



## Commission Memorandum

**REPORT TO:** Honorable Mayor and City Commission

**FROM:** Craig Woolard, Director of Public Works

**SUBJECT:** Adoption of Resolution 4700 supporting ratification of the Confederated Salish and Kootenai Tribes Water Compact.

**AGENDA ITEM TYPE:** Consent

**MEETING DATE:** June 27, 2016

**RECOMMENDED MOTION:** I hereby move to adopt Resolution 4700 that declares the City of Bozeman's support for ratification of the CSKT Water Compact.

**KEY ISSUES:** The 64<sup>th</sup> Legislature of the State of Montana passed Senate Bill 262 which created the Confederated Salish and Kootenai Tribes (CSKT) Water Compact (the Compact). This negotiated agreement defines the CSKT federally reserved water rights. The City of Bozeman supported Montana Senate Bill 262 (see attached letter). Compact ratification is now required by the United States Congress.

The attached resolution declares City Commission support for Congressional ratification of the Compact. As senior water rights holders in the Gallatin Valley, ratification of the Compact provides resolution to long standing water rights issues and allows the City to avoid the potentially lengthy and expensive legal action to defend the City's water rights.

**RECOMMENDATION: Adopt Resolution No. 4700. Adoption of the Resolution as written will establish the City of Bozeman's support for Congressional ratification of the Compact.**

**FISCAL EFFECTS:** None

**ALTERNATIVES:** As suggested by the City Commission.

**Attachments:** Resolution 4700  
February 25, 2015 letter of support for passing Montana Senate Bill 262.



**COMMISSION RESOLUTION NO. 4700**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, ESTABLISHING SUPPORT OF CONGRESSIONAL RATIFICATION OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES WATER COMPACT.**

**WHEREAS**, Montana’s water is one of our state’s most valuable resources,

**WHEREAS**, the Confederated Salish & Kootenai Tribes (“CSKT”) are required by state law to seek definition of their federally reserved water rights, either through the compacting process or through litigation,

**WHEREAS**, the CSKT Water Compact (“Compact”) is a negotiated agreement, which protects existing water right holders while defining the federally reserved water rights of the CSKT,

**WHEREAS**, additional backlog in the Montana Water Court will be prevented through ratification of the Compact,

**WHEREAS**, the Compact provides certainty for landowners, farmers, ranchers, and irrigators across Montana—including water users in the City of Bozeman and the Gallatin Valley—by preventing decades of costly litigation,

**WHEREAS**, the Compact will provide for substantial investment in critical irrigation infrastructure, including much needed upgrades and repairs to neglected water delivery systems,

**WHEREAS**, ratification of the Compact would have significant cost savings for Montana taxpayers and the City of Bozeman through preventing long term litigation,

**WHEREAS**, implementation of the Compact will generate jobs and economic activity in our state,

**WHEREAS**, the Compact is a fair and reasonable agreement through which a complex issue is resolved in a way that will benefit all Montanans,

**WHEREAS**, ratification of the Compact will allow the issue of defining the federally reserved rights of the CSKT to be settled as good neighbors,

Be it resolved that the City Commission of Bozeman supports the ratification of the CSKT Water Compact, the certainty, economic opportunity, and the investment in irrigation infrastructure that it will provide.

**PASSED AND ADOPTED** by the City Commission of the City of Bozeman, Montana, at a regular session thereof held on the June 27, 2016.

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**CARSON TAYLOR**  
Mayor

ATTEST:

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**ROBIN CROUGH**  
City Clerk

APPROVED AS TO FORM:

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**GREG SULLIVAN**  
City Attorney



**Mayor**  
Jeff Krauss

**Deputy Mayor**  
Carson Taylor

**Commissioners**  
Cyndy Andrus  
Chris Mehl  
I-Ho Pomeroy

## **CITY OF BOZEMAN**

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### **Core Values**

**Integrity:** Be honest, hard-working, reliable and accountable to the public.

**Leadership:** Take initiative, lead by example, and be open to innovative ideas.

**Service:** Work unselfishly for our community and its citizens.

**Teamwork:** Respect others, welcome citizen involvement, and work together to achieve the best result.

February 25, 2015

Montana Senate  
PO Box 200500  
Helena, MT 59620-0500

Montana House of Representatives  
PO Box 200400  
Helena, MT 59620-0400

RE: Senate Bill No. 262

Dear Honorable Members of the 64<sup>th</sup> Legislature:

As Mayor of the City of Bozeman, I offer my support and that of the Bozeman City Commission for Senate Bill No. 262, a bill to ratify the Confederated Salish and Kootenai Tribes water rights compact.

The negotiated compact set forth in SB 262 guarantees the certainty of existing water rights owned by the City of Bozeman. The importance of this guarantee cannot be overstated, nor overlooked. Our water rights are the lynchpin and foundation upon which the City of Bozeman is built. Our water rights provide for the public health, safety, and welfare of our residents and visitors; they bolster the strength of our local economy and provide for the future growth and vitality of the community.

The City of Bozeman resides in the Gallatin River basin and draws its water supply from headwater streams flowing from the Gallatin and Bridger mountain ranges. We are the first users of these pristine waters and depend upon their legal certainty. The city's water use and that of all other water users in the Gallatin follows long-established patterns that work to benefit the Gallatin Valley community. The future of our city depends upon the certainty of our water rights as well as the cultural heritage and livelihoods of our agricultural friends and neighbors.

The certainty of these water uses are already guaranteed in the Gallatin thanks to the efforts of the Montana Water Court in the adjudication proceedings that have taken place in the basin. The City of Bozeman spent years vigorously defended its water rights claims in court over the lengthy course of these adjudication proceedings. Failure of the 64<sup>th</sup> Legislature to pass SB 262 will have a potential negative impact upon the present certainty the City of Bozeman enjoys and depends upon with its water use. We wish to eliminate having to defend, yet again, our water rights in a litigation setting which is inevitable should SB 262 not pass into law. The costs to our citizens to mount such a defense are unknown and presently unaccounted for. This unfunded liability is an unfortunate reality and one that should be considered by all members of the 64<sup>th</sup> Legislature. These liabilities extend to every existing water rights holder in the Gallatin.

Your support of SB 262 will provide certainty to irrigators on and off the Flathead Reservation. It will protect all current non-irrigation uses on and off the Flathead Reservation and provide a common-sense solution to the difficult problem of tribal reserved water rights. I urge you to support the passage of SB 262.

Sincerely,

Jeffrey K. Krauss  
Mayor, City of Bozeman