

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER No. 16-2018**

**EXECUTIVE ORDER TRANSFERRING ADMINISTRATIVE JURISDICTION OF THE
MILLTOWN SITE REAL PROPERTY AND MILLTOWN SITE WATER RIGHTS
FROM THE NATURAL RESOURCE DAMAGE PROGRAM TO THE DEPARTMENT
OF FISH, WILDLIFE AND PARKS.**

WHEREAS, on December 16, 2010, the State of Montana, as Grantee, acquired the Milltown Site Real Property and the associated Milltown Site Water Rights in part as compensation for restoration activities at the Milltown Site under the Milltown Site Consent Decree, CV89-039-BU-SEH, entered in February 2006;

WHEREAS, the Montana Department of Justice was the acquiring state agency on behalf of the State of Montana in care of its Natural Resource Damage Program;

WHEREAS, the Montana Department of Justice, the Department of Fish, Wildlife and Parks, and the Department of Natural Resources and Conservation are in agreement that the Milltown Site Real Property should be incorporated into the Milltown State Park, and that the Department of Fish, Wildlife and Parks should assume responsibility for management and administration of this property by the Parks Division for the benefit of the people of the State of Montana;

WHEREAS, on April 24, 2015, the ratification by the Montana legislature of a water rights compact between the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana, the State of Montana, and the United States (“Compact”) became effective under state law (§ 85-20-1901, MCA); and


WHEREAS, upon that date, the Department of Fish, Wildlife and Parks became owner of a certain Milltown Site Water Right, specifically Water Right 76M 94404-00, which was subsequently split into water rights 76M 94404-01 and 76M 94404-02, with an instream fishery designated purpose.

NOW, THEREFORE, I, STEVE BULLOCK, Governor of the State of Montana, pursuant to the authority vested in me under the Constitution and the laws of the State of Montana, Title 2, Chapter 15, MCA, and under other applicable statutes, do hereby approve and direct the transfer of administrative jurisdiction of the Milltown Site Real Property (as described in Exhibit A hereof) and appurtenant water rights, and including the Milltown Site Water Rights not otherwise transferred (as described in Exhibit A hereof), from the Montana Natural Resource Damage Program to the Department of Fish, Wildlife and Parks. Any portions of the Milltown Site Real Property under the jurisdiction of the Montana Department of Natural Resources and Conservation, such as the bed of the Clark Fork River, remain under the jurisdiction of that Department.

This Order is effective immediately.



GIVEN under my hand and the GREAT SEAL of
the State of Montana this 16th day of
JUNE, 2018.



STEVE BULLOCK, Governor

ATTEST:



COREY STAPLETON, Secretary of State

Exhibit A

Legal Description of Real Property

TRACTS OF LAND LOCATED IN NE $\frac{1}{4}$ SE $\frac{1}{4}$ AND SE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 20, THE W $\frac{1}{2}$ OF SECTION 21, THE N $\frac{1}{2}$ OF SECTION 28, THE NW $\frac{1}{4}$ AND THE S $\frac{1}{2}$ OF SECTION 27, AND THE NE $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 34, ALL IN TOWNSHIP 13 NORTH, RANGE 18 WEST, P.M.M., MISSOULA COUNTY, MONTANA, BEING MORE PARTICULARLY DESCRIBED AS TRACTS 1, 2, 3 AND 4 OF CERTIFICATE OF SURVEY NO. 5753.

LESS AND EXCEPTING A TRACT OF LAND BEING A PORTION OF TRACT 1 OF CERTIFICATE OF SURVEY NO. 5753 LOCATED IN THE SE $\frac{1}{4}$ NE $\frac{1}{4}$ AND NE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 20, TOWNSHIP 13 NORTH, RANGE 18 WEST, P.M.M., MISSOULA COUNTY, MONTANA, BEING MORE PARTICULARLY DESCRIBED AS TRACT 1 OF CERTIFICATE OF SURVEY NO. 6141.

Legal Description of Water Rights

76F 30850 00

76M 94405 00

76M 94406 00

76F 94407 00