

December 18, 2013

Honorable Tim Fox
Attorney General for the State of Montana
Department of Justice
P.O. Box 201401
Helena, MT 59620-1401

Subject: Notice of Dissolution of the Flathead Joint Board of Control and Termination
of State-Tribal Agreement forming the Cooperative Management Entity

Dear Attorney General Fox:

This letter notifies you of the dissolution of the Flathead Joint Board of Control (FJBC) as a result of the withdrawal of two of the three districts from the FJBC effective December 12, 2013. As the primary signatory of the agreement which transferred (Transfer Agreement) the operation and maintenance of the federal Flathead Irrigation Project to landowners within the project, the dissolution of the FJBC renders this Transfer Agreement¹, and the Cooperative Management Entity (CME) formed under it, null and void.

The CME is an entity created by the Confederated Salish and Kootenai Tribes (CSKT) and FJBC pursuant to the State-Tribal Cooperative Agreements Act, Title 18, Chapter 11, 101, et Seq., Mont. Code Ann. (2009), to manage and operate the Project under the Transfer Agreement. There is no mechanism in this Transfer Agreement or the CME Cooperative Agreement that allows for any other organizations except the major signatories, the FJBC and the CSKT, to manage the irrigation project absent a the negotiation of a new agreement.

We are requesting that the Secretary of the Interior resume temporary control of project operations through the Bureau of Indian Affairs while the irrigation districts develop a solution to the transfer of project operations to landowners as directed by the 1908 Act (cite). Pending this solution we expect to renegotiate an agreement with the CSKT pursuant to the MCA 18-11-101 and will keep you apprised.

Please find attached our notice to the Secretary of Interior.

¹ CME Transfer Agreement: <http://westernmtwaterrights.files.wordpress.com/2013/09/cme-transfer-contract.pdf>

Sincerely,

Boone Cole,
Commissioner, Jocko Irrigation District
Chairman, former Flathead Joint Board of Control

Ross Middlemist
Member, Former Cooperative Management Entity(CME)

Jerry Laskody,
Commissioner, Mission Irrigation District
Commissioner, former Flathead Joint Board of Control

Cc: Sarah Jewel, Secretary of Interior,
Honorable Judge Jim Manning, 20th District Court
Mitch Young, Lake County Attorney
W. John Tietz, Attorney, Mission Valley and Jocko Irrigation Districts
Jon Metropoulos, Attorney, Flathead Joint Board of Control
Joe Durglo, Chairman, CSKT