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Water Policy Interim Committee

66th Montana Legislature

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July 14, 2020

U.S. Senator John Hoeven
338 Russell Senate Office Building
Washington, D.C. 20510

Dear Sen. Hoeven,

The Water Policy Interim Committee (WPIC) urges the Senate Indian Affairs Committee to pass S.3019 (Montana Water Rights Protection Act) at its earliest convenience. Doing so will begin to secure the future of the Confederate Salish and Kootenai Tribes (CSKT)—and that of thousands of farmers, ranchers, and water users across Montana.

In the arid West, water is a fundamental element for Montana's cities and towns, farms and ranches, industries and natural wonders. Legendary, one-armed geologist and explorer John Wesley Powell forecast a struggle for water in the American West, observing that "there is not sufficient water to supply these lands." Today, Montana's legal system relies on a clear delineation of one's water rights—not only to protect private property rights, but for maximum benefit of all uses.

After decades of negotiation, the Montana Legislature passed the CSKT compact and associated federal settlement in 2015. The compact will not only quantify and protect Indian and non-Indian water rights, but will rehabilitate an aging irrigation project feeding some of the state's most productive lands, conserve the water resources for riparian habitat, and drive economic development in western Montana through access to unallocated reservoir water.

Without approval of the compact, the tribe may be forced to litigate thousands of claims to protect their "first in time" rights, casting a shadow over tens of thousands of others' water rights.

The WPIC firmly believes that approval of S.3019 by the Senate Indian Affairs Committee will start the legislation on a path to approval by Congress and the President.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Zach Brown".

Rep. Zach Brown, committee presiding officer