

SENATE JOINT RESOLUTION NO. 4

INTRODUCED BY B. TUTVEDT

BY REQUEST OF THE STATE-TRIBAL RELATIONS COMMITTEE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING SUPPORT FOR THE WATER RIGHTS COMPACT NEGOTIATED BETWEEN THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD INDIAN RESERVATION, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

WHEREAS, it is the policy of the state to seek negotiated settlement of federal and Indian reserved water rights claims in Montana pursuant to Title 85, chapter 2, part 7; and

WHEREAS, Montana has a long, successful history of negotiating Indian water rights settlements that quantify and promote development of the reserved water rights, protect state-based water rights owners, and avoid costly, protracted litigation; and

WHEREAS, pursuant to 85-2-702, the Montana Reserved Water Rights Compact Commission is authorized to negotiate the settlement of claims of reserved water rights within the State of Montana made by Indian tribes or on tribes' behalf by the United States; and

WHEREAS, negotiated settlements have been ratified by the Legislature with every federally recognized tribe in Montana, except for the Confederated Salish and Kootenai Tribes; and

WHEREAS, the Montana Reserved Water Rights Compact Commission, the Confederated Salish and Kootenai Tribes, and the United States reached a final water rights settlement on February 26, 2013, but the compact was not ratified by the 63rd Montana Legislature and has since returned to negotiation; and

WHEREAS, ratification of the final Confederated Salish and Kootenai Tribes water rights settlement with the State of Montana is essential to provide legal certainty with regard to the water rights of Indian and non-Indian water rights holders; and

WHEREAS, state law requires legislative ratification of a compact entered into pursuant to 85-2-702; and

WHEREAS, the compact is expected to be ratified by the Montana Legislature in 2015; and

WHEREAS, a failure to ratify the compact would result in prohibitively expensive litigation.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE



1 STATE OF MONTANA:

2 That when a compact is agreed to by the Montana Reserved Water Rights Compact Commission, the
3 Confederated Salish and Kootenai Tribes, and the United States, the members of the Senate and the House of
4 Representatives of the State of Montana support the passage of the compact.

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