

Action proposed to confront Senator Jon Tester's S. 3013:  
**SALISH & KOOTENAI WATER RIGHTS SETTLEMENT ACT OF 2016**

This Memorandum is our second **Call to Immediate Action** for developing urgently needed legal analysis and a White Paper deconstructing the abuse of power noted in Jon Tester's S. 3013.

I have consulted with legal counsel and they have consented to analyze and prepare a thorough and formal analysis, set forth in a formal White Paper opposing S. 3013 on every legal level. **No State, county, municipal or non-profit organization is likely to develop substantial written opposition to S. 3013.** It will be up to individual citizens as a group to share the costs and defend ourselves with a powerful tool developed to stop S. 3013. Legal counsel's White Paper will thereafter be distributed to Senators, Congressmen, State Legislators, State Executive Branch officials and the general public. We absolutely **MUST** put an end to S. 3013.

As a one-time, one-piece task: counsel asks for \$5,000 to be expended at an hourly rate of \$250/Hr. Contributors will not be clients by making a contribution. This is a one-time only service that is being offered. Please read the discussion below, and contribute what you can, as quickly as you can, with checks payable to **Western States Constitutional Rights, LLC**, and mail to:

**This West is Our West**  
**P.O. Box 3601**  
**Kalispell, MT 59903**

**NOTE: Please write "S. 3013" in the legend of your check.**

With the May 26, 2016 introduction of S. 3013 submitted to the Senate Committee on Indian Affairs, Tester is identifying this bill as: 1) the expanded CSKT Water Compact; 2) passage of the bill constitutes "Ratification" of the Compact.

There is comfort in the comments of Congressman Zinke on "Voices of Montana Talk Show" this past Monday, June 20<sup>th</sup>. Mr. Zinke asserts that S. 3013 is "not going to happen;" that consideration of the Blackfeet Water Compact is Congress next priority, and that the CSKT Water Compact will not move through Congress during the current session that ends December 31<sup>st</sup>.

Comforting words, except that the federal government, federal agencies, tribal governments promoted by Senator Tester, and Senator Tester himself...have ceased following the law or rules of regulations. There's no better example of how rogue conditions have escalated than S. 3013.

S. 3013 has a specific "Purpose of the Act" for the "fair, just and equitable settlement of all water rights claims for:

- A) The Confederated Salish-Kootenai Tribes (CSKT)
- B) The United States;
- C) No Item "C". In its "Purpose of the Act" statement there is **NO** protection or consideration of the water rights of the State of Montana, nor of the water rights of private property landowners.

The bottom line: S. 3013 dramatically:

- Increases tribal jurisdiction over all lands within the reservation;
- Tribal control of **all in-stream flows and banks north and south of the reservation**;
- Complete confiscation (theft) of all state and private water rights;
- Doubles the federal funding to \$2.3 BILLION dollars, with additional \$100,000,000 **EACH** to the CSKT and BIA annually thereafter;
- Authorizes CSKT to receive ALL water and electric power revenue generated from former Kerr Dam from now on;
- Promises NO federal oversight auditing or monitoring of any Compact Implementation projects or use of funds;
- Holds the United States harmless from all liability regarding use of funds or damage to persons or properties;
- REMOVES any waiver of tribal sovereign immunity regarding Compact activities;
- Establishes a new "Law of Administration" and a Unitary Management Organization as the Administrative, Regulatory and Adjudicative Body for Compact. (This is an unelected, appointed body heavily loaded with tribal seats on the Board.);
- "Ratifies" the CSKT Water Compact upon passage of S. 3013.

S. 3013 is written as if the United States Constitution and Montana State Constitutions neither exist nor matter. S. 3013 is Senator Tester's attempt to **Bullet Train** the Compact politically, but in these dangerous political times, he could get away with it, if we don't fight back hard and immediately.

The State of Montana receives ZERO benefit from S. 3013, loses all control of its State authority and waters, sacrifices the water rights of private landowners, and is still required to contribute \$55,000,000 state taxpayer dollars in addition to loss of all control of State waters in 11 counties.

Let's DO this...Right NOW!! Please contribute whatever you can, as soon as you can. If you need more information or have any questions, please email or call me.

Thank you,

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