

## S 3209

Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community Water Rights Settlement Act of 2012

**Congress:** 112 (2011–2013, Ended)

**Chamber:** Senate

**Policy Area:** Native Americans

**Introduced:** May 21, 2012

**Current Status:** Read twice and referred to the Committee on Indian Affairs.

**Latest Action:** Read twice and referred to the Committee on Indian Affairs. (May 21, 2012)

**Official Text:** <https://www.congress.gov/bill/112th-congress/senate-bill/3209>

### Sponsor

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**Name:** Sen. Tester, Jon [D-MT]

**Party:** Democratic • **State:** MT • **Chamber:** Senate

### Cosponsors

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*No cosponsors are listed for this bill.*

### Committee Activity

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Committee	Chamber	Activity	Date
Indian Affairs Committee	Senate	Referred To	May 21, 2012

### Subjects & Policy Tags

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**Policy Area:**

Native Americans

### Related Bills

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*No related bills are listed.*

Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community Water Rights Settlement Act of 2012 - Approves the Fort Belknap Indian Community-Montana Water Rights Compact, except to the extent that it conflicts with this Act.

Directs the Secretary of the Interior to execute the Compact once it is approved by the Fort Belknap Indian Community (Community), which is composed of the Gros Ventre and Assiniboine Tribes and their members and allottees.

Requires the United States, the Community, and Montana to petition the Montana Water Court to approve a decree, identified as Appendix 1 to the Compact, that has been agreed to by those parties. Voids approval of the Compact if the decree is not approved within five years of its being filed in court.

Requires the tribal water rights to be held in trust by the United States for the Fort Belknap Indian Community and its allottees.

Requires the Community to enact, and secure the Secretary's approval of, a Tribal Water Code to regulate tribal water rights.

Allows the Community, with the approval of the Secretary and Montana, to transfer temporarily certain portions of the tribal water rights for use off the Fort Belknap Reservation within the Missouri River Basin. Prohibits the term of such transfer agreements from exceeding 100 years, though the agreement may provide for the renewal of the transfer for an additional term of up to 100 years.

Directs the Secretary to provide Pick-Sloan Missouri River Basin Program pumping power, at preferred rates, to up to 27,000 net acres under irrigation pursuant to Community projects.

Directs the Secretary to identify and, with tribal approval, implement alternatives to resolve any conflict between the Milk River water rights of the Blackfeet Tribe and the Community in a manner that ensures the full allocation of each tribe's water rights under each tribe's compact.

Requires the Secretary to: (1) negotiate with Montana for the transfer of specified parcels of state land located on and off the Fort Belknap Reservation for federal land; (2) transfer to the United States, to be held in trust for the Community, specified parcels of federal land; and (3) transfer federal land for private land within or adjacent to the Fort Belknap Reservation with the owners consent.

Holds the transferred state and private lands in trust for the Community.

Allocates to the Community 20,000 acre-feet per year of stored water from Lake Elwell.

Authorizes the Community to enter into leases or other agreements for the use of that water, provided its use occurs within the Missouri River Basin and the agreement does not permanently alienate the allocation.

Directs the Secretary to provide the Community with assistance in planning, developing, and constructing Reservation water projects.

Directs the Commissioner of Reclamation to modify the operating procedures of the Milk River Project to ensure that the Fresno Reservoir is operated in accordance with the Compact.

Directs the Secretary to make such modifications to the federally owned facilities of the Milk River Project as are necessary to satisfy applicable Compact mitigation requirements.

Requires Montana to use certain of its own funds and certain federal contributions to fulfill its obligations under the Compact and this Act to mitigate the Milk River Project.

Establishes the Fort Belknap Indian Community Settlement Fund in the U.S. Treasury. Directs the Secretary to establish in the Fund: (1) the Fort Belknap Indian Community Tribal Land and Water Rehabilitation, Modernization, and Expansion account; (2) the Fort Belknap Indian Community Water Resources and Water Rights Administration, Operation, and Maintenance account; (3) the Fort Belknap Indian Community Tribal Economic Development account; and (4) the Fort Belknap Indian Community Water and Wastewater Rehabilitation and Expansion account. Makes appropriations to these accounts.

Authorizes the Community to withdraw amounts in the Fund upon the Secretary's approval of a tribal management plan. Requires the Community to receive the Secretary's approval of a expenditure plan for Fund amounts that are not being withdrawn to carry out this Act.

Requires the Secretary to request Montana to pay a specified amount to contribute to the design and construction of the Peoples Creek Reservoir.

Provides for the waiver and release by the Community of water rights claims against Montana and the United States in return for recognition of the tribal water rights and other benefits provided under the Compact and this Act.

Absolves the United States from liability for any failure to carry out any obligation or activity authorized by this Act if adequate appropriations are not provided expressly by Congress to carry out the purposes of this Act in the Reclamation Water Settlements Fund or the Emergency Fund for Indian Safety and Health.

## **Actions Timeline**

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- **May 21, 2012:** Introduced in Senate
- **May 21, 2012:** Sponsor introductory remarks on measure. (CR S3330-3331)
- **May 21, 2012:** Read twice and referred to the Committee on Indian Affairs.

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