

SENATE JOINT RESOLUTION NO. 41

INTRODUCED BY MAZUREK, GALT

BY REQUEST OF THE RESERVED WATER RIGHTS COMPACT COMMISSION

IN THE SENATE

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.
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April 19, 1985 Committee recommend bill be
 concurred in. Report adopted.

April 22, 1985 Second reading, concurred in.

April 23, 1985 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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 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.

11
 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 Assiniboine and Sioux Tribes to enter water agreements.

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

1 OF REPRESENTATIVES OF THE STATE OF MONTANA:
 2 That Congress enact the following legislation in
 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
 25 Compact for a specified term, not to exceed fifty years,

1 inclusive of all renewal periods. A Water Agreement may
2 authorize the diversion or use of water within or outside
3 the Reservation subject to all terms of the Fort
4 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,
8 with section 102(2)(C) of the National Environmental Policy
9 Act of 1969 (42 U.S.C. 4332(2)(C)) and any other requirement
10 of federal law, whichever is later. Any party to such an
11 agreement may enforce the provisions of this subsection
12 pursuant to 28 U.S.C. 1361. Notwithstanding any other law,
13 all projections, studies, data or other information
14 possessed by the Department of the Interior regarding the
15 terms and conditions of the Water Agreement or the financial
16 return to the Tribes, shall be held by the Department of the
17 Interior as privileged proprietary information of the
18 Tribes."

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

-End-

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION

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REFERENCE BILL

SJR 41

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