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March 10, 2015

Chairman Jerry Bennett and Committee Members
House Judiciary Committee
Montana House of Representatives
PO Box 200400
Helena, MT 59620-0400

Dear Chairman Bennett and House Judiciary Committee Members,

Greetings from the City of Polson. We would like to thank Representatives Dan Salomon and Greg Hertz for their support to the compact. We would also like to thank Senator Chas Vincent for introducing Senate Bill 262 and for his continued efforts towards passing this bill. The City Commission held a workshop in early February inviting representatives from the Montana Reserved Water Rights Commission, the Confederated Salish and Kootenai Tribes, and from a local group in opposition to the Compact. Our goal was to gather information from all positions, specifically focused on the municipal water element in the proposed CSKT Water Compact. Melissa Hornbein accepted our invitation on behalf of the Montana Reserved Water Rights Commission, Dan Decker accepted our invitation on behalf of CSKT, and the group in opposition to the Compact elected to decline the opportunity to present to the City Commissioners.

Further to this meeting, reviewing a memo from Attorney General Tim Fox in response to the letter from Flathead County Commissioners, there are two points we found of particular interest to us in evaluating the future of the City of Polson's water supply. The first was in his response to question number 4, where he writes "Without the Compact, CSKT will be able to "call" any non-tribal user of water, including water for homes, businesses, cities and towns, and farms both on and off the Reservation..." In his response to question number 6, the Attorney General clarifies that the "quantification of water needs to be made for both surface and ground water," which is what the City of Polson is currently using for our water source.

The presentations we heard were educational and informative, and were aligned with what the Attorney General noted in his memo. This subject of water rights, and specifically the proposed CSKT Water Compact, is so vast and complex that it would be unreasonable to expect the City Commission to have full understanding after one presentation. It is important to point out that this letter and position

focuses solely on the municipal water portion of the Compact and does not address the irrigation or domestic well components.

By asking the presenters to focus specifically on municipal water, we believe we have a good understanding of what the Compact means to our City. In particular, what we need to know is what the difference would be for the City if the Compact is passed versus if the Compact does not get passed.

If the Compact is passed, we are assured of two very important details: 1) Our water will be protected from potential “calls” from the Tribe; 2) Future water needs have an identified process that once followed and approved, could provide the City with new leases lasting 99 years.

If the Compact is not passed, we would be exposed to potential “calls” and the process of attaining future water needs would be very uncertain for an unknown amount of time while adjudication is completed.

The question we have to ask ourselves is what is best for the 4,800 citizens of Polson now and into the future?

We believe that specifically with respect to municipal water, the proposed CSKT Water Compact does help address most of the City of Polson’s concerns and would not jeopardize or adversely affect our City’s water supply. We understand from both Ethan Mace, hydrologist for DNRC, and Daniel Decker, CSKT Attorney, that the likeliness of the Tribe placing a “call” on the City of Polson, or not allowing the City of Polson the necessary water – with or without the compact – is minimal. With that said, however, there is comfort in knowing that with the signing of the Water Compact, the structure, processes in place, and sense of stability the City would have in addressing future water needs would be advantageous.

We understand there are many other factors that will go into the final decision the Montana Legislature will ultimately make. As we indicated, we cannot speak specifically to those aspects, but we know, they are a large part of the decision making process. The City of Polson supports our legislators in their review of the CSKT Water Compact and their ultimate decision. We have entrusted you to make difficult decisions of this nature, and we believe you will do what is best for Montana and Montanans, including our citizens of Polson.

Sincerely,



Mayor Heather Knutson and Polson City Commissioners