SENATE JOINT RESOLUTION NO. 41

INTRODUCED BY MAZUREK, GALT

BY REQUEST OF THE RESERVED WATER RIGHTS COMPACT COMMISSION

IN THE SENATE

	711 711111	
April 8, 1985		Rules suspended to allow introduction.
April 11, 1985		Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
April 16, 1985		Committee recommend bill do pass. Report adopted.
April 17, 1985		Bill printed and placed on members' desks.
		Second reading, do pass.
		Considered correctly engrossed.
		On motion, rules suspended. Bill placed on calendar for third reading this day.
		Third reading, passed. Ayes, 49; Noes, 0.
		Transmitted to House.
	IN THE	HOUSE

April 18, 1985

On motion, rules suspended to allow introduction of bill in House.

Introduced and referred to Committee on Agriculture, Livestock and Irrigation.

April 19, 1985

Committee recommend bill be concurred in. Report adopted.

April 22, 1985

Second reading, concurred in.

Third reading, concurred in.

Returned to Senate.

IN THE SENATE

April 23, 1985

Received from House.

April 24, 1985

Sent to enrolling.

Reported correctly enrolled.

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3	BY REQUEST OF THE RESERVED WATER RIGHTS COMPACT COMMISSION
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5	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
6	REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESS TO
7	ADOPT LEGISLATION AUTHORIZING THE ASSINIBOINE AND SIOUX
8	TRIBES OF THE FORT PECK INDIAN RESERVATION TO ENTER WATER
9	AGREEMENTS FOR THE DELIVERY, USE, OR TRANSFER OF WATER
10	WITHIN OR OUTSIDE THE RESERVATION.
1	
. 2	WHEREAS, in establishing the system of Indian
L 3	reservations and in negotiating treaties with the various
4	tribes, the federal government impliedly reserved the waters
15	on the reservations for use by the Indians; and
16	WHEREAS, the State of Montana and the Assiniboine and
17	Sioux Tribes of the Fort Peck Indian Reservation have
8.	entered into a compact quantifying the reserved water rights
19	of the tribes; and
20	WHEREAS, as a condition to the Fort Peck-Montana
21	Compact, the State of Montana has agreed to petition
22	Congress, urging the enactment of legislation authorizing
23	the Assiniboine and Sioux Tribes to enter water agreements.
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25	NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE

OF REPRESENTATIVES OF THE STATE OF MONTANA: That Congress enact the following legislation in 3 substantially the following form: "Sec. 2. For purposes of this Act, the term: (a) "Fort Peck-Montana Compact" means that Compact 6 pertaining to the reserved water rights of the Assiniboine and Sioux Tribes of the Fort Peck Reservation ratified by the legislature of the State of Montana on _____, 1985 and by the Tribes on _____, 1985. 10 (b) "Reservation" means the Fort Peck Indian Reservation as defined in the agreement of December 28 and 11 12 December 31, 1886, and confirmed by the Act of May 1, 1888, 25 Stat. 113. 13 (c) "Secretary" means the Secretary of the Interior. 14 (d) "Tribes" means the Assiniboine and Sioux Tribes of 15 the Fort Peck Indian Reservation. 16 Sec. 3. 17 (a) The Tribes, subject to the approval of the 18 Secretary, may enter into any joint venture, service 19 contract, lease, exchange or other agreement, or any 20 amendment, supplement or other modification of such 21 agreement (hereinafter referred to as a "Water Agreement") 22 authorizing the delivery, use or transfer of any part of the 23 24 water right confirmed in the Tribes by the Fort Peck-Montana

Compact for a specified term, not to exceed fifty years,

- inclusive of all renewal periods. A Water Agreement may
 authorize the diversion or use of water within or outside
 the Reservation subject to all terms of the Fort
 Peck-Montana Compact.
- 5 (b) The Secretary shall approve or disapprove any 6 Water Agreement within (1) one hundred and eighty days after 7 submission or (2) sixty days after compliance, if required, with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) and any other requirement 9 10 of federal law, whichever is later. Any party to such an agreement may enforce the provisions of this subsection 11 12 pursuant to 28 U.S.C. 1361. Notwithstanding any other law, all projections, studies, data or other information 13 possessed by the Department of the Interior regarding the 14 terms and conditions of the Water Agreement or the financial 15 return to the Tribes, shall be held by the Department of the 16 17 Interior as privileged proprietary information of the Tribes." 18
 - BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to each member of Montana's Congressional Delegation, the Committee on Indian Affairs of the United States Senate, and the Committee on Interior and Insular Affairs of the United States House of Representatives.

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APPROVED BY COMMITTEE ON AGRICULTURE LIVESTOCK & IRRIGATION

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12	WHEREAS, in establishing the system of Indian
13	reservations and in negotiating treaties with the various
14	tribes, the federal government impliedly reserved the waters
15	on the reservations for use by the Indians; and
16	WHEREAS, the State of Montana and the Assiniboine and
17	Sioux Tribes of the Fort Peck Indian Reservation have
18	entered into a compact quantifying the reserved water rights
19	of the tribes; and
20	WHEREAS, as a condition to the Fort Peck-Montana
21	Compact, the State of Montana has agreed to petition
22	Congress, urging the enactment of legislation authorizing
23	the Assimiboine and Sioux Tribes to enter water agreements.
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3	substantially the following form:
4	"Sec. 2. For purposes of this Act, the term:
5	(a) "Fort Peck-Montana Compact" means that Compact
6	pertaining to the reserved water rights of the Assiniboine
7	and Sioux Tribes of the Fort Peck Reservation ratified by
8	the legislature of the State of Montana on, 1985 and
9	by the Tribes on, 1985.
10	(b) "Reservation" means the Fort Peck Indian
11	Reservation as defined in the agreement of December 28 and
12	December 31, 1886, and confirmed by the Act of May 1, 1888,
13	25 Stat. 113.
14	(c) "Secretary" means the Secretary of the Interior.
15	(d) "Tribes" means the Assiniboine and Sioux Tribes of
16	the Fort Peck Indian Reservation.
17	Sec. 3.
18	(a) The Tribes, subject to the approval of the
19	Secretary, may enter into any joint venture, service
20	contract, lease, exchange or other agreement, or any
21	amendment, supplement or other modification of such
22	agreement (hereinafter referred to as a "Water Agreement")
23	authorizing the delivery, use or transfer of any part of the
24	water right confirmed in the Tribes by the Fort Peck-Montana

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inclusive of all renewal periods. A Water Agreement may authorize the diversion or use of water within or outside the Reservation subject to all terms of the Fort Peck-Montana Compact.

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- (b) The Secretary shall approve or disapprove any 5 6 Water Agreement within (1) one hundred and eighty days after 7 submission or (2) sixty days after compliance, if required, with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) and any other requirement 9 10 of federal law, whichever is later. Any party to such an agreement may enforce the provisions of this subsection 11 12 pursuant to 28 U.S.C. 1361. Notwithstanding any other law, all projections, studies, data or other information 13 possessed by the Department of the Interior regarding the 14 15 terms and conditions of the Water Agreement or the financial return to the Tribes, shall be held by the Department of the 16 17 Interior as privileged proprietary information of the 18 Tribes."
 - BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to each member of Montana's Congressional Delegation, the Committee on Indian Affairs of the United States Senate, and the Committee on Interior and Insular Affairs of the United States House of Representatives.

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

OF REPRESENTATIVES OF THE STATE OF MONTANA: 2 That Congress enact the following legislation in substantially the following form: "Sec. 2. For purposes of this Act, the term: 5 (a) "Fort Peck-Montana Compact" means that Compact pertaining to the reserved water rights of the Assiniboine 7 and Sioux Tribes of the Fort Peck Reservation ratified by the legislature of the State of Montana on $_$ ___, 1985 and 9 by the Tribes on ____, 1985. 10 (b) "Reservation" means the Fort Peck Indian Reservation as defined in the agreement of December 28 and 11 December 31, 1886, and confirmed by the Act of May 1, 1888, 12 13 25 Stat. 113. (c) "Secretary" means the Secretary of the Interior. 14 (d) "Tribes" means the Assiniboine and Sioux Tribes of 15 the Fort Peck Indian Reservation. 16 Sec. 3. (a) The Tribes, subject to the approval of the 18 Secretary, may enter into any joint venture, 19 contract, lease, exchange or other agreement, or any 20 amendment, supplement or other modification of 22 agreement (hereinafter referred to as a "Water Agreement") authorizing the delivery, use or transfer of any part of the 23 water right confirmed in the Tribes by the Fort Peck-Montana

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

SJR 41

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- 16 return to the Tribes, shall be held by the Department of the
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-End-