



1 ~~Senate~~ JOINT RESOLUTION NO. 10  
 2 INTRODUCED BY Therese Yellowtail  
 3  
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
 5 REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESS TO  
 6 ADOPT LEGISLATION AUTHORIZING THE ASSINIBOINE AND SIOUX  
 7 TRIBES OF THE FORT PECK INDIAN RESERVATION TO ENTER INTO  
 8 WATER AGREEMENTS FOR THE DELIVERY, USE, OR TRANSFER OF WATER  
 9 WITHIN OR OUTSIDE THE RESERVATION.

10  
 11 WHEREAS, in establishing the system of Indian  
 12 reservations and in negotiating treaties with the various  
 13 tribes, the federal government impliedly reserved the waters  
 14 on the reservations for use by the Indians; and

15 WHEREAS, in 1985, the State of Montana and the  
 16 Assiniboine and Sioux Tribes of the Fort Peck Indian  
 17 Reservation entered into a compact quantifying the reserved  
 18 water rights of the Tribes; and

19 WHEREAS, as a condition to the Fort Peck-Montana  
 20 Compact, the State of Montana agreed to petition Congress,  
 21 urging the enactment of legislation authorizing the  
 22 Assiniboine and Sioux Tribes to enter water agreements; and

23 WHEREAS, Senate Joint Resolution No. 41, approved by the  
 24 Senate and the House of Representatives of the State of  
 25 Montana on April 23, 1985, petitioned Congress to enact such

1 legislation; and

2 WHEREAS, the Assiniboine and Sioux Tribes have requested  
 3 that the Montana Reserved Water Rights Compact Commission  
 4 join in an effort to seek introduction and enactment of  
 5 legislation in the current session of Congress; and

6 WHEREAS, the Assiniboine and Sioux Tribes and the  
 7 Compact Commission have requested that the Senate and the  
 8 House of Representatives of the State of Montana reaffirm  
 9 the commitment of the state to the implementation of these  
 10 provisions of the Fort Peck-Montana Compact; and

11 WHEREAS, it is the intention of the Senate and the House  
 12 of Representatives of the State of Montana to reaffirm the  
 13 commitment of the state to the implementation of the Fort  
 14 Peck-Montana Compact.

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 16 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
 17 OF REPRESENTATIVES OF THE STATE OF MONTANA:

18 That Congress enact legislation in substantially the  
 19 following form:

20 "Sec. 2. For purposes of this Act, the term:

21 (a) "Fort Peck-Montana Compact" means that Compact  
 22 pertaining to the reserved water rights of the Assiniboine  
 23 and Sioux Tribes of the Fort Peck Reservation ratified by  
 24 the Forty-Ninth Legislature of the State of Montana on April  
 25 23, 1985 and by the Fort Peck Tribal Executive Board on

1 April 29, 1985.

2 (b) "Reservation" means the Fort Peck Indian  
3 Reservation as defined in the agreement of December 28 and  
4 December 31, 1886, and confirmed by the Act of May 1, 1888,  
5 25 Stat. 113.

6 (c) "Secretary" means the Secretary of the Interior.

7 (d) "Tribes" means the Assiniboine and Sioux Tribes of  
8 the Fort Peck Indian Reservation.  
9 Sec. 3.

10 (a) The Tribes, subject to the approval of the  
11 Secretary, may enter into any joint venture, service  
12 contract, lease, exchange or other agreement, or any  
13 amendment, supplement or other modification of such  
14 agreement (hereinafter referred to as a "Water Agreement")  
15 authorizing the delivery, use or transfer of any part of the  
16 water right confirmed in the Tribes by the Fort Peck-Montana  
17 Compact for a specified term, not to exceed fifty years,  
18 inclusive of all renewal periods. A Water Agreement may  
19 authorize the diversion or use of water within or outside  
20 the Reservation subject to all terms of the Fort  
21 Peck-Montana Compact.

22 (b) The Secretary shall approve or disapprove any Water  
23 Agreement within (1) one hundred and eighty days after  
24 submission or (2) sixty days after compliance, if required,  
25 with section 102(2)(C) of the National Environmental Policy

1 Act of 1969 (42 U.S.C. 4332(2)(C)) and any other requirement  
2 of federal law, whichever is later. Any party to such an  
3 agreement may enforce the provisions of this subsection  
4 pursuant to 28 U.S.C. 1361. Notwithstanding any other law,  
5 all projections, studies, data or other information  
6 possessed by the Department of the Interior regarding the  
7 terms and conditions of the Water Agreement or the financial  
8 return to the Tribes, shall be held by the Department of the  
9 Interior as privileged proprietary information of the  
10 Tribes."

11 BE IT FURTHER RESOLVED, that the Secretary of State send  
12 copies of this resolution to each member of Montana's  
13 Congressional Delegation, the Committee on Indian Affairs of  
14 the United States Senate, and the Committee on Interior and  
15 Insular Affairs of the United States House of  
16 Representatives.

-End-

APPROVED BY COMM. ON NATURAL RESOURCES

1 Senate JOINT RESOLUTION NO. 10
2 INTRODUCED BY [Signature]
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11 WHEREAS, in establishing the system of Indian
12 reservations and in negotiating treaties with the various
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14 on the reservations for use by the Indians; and

15 WHEREAS, in 1985, the State of Montana and the
16 Assiniboine and Sioux Tribes of the Fort Peck Indian
17 Reservation entered into a compact quantifying the reserved
18 water rights of the Tribes; and

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21 urging the enactment of legislation authorizing the
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5 legislation in the current session of Congress; and

6 WHEREAS, the Assiniboine and Sioux Tribes and the
7 Compact Commission have requested that the Senate and the
8 House of Representatives of the State of Montana reaffirm
9 the commitment of the state to the implementation of these
10 provisions of the Fort Peck-Montana Compact; and

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18 inclusive of all renewal periods. A Water Agreement may  
19 authorize the diversion or use of water within or outside  
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21 Peck-Montana Compact.

22 (b) The Secretary shall approve or disapprove any Water  
23 Agreement within (1) one hundred and eighty days after  
24 submission or (2) sixty days after compliance, if required,  
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1 Act of 1969 (42 U.S.C. 4332(2)(C)) and any other requirement  
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-End-

1 *Senate* JOINT RESOLUTION NO. *10*  
 2 INTRODUCED BY *Theresa Yellowtail*  
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THIRD READING

SJR 10

1 April 29, 1985.

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