

HOUSE SELECT COMMITTEE ON WATER

February 2, 1979

The meeting was called to order by Chairman Day at 12:35 p.m. with all members present except Representative Robbins. The purpose of the meeting today is to work with the Indian tribes on the water reservations.

REPRESENTATIVE SCULLY explained that this meeting would give the Indians an opportunity to explain their problems with their inclusion in Senate Bill No. 76, and we will work together as a whole to try and work a satisfactory agreement with them.

JIM SANAYER, Department of Interior, Washington D.C., stated that he had been asked to assist the Indian tribes with working out a solution to their problems. He presented the committee with a copy of a compact that the Indians were working out with the State of Utah on the water reservations in their state. This compact is now ready to be enacted. We hope to work something similar out with the State of Montana. (compact attached)

REPRESENTATIVE SCULLY stated that this is the kind of thing that we should work on. The question is the process that we should use to accomplish it. Should we draw up a compact or just what. We want to work out something that is agreeable to both parties.

REPRESENTATIVE KEMMIS asked if there are any existing compacts with other states? The reply was they had similar agreements but not actually compacts, as with Utah.

JIM SANAYER continued by stating that one of the most promising solutions is the proposed Tribal-State Compact Act introduced in the Senate of the United States last year, and is expected to be reintroduced this session. This proposed act does not alter current jurisdiction of federal, state, or tribal governments in Indian country, but does authorize tribes and states to enter into compacts or agreements which will provide for the application of civil, criminal and regulatory laws of either entity over Indians or non-Indians as the parties may see fit to agree. It is in this context that a Montana tribe or tribes hope to work toward mutually acceptable agreements with the State of Montana in the area of water rights. He then showed the committee a copy of the Tribal State Compact Act of 1978, hearing before the U.S. Senate Select Committee on Indian Affairs.

Since the mechanism for accomplishing an agreement or compact with the State of Montana requires Congressional, State, and Tribal action, we propose that the State of Montana exempt the water rights of Indian tribes from the proposed legislation dealing with water rights in the State for at least three years. During that time it is proposed that the State Legislature set up a mechanism for discussion and proposed solution of water rights and jurisdictional problems with those tribes in Montana who desire to enter into such discussions.

BILL MORIGEAU, Flathead Councilman, explained that they have 125 thousand

acres of land that they lease out and with this lease the water rights also go along. This will also have to be considered.

REPRESENTATIVE RAMIREZ asked if we make up something that the representatives here could take back to the tribes, what kind of a commitment will we receive? How will we know that if you are amended out of the bill that within the next two years some of your people may have second thoughts? Three years is a long time and we would like to know what kind of a commitment we have over this three year period? The reply was the same question back, what kind of a commitment would assure us that you would not take court action against us?

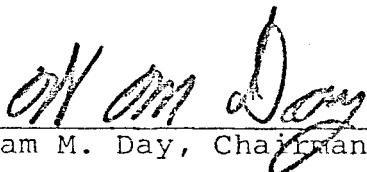
EARL OLDPERSON, Blackfeet Councilman, explained that the Indians that are in attendance today are tribal leaders. There are many other Indians involved and they will need to be consulted and informed of what we are doing. We will have to have time to meet with them and talk over the situation.

EVELYN STEVENSON, Flathead Reservation Attorney, explained that the Indians wanted to be excluded out of the bill at this time. We will continue to have sessions with the committee and work these things out. We have presented to you today suggested amendments to the bill and we would like you to consider them and come up with something for use to take back to our tribes for review. (materials attached)

REPRESENTATIVE RAMIREZ moved to proceed to work out some form of an agreement to present to the tribes within 10 days, to take back to their people.

The motion was discussed and a meeting date of Monday, February 19, 1979, was set to meet with the tribal leaders again.

The meeting was adjourned at 1:40 p.m.



William M. Day, Chairman

Judy J. Mook, Secretary