

Dr. Al OLSZEWSKI BOGNER *for* MONTANA

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Our Water Is Worth Fighting For!



Last Friday, November 22nd, my cell phone exploded with requests to comment on the latest events involving the Confederated Salish and Kootenai Tribes (CSKT) Water Compact that has been stalled at the federal level for over four years. Last week, Secretary of the Interior David Bernhardt sent a letter to Senator Steve Daines that supported moving forward with the Compact. Then, last Friday, United States Attorney General William Barr visited the CSKT and he made a public statement that supported the CSKT Water Compact.

The public statements, made by AG Barr and Sec. Bernhardt, do not change my position opposing the CSKT Water Compact. Why? Because I have read the Water Compact and understand the profound impact it has on the people of Montana, our State, and our State's Constitution. This issue is very complex. The CSKT Water Compact was placed into Montana law by the passage of Senate Bill 262 in 2015. There are dozens of reasons why this Water Compact has a negative impact on the people of Montana. I would like to highlight two of them today.

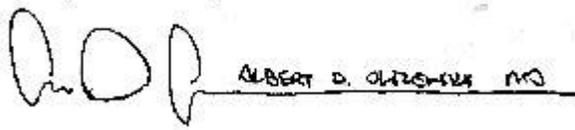
First and foremost, Article IX of the Montana Constitution, Section 3, declares that **the water of Montana belongs to all the people for their common benefit.** Subsection 4 declares that the ability to administer, control, and regulate water rights is a power that resides solely with the Legislature. The current CSKT Water Compact takes a property right (water) from 350,000 Western Montanans and gives it to a third party without any corresponding compensation to the people or to the State of Montana. **This is unlawful!** The Water Compact transfers the control and administration of the waters of Western Montana from the Legislature to a new board controlled by the tribe and the Governor's office. **This is unconstitutional!** The Legislature cannot forfeit its sole power to control, administer, and regulate water rights to any branch of government or to a sovereign entity.

Second, the CSKT claim they have aboriginal water rights to the waters of Western Montana. However, the CSKT forfeited **all** aboriginal rights with the 1966 Indian Claims Commission

Settlement when the US federal government paid the tribe \$4.5 million. The tribe accepted the monetary settlement as fair compensation for forfeiting all their aboriginal rights. The aboriginal rights forfeited included their off-reservation water rights in Western Montana. Thus, the CSKT claim of aboriginal water rights is null and void.

As your State Senator for District 6, I have a fiduciary responsibility to protect the rights and interests of the people of my district as well as the people of Montana. I will not violate my sacred oath to defend the United States and the Montana Constitutions. **As your elected servant, I will fight this current CSKT Water Compact through all possible legal means.** I need your help to do this. Now is the time to contact Senator Steve Daines, AG Barr, Secretary Bernhardt and President Trump and let them know that you oppose this compact. The time to act is now!

Always Faithful,

A handwritten signature in black ink, appearing to read "A. D. Olszewski MD". The signature is stylized and includes a horizontal line extending to the right.

Al "Doc" Olszewski, MD

Candidate for Governor 2020

State Senator, SD 6