

# Montana fisheries are protected, but not irrigators

BY VERDELL JACKSON, May 12, 2020

David Brooks, executive director of Trout Unlimited, promotes the ratification of the Salish Kootenai Tribes (CSKT) compact because it will benefit fish (Inter Lake, May 2). If you are not a fish, there are 10 major reasons to reject the compact.

It gives the Tribe the following: The Flathead Irrigation Project which the irrigators have already paid for with yearly payments.

All the available water for future development from the head waters of the Flathead River, Hungry Horse Dam, and Flathead Lake.

Management of all the water on the Reservation by taking all the individual water rights.

Control of all the instream flows using a robust flow standard not a fish survival standard.

Control of some county roads, bridges, and infrastructure including the Bison Range. Free access across private property in Lake, Flathead and Sanders counties with no civil recourse.

Land swaps and loss of Bison Range which damages the economy of Counties.

More land inside and outside the Reservation, including federal forest land.

A compact that makes it almost impossible to sue for damages if not a tribal member.

\$1.9 billion from federal government and \$55 million from the state of Montana based on damages by the federal government which are not listed in the compact. No money goes to individual Indians or to the 2,500 who left. Tribal Council spends the money with no accountability. This is about \$250,000 per Indian.

This is a precedent setting piece of legislation. If passed it will alter the policy regarding "off - reservation water rights and land" of Indian reservations throughout the United States.

Considering that the Tribe has chosen to ignore the Hellgate Treaty and the federal and state constitutions, choosing instead to mount an expensive propaganda campaign designed to frighten and intimidate the citizens of Montana, it is best to reject the CSKT Compact and go through adjudication.

When I bought my property and water rights in 1991, I was told to go to the Department of Natural Resource (DNRC) and get my well and irrigation water rights ready for adjudication which was being done in eastern Montana. A staff person helped me, and it took about half an hour to prepare for adjudication.

The water court judges have a long history of being fair to all and following the law. Judge Loble was water judge for 23 years and judge McElyea is in his 9th year. Most of the state has already been adjudicated without controversy. The state helped me to prepare for adjudication. Why can't the state use the dedicated \$55 million to provide for legal representation when needed to protect our property and water rights as we go through adjudication and also the property and water rights of Lake, Sanders, Flathead and Lincoln counties?

Additional information, free of propaganda, on the impact of the CSKT compact is on this website: <https://excellenceinvoting.org/>

Montana does a good job of taking care of fish. Murphy water rights (minimum flows) are in place to make sure fish survive in case there is a drought. State funded Conservation Districts throughout Montana coordinate with Fish, Wildlife and Parks to issue permits for work on streams, rivers, and lakes to protect fish and the banks.

Equal protection under the law is guaranteed in our Constitutional Republic by the Montana and U.S. Constitutions. This means that all the laws apply equally to citizens both on and off the reservations.

Montana manages river flows and administers water rights for the benefit of its citizens and is accountable to the rule of law developed by the Legislature.

Montana should not turn over its constitutional and statutory responsibilities to the Tribe in a Compact.

The only purpose of water compacts is to provide water and water infrastructure to make the reservations productive.

—*Verdell Jackson, of Kalispell, is a former state representative and senator.*