

OFFICE OF THE GOVERNOR
STATE OF MONTANA

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June 21, 2023

Bryan Mercier
Northwest Regional Director
Bureau of Indian Affairs
911 NE 11th Avenue
Portland, OR 97232

Lawrence Nelson
Project Operator
Compact Implementation Technical Team
220 Project Drive
St. Ignatius, MT 59865

Re: Status of Confederated Salish and Kootenai (CSKT) Tribal Water Compact (Compact)

Dear Messrs. Mercier and Nelson:

I write to address any confusion that may exist about the State of Montana's position on the implementation of the CSKT Compact.

As you know, the CSKT Compact was passed by the Montana Legislature and signed into State law on April 24, 2015. The Montana Water Rights Protection Act (Settlement Act) ratifying the Compact was passed by the United States Congress on December 21, 2020, and signed into law on December 27, 2020 (Consolidated Appropriations Act, 2021, Pub. L. No. 116-260). The CSKT Tribes ratified both the Compact and the Settlement Act by Tribal Council Resolution on December 29, 2020. The United States Secretary of the Interior executed the Compact on September 17, 2021, at which point the Compact became effective.

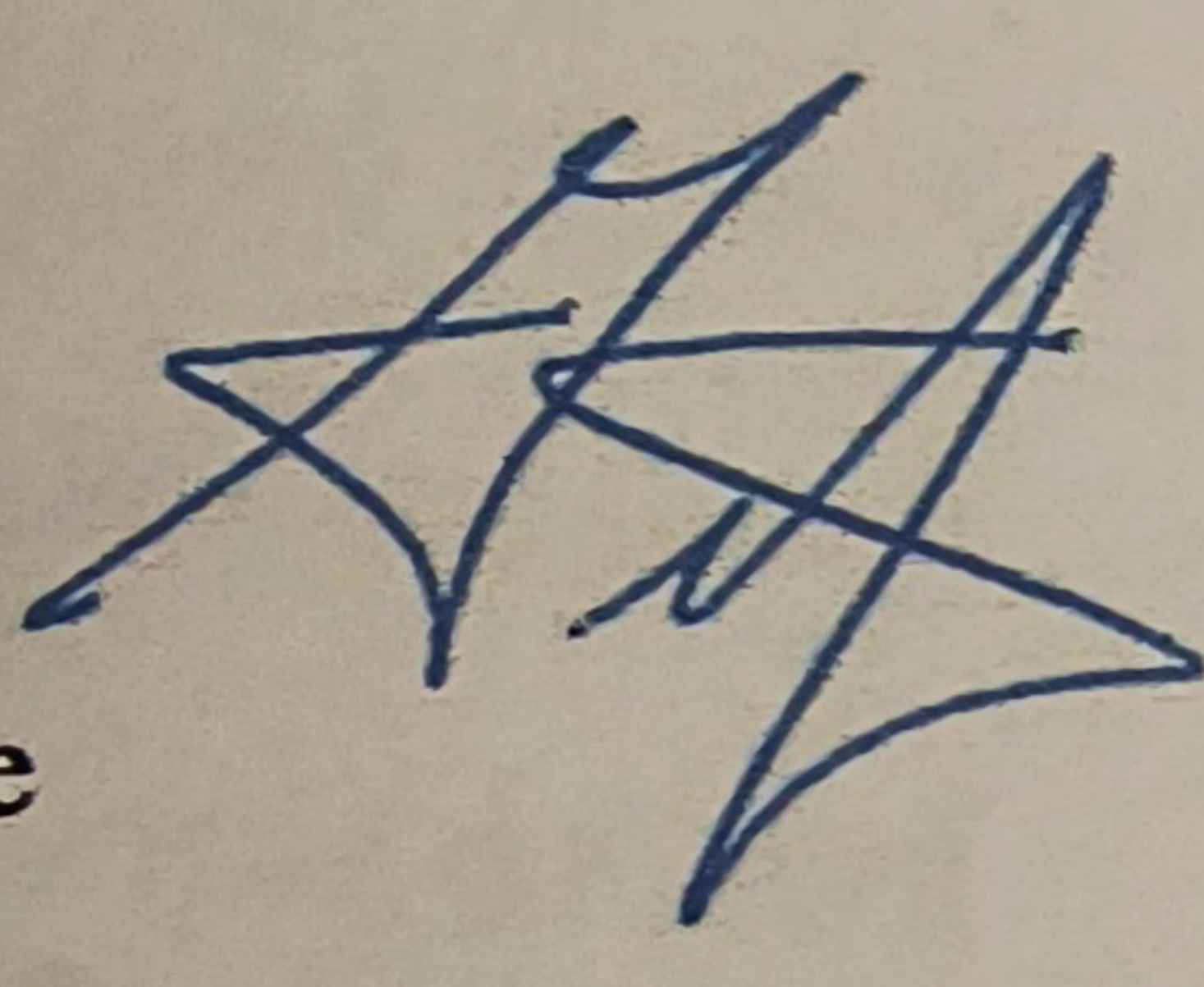
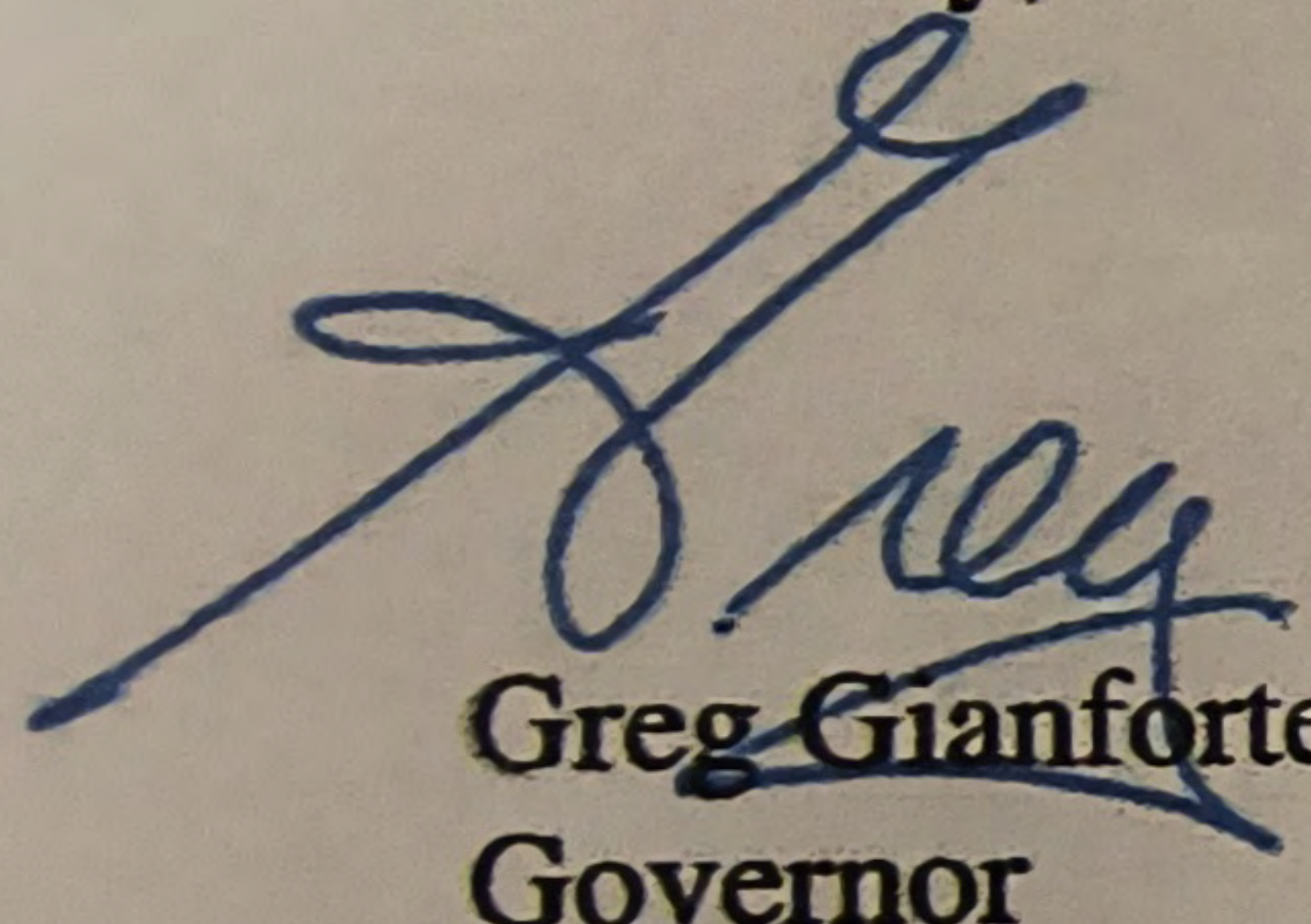
Since the Compact's ratification, the State of Montana has diligently and consistently taken actions toward implementation of its provisions. One of the State's first tasks was to work collaboratively with the CSKT Tribes to form and stand up the Flathead Reservation Water Management Board. A subsequent, and ongoing, task has been to engage with federal agencies and the CSKT Tribes to effectuate the exchange of State and federal lands contemplated in the Settlement Act. These implementation measures have required significant time and monetary commitments, and the State has invested those resources to comply with the law.

In March of 2022, after months of coordinated work between the State of Montana, the CSKT Tribes, and the United States, the compacting parties filed a joint motion with the Montana

Water Court (Water Court), seeking incorporation of the Compact into Preliminary and Final Decrees and requesting proceedings in association with those decrees. On June 9, 2022, consistent with Mont. Code Ann. § 85-2-231 and prior Water Court practice, the Water Court issued an order for the commencement of proceedings and issued a Preliminary Decree of the compacted water rights. Until otherwise ordered by the Water Court, which will adjudicate objections and other concerns associated with the Tribal Water Right detailed in the Compact, the State will abide by the Preliminary Decree.

The State of Montana will continue to work towards full implementation of the CSKT Compact, whether through adjudication of the Tribal Water Right or through the land exchange. In so doing, the State of Montana will comply with all provisions of the Compact, applicable State and federal laws, and orders (Preliminary or otherwise) issued by the Water Court. To the extent that the Compact impacts or guides the decisions or actions of the United States Bureau of Indian Affairs and the Flathead Indian Irrigation Project operations, I invite you to join the State in its earnest implementation.

Sincerely,



Greg Gianforte
Governor

cc: Attorney General Austin Knudsen
Chairman Tom McDonald, Confederated Salish & Kootenai Tribes
Director Darryl LaCounte, United States Bureau of Indian Affairs