



**THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION**

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June 13, 2001

Mr. Chris Tweeten, Chairman
Montana Reserved Water Rights Compact Commission
1625 Eleventh Ave.
P. O. Box 201601
Helena, MT 59620-1601

Dear Chairman Tweeten:

It is a pleasure to present the Compact Commission with the Tribes' June 2001 water rights negotiation proposal entitled "A Proposal For Negotiation Of Reserved and Aboriginal Water Rights In Montana." We recognize that the proposal presents a different approach than the Commission has traditionally followed with other Tribes. There are several reasons for this. We do not intend to cast doubt on the complex logic, law and politics behind prior settlements. We note however, that each Reservation has its own unique Treaty and laws, history, logic and politics.

We think the proposal for negotiating a single unitary, jointly-developed system of Reservation-wide water administration simplifies water rights for all persons. The duplication and ultimate uncertainty inherent in all prior Compacts that provide for dual State and Tribal systems with questionable intergovernmental dispute resolution mechanisms raises potential for protracted litigation *after* the Compacts are implemented. Additionally, those systems are based on land ownership, which is constantly changing. Finally, such systems fail entirely to treat water as the unitary hydrologic resource that it is. Simply put, we believe genuine finality is more probable with our approach.

We look forward to moving forward with negotiation under the Proposal. I think a logical first step would be for the Flathead Team of the Commission, and any other Commission members, to review our proposal and then discuss with us a process for moving both the negotiations and public involvement forward. I note that under the terms of Section 4 of the

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State/Tribal/Federal Memorandum of Understanding we need to coordinate on any press releases and other communications with the press. I suggest that we address that issue as soon as possible and come to a mutually agreeable announcement and for public hearings on the Proposal. I also note that under Section 6 of the MOU, the Tribes and the United States are responsible for communicating with the members of the Tribes. To that end please be aware that under the Tribes' Constitution, we are required to hold quarterly meetings on issues of general interest to the membership. Discussion of the Tribal Proposal is one of the agenda items on the July Quarterly Meeting.

We look forward to working with the Commission. We suggest a late July 2001 meeting to discuss the procedural issues we raise here and to the extent possible, to hear the preliminary views the Commission holds on the Proposal.

Sincerely,
CONFEDERATED SALISH & KOOTENAI TRIBES



D. Fred Matt, Tribal Chairman &
Head of the Tribal Water Rights Negotiation Team