

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION

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A People of Vision

A Confederation of the Salish,
Pend d' Oreille
and Kootenai Tribes

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June 17, 2015

Mr. John Tubbs, Director
Montana Department of Natural Resources and Conservation
1625 Eleventh Ave.
P. O. Box 201601
Helena, MT 59620-1601

Hand delivered this ____ day of July, 2015, by John B. Carter, Tribal Attorney

Re: Filing Water Rights Claims of the Confederated Salish and Kootenai Tribes

Dear Director Tubbs:

After years of good faith negotiation, the Confederated Salish and Kootenai Tribes (Tribes), the Montana Water Rights Compact Commission and the United States have come to an amicable settlement of the federal reserved and aboriginal water rights of the Tribes. That agreement resulted in a water rights compact, which was approved by the Montana Legislature in the 2015 Session. Governor Bullock signed that Compact into State law on April 24, 2015.

As you know, there are still many steps before the Compact becomes final; approval by Congress, the Water Court and the Tribal Government. If history is to be learned from, those steps may take several years. In the worst case scenario, the Compact could fail at any of these subsequent steps. Accordingly, there are three related reasons the Tribes file their water rights claims with the Department of Natural Resources and Conservation at this time. First, it is required under Montana law, 85-2-217 and 85-2-702(3), M.C.A. Second, Article VII D 2 of the Compact requires the Tribes to file them. Third, the act of filing is a necessity to preserve the Tribes' claims in the unlikely event that the Compact fails to receive all of the approvals identified above or that it should be found unlawful in a court of last recourse.

It is the Tribes' profound desire that the Compact become finalized and that their water rights claims will never need to be adjudicated. Therefore, in accordance with Article VII D 2 of the Compact, and contemporaneously with filing them, the Tribes will be filing a motion with

the Water Court requesting the Montana Department of Natural Resources and Conservation to stay all proceedings to adjudicate those claims pending final resolution of the Compact.

The United States, in its trustee status, is also required to file reserved and aboriginal water rights claims on behalf of the Tribes and to file a stay of proceedings on those federal claims. The Tribes support and do not object to those actions by United States on behalf of the Tribes.

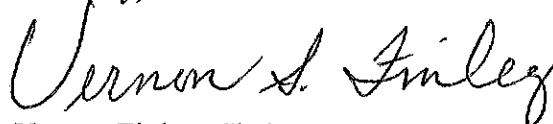
The Tribes are filing their claims electronically on discs in accordance with the procedures and forms agreed upon by David Coey, Database Manager for your Department. The following are digitally submitted by the Tribes to DNRC on DVD or CD-ROM disk: (1) PDF file(s) of the claim form with supporting documentation including map exhibits and reservoir diagrams (where appropriate) for each water right, (2) an Excel file including pertinent data for all claims of a common purpose type utilizing the template approved by the Tribes and Mr. Coey, and (3) a GIS database for all claims of a common purpose type containing the places of use, points of diversion, ditches, reservoirs, and any other necessary information to demonstrate the movement, storage or application of water.

The agreement with Mr. Coey specifies that the "PDF files, and resultant printouts, will take precedence over the Excel files and GIS databases where any conflict or question arises."

Additionally, the Tribes also attach two documents to this letter. The first is a copy of the Treaty of Hellgate, July 16, 1855, 12 Stat. 975, and ask that a copy of it be included in each individual Tribal claim file. The second is an index of all individual Tribal water rights filed with this letter.

Finally, the Tribes ask that this cover letter be deemed to satisfy the statutory requirement of affirmation by the claimant's representatives that the claims submitted on the accompanying discs are true and correct to the best of their information and belief.

Sincerely,



Vernon Finley, Chairman,
Confederated Salish and Kootenai Tribes

Inclusions:

- Hellgate Treaty
- Index to Tribal Water Rights Claims