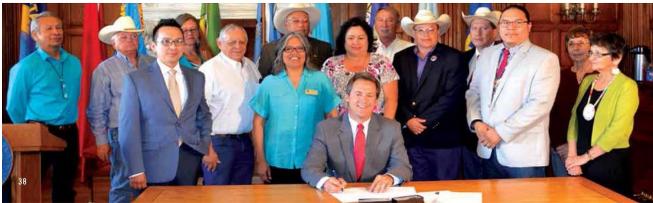


Anatomy of the CSKT, Inc. Water Compact



FEDERAL EXECUTIVE



Sally Jewell
Former Interior Secy

Ryan Zinke
Current Interior Secy

Stanley Speaks
Regional BIA Director Portland

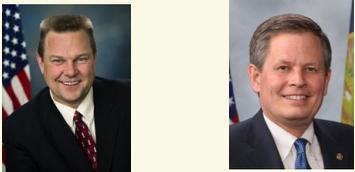


Duane Mecham
Assoc Solicitor U.S. Dept of Interior Led federal "negotiation" team



Alan Mikkelsen
Deputy Commissioner BOR Former FJBC consultant who proposed irrigators relinquish project water rights to CSKT 2001-2002 **chief of staff for Denny Rehberg.** Appointed to current position by Ryan Zinke

FEDERAL LEGISLATIVE



Senator Jon Tester (D)
Sponsor S3013 CSKT compact bill federalizing western Montana water plus \$2.3 billion and CSKT ownership of Flathead Irrigation Project

Senator Steve Daines (R)
Sponsor S.3014 proposed to expand tribal reach by awarding 638 contracts to manage forest service and BLM lands in their aboriginal territories

MONTANA EXECUTIVE



Steve Bullock
Governor former AG. Orchestrated compact ratification. Destroyed all of his AG emails

Tim Fox
Montana AG Compact "Legal" opinions tipped scales for legislative "ratification"

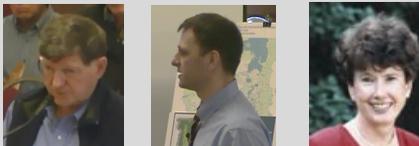
John Tubbs
Director DNRC former DOI Assistant Secretary for Water and Science



Chris Tweeten
former Associate AG and **Chair MRWRCC**, Architect of "Grand Bargain"

Jay Weiner
Asst Atty Gen, **MRWRCC Atty** hired to make CSKT off reservation claims "legal"

Melissa Hornbein
Former MRWRCC Atty after Weiner controversy Asst U.S. Attorney MT



Steve Hughes
former **MRWRCC member**, FJBC and CME commissioner FIP; On Board of MWRA

Cory Swanson
Law Partner Anderson, Baker, and Swanson former Asst AG

Dorothy Bradley
former **MRWRCC member** Former **NW Energy Board of Directors**

MT LEGISLATIVE



Sen Bruce Tutvedt (R)
Montanans for Resp Leadership Accepted \$22,000 "donation" from CSKT in 2014

Sen Chas Vincent (R)
made compact deal w CSKT 2012. WPIC chair controlled CSKT compact "studies"



Former Rep Kathleen Williams (D) and **MRWRCC member** Introduced compact bill in 2013. Current candidate for U.S. Congress

Sen Dan Salomon (R)
former **MRWRCC member** fixed "60 vote problem in the House"



Sen Steve Fitzpatrick (R)
Introduced compact in 2015. At the time, his father was **NW Energy Lobbyist**

Former Rep Chuck Hunter (D)
Changed house rules to fix "60 vote problem in House"

LOBBYING BRANCH

MERCURY LLC (Hired by CSKT in 2014)



Denny Rehberg
Co-Chairman Mercury LLC former U.S. House Representative

Vicki Vadlamani
Sr. VP of Mercury LLC **Secretary of FARM**

Mark Baker
of counsel Mercury LLC **Law Partner Anderson, Baker, Swanson and CSKT lobbyist**

Farmers and Ranchers For Montana (FARM) formed by Mercury LLC in 2015



Karen Fagg
co-chair FARM Former DNRC Dir and owner of HKM / DOWL, an engineering firm that benefitted financially from work on projects related to CSKT compact. Married to current US Senate Candidate Russell Fagg (R)



Rep Walt Sales (D)
Director FARM Outstanding friend of MT Farm Bureau

Lorents Grosfield
former MT legislator and **MRWRCC member** **Director FARM**

Shelby Demars
Montana Group **Director FARM** Campaigns of Ryan Zinke and Tim Fox



JUDICIAL BRANCH

By using a series of judicially activist and political decisions by the federal 9th circuit court of appeals and the

Montana Supreme Court, the CSKT have been able to expand tribal reach and jurisdiction over non-members while eroding equal protection under the law. Anything limitations are willfully ignored by the tribe and all of its seemingly personal "branches of federal and state government".



TRIBAL TREASURY DEPARTMENT

Unscrutinized and Untaxed money courtesy of Federal taxpayers. **These are CONSERVATIVE numbers that don't include gaming, Kerr Dam, state of Montana giveaways, or environmental mitigation scam "revenues".** Federal "self determination" Indian policy has created a welfare state that has had unintended negative consequences on local governments and citizens, Indian and non-Indian, residing on or near Indian Reservations.

FEDERAL PAYMENTS TO CSKT CORPORATIONS

CSKT Corporation Name	2008-2016	Avg per Year
S&K Aerospace	\$1,199,029,980	\$133,225,553
Flathead (CSKT)	\$510,281,452	\$56,697,939
S&K College	\$130,329,489	\$14,481,054
S&K Global Solutions	\$129,442,716	\$14,382,524
S&K Technologies	\$54,314,900	\$6,034,989
S&K Housing Authority	\$43,787,693	\$4,865,299
S&K Electronics	\$10,961,856	\$1,217,984
S&K Logistics Svcs GA	\$10,382,201	\$1,153,578
S&K Environmental	\$6,191,065	\$687,896
Adelos, Inc	\$2,453,846	\$272,650
NKWUSM	\$1,633,390	\$181,488
Mission Valley Power	\$1,339,253	\$148,806
S&K Ltd Partnership #5	\$329,604	\$36,623
Amer Indian Leaders	\$294,724	\$32,747
S&K Logistics Services	\$121,788	\$13,532
Total	\$2,100,893,957	\$233,432,662

Quantification of Indian Federal Reserved Water Rights in the United States **

RESERVATION / TRIBE	STATE	ACF / Yr
Ak Chin	AZ	85,000
Blackfeet	MT	86,880
Colorado River Tribes (4)	AZ	783,134
Colorado Ute	CO	70,000
Crow	MT	800,000
Fallon Paiute	NV	10,588
Flathead (proposed compact)	MT	27,744,657
Fort Belknap (U.S has not Ratified)	MT	500,000
Fort Hall	ID	581,331
Fort McDowell	AZ	36,350
Fort Peck (U.S. has not ratified)	MT	1,052,472
Gila River	AZ	655,000
Jicarilla Apache	NM	40,000
Las Vegas Paiute	NV	2,000
Nez Perce (Settled Litigation)	ID	50,000
Northern Cheyenne	MT	91,330
Northern Ute	UT	481,000
Pyramid Lake Paiute	NV	520,000
Rocky Boy	MT	20,000
Salt River Pima Maricopa	AZ	122,400
San Carlos Apache	AZ	77,435
Shivwit Paiute	UT	4,000
Tohono O'Odham	AZ	66,000
Warm Springs	OR	325,800
White Mtn Apache	AZ	99,000
Wind River (Litigation)	WY	490,000
Total Awards (Excluding CSKT / Flathead)		7,065,720
Average Award (Excluding CSKT / Flathead)		220,804

Flathead Compact: The Devil is in the Details

- 90% of lands served by Flathead Irrigation Project are privately owned by non-Indians, yet the compact gives the CSKT bare legal title to 100% of the water, allocating 10% for irrigation and 90% for fisheries (time immemorial), virtually ensuring that irrigation will no longer be a priority.
- In S3013 Jon Tester proposes to award ownership of the largest irrigation project in Montana to the tribes. **Is it appropriate to give away federal public infrastructure to a tribe?**
- In addition to awarding the CSKT most of western Montana water, Tester proposes an astounding \$2.3 billion settlement”.
- Per the Hellgate Treaty, the Flathead Reservation was diminished when it was opened to settlement in 1909. Non-Indians comprise 82% of the reservation population, while most tribal members have less than 1/3 Indian blood.
- The CSKT own about 50% of lands within historic reservation boundaries, however it consists mostly of the mountainous areas around the exterior that cannot be productively used.
- Montana DNRC estimates that only 1.5% of western Montana water is consumptively used, yet the vast amount of water awarded to the CSKT with a time immemorial priority date will preclude future growth and development. **So with all that water, why will irrigation project water deliveries be reduced by as much as 50-70%?**
- As of April 2018 Montana has not provided a quantification of the amount of water awarded in the compact, essentially asking legislators to write a blank check for its water resources to the United States / CSKT.
- The State refers to water administration under the compact as the GRAND BARGAIN. (Chris Tweeten 08/02/12 public meeting):

*“Jay talked about pushback from the tribe at some point about what they’re being asked to give, and I think, that in addition to the point that Jay made, **the response is to remind the tribes about the GRAND BARGAIN, and the fact that we agreed to do this extraordinary thing, frankly, with respect to agreeing to subject or to remove non-Indian rights on the reservation from the jurisdiction and control of the state, and place that somewhere else at the tribe’s request.”***

We must ask. **A GRAND BARGAIN FOR WHOM?**

Anatomy of the CSKT Water Compact

So if the CSKT / Flathead water compact is so egregious, how is it that the Montana legislature ratified it in 2015?

- After the compact failed in 2013, the CSKT paid Denny Rehberg ‘s firm millions of dollars to spin the compact as “Montana’s Water Compact”. His firm, Mercury LLC created a phony “grassroots” organization (FARM) that in turn paid for a vast public relations blitz throughout the state.
- Several state legislators colluded to change the house rules allowing the compact to be blasted out of committee for a simple majority vote on the floor, despite immunity language that mandates a 2/3 vote per the Montana Constitution.
- Attorney General Tim Fox put the weight of his office in the mix by declaring the compact legal and constitutional.
- Montana officials counted on the Montana Supreme Court to make a political decision rather than a proper legal decision concerning the legality of the compact vote in the legislature.
- The compact was given an immediate effective date and is currently being implemented in advance of federal ratification. The intent of the state was to ensure that the compact cannot be walked back even if it is never ratified by Congress.
- Montana has placed it’s thumb on the scale of the tribes in the adjudication process and is counting on the water court to “rubber stamp” the compact if it is ratified by Congress.

** United States Settlement Chart Notes:

- (1) **Sources:** Negotiating Tribal Water Rights, Colby, Thorson, Britton, 2005; Appendix G of Arizona Water Atlas; Settlements Approved by Congress 2011 (www.westgov.org). 2015 CSKT Water Compact Abstracts
- (2) The Flathead figures are a **PARTIAL QUANTIFICATION** of the abstracts. Montana has never provided an “official” quantification of CSKT claims because they knew the compact would never pass in the legislature had they done so. We estimate the true quantification of claims are between 28-48 million acre feet of water / year.
- (3) CSKT Compact awards 4 times more water than all other tribal settlements combined or 126 times more than the average U.S tribal award
- (4) **99% of CSKT claims** included in this chart are not for federal reserved water rights. Montana instead invented a TRIBAL RESERVED RIGHT with a **TIME IMMEMORIAL PRIORITY DATE**.