

HOUSE SELECT COMMITTEE ON WATER

March 12, 1979

The meeting was called to order by Chairman Day at 12:40 p.m. with all members present except Representatives Curtiss and Hershel Robbins.

The purpose of our meeting today was to get the Indian tribes response to the State's proposed amendments to SB 76 and the amendments submitted by Jim Sansaver, Department of Interior. These amendments had been presented to them at our last meeting.

EVELYN STEVENSON, Flathead Tribe, stated that they had voiced their opinions at the last meeting. "We want out of the bill completely. We concur with the amendments drafted by Mr. Sansaver."

TOM WHITFORD, MITPB, Stated that he had talked to the tribal chairmen and most of them have written comments but some will voice their comments here today.

BOB GERVAIS, Blackfeet Tribe, stated that they had considered the amendments and the indication was that they were noncommittals. "We still feel that we should be left out of the bill."

REPRESENTATIVE SCULLY assumed the Chair. He asked what the tribes position was on Mr. Sansaver's proposal?

TOM WHITFORD stated that the reaction of the Blackfeet was to be taken out of SB 76 all together. "I think that our position is this because we are at the headwaters and that is why we can take this stand."

PAUL EAGLEMAN, Chippewa Cree Tribe, stated that they had a meeting with the tribal council and had given their report of the meetings with the legislature. They did not specifically meet with the council on the State's amendment but they are preparing a statement to Mr. Sansaver's amendments. "We did discuss and agree with the compact idea." They questioned if they really had the right to make an agreement with the State without the concurrence of Congress, for legal reasons.

WILLIAM BIG SPRING SR., East Glacier, representing himself, stated that he did not see eye to eye with the tribe on this issue. He referred to the 1907 agreement and two cases that were in court concerning water rights. He concluded by stating that he supported SB 76 because he felt it would end up in court anyway.

BILL MORIGEAU, Flathead Tribe, stated that at the tribal council meeting they moved to first request being excluded from SB 76. SB 76 does not recognize tribal rights. He stated that there is more water leaving Perma than entering because of all the mountain streams. "We have secretarial water rights that are issued by the Secretary of Interior."

"We have several irrigation projects. We also lease water sheds to the cities. You can understand that the water situation is quite complicated and we need more time for consideration."

He concluded by stating that if a person sells his land to someone else, under SB 76, they would have to go to the water judge court before they could get the water rights to that land.

REPRESENTATIVE SCULLY asked what part of the bill said that?

BILL MORIGEAU stated that the whole bill relates to that.

REPRESENTATIVE SCULLY stated that SB 76 was not intended to change the status of the water laws.

URBAN J. BEAR DONT WALK, Crow Tribe, stated that we have to understand the differences better before making a final decision. The tribes do not always agree with each other.

JIM SANSAVER, Department of Interior, stated that at the past meetings he was representing the Inter Tribal Policy Board but today he was representating the Department of Interior. He stated that they had some discussions with the executive branch and they are not going to do anything that would bring about a conflicting confrontation but would follow the compact concept. To be bond by a compact, we think that this would have to be done by an act of Congress. "We stand ready to work out any possible process to form a compact but will stand behind the tribes if forced into SB 76."

He stated that they have had water cases on record. By passage of this bill they will be put into state jurisdiction instead of federal jurisdiction.

PHILIP ROY, Blackfeet Tribe, stated that they have the right to be left out of the bill.

JIM SANSAVER stated that there may be federal dollars available for the Indians on water reservations.

REPRESENTATIVE SCULLY stated that we are going to have to meet on Friday to work on amendments to SB 76. "We will only have nine days after Friday to get this bill back to the Senate."

JIM SANSAVER requested that the committee consider the exclusion of the tribes this session.

PHILIP ROY stated that the Missouri River Basin is a water situation of its own and he thought they should work with the tribes in that basin. They can not be compared to other river basins.

TED MEREDITH, USSI, stated during the interim we thought, if we were left out of the bill, that we could enter into a compact and the U.S. Congress could pass a law to allow Indian's to enter into such State compacts.

Minutes

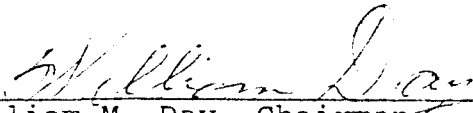
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REPRESENTATIVE ROTH asked if the Indian's had any other amendments?

EVELYN STEVENSON stated that they were under the understanding that Mr. Sansaver and Mr. Scully would work together. "We hope that the two of you can work out an amendment with good language."

The meeting was adjourned at 2:10 p.m.



William M. Day, Chairman

Judy J. Mook, Secretary