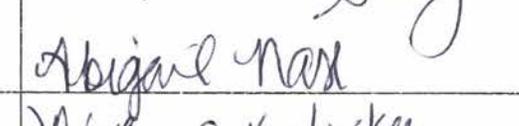
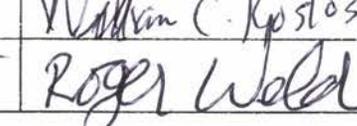
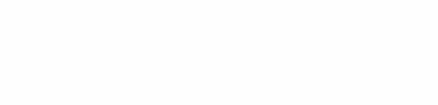
1. To vote against the approval of the CSKT Water Compact brought before the legislature in this current session
2. To allow the compact commission to sunset and move the tribal federal reserved water right decisions into the Montana General Stream Adjudication Process.
3. To take the necessary steps to reaffirm the rights of Montanans to control the natural resource of water within the boundaries of the State of Montana as is guaranteed by our state Constitution.

DATE	SIGNATURE	TOWN
1/29	Jerry McKean	Seely Lake MT Dixon MT
1/29	Stone D. Fisher	Greenough MT
1/29	Lisa Klenzel	Kalispell, MT.
1/29	James Burr	Seely Lake MT.

**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

DATE	SIGNATURE	TOWN
2-4-15		Bigfork MT
2/8/15		Kalispell MT
2/8/15	Anita	Kalispell
2/8/15	Kizzy West	Kalispell, MT
2-8-15		Kalispell, MT
2-8-15	Robin Bakerney	Kalispell, MT
2-8-15	Heath Bakerney	Kalispell, MT

**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

DATE	SIGNATURE	TOWN
2/1/2015		Kalispell
2/1/2015		Kila
2-1-15		Lakeside, MT
		Kalispell MT
2-1-15		Kalispell, MT
2-1-15		Kalispell MT
2/1/15		Kila, MT
2/1/15		Marion Mt.
2/1/15		<del>Julie Dockery</del> Kalispell, MT
2/1		Kila, MT
2/1/15		Kalispell
2/1/15		Kalispell
2/1/15		Kalispell
2/1/15		with Lakeside MT
2-1-15		Kalispell MT

**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

DATE	SIGNATURE	TOWN
2/1/15	T. Orr	Kalispell
2/1/15	[Signature]	Kalispell
2-1-15	Michael [Signature]	Kila
2-1-15	Ann Chawing	Marion
2-1-15	Don Chedel	BIG FORK
2-1-15	Will [Signature]	Marion
2-1-15	[Signature]	Marion
2-1-15	[Signature]	KALISPELL
2-1-15	Francis Young	Lakeside
2-1-15	Brenda [Signature]	Lakeside
2-1-15	James A. Taylor	COLUMBIA FALLS
2-1-15	Susan Clapper	Kila
2-1-15	Scott Clapper	Kila
2-1-15	Crystal [Signature]	Whitefish
2/1/15	[Signature]	Whitefish

PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT

DATE	SIGNATURE	TOWN
02/11/15	Janis Costello Janice Costello	St Ignace
2/16/15	Scott Kern	Moiese
2/16/15	Ernest Joun	Moiese
2/16/15	Clayton J. J. J.	CHARIO
2/16-15	Set Kelly	CHARLO
2-16-15	Carl Brooks	Moiese
2-16-15	Lynn D. Mason Lynn D. Mason	St- Ignatius
2/16/15	Joan B Mason JOAN B. MASON	St- Ignatius
2/16-15	Jeffrey Todd Lohow JEFFREY TODD LHOW	RONAN
2/16/15	Diane M. Breuer DIANE M BREUER	Dixon
2-16-15	John Moon JOHN MOON	RONAN
2-16-15	Phyllis Jeanne Baisden Phyllis JEANNA Baisden	Moiese
	Perry Francis	Moiese
	Paul Lyons	St. Ig
2-16-15	Laura Fricke Laura Fricke	Florence

**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

DATE	SIGNATURE	TOWN
1/28/15	Cynthia M. Steeds	Upper Post Creek St. Ignatius 59865
1/28/15	Jon Read <sup>cell</sup> 253-1130	Ronan MT 59864 Former House Rep 15 Lake County
1/28/15	Julia Fehrs	Bigfork
1/28/15	Joe Fehrs	Bigfork
1/28/2015	Rita C Hall	Columbia Falls
1/28/15	Dave Oetz	Columbia Falls
1/28/15	Clara L Ryan	Bigfork
1/28/15	Daniel Boone Cole	Dixon
1/28/15	D. Lakody	St. Ignatius
1-28-15	Sheila M.C. Vallejo	St. Ignatius
1-30-15	Robert L Starks	St. Ignatius
1/30/15	Elke H. Starks	St. Ignatius
2-6-015	Mary Ann Schmitz	ST. IGNATIUS
2/6/15	Norma Sirucek	St. Ignatius
3/11/14	Charles Jacobson ELIAS JACOBSON	St. Ignatius

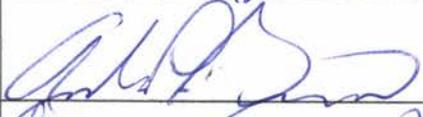
**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

DATE	SIGNATURE	TOWN
1-26-15	LYNN DELECARIIS Lynn Delecaris	St. Ignatius
1-26-15	KENNETH KILBOEN KENNETH Kilboen mgn. Kil Kill Buffalo willow	St. Ignatius
1-26-15	Margaret Michelle Nelson Margaret Mitchell Nelson	St. Ignatius
1-28-15	SHANE ORIEN SHANE Orien	St. Ignatius
1-28-15	John O'Neil JOHN O'NEIL	Polsa
1/28/15	John O'Neil	St. Ignatius, MT
1-28-15	Wayne Blevins	Charlo, MT
1-28-15	Christopher Sullivan	Dixon, MT
1-28-15	Angela Hlear	Ronan, MT
1-28-15	Ross Middlemist	Dixon, MT
1-28-15	Catherine Vandemore Catherine Vandemore	Ronan, MT
1/28/15	Terry Becke TERRY BECKE	St. Ignatius Mt.
1/28/15	John O'Neil JOHN O'NEIL	KALISPELL
1/28/15	Laura O'Neil	Kalispell, MT
1/28/15	Rich Jones	Ronan, MT

**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

DATE	SIGNATURE	TOWN
2/3/15	[Signature]	KALISPELL
2/3/15	Clint Kuby	Kalispell
2/3/15	[Signature]	KALISPELL
2/3/15	[Signature]	KALISPELL
2/3/15	[Signature]	Kalispell
2-3-15	[Signature]	Kalispell
2/3/15	[Signature]	Kalispell
2/3/15	[Signature]	Kalispell
2/4/15	[Signature]	Kila
2/5/15	[Signature]	KALISPELL
2/5/15	D. Mills	Kila
2/5/15	Sandra Bousquet	Kila

**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

DATE	SIGNATURE	TOWN
2/3		Flathead
2/3	Mike Cady	Flathead - KILA
2/3	Russ Walter	Kalispell
2-3	<del>_____</del>	KALISPELL
2-3	Ronald J. Martin	Swan Lake
2-3		WINTERFISH
2/3		Kila
2/3	Brian Roucher	Kila
2/3	Gene F. Gordon	Kalispell
2/3	Dennis D. Taylor	Kalispell, MT.
2/3	Wesley Wolf	Kila, MT
2/3	Steve Reed	Kalispell Mt.
2/3	Paul Miller	L. Falls, MT
2/3	Brad Baker	Marion
2-3	TIM KRAFT	KALISPELL, MT

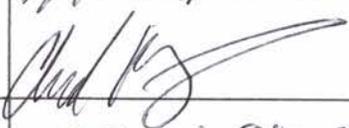
**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

DATE	SIGNATURE	TOWN
2-2-2015	Leonard P 13	Kila
2-2-15	Suzanna White	Kalispell
2-7-15	[Signature]	KILA
2/2/15	[Signature]	Kalispell
2/2/15	[Signature]	Kila
2/2/15	Nic. Roark	KILA
2/2/15	Kayla Roark	Kila
2-2-15	[Signature]	Kalispell
2/2/15	Richard Hemel	Columbia Falls
	[Signature]	Kal.
2/2/15	[Signature]	Kal.
2/3/15	Tony Simon	KALISPELL
2/3/15	[Signature]	Kalispell
2/3/15	[Signature]	KILA
2-3/15	[Signature]	KALISPELL

**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

DATE	SIGNATURE	TOWN
2-2-15	Tommy Knutson	Kalispell
2-2-15	Devin B. ...	C Falls
2-2-15	Dyl M'Lee	Kila
2-2-15	... M'Ph...	Kila
2-2-15	Jay ...	Kila
2-2-15	Sherry Shanc	KAL.
2-2-15	Tony Sudd	C Falls
2-2-15	Dany Schmit	Kila
2-2-15	Lynette Erickson	Kalispell
2-2-15	Tim ...	RAL
2-2-15	Mark ...	Kalispell
2-2-15	John ...	Kila
2-2-15	Kendall ...	Kalispell
2/2/15	Scott ...	KILA
2-2-15	Crystal ...	Kila

**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

DATE	SIGNATURE	TOWN
2/2/15		Kalispell
2/2/15		Kalispell
2/2/15	B. Rubin	KACKSPECC
2/2/15	Jennifer Pautine	Kila
2/2/15	Martie [unclear]	Kila
2/2/15	Amanda [unclear]	Kila
2/2/15		Kalispell
2/2/15	Tom Rios	Kila
2-2-15		Kalispell
2-2-2015		Kalispell
2-2-15	Jessie Larson	KAL
2-2-15	MASMOCK	KAL
2-2-15		KAL
2-2-15	Stephanie Otto-Barfoot	Kila
2-2-15	Erin Barfoot	KILA

**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

DATE	SIGNATURE	TOWN
1-31-15	Jacale Courne	Kalispell
1/31/15	Conrad Gereg	Kalispell
2/1/15	Claud Hargrove	Kalispell
2/1/15		Kalispell
2/2/15		Kalispell
2/2/15	Bruce Bennett	Kalispell
2/2/15	John [unclear]	Kalispell
2/2/15	David [unclear]	Kalispell
2-2-15	James W. Coon	Kalispell
2-2-15	Tim [unclear]	Kalispell
2-2-15	Sharon [unclear]	Kalispell
2-2-15		Marian
2-2-15		Kila
2-2-15		Kila
2-2-15	Armande Freig	Kalispell

**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

DATE	SIGNATURE	TOWN
1/30/15	Gerald Ruff	KALISPELL
1/30/15	Rebecca Spivey	Kila
1-30-15	Mona Woodruff	Kila
1-30-15	DONALD GADAMS JR	KILA
1/30/15	Wayne Zamagne	KILA
1-30-15	Ronny Spivey	KILA
1-30-15	Jim H Williams	Kalispell
1-30-15	Lyle Moore	KALISPELL
1-30-15	Tracy H	Kila
1-30-15	Jerry Della	1270 SHERMAN RD KALISPELL, MT 59901
1-30-15	[Signature]	Kila
1-30-15	Austin Cyle	Kila
1/30/15	Chuck & Mark	Kalispell
1/31/15	Bill Dreyer	Kalispell
1-31-15	Norm Masten	Kalispell

**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

DATE	SIGNATURE	TOWN
1-30-15	Dan R. Wat	Kalispell, mt
1-30-15	Jan R. Bero	Kila MT
1-30-15	Bert	Kila MT
1-30-15	Jeff Nuttall	Kalispell mt
1-30-15	Ron Mae	Kaupac, 59901
1-30-15	Maureen	Kalispell, 59901
1/30/15	Lisa Myers	Kalispell 59901
1-30-15	Steve Myers	Kalispell mt 59901
1-30-15	Glynn Walker	Kalispell 59901
1-30-15	Bill Spry	Kila, 59920
1-30-15	Jan	Kila 59920
1-30-15	[Signature]	Kalispell 59901
1-30-15	Jamie Chadwell	Kalispell 59901
1-30-15	Jan Hatala	WHITFIELD 59923
1-30-15	Donna Myers	KAL 59901

**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

DATE	SIGNATURE	TOWN
2/15-2015	Ormae Wolf	Bigfork, mt.
2-15-15	Manda Brendsel MAYDA BRENDSSEL	Bigfork, mt
2-15-15	Linda Boehm LINDA BOEHM	Bigfork, MT
2-15	Marty Boehm Marty Boehm	Bigfork MT
2-15	Mike L. Thayer Mike L. Thayer	Bigfork MT
2/15/15	Elton O Brendsel Elton Brendsel	
2/15/15	April Kauffman AKauffman	Kalispell, MT
2/15/15	Jeremi Kauffman Kauffman	Kalispell, mt
2/15/15	Shantel Kauffman Shantel Kauffman	Kalispell, MT
2/15/15	Betty Karger Betty Karger	Bigfork mt.
2/15/15	Roger Kargon Roger Kargon	Bigfork mt
2/15	Cindy Bissell CINDY BISSELL	Bigfork
15/Feb/2015	Cindy Bissell	Bigfork mt.
2/15/15	Carolee Wiley	Bigfork, MT
2-15-15	Ken Wiley	Ferndale, MT

**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

DATE	SIGNATURE	TOWN
2/11/15	<i>Harri Rice</i>	Bigfork, MT
2/11/15	<i>[Signature]</i>	Kalispell, MT.
2/11/15	Sherry Stockham	Kalispell, MT
2/11/15	Linda Munson	Kalispell, MT
2/11/15	Linda Munson	KALISPELL, MT.
2/11/15	Otha Winters	Kalispell, MT.
2-11-15	Jarvis Sand	Kalispell, MT
2/13/15	<i>[Signature]</i>	Kalispell, MT
2/13/15	Elizabeth Fredenberg	Kalispell MT
2/13/15	<i>[Signature]</i>	Kalispell MT.
2-13-15	Leona Tilton	Columbia Montana
2-14-15	<i>[Signature]</i> ANNIE TILTON	Kalispell, Montana
2-15-15	Donovan S. Ottosen	BigFork, Montana
2-15-15	<i>[Signature]</i>	Big fork, Montana
2/15/15	David Muey	Bigfork, MT

**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

DATE	SIGNATURE	TOWN
	James Kerby	Bigfork
	Connie Kukulny	Bigfork
	Georgia Parsons	Kalispell
	<del>[Signature]</del>	<del>Kalispell</del>
	<del>[Signature]</del>	<del>Kalispell</del>
	W. Hanson	Bigfork
	Michael Shepard	Col Falls
	<del>[Signature]</del>	<del>Bigfork</del>
	<del>[Signature]</del>	<del>Kalispell</del>
	Doug Wise	Whitefish
	W. Turner Oskew	Whitefish
	<del>[Signature]</del>	<del>Whitefish</del>
	<del>[Signature]</del>	<del>Whitefish</del>
	Annette Serres	Bigfork
	Clarice Ryan	Bigfork

PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT

DATE	SIGNATURE	TOWN
2/10/15	David Constant	Kalispell
2/10/15	Jared E. Walter	Lakeside
2/10/15	David Valley	Bigfork R/C.
2/10/15	Megan H Valley	Bigfork
2/10/15	Suzi Floren	Kalispell
2/10/15	Brian Harty	Kalispell
2/10/15	Kay Murray	Bigfork
2/10/15	James Ray	Whitefish
2/10/15	Tom Brown	Kalispell
2/10/15	Cal Buege	Kalispell
2/10/15	Debra	Kalispell
2/10/15	S. Lavonne Lamm	Kalispell
2/10/15	Harry Selman	Bigfork, MT
2-12-15	David A Jones	Lakeside MT
2-12-15	Norden Parsons	KALISPELL, MT

**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

DATE	SIGNATURE	TOWN
1/30	Madonna Clamen	Kalispell
2/1	[Signature]	KALISPELL
2/1/15	Dennis Jones	Kalispell
2-1-15	Carol Ann Welch	Kalispell
2-1-15	[Signature]	Kalispell
2-1-15	OC Lane "Betty"	Kalispell
2/1/15	Samuel J. Stockholm	101 WINCHESTER ST KALISPELL, MT 59901
2/1/15	Elizabeth K. Silver	PO Box 10942 Kalispell, MT. 59904
2/1/15	Connie Baldwin	Kalispell, Mt. 59901
2/1/15	Emily Baker	Kalispell, MT 59901
2/1/15	Clara C. McKis	Kalispell, Mt. 59901
2/1/15	Paul D. Doherty	Kalispell, MT 59901
2/1/15	[Signature]	Kala MT 59920
2/1/15	[Signature]	Columbia Falls 59912
2/1/15	[Signature]	Columbia Falls 59912

**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

DATE	SIGNATURE	TOWN
2-1-15	Cowlyn Palungit	Polson
2-1-15	Janis <del>and</del>	Kalispell
2-1-15	Alicia Taylor	Kalispell
2-1-15	John Secore	Bigfork
2/1/15	Ronald D. DeBoo	Kalispell
2-1-15	Michelle Stoffer	Kalispell
2-1-15	<del>Frank Stoffer</del>	Bigfork
2/1/15	Nancy O'Brien	Whitefish
2/1/15	<del>Sam</del>	Kalispell
2/1/15	Jeff Bald	Kalispell
2/1/2015	Sam Hudson	Kalispell
2-1-15	David Lutzels	Kalispell
2-1-15	Mark Palungit	Big Arm MT
2/1/15	Sam Stockholm	KALISPELL
2-1-15	John Embryon	Kalispell, MT



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**WHEREAS**, the compact documents have far reaching environmental and economic implications that have been largely ignored by the state,

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2. To allow the compact commission to sunset and move the tribal federal reserved water right decisions into the Montana General Stream Adjudication Process.
3. To take the necessary steps to reaffirm the rights of Montanans to control the natural resource of water within the boundaries of the State of Montana as is guaranteed by our state Constitution.

DATE	SIGNATURE	TOWN
2-15-15	<i>Shirley M. Skuder</i>	Polson MT 59860
2-15-15	<i>Margaret M. Clay</i>	Polson MT 59860
2-15-15	<i>James M. Cohen</i>	Polson, MT 59860
2/15/15	<i>Barbara Habsch</i>	Polson, MT 59860

**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

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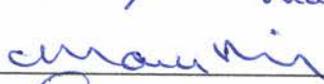
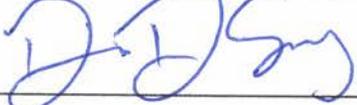
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**WHEREAS**, the off reservation water claims in this compact are out of the scope of the compact commission and are not Federal Reserved Water Rights,

**WHEREAS**, I adamantly do not agree with, oppose and will oppose in any way possible any government or legislative action that will result in the United States in trust for the CSKT, or the CSKT owning or controlling any aspect of the property rights of others up to and including the fee title and associated water rights.

**THEREFORE**, I (we) demand our legislature:

1. To vote against the approval of the CSKT Water Compact brought before the legislature in this current session
2. To allow the compact commission to sunset and move the tribal federal reserved water right decisions into the Montana General Stream Adjudication Process.
3. To take the necessary steps to reaffirm the rights of Montanans to control the natural resource of water within the boundaries of the State of Montana as is guaranteed by our state Constitution.

DATE	SIGNATURE	TOWN
1-30-15	 Tab Young	Kila MT
1/30/15	 Nancy Kelly	Kila MT
1/30/15	 Joe Kempel	Kalispell, MT
1/30/15	 D. D. Song	Kalispell, MT

**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

**WHEREAS**, the negotiating parties for the CSKT Reserved Water Rights Compact concede western Montana water rights to Federal and Tribal governments with complete disregard of historical acts by the Federal Government to "open" the reservation to homesteading,

**WHEREAS**, the proposed compact will give the CSKT legal title to all the water in the Flathead Irrigation Project (FIP) although 90% of the lands under the project are not tribally owned, and water deliveries to irrigators will be reduced by as much as 70%,

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DATE	SIGNATURE	TOWN
2/9/15	Lois Krause	Bigfork, Mtn
2-9-15	Robert Krause	Bigfork, Mont.
2/10/15	Donald A. Bill	Bigfork, MT.
2/11/15	Sharon Herron	Kalispell, MT

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DATE	SIGNATURE	TOWN
1/26/15	David Passier DAVID PASSIER	St Ignatius
1-26-15	Ray Jensen Ray Jensen	St Ignatius
1-26-15	Adam Hertz Adam Hertz	Charlo
1-26-15	Trudy Samuelson Judy Samuelson	St. Ignatius

**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

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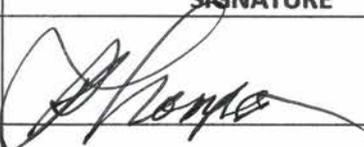
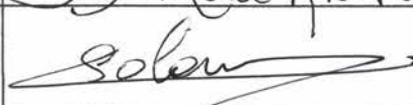
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DATE	SIGNATURE	TOWN
2/07/15		KALISPELL
2-7-15	Ladew Thompson	Kalispell
2-7-15	Twinda K. Hardy	Columbia Falls
2-10-15		Bigfork

**PETITION REQUESTING LEGISLATORS TO VOTE AGAINST THE CSKT WATER RIGHTS COMPACT**

DATE	SIGNATURE	TOWN
2-14-15	Kent Clark	Katahdin
2-14-15	Gary Walker	Bigfork
2-14-15	Albert Munn	Bigfork
2-14-15	[Signature]	Bigfork
2-15-15	Clara Ryan	Bigfork



Senate Judiciary Committee  
16 February 2015

Mr. Chairman, members of the committee, my name is Robert Starks.

I am self-employed, an irrigator, a veteran of both the United States Marines and the United States Army and a former law enforcement officer.

My family and I stand in opposition to Senate Bill-262.

You, our elected representatives, now find yourselves at a crossroad – one path allows you to protect and defend our rights as citizens and residents of Montana and the other does not. There is no middle ground with this Senate Bill.

Some of our legislators have stated that they have not read the Water Rights Compact this Senate Bill represents—the Western Watershed of Montana—and yet they believe they can honestly represent our interests on this issue? We should find them trustworthy, faithful and loyal to our best interests?

The Compact before you is a subversive document that will, if allowed to stand, cause more harm to the entire western one-third of this state, beyond anything anyone sitting here today can imagine.

I beg you to vote NO, do not allow it to see the light of day. This abysmal document must die right here, right now.

Following the Rule of Law should be your foremost measure and it should lead you to the same conclusion; NO. The compact has gone too far astray from any established law. It is not a quantification of water rights, it is a theft of them—from us by the federal government, in trust for the tribes.

Thank you,

Robert Starks  
Citizen and Irrigator  
St. Ignatius, MT.

GLORIA H. ROARK  
10079 Miller Creek Road  
Missoula, Mt. 59803  
(406)251-5961

This Water Compact is a clear violation of private property rights as guaranteed under the U. S. Constitution, and further violates Article IX Section 3 of the Montana Constitution. If this Compact is passed, it will not only disenfranchise all the residents of Montana, but will have a ripple effect across our great Nation, as more and more federal overreaching, through your encouragement, will occur.

We cannot continue to disregard the Constitution and expect to keep our Republic. I think it is very timely that this Hearing is being held on Presidents Day. I am sure that our founding fathers are "rolling over in their graves to see that we are willingly throwing away our Freedom." They pledged their lives, their fortunes, and Sacred Honor for us. Further, the schism that has been created between the Native Americans and the people of Montana will probably never be repaired, and is unconscionable.

Another facet to this Compact is that it is so complex and confusing, and deliberately designed as such. A major problem that we have in our society, are lawyers, and lawyers have created this dilemma To quote an Essay, called "The Lawyers Party," by Bruce Walker, "Confined to the narrow practice of law, that is fine. But it is an awful way to govern a great nation." I would like to add to that sentence, it's an awful way to govern our great state of Montana. Walker further states, "When politicians as lawyers begin to view some Americans as clients and other Americans as opposing parties, then the role of the legal system in life becomes all consuming. Some Americans become "adverse parties of our very government. We are citizens of a Republic, which promises us a great deal of freedom from laws, from courts, and from lawyers."

This Federal Water Compact clearly shows favoritism towards a specific group of people, The Confederated Salish & Kootenai Tribes, while disregarding the rights and privileges of all the residents of Montana. We are "one Nation under God" and entitled to "equal protection of the law."

As I have stated previously, we cannot have a **NATION WITHIN A NATION**. To honor one's heritage is a noble thing, and everybody should be proud of their heritage. However, what joy is there in hurting other people for your own profit?

The taxpayers of Montana and all the taxpayers of the U. S. can no longer support this kind of sabotage by our own Governments, specifically the \$55 Million dollar tax costs, or the \$1.2 Billion Dollars in Federal Tax Payers costs.

**I urge you to OPPOSE THE WATER COMPACT BY VOTING NO.**

29 Meadowlark Drive  
Kalispell, MT 59901  
February 16, 2015

TO: The Senate Judiciary Committee

Sales, Scott (R) – Ch  
Fielder, Jennifer (R) – VCh  
Sands, Diane (D) – MVCh  
Driscoll, Robyn (D)  
Hansen, Kristin (R)  
Hinkle, Jedediah (R)  
Kary, Doug (R)  
Larsen, Cliff (D)  
McNally, Mary (D)  
Moe, Mary Sheehy (D)  
Sands, Diane (D)  
Swandal, Nels (R)  
Vincent, Chas (R)

I respectfully request that you staunchly OPPOSE Senate Bill 262 for these reasons:

- ~It is stealing from the citizens of Montana.
- ~It will destroy the livelihood of many of the citizens.
- ~It is insane to put the control of all the waters in western Montana into the hands of group of people who claim to be a separate, sovereign nation.
- ~Your oath of office and the Montana Constitution require you to PROTECT the *citizens of Montana*.
- ~Without water rights, property values will be destroyed.

I recognize the ultimate goal of those behind this scheme is to remove all people from the corridor stretching from the Yukon to the Yucatan, as outlined in Agenda 21 (contrived by the United Nations), but this is an evil plan that I believe most of you do not want to be party to.

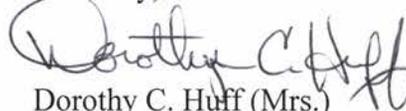
Two Websites to consider:

<http://www.democratsagainstunagenda21.com/>

<http://www.thenewamerican.com/usnews/politics/item/12675-gop-platform-rejects-un-agenda-21-as-threat-to-sovereignty>

Thank you.

Sincerely,



Dorothy C. Huff (Mrs.)

(406) 752-4712

rldjht@centurytel.net

No man escapes when freedom fails,  
The best men rot in filthy jails,  
And those who cried, "Appease! Appease!"  
Are hanged by those they tried to please.  
—Hiram Mann

Hiram Mann, a New York City attorney who died at age 83 in 1955, had these lines published in the *Wall Street Journal* in 1947.

**RICHARD A. SIMMS**  
ATTORNEY AT LAW

NEW MEXICO BOARD CERTIFIED  
Specialist in Water Law  
Nov. 16, 1991 - Nov. 27, 2012  
Licensed in New Mexico

February 11, 2015

Senator Debbie Barrett, President of the Senate  
Representative Austin Knudsen, Speaker of the House  
All Legislators

Ladies and gentlemen:

In the my letter to you of January 8, 2015, I stated initially that “[i]n reaching agreement on the terms of the proposed Compact, the Tribes and the Montana Reserved Water Rights Compact Commission have agreed to transform federal reserved water rights under *Winters v. United States*, 207 U.S. 564 (1908), into Indian reserved water rights, greatly expanding the nature and scope of the permissible claims that Indian tribes can make under the Winters Doctrine.” In a response to my letter prepared by counsel for the Reserved Water Rights Compact Commission dated February 2, 2015, it is asserted that the agreement does not “reflect a position agreed to by the parties in the Compact, nor [is it an accurate] represent[ation of] the underlying premise of the Compact. Counsel also asserted that my statement that the Compact Commission has adopted the “legal proposition that the Tribes reserved their own Reservation with a ‘time immemorial water rights priority’ . . . is also incorrect.” The first statement in Article I of the Compact, however, reads: “WHEREAS, pursuant to the Hellgate Treaty of 1855, 12 Stat. 975, the Confederated Salish and Kootenai Tribes reserved the Flathead Indian Reservation.” The very first predicate of the Compact, like all of the provisions of the Compact, is recited by the Tribes, the State of Montana, and the United States, in concert.<sup>1</sup>

The innocent thesis of the Compact Commission’s response to my initial letter is that the provisions of the Compact, including all of the instream flows, were designed “to protect existing uses.” To the contrary, the basic mechanism in the Compact for generating reserved rights is the use of an inappropriate computer model to hypothetically idealize the management, operation, and efficiency of the

<sup>1</sup> The Compact Commission, attached to the Governor’s Office, negotiated the Compact on behalf of the State of Montana.

Additional Documents

SENATE: Judiciary

Date: 2/16/15

Bill No. 8B262

PHOENIX OFFICE

221 North Ironwood St.  
Gilbert, AZ 85234-5794

TELEPHONE: (480) 306-5661

SANTA FE OFFICE

217 Camino Encantado  
Santa Fe, New Mexico 87501

TELEPHONE: (505) 699-8599

richard.simms@aol.com

Flathead Irrigation Project in order to convert the “water saved” into 102 instream flows that portray the Reservation in its uncorrupted state. The core provisions designed to effectuate the ongoing conversion of irrigation water into instream flows run through the length of the Compact. Some of these provisions deprive the State of Montana of its constitutional and statutory authority to administer water within the Reservation. Others eliminate certain legislative and judicial prerogatives within the Reservation. And others, contained in the Abstracts, which are buried in the Appendices to the Compact and form a substantive part of the Compact, give such an enormous amount of the State of Montana’s water to the Tribes that, instead of being based on a *Winters* doctrine analysis, the gift can only derive from the proposition that the Tribes own all of the water on, under, or near the Reservation.

The core provisions designed to effectuate the ongoing conversion of irrigation water to instream flows include:

- Article I, First and Eighteenth Recitals; Article II, Subsections 2, 5, 20, 23, 28, 30, 31, 32, 38, 44, 45, 50, 51, 52, 56, 57, 58, 67, 71;
- Article III, Subsections A, C (pp.14-21), E; Article IV, Subsections D, F; Article V, Subsections B, C; and Article VI, Subsections A, B.

The provisions that deprive the State of Montana of its constitutional and statutory obligations to administer water within the Reservation include:

- Article II, Subsection 45, “Law of Administration,” Appendix 4, Article IV (Implementation of Compact) (the creation of a unitary management ordinance governing the administration, development, and enforcement of a new and distinct body of water law over all water rights within the Reservation, whether based on Tribal, federal, or state law);
- Article VI, I (1, 2, 4, 5, 6) (the creation of a politically appointed water management board dominated by Tribal interests to implement the unitary management ordinance).

The provisions that eliminate certain legislative and judicial prerogatives include:

- Article III C (1) (a-1), D (1-8) (preventing the state district court and the Water Court from adjudicating valid state-based water rights within the Reservation);

- Article III C (k), D (4, 5, 6), (co-ownership of state-based instream flow rights off-Reservation which could previously be transferred to other uses if required by judicial and legislative prerogative);
- Article IV B (5,6), Article IV, generally (exempting the Tribes from compliance with MCA 85-2-402 regarding changes of use, large volume water transfers, and out-of-state transfers);
- Article III D 5 (c) (requiring consultation with “stakeholders” in off-Reservation watersheds regarding the reductions in state-based water uses to accommodate Tribal off-Reservation instream flows).

And the provisions giving such an enormous amount of the State of Montana’s water to the Tribes that the gift can only derive from the proposition that the Tribes own all of the water on, under, or near the Reservation include:

- Appendix 9, Appendix 10 (awarding 100% of the water in Flathead Lake (prior to the construction of Kerr Dam), both on and off the Reservation, with a time immemorial priority);
- Article V (1), (retaining the right of the Tribes to secure all the state-based water rights currently impounded by Kerr Dam);
- Article III C 1 (a, c, e), Appendices 5, 9, 11, 12-13 (awarding 100% of the water in the Flathead Irrigation Project with a time immemorial priority, while 90% of the water delivered to the farms and ranches is appurtenant to lands owned by non-Indians);
- Article II, Subsections 2, 5, 20, 23, 28, 30, 31, 32, 38, 44, 45, 50, 51, 52, 56, 57, 58, 67, 71 (definitions that effectuate the allocation of irrigation water to instream flows);
- Appendices 18, 25-27, Article III C (7, 8) (awarding 40%-65% of available river flow in eight off-Reservation rivers dedicated to instream flows); and
- Appendix 17 (awarding all of the off-Reservation lakes in the adjacent mountain ranges).<sup>2</sup>

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<sup>2</sup> The Compact Commission’s counsel also responded to the 70% reduction in historic use detailed in my letter. Review of historical data made available to the Montana Land and Water Alliance, Inc. subsequent to my letter, confirms that the reduction in historic use is still a valid and reasonable estimate. The additional water supplied at the river diversion, which was not contemplated even after the Technical Work Group’s findings during the summer of 2014 that the Tribes’ model was inappropriate to determine farm turn out allowances, results in a maximum delivery of 1.4 acre feet per acre at the farm turnouts, which still represents a 70% reduction in historic use in a *wet year*. Moreover, the Compact proposes to expand irrigated acreage by some 5,000 acres, but still proposes to supply the same amount of water for irrigation, resulting in even less on-farm water delivery.

Finally, I want to explain a major legal problem with the argument that the Supreme Court held that the Indians involved in *Winters v. United States*, 207 U.S. 564 (1908), reserved their Reservation as opposed to the United States.

The specific, bedrock issue in *Winters* was whether the United States had impliedly reserved water from appropriation under Montana's Territorial law of prior appropriation when, through the Agreement of May 1, 1888, the United States explicitly withdrew from the public domain the land that became the Ft. Belknap Reservation.<sup>3</sup> Generally, the *Winters* doctrine has been repeatedly articulated by the Supreme Court this way: "When the federal government withdraws its land from the public domain, the Government, by implication, reserves appurtenant water then unappropriated to the extent needed to accomplish the purpose of the reservation." *Cappaert v. United States*, 426 U.S. 128, 141 (1976). Another way to appreciate the basic issue in *Winters* is to ask whether there would be any legal consequences if the Indians reserved the Fort Belknap Reservation instead of the United States. One consequence would have been that the Supreme Court could not have made federal reserved water rights equally applicable to non-Indian reservations of land from the public domain, as the Court did in *Arizona v. California*, 373 U.S. 546 (1963).

In *Arizona v. California*, the Supreme Court itself answered the question of who did the reserving in *Winters*:

The Court in *Winters*, concluded that the Government, when it created the [Fort Belknap] Indian Reservation, intended to deal fairly with the Indians by reserving for them the waters without which their lands would have been useless. *Winters* has been followed by the Court as recently as 1939 in *United States v. Powers*, 305 U.S. 527. We follow it now and agree that the United States did reserve the water rights for the Indians effective as of the time the Reservation was created.

*Ibid.* at 600. The Court also agreed with the Special Master's recommendation that the *Winters* doctrine should be extended to reservations of land from the public domain for non-Indian reservations:

The Master ruled that the principle underlying the reservation of water rights for Indian Reservations was equally applicable to other federal

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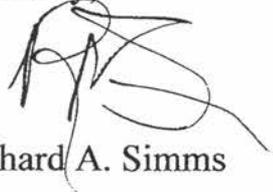
<sup>3</sup> Note the Court's statement at the beginning of the decision on the merits that "[t]his case, as we view it, turns on the agreement of May [1], 1888, resulting in the creation of the Fort Belknap Reservation," an Agreement set forth in the Act of May 1, 1888, 25 Stat. 113." *Id.*, at 575.

establishments such as National Recreation Areas and National Forests. We agree with the conclusions of the Master that the United States intended to reserve water sufficient for the future requirements of the Lake Mead National Recreation Area, the Havasu Lake National Wildlife Refuge, the Imperial National Wildlife Refuge, and the Gila National Forest.<sup>4</sup>

*Id.* at 601.

The “principle underlying the reservation of water rights for Indian Reservations” in both *Winters* and *Arizona v. California* was when the United States reserved land from the public domain to create the Fort Belknap Indian Reservation, it impliedly withdrew sufficient water to satisfy the purposes for which the land was withdrawn. If, on the other hand, the Indians reserved their own Reservation, whatever the other underlying principle might have been, the *Winters* doctrine could not have been extended by the Court in *Arizona v. California* to non-Indian reservations of land from the public domain for special purposes, and the Compact Commission, along with all of the western states, would have to reopen countless adjudication cases and negotiated settlements to accommodate this new and expansive view of the *Winters* Doctrine.

Sincerely,



Richard A. Simms

Cc: Attorney General Tim Fox

---

<sup>4</sup> The Gila National Forest was the forest involved in *United States v. New Mexico*, 438 U.S. 696 (1978) (the “careful examination” of the purposes for which a reservation was made “is required because the reservation is implied, rather than expressed” and each time the Court has reviewed federal reserved water rights, it has “repeatedly emphasized that Congress reserved “only the amount necessary to fulfill the purpose of the reservation, no more”).

February 16, 2015

Additional Documents

SENATE: Judiciary

Date: 2/16/15

Bill No. SB 262

RE: Water Compact

I live in Kalispell, Montana. For the past three years, I have been following the process of The water compact, and have attended more than a few of the public meetings on the compact. I now tell you that I have more than a few doubts as to whether the compact is constitutional, both at the state and federal levels, and whether it complies with existing laws at both the state and federal level.

At one meeting, a proponent of the compact warned there was BIG MONEY behind the compact, and fighting it would be a mistake. This sounds like the old saying that power and money will get what they want, whether it's legal or not and whether it's constitutional or not.

To reveal some of the doubt behind the money and power play, I submit that fishing rights was in no way ever intended to equate into water rights. At least not until the recent "new" interpretation of the Hellgate treaty.

Another problem is that proponents point out that the amount of water must be studied after passing the compact in order to make final determinations on the final amounts to be released to all "qualifying" farmers and off-reservation citizens. This sounds exactly like the health care bill that was passed, with certain congressional leaders saying they had to pass the health care act in order to see that it actually said. On the water compact, I do not believe that we should pass the compact in order to see how much water is actually going to be released or how many water rights will be allowed to retain any integrity. I certainly do not believe it when I am being told that if I like my water rights, I will be able to keep them (referring to the smaller water rights). I believe this to be an outright lie, just as the phrase "If you like your health plan, you can keep your health plan" was a lie.

If many of the water rights are not going to be affected, then why has the legislature been told, just recently, that we cannot amend the compact to codify which water rights will be unaffected, and that the water compact must be accepted as is. If this action alone does not make one fear that the water compact is little more than a huge land and water grab, then nothing does.

The Farmers and Ranchers pact has been running ads for the compact, but this group has few, if any farmers and ranchers actually supporting the compact. It appears that this pact is a false flag organization; little more than another slick political strategy. Also, the tribes involved have threatened all sorts of lawsuits if the compact is not passed. If the compact is constitutional, legal, and fair why would anyone need to threaten law suits to help get the compact passed?

There are many, many more concerns that make me believe that this compact is just another power grab by the federal government. If passed, and we discover what many of us currently know, we will have great difficulty reversing it. But, if necessary, we will reverse it.

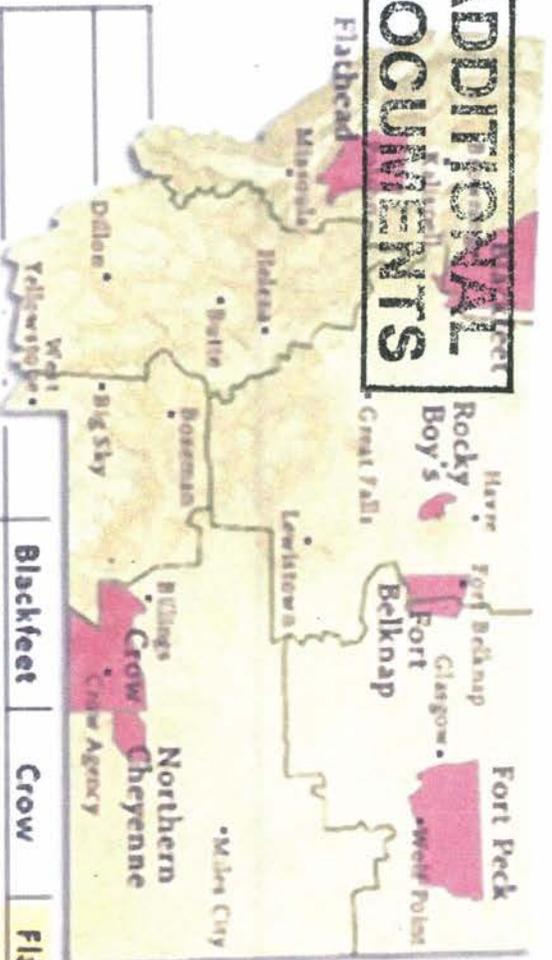
I have attached just some of the research that says this compact is not right. I am sure that others will submit much more research than I am submitting.

Thank your for your time and attention.

Sincerely,

Russ Miller  
Precinct 50  
Kalispell, MT

# ADDITIONAL DOCUMENTS



## COMPARISON OF MONTANA INDIAN RESERVATION RESERVED WATER RIGHTS COMPACTS

		RESERVATION						
		Blackfeet	Crow	Flathead	Fort Belknap	Fort Peck	Northern Cheyenne	Rocky Boy
Population within Reservation Boundaries		Source: 2010 US Census of Housing and Population, Chm 1-28						
Tribal		8,944	5,322	7,042	2,704	6,714	4,406	3,221
Non-Tribal		1,461	1,541	21,317	147	3,294	383	102
Total Population		10,405	6,863	28,359	2,851	10,008	4,789	3,323

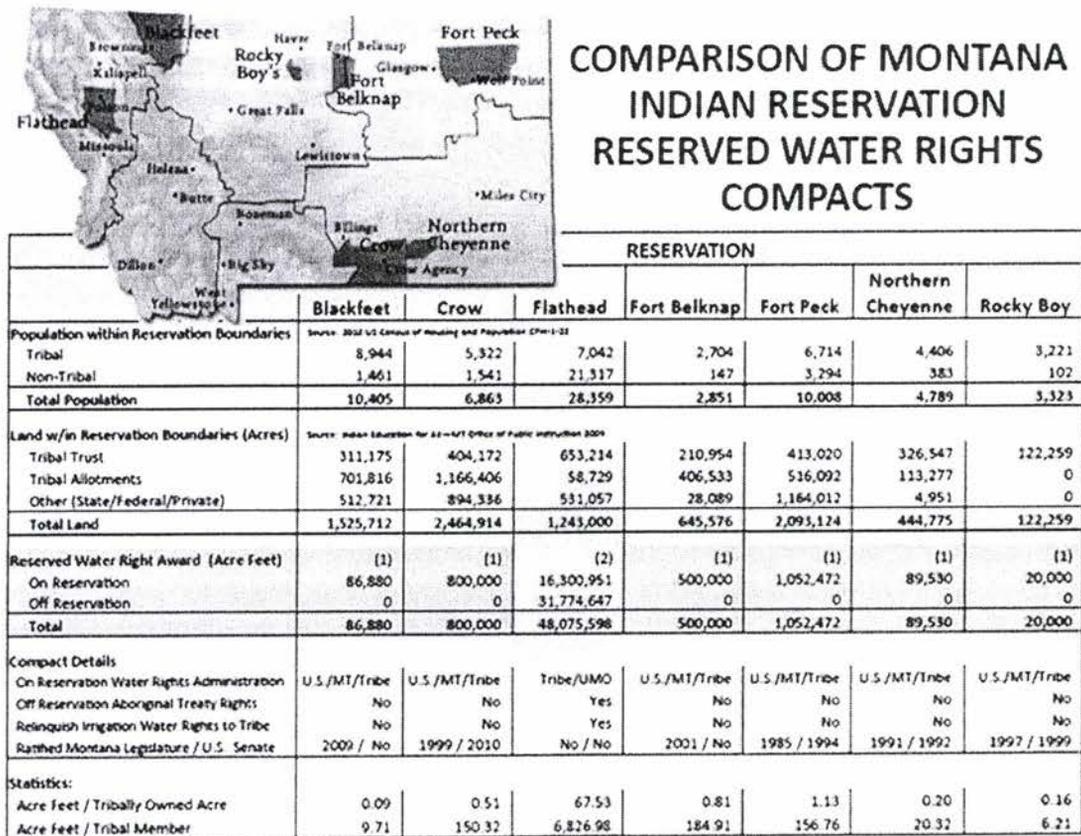
Land w/in Reservation Boundaries (Acres)		Source: mean estimation for 2009-2011 based on 2009 data						
		Blackfeet	Crow	Flathead	Fort Belknap	Fort Peck	Northern Cheyenne	Rocky Boy
Tribal Trust		311,175	404,172	653,214	210,954	413,020	326,547	122,259
Tribal Allotments		701,816	1,166,406	58,729	406,533	516,092	113,277	0
Other (State/Federal/Private)		512,721	894,336	531,057	28,089	1,164,012	4,951	0
Total Land		1,525,712	2,464,914	1,243,000	645,576	2,093,124	444,775	122,259
Reserved Water Right Award (Acre Feet)								
On Reservation		86,880	800,000	16,300,951	500,000	1,052,472	89,530	20,000
Off Reservation		0	0	31,774,647	0	0	0	0
Total		86,880	800,000	48,075,598	500,000	1,052,472	89,530	20,000

Compact Details		U.S./MT/Tribe		Tribe/UMO		U.S./MT/Tribe		U.S./MT/Tribe		U.S./MT/Tribe	
On Reservation Water Rights Administration		No	No	Yes	No	No	No	No	No	No	No
Off Reservation Aboriginal Treaty Rights		No	No	Yes	No	No	No	No	No	No	No
Relinquish Irrigation Water Rights to Tribe		No	No	Yes	No	No	No	No	No	No	No
Ranked Montana Legislature / U.S. Senate		2009 / No	1999 / 2010	No / No	2001 / No	1985 / 1994	1991 / 1992	1997 / 1999			

Statistics:											
Acre Feet / Tribally Owned Acre		0.09	0.51	67.53	0.81	1.13	0.20	0.16			
Acre Feet / Tribal Member		9.71	150.32	6,826.98	184.91	156.76	20.32	6.21			

(1) Negotiating Tribal Water Rights Fulfilling Promises in The Arid West, by Bonnie G. Colby, John E. Thurson, Sarah Britton  
 (2) Flathead Reservation based upon Concerned Citizens of Western Montana Analysis. Note the compact commission has refused to provide these numbers.

The most telling comparison chart is the following:



(1) Negotiating Tribal Water Rights: Fulfilling Promises in The Arid West, By Bonnie G. Colby, John E. Thorson, Sarah Britton  
 (2) Flathead Reservation based upon Concerned Citizens of Western Montana Analysis. Note: the compact commission has refused to provide these numbers.

A comparison with the other six compacts demonstrates the significance of adding off-reservation water rights. The average acre feet per tribal member for the other six compacts is 88 acre feet of water. For the CSKT, the average acre feet per tribal member is 6,827 acre feet of water which is 77 times more water than the average for the other six reservations tribal members. Under the compact as proposed it is estimated that CSKT will control 147 times more water per tribally owned acre of land than the average of all other Montana tribal owned acres of land.

The 10,000 CSKT Claims Hoax—Fear Mongering in Montana

By: Catherine Vandemoer, Ph.D.

Residents and legislators in eastern Montana have been threatened by the Compact Commission, compact proponents, the Governor and Attorney General, and the CSKT that if the CSKT Compact doesn't pass in 2015, the Tribes are going to file "10,000 claims across all of Montana". This has been an effective scare tactic used to frighten and divide Montanans into accepting a flawed, unlawful, and unconstitutional compact. The purpose of this article is to put this hoax/threat/scare tactic to rest, and to remind people that if

the CSKT Compact was so “good for Montana”, these scare tactics would not have to be used as a reason to vote for it.

- What is the Origin of Off-Reservation Claims?

The compacting process underway for every Tribe and federal land holding in Montana is designed to determine the FEDERAL RESERVED WATER RIGHTS belonging to, and attached to federal reservations of land, including Indian reservations. By definition, federal reserved water rights are limited strictly to the land so reserved, and consist of the amount of water necessary to fulfill the purposes of the reservation. Every Tribal compact in Montana, except the proposed CSKT Compact, identifies a purpose of the Indian reservation, and determines an amount of water required to fulfill the purpose of the reservation. No other Tribe has claimed or threatened to seek off reservation water rights.

The CSKT claim that because Article III of the Treaty of Hellgate secures a right to take fish...in common with the citizens of the territory in their aboriginal territory—which is west of the continental divide and does not include any portion of eastern Montana—they have a “water right for instream flow” off reservation. Since when does a right to take fish mean a water right? The language of Article III in the Treaty of Hellgate is the same language as 9 other Tribes in Washington, Oregon, and Idaho, all negotiated by Governor Isaac Stevens, and the treaties of these Tribes are therefore called “Stevens treaty tribes”.

What the Compact Commission is attempting to do in the CSKT Compact is to create a new type of water right from language that guarantees access to fishing sites. The Compact Commission and the CSKT are skating on thin legal and precedential ice. Indeed, a law review article written in 2006 by John Carter, the Tribes own lawyer, states that this new type of water right is unrecognized by the federal reserved rights doctrine (Winters), the McCarran Amendment, and the Montana Constitution. So the Tribes and the Compact Commission collaborated to set precedent by creating this new water right out of thin air.

Using the excuse that the Tribes access to fish in common with the citizens of the state is a water right, the Compact Commission transfers water belonging to the State of Montana and its citizens over to the federal government to be held in trust for the CSKT. This is unprecedented and an unlawful taking of water belonging to the State of Montana.

- The Difference between Aboriginal and Subsistence Territory

The CSKT aboriginal territory---those lands whose title, interest, rights and claims were ceded to the United States in exchange for \$21 million in cash and a reservation—lies west of the Continental divide. The CSKT were granted access to their usual and accustomed places on those lands, in common with the citizens of the territory (state citizens) to take fish and engage in the privilege of hunting. The right to “take fish” is not a water right.

But now the Compact Commission starts waving around the map of the CSKT “subsistence range”, which shows that the CSKT, like all other Tribes in Montana, roamed all over Montana to hunt and fish as part of a nomadic lifestyle. The CSKT subsistence area was not included in the Treaty of Hellgate. But the Compact Commission and the Tribes say, with a straight face, that the Tribes will file 10,000 claims to water in their subsistence area—a claim that has no basis in fact. Moreover, the CSKT share the same subsistence area with 6 other Tribes in Montana and Tribes in North and South Dakota and Wyoming. Have any of those tribes claimed water rights outside of their reservation in their subsistence area?

b. The 1904 Flathead Allotment Act (FAA) and 1908 Amendment According to the terms of the treaty, the reservation was opened to settlement after lands were allotted to all tribal members under the 1904 Flathead Allotment Act. The 1908 Amendment to the Flathead Allotment Act provided after the Tribal allotments completed in 1904, surplus lands on the reservation were to be open to non-Indian settlement and sold for the benefit of the Tribe.

c. The Winters Doctrine. In 1908 the Supreme Court created the doctrine that when the federal government sets aside lands for Indian reservations, it impliedly reserved enough water to fulfill the purposes of the Indian Reservation. The purpose of the reservation is derived from the language of the Treaty. The CSKT claim that they, not the United States, reserved the Flathead Indian Reservation, which is contrary to history and law.

d. The 1909 Presidential Proclamation. The President of the United States opened the Flathead Indian Reservation to settlement by non-Indians, offering for sale surplus lands authorized by Article VI of the Treaty of Hellgate and the 1908 Amendments to the FAA.

e. The 1934 Indian Reorganization Act (IRA). The IRA ended the allotment policy and consolidated Tribal ownership of remaining unallotted lands, but mandated that all lands open to settlement and purchased by non-Indians were not affected by the IRA: "Provided, however, That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this act."

This means that the CSKT claims of ownership of the water and land within the Flathead Irrigation Project are invalid, being without legal merit.

f. Indian Claims Commission: The tribes were already paid by the United States Court of Claims and the Indian Claims Commission for the off-reservation lands constituting their aboriginal territory and for the lands opened to settlement under the 1904 Flathead Allotment Act.

In 1966, the Indian Claims Commission awarded the tribe \$4,431,622 for off reservation lands ceded by the tribe to the United States and in 1971 the United States Court of Claims awarded the CSKT \$22,631,549 for the value of reservation land opened to settlement.

Having been paid for the lands ceded and on-reservation lands open to settlement makes the Tribes claims for water ownership on these lands invalid.

## 2. The Compact Commission Enabling Legislation (MCA 85-2-701)

The intent of the legislature when establishing the Compact Commission was clearly stated in the compact commission enabling legislation: "... it is further intended that the state of Montana proceed under the provisions of this part in an effort 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."

On their website, the Compact Commission acknowledges it is supposed to quantify, or determine of the size of a federal reserved water right by 1) reaching an understanding with the federal agency holding the water right about the purpose for which the specific federal reserve was created, and 2) determining how much

water is necessary to satisfy the purpose of the reserve. The commission has failed to provide this information to the public or to legislators.

The Compact Commission has not provided a specific quantification of the amount of water awarded to the tribe for their federal reserved water right. The actual "award" is buried in the Abstracts of Water Right found in the appendices to the Compact, and totals millions of acre feet of water more than all the water awarded to every Tribe in Montana combined.

### 3. The Abstracts of Water Right (Appendices 5-36)

The compact references the water abstracts in the appendices, which consist of more than 1,000 pages. Article III B. on Page 14 of the compact says "Abstracts of water right appended to this Compact are a substantive element of this Compact. The language of the abstracts, including all informational remarks, shall control in the event of any inconsistency between the Compact and the abstracts of water right"

Because the Abstracts are the substantive and controlling legal documents of the CSKT compact, it is impossible to understand the compact without reviewing and understanding them.

No other Tribal Compact in Montana was accompanied by Abstracts of Water Right because the other Tribal Compacts specify the amount and limit of the volume of the Tribe's federal reserved water right up front in the text of the Compact. The Compact Commission has publicly stated that "if you want to know how much water is awarded to and the parameters of the tribe's water rights, you must look at the abstracts."

The compact effectively gives the Federal Government control of the waters of western Montana, both on and off the Flathead Reservation and this is reflected in the Abstracts of Water Right. The owner of the water right listed on the abstracts is the "United States of America, Department of Interior, Bureau of Indian Affairs, in trust for the CSKT".

### 4. The Unitary Management Ordinance UMO, or Law of Administration (Appendix 4)

Article I (4) on page 6 of the UMO states: Upon the Effective Date of the Compact, this Ordinance shall govern all water rights, whether derived from tribal, state or federal law, and shall control all aspects of water use, including all permitting of new uses, changes of existing uses, enforcement of water right calls and all aspects of enforcement within the exterior boundaries of the Flathead Indian Reservation. Any provision of Title 85, MCA that is inconsistent with this Law of Administration is not applicable within the Reservation.

The Compact Commission describes the UMO as the "Grand Bargain", where the Compact Commission agreed to do this extraordinary thing, frankly, with respect to agreeing to subject or to remove non-Indian rights on the reservation from the jurisdiction and control of the state, and place that somewhere else at the tribe's request." (notes of 8/2/12 Compact Commission meeting, Helena, MT)

If the compact is approved with the UMO included, 28,000 Montana citizens living within the external boundaries of the reservation will no longer be protected by state water law or state courts. Their right to due process of law will also be violated. The UMO violates the equal protection clauses of the Montana (Article

II Section 4) and the United States Constitutions (Fourteenth Amendment) and effectuates a taking under Article 5 of the U.S. Constitution.

### 5. The Tribe's Federal Lawsuit

In February 2014, the CSKT filed an aggressive lawsuit claiming to own all the land within its external boundaries and asked a Federal District Court to declare that they own all of the water. This suit was filed to push the state into accepting the CSKT compact that essentially has the same objective as the lawsuit. The Mountain States Legal Foundation is representing some of the individuals named in the lawsuit states:

“In their lawsuit, the Tribes claim all water and land within the boundaries of the Reservation, and thus challenge the validity of the original homesteaders’ patents—

signed by the President—and seek to acquire those lands and their water rights. In addition, the Tribes challenge a federal law assigning primary responsibility for adjudicating and administering water rights to State and not federal courts—the McCarran Amendment of 1952. -“Our clients’ land was open for entry for 105 years, and in private hands for much of that time,” said William Perry Pendley, president of MSLF. “The water rights appurtenant to those lands were owned fully by our clients and their predecessors for decades. We will vigorously defend those rights.”

Twenty-three thousand or more people own private land on the reservation. If this lawsuit or the compact prevail, the land patents and water rights of these state citizens will be null and void.

The United States is “considering” joining the tribe in their lawsuit (ref. top of page 2), and if they are successful, land ownership and water rights throughout Montana and the west will be undermined.

### 6. Quantification of water rights included in other tribal compacts in Montana

The other six Montana tribal compacts specify and place limits on the amount of water awarded to the tribe up front in the text of each Compact. The CSKT compact does not.

Without specific quantification and limits, it is impossible for a legislator to know or to understand how much water being awarded to the CSKT and how it might impact other water users, the environment, land values, or the economy. This would be like writing a blank check to the federal government and tribe without understanding what is being conceded.

In contrast to state and federal law, the compact commission has publicly stated that “if the CSKT’s federal reserved water rights were quantified, they would likely exceed the available supply of water” (Jay Weiner, October 2011). Without being provided the specific volume of water awarded to the CSKT, how can a legislator be sure that he/she is not agreeing to give the CSKT “more water than exists”, or in this case all the water in Western Montana?

### 7. The Mutual Defense Clause of the Compact

Article VIII D page 68 of the compact states: "The Parties agree to defend the Compact after its Effective Date from all challenges and attacks and in all proceedings pursuant to Article VII.B and C."

Upon ratification of the compact, the mutual defense clause of the compact means that anyone who is harmed by the compact and seeks redress will be fighting the State, Tribe and the United States in court, essentially making it cost prohibitive and impossible for citizens to challenge any aspect of the compact.

#### 8. The Crow Compact Lawsuit

Tribal members who own land that was allotted to Indians through the various allotment acts of the federal government have valuable water rights to those lands which are not part of the water right of the Tribal Government and are managed separately by the Secretary of Interior. Non-Indian owners of lands that were purchase from the original Indian allottees also have valuable water rights, called Walton Rights.

The Crow Compact Lawsuit claims that the federal government waived the allottee water rights as part of the passage of the Crow Water Compact, and that their due process rights were violated.

There are thousands of individual Indian allottees on the Flathead Indian Reservation that also have water rights separate from the Tribal government. These individual Indian water rights have not been identified or protected in the CSKT Compact.

Will the passage of the CSKT Compact lead to a similar lawsuit by individual Indian allottees on the Flathead Indian Reservation?

The extensive non-Indian Walton Rights have similarly not been protected in this Compact nor identified by the Compact Commission.

#### 9. The Flathead Joint Board of Control Resolution Against the Proposed Compact

The proposed compact effectuates a taking of water rights belonging to irrigators within the Flathead Irrigation Project, transferring the title of these water rights to the CSKT. The Tribe then "allows" the irrigators to receive less than one third of its historical beneficial use. The taking is shown in the Abstract of Water Right contained in Appendices 10, 11, and 12. Instead of a valid water right secured by state law, irrigator's water rights are replaced by a "delivery entitlement" to water. This title transfer of the water right will do irreparable harm to agriculture, and the compact's adaptive management program will continue to ratchet down the meager amount of water set aside for irrigation in this compact. In other words, irrigation water is an ongoing target for future reductions of water. The duly elected governmental representatives of the Flathead Irrigation Project, the Flathead Joint Board of Control (FJBC), passed a resolution on December 30, 2014 which states, in part:

NOW THEREFORE, BE IT RESOLVED: The FJBC, comprised of the Flathead, Mission and Jocko Valley Irrigation Districts, representing the irrigated acreage owned in fee and which comprises approximately 110,000 acres, or 90% of the acreage contained within the FIP, strongly opposes passage by the 2015 Montana Legislature of the proposed CKST Water Compact as drafted, and recommends that irrigator's water rights be adjudicated by the Montana Water Court in a general stream adjudication process

The plan to take irrigator water rights remains in the 2015 Compact. Both the Tribes and Chris Tweeten, Chairman of the Compact Commission have stated in the recent "negotiation sessions" that "not a drop of water in the Abstracts would change." The Abstracts of Water Right demonstrate the title transfer of irrigator water to the CSKT.

A State district court judge ruled in February 2013 that the original water use agreement, now incorporated into the new proposed compact, is an unconstitutional taking without compensation, violating Article 5 of the U.S. Constitution.

The compact does not protect historical uses of irrigator water, and by giving the tribe water rights to every drop of water in the irrigation project, irrigators will be denied their valuable property rights.

#### 10. Forest Service Compact / United States v. New Mexico:

The Forest Service Compact improperly expanded the federal reserved right doctrine because it ignored settled case law related to the intent and purpose of a federal reservation and its associated reserved water right. In *United States v. New Mexico*, the U.S. Supreme Court limited forest service claims only to the purpose of the reservation of land: to provide water for downstream users and for production of timber. The US Forest Service currently has 34 open claims that have been filed for water throughout the state of Montana. This is because the Forest Service Compact ratified in 2010 allows them to continue to file claims forever into the future. Instead of defining a limited scope of water claims, establishing finality, and limiting the claims of the forest service to the purpose of a forest land reservation, the compact allows the federal government a blank check in the form of future water claims.

# CSKT Water Compact Opposition Petition

Additional Documents

SENATE: Judiciary

Date: 2/16/15

Bill No. SB262

We, the undersigned, oppose the Confederated Salish Kootenai Tribe (CSKT) Water Compact. We oppose the creation of off reservation water rights and the precedence that off reservation rights would create. We oppose the CSKT leasing of off reservation water allowed by Article IV of the compact. The CSKT's threat of filing 10,000 water right claims can be handled by the Montana Water Court. We oppose the state of Montana giving the CSKT \$55 million of taxpayer money if the compact passes.

Name	Address	Phone Number	Signature
Kaleen Hansen	4243 3rd Ave N6 Great Falls, MT	406-452-4005	
Ronald U Hepp	235 Saw River Rd Great Falls, MT	406-452-3180	
Kelly Muzier	713 13th St SW GF	406-453-1289	
Sharon Duprey	PO BOX 986 Helena	406-218-8215	
<del>Sharon Duprey</del>	PO BOX 986 Helena	406-218-8215	
Jenny Leonard Lundby	101 MANCHESTER LATERAL GREAT FALLS	466-899-8873	
Donald K. Henslein	209 So. Manchester Rd Great Falls	406-899-1613	
Ron Field	73 S Manchester Rd Great Falls	406-799-8873	
Richard A Johnson	1391 COUNTY Line Rd Vaughn, MT	406-419-1969	
Christopher McVeda	11 Loch Ln. Great Falls, MT 59409	406-781-0057	
Melissa McVeda	11 Loch Ln. Great Falls, MT 59409	406-750-5553	
John Olson	239 S. Manchester <sup>Great Falls</sup> at Stevens	406-727-2349	
Brian Maden	112 8th St. SW Great Falls	406-799-1839	
Mark Sofia	1440 Knight Ln Billings MT	406-691-3216	
Ronald B. Mery	P.O. Box 3467, Great Falls, MT	406-761-1408	
TIM NEUMAN	201 SUN RIVER RD GF MT	406-721-8853	
Ken Miller	48 Wexford Lane GF MT	404-788-1170	
TAM MARCHY	3117 BATAQUE SOUT GF MT	406-771-9371	
Leonard Shumski	579 FAUDY DR GF, MT 59404	406-761-2216	
Delia Shumski	579 FAUDY DR, GF 59404	406-761-7216	

## CSKT Water Compact Opposition Petition

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Name	Address	Phone Number	Signature
Jeff T. Carllie	Great Falls MT,	7618147	Jeff T. Carllie
Linda R. Madsen	Great Falls MT 59404	452-8459	Linda R. Madsen
David Allen Carlson	Choteau MT 59402	466-2357	David Allen Carlson
Tadda Brenna	DeHon MT 59433	403-5953	Tadda Brenna
BILL PATTON	CASCADES MT 59421	590-2207	Bill Patton
Charline McGeorge	GREAT FALLS, MT. 59404	452-1722	Charline McGeorge
Jerry & Judy	BR 912 Great Falls 59403	799-8312	Jerry & Judy
Martha L. Sorenson	165 Deer River Rd 59404	452-5536	Martha L. Sorenson
Betty Madsen	18 Amanda Rd	799510	Betty Madsen
Ben Wikip	508 Brittain Creek Rd	553-1920	Ben Wikip
Jon Wikip	506 Birdtail Creek Rd	590-7809	Jon Wikip
Smoky Green	2 Pishkun Lane GFWT	965-3445	Smoky Green
Pat A. Dowers	" " " "	" "	Pat A. Dowers
LEN BAUER	19 PISHKUN LANE MT	218-851-4269	Len Bauer
Neal M. Wahl	18 Pishkun Lane MT.	965-3854	Neal M. Wahl
Harold R. Wahl	" " " "	" "	Harold R. Wahl
Gary Martin	8 Pishkun Lane	915-3235	Gary Martin
Beth Enstaley	757 Maple Rd	453-9308	Beth Enstaley
Georgia A Miller	48 Wexford Lane	781-1830	Georgia A Miller
Janine V. Miller	48 Wexford Lane	788-16956	Janine V. Miller

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Name	Address	Phone Number	Signature
Justin Schonen	1209 3rd Ave N 59401	406-750-6722	
RODOLPH FORZAN	5066 6th LN SE 59404	868-9923	
ANDREW FORZAN	11	317-753-1467	
PROSPER PERU	11	750-3350	
Pat Ryman	3 Wardsford Lane C.F. MT 59404	231-4193	
Rich Leberke	25 Wildermers Crescent Hill GRV	201-335-0155	
James Carroll	23 Wilderness Lane Great Falls	406-965-3566	
GUNNAR MICHLISSEN	856 McIVER RD	406-964-8527	
Ingrid Dimpfhaugen	856 McIVER Rd	406-964-854	
Boyer Smith	40 Hanson Lane Great Falls	406-697-3884	
Lindy Smith	40 Haven Ave GR Falls	406-208-5550	
DONNA J. HARDESTY	999 McIVER Rd 59404	406-788-6953	
ANNE WILKINSON	33 MANCHESTER VINE	406-761-3011	
BOYD LEASTER	33 MANCHESTER LN OFF	406-731-6983	
Kelly Fisher	12 Manchester Lane	406-268-1172	
Amanda Kotolan	12 Manchester Lane	406-268-1172	
Sheryl Falzett	50 50 MANCHESTER ROAD	406-366-9910	
CHRIS A BEAR	50 50 MANCHESTER ROAD	406-781-0769	
Andrea Lumbee	36 S. Manchester Rd	406-403-5961	
Merilee Z. Burch	899 Wood Avenue	406-453-0909	

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Name	Address	Phone Number	Signature
Adelia Bruchy	899 Wood Ave	414-2990807	Adelia Bruchy
<del>Miss [Signature]</del>	14 S. Manchester Rd	406-544-3214	<del>Miss [Signature]</del>
<del>HR voters 2nd st</del>	<del>HR voters 2nd st</del>		
Tom O'Connor	12 Under Ln Ct	406-781-8059	[Signature]
<del>[Signature]</del>	34 PHEASANT LAKE	406-750-0686	BRYAN BRUNDAGE
Andrea Gilman	28 Pheasant Lake	406-750-6419	Andrea Gilman
Stine Gilman	28 Pheasant Ln	406-868-9702	[Signature]
Howard Seay	12 Pheasant Ln	406-453-4953	Howard K Seay
Delores Seay	12 Pheasant Ln	406-453-6989	Delores M Seay
Evelyn Jacobs	18 Wagon Lane	406-787-0022	Evelyn Jacobs
Donald Jacobs	18 Wagon Lane	406-787-0022	Donald Jacobs
<del>Don Jacobs</del>	26 Wagon Lane	406-452-8877	<del>Don Jacobs</del>
Jenny Rhodes	42 Wagon Lane	406-564-8469	Jenny Rhodes
Deanna Beth Rhodes	42 Wagon Lane	406-403-4497	Deanna Beth Rhodes
Tom Lewis	30 Wagon Lane	406-870-1482	Tom Lewis
Tom Bernard	46 Wagon Lane	406-788-7404	Tom Bernard
Henry Smith	45 Wagon Lane	406-598-0802	Henry Smith
Carole Coakley	45 Wagon Lane	406-590-0809	Carole Coakley
Airports Tom	47 Wagon Lane	406-711-6886	Airports Tom





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Name	Address	Phone Number	Signature
DC Kantorowicz	166 Swift Rd STE 115	406-788-0483	<i>DC Kantorowicz</i>
Don Jacobs	18 Wagon LN "	406-727-0022	<i>Don Jacobs</i>
George Paul	409-5th St - South Falls	406-761-3221	<i>George Paul</i>
June Bocke	3117 6th Ave Sora GF MT	406-775-9371	<i>June B. Bocke</i>
Sheridan H. Buck	82 Bend View Lane, GF MT	406-771-8282	<i>Sheridan H. Buck</i>
Ruth A. Costes	28 Embury Lane, GF, MT	406-771-3931	<i>Ruth A. Costes</i>
Julie Wolf	929 Northview Ave GF MT	406-770-3773	<i>Julie Wolf</i>
Ron Staley	801 3rd Ave SW. GF MT 59404	406-761-0016	<i>Ronald E. Staley</i>
Nicky P. Limbafala	401 17th St Bldg B Bldg	406-452-8276 406-795-8276	<i>Nicky P. Limbafala</i>
Ryan Higgins	600 7th Ave North Add 2 Great Falls	408-363-2760	<i>Ryan Higgins</i>
Judy Arnold	3920 6th Ave So. Great Falls	406-836-0410	<i>Judy Arnold</i>
<i>Shirley McNeil</i>	<i>3600 Ave W. South Falls</i>	<i>406-761-7100</i>	<i>Shirley McNeil</i>
<i>Judy Wolf</i>	<i>3600 Ave W. South Falls</i>	<i>406-761-7100</i>	<i>Judy Wolf</i>
Jo & Lois Wolf	920 Northview Ave GF	406-771-3793	<i>Jo &amp; Lois Wolf</i>
CAROL RISSE	59 Fawn DR GREAT FALLS	406-761-7216	<i>Carol Risse</i>
CELESTE MORRE	7325 4th Ave SW	406-452-3068	<i>Celeste Morre</i>
DAVID	419 9th Ave SW South Falls	406-788-3737	<i>David</i>
David Miller	419 9th Ave SW South Falls	406-788-3737	<i>David Miller</i>
David C. Bradway	712 9 St N	406-868-0124	<i>David C. Bradway</i>
<del>Tami Hardenberg</del>	2309 1st Ave. D.C.D.	406-761-9416	<del><i>Tami Hardenberg</i></del>
Tami Hardenberg			<i>Tami Hardenberg</i>

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Name	Address	Phone Number	Signature
Michelle Connor	1019 DRAVE SW, ARTANS	856-1674	<i>Michelle Connor</i>
Henry Stuller	1116 1 <sup>st</sup> Ave NE	876-0665	<i>Henry Stuller</i>
Paul & Lois Rock Falls	414 N T		<i>Paul &amp; Lois</i>
MARVIN CONNERTON	2600 DASHLEY RD, CASPER	788-2510	<i>Marvin Connerton</i>
Donald J. Thompson	Box 572 20 Paul 59485	866-3578	<i>Donald Thompson</i>
<del>James C. Moore</del>	<del>Box 414 WILMA</del>	<del>866-3663</del>	
James C. Moore	Pc Box 414 WILMA MT	866-3663	<i>James C. Moore</i>
JUDITH A. FLECK	2335-4 AV SW GF	342-3065	<i>Judith A. Fleck</i>
Mary Katherine Toebes	414 N ST Jo #25, H. Falls	761-9418	<i>Mary Katherine Toebes</i>
Andrea Baker	1618 6TH AVE N, H. Falls	988-3733	<i>Andrea Baker</i>
Paul J. <del>Scott</del>	100 General Ave 92		<i>Paul J. Scott</i>
TERI WASSMAN N	4005 14 Ave South GF	868-0143	<i>Teri G. Wassman</i>
Patricia Mary Martinson	824 Zane SW GF	727-8827	<i>Patricia Mary Martinson</i>
Richard M. McEgry	609-30th St S, Great Falls	462-722-5828	<i>Richard M. McEgry</i>
William Stuebe	757-33rd Ave NE	452-4419	<i>William Stuebe</i>
DAVID STIMAC	" "	" "	<i>David Stamac</i>
SARAH PECK	729 Colorado Ave Black Eagle	741-4408	<i>Sarah A. Peck</i>
Marilyn Backhaus	1315 Ave B, Wildwood Falls	741-2072	<i>Marilyn Backhaus</i>
<del>Carol Mehlens</del>			
CAROL MEHLENS	625 26 <sup>th</sup> Ave NE	453-7723	<i>Carol Mehlens</i>

James Kelleher 3501-7<sup>th</sup> St. N.E., 217-2372 James E. Kelleher  
 Patsy I. Kelleher 3501-7<sup>th</sup> St. N.E., 217-2372 Patsy I. Kelleher