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As of: September 4, 2014 (2:40pm)

LC0002

**** Joint Resolution No. ****

Introduced By *****

By Request of the *****

A Joint Resolution of the Senate and the House of Representatives of the State of Montana expressing the support of the legislature of Montana for the water compact renegotiated by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, the State of Montana, and the United States of America.

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

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

WHEREAS, pursuant to this policy, the Montana Reserved Water Rights Compact Commission, under section 85-2-702(1), MCA, is authorized to negotiate the settlement of water rights claims filed by Indian tribes or on their behalf by the United States claiming reserved waters within the State of Montana; and

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

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WHEREAS, the Montana Reserved Water Rights Compact Commission, the Confederated Salish and Kootenai Tribes, and the United States reached final agreement on a water rights compact on February 26, 2013, but the agreement 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 compact with 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 any compact entered into pursuant to section 85-2-702, MCA; and

WHEREAS, the compact is expected to be ratified by the 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 STATE OF MONTANA:

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

- END -

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