

January 6, 2014

Governor Steve Bullock  
P.O. Box 200801  
Helena, MT 59620-0801

Attorney General Tim Fox  
P.O. Box 201401  
Helena, MT 59620-1401

Dear Governor Bullock and Attorney General Fox,

As Flathead Irrigation District farmers and ranchers, as irrigators who make their living from the land, we have some grave concerns about the misinformation that is circulating about the proposed Water Use Agreement and the Flathead Reservation Compact.

Every legal water right has four attributes—a point of diversion—a place of use—a flow rate—and a priority date, or date of appropriation. Of these, the last—priority date, is most important, especially in times of drought. Under western water law, 100% of the senior water right must be satisfied before water can be released to a junior right. There is no sharing of water shortages between junior and senior rights. In times of drought, that means that junior rights may not receive any water at all, depending on the available supply.

In the Klamath River Basin in southern Oregon, a negotiated settlement was reached several years ago that provided for water and sharing in times of shortages between junior and senior water rights involving irrigation districts and the Klamath Tribes. Other irrigators refused to participate in the negotiated settlement, however. This year, the irrigators with the negotiated settlement are receiving water and the irrigators who refused to negotiate are having 'calls' placed on their water, which means they cannot irrigate because the water they are using needs to satisfy the senior Indian water right. According to news articles, this involves at least 58,000 acres of irrigated land.

We do not want that to happen here, on the Flathead Indian Irrigation Project or on the Flathead Indian Reservation. We believe the proposed Water Use Agreement and the Flathead Reservation Compact should be approved and implemented by the State of Montana, the U.S. and the CSKT.

The FJBC spent millions litigating instream flows in the late 1980's and early 1990's. The FJBC lost. We believe the FJBC will lose again and we do not want to pay for more litigation. We do not want to pay for increased pumping costs which may approach \$6.00-\$7.00 per acre after 2015. We do not want to lose the benefits of a secure supply of irrigation water guaranteed by the water use agreement. We do not want to lose the benefits of state and federal dollars fixing our irrigation project.

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State Tribal Relations Committee  
April 28, 2014  
EXHIBIT20

We would like to address and rebut some erroneous claims being promoted by Compact opponents:

First, the Compact does not allow CSKT control of all the water in western Montana, or even on the Flathead Indian Reservation. In fact, simply reading the proposed Water Use Agreement and Compact proves that to be a false claim. The Compact clearly states that Montana will administer all off reservation water, including water rights co-owned between the CSKT and Montana and water rights held by the CSKT. The Water use agreement clearly states that private and secretarial water rights are not included in the Agreement or Compact and that the Montana Water Court will adjudicate those claims. Finally, The CSKT also do not have unilateral jurisdiction on the Flathead Reservation, either. The Compact sets up a six member board, with five voting members to oversee administration of water rights and permits on the Reservation. Only two of these six members are appointed by the CSKT. Does this sound like the CSKT will have unilateral control of water in western Montana? No.

Second, the Water Use Agreement provides a good, secure water supply for irrigators, including a mechanism for irrigators to continue to receive extra duty water. This provides Flathead Project irrigators with a reliable supply of water, without any litigation costs and also provides large amounts of state and federal dollars to improve the irrigation project. These are dollars that irrigators will not have to raise themselves to affect much needed repairs.

Third, there is no provision in the Water Use Agreement or Compact that allows the CSKT to monitor or meter wells. The Unitary Management board may require meters on new large wells, as is done in other areas of the state, but that is for the protection of existing small wells, as is done in other areas of the state.

Fourth, the Compact specifically provides a mechanism not only for the protection of existing water uses, such as all the wells that have been drilled since 1996 without any permits, but also provides for the development of future uses, including new wells. These Compact provisions virtually mirror Montana law. The Compact and Water Use agreement provide certainty and security that is now lacking, without spending millions of dollars in litigation costs.

Governor Bullock, we respectfully request your support for the Flathead Reservation Compact to be addressed in a special session of the Montana legislature. We cannot afford the alternative.

Signed\*\*:

Duane Weible, Charlo  
Paul & Sharon Guenzler, Ronan  
Chris Hertz, Charlo  
Jack Horner, Ronan  
Roger Starkel, Ronan  
Ken & Gina McAlpin, Ronan  
Randa McAlpin, Polson  
Cody and Libby Sherman, Ronan  
Ken Cornelius, Ronan

Ed Starkel, Polson  
Larry & Dee Coleman, Coleman Angus, Charlo  
Harley & Sharon Coleman, Charlo  
Chuck & Doris Stipe, Moiese  
Larry & Anita Coleman, Charlo  
Roy & Evelyn Lake, Ronan  
Jack & Susan Lake, Ronan  
Harold & Pat Hughes, Valley View  
Dave Stipe, Charlo  
Kathy Emerson, Ronan  
John Bartel, Ronan  
Russ & Joan Sherman, Ronan  
Ralph Salomon, Ronan  
Dan Salomon, Ronan  
Steve Hughes, Polson  
David Morigeau, Ronan  
Haack Family Farms, Polson  
Susie Aders, Polson  
Jim Smith Family, Ronan  
Tomi & Jeff Clairmont, Ronan  
Jamie & Craig Cornelius, Ronan  
Zon Lloyd, Ronan  
Dean Wang, Charlo  
Danny Krantz, Charlo  
Paul Wadsworth, St. Ignatius  
Scott Wadsworth, St. Ignatius  
Pat Salomon, Polson  
Mark Jackson, Ronan  
Robert Sterling Trust B, R.A. Sterling, Trustee, Polson  
Rory & Jan Schauss, Ronan  
Karen & Daniel Ryan, Ronan  
Barry Baker, Ronan  
Joel Clairmont, Polson & Helena  
Mac (James) Binger, Polson  
Greg & Lyn Gardner, Polson  
Bob & Kathy Smith, Ronan  
Northwest Holdings, L.L.C., Polson  
Dennis Duty, Polson  
Corey & Carrie Guenzler, Hot Springs  
Jack & Claudia McReady, St. Ignatius  
Troy & Tonya Truman, Charlo  
Dianne Lerwick, Albin, WY  
David Lake, Polson  
Daniel Lake, Polson  
Tim Lake, Polson  
Pat Lake, Polson

Leroy Hoversland, Ronan  
Joseph F. Stiley, Ronan  
Mandy M. Tupin, Ronan  
Theresa Wall-McDonald, Ronan (non-district)  
Thomas R. McDonald, Ronan (non-district)  
Raymond C. & Mary J. Carl, Ronan (non-district)  
Ken Matheny & Sandy Moore, Ronan  
Cory Symington, Ronan  
George & Nancy Delie, Ronan  
Trent & Melissa Coleman, Charlo  
Thompson Smith & Karen Stallard, Charlo  
Ninepipes L.L.C., Charlo  
Rick & Kathy Woodruff, Charlo  
Eileen McMillan, Ronan  
Florence P. Saloane, Ronan  
Bill & Lorna Kolstad, Ronan  
Rodney & Martha Hyvonen, Charlo  
Wayne & Louise Billings, St. Ignatius  
Cort Potter, Charlo  
Vern & Barbie Stipe, Charlo  
Nick J. & Martin J. Herak, Charlo  
Lawrence & Lorraine Cornelius, Ronan  
Marilyn Koester, Ronan  
Ann L. Fleming, Ronan  
Esther Bick, Charlo  
Pat & Neil Fleming, Ronan  
Doug Hahn, Ronan  
Marion Hahn, Roy, Washington (Ronan area property)  
Jimmie & Donna Johnson, Ronan  
Agnes Wangerin, Ronan  
Rick & Marsha Giannini, Ronan  
Edward (Kent) Duckworth, Ronan  
Dick Vinson, Thompson Falls (non-district)  
Verlin & Marabeth Mintz, Charlo  
Judy Rasmussen. Carl Guenzler Retrieverland L.L.C., Ronan  
Sidney & Reba Turnquist, Ronan  
Doug & Kathy Crockett, Ronan  
Eugene Bilile, Ronan  
Janet Franz, Cheney, Washington (Charlo)  
Glenwood Farms North, Will & Jan Tusick, Polson  
Sigurd Jensen, Elmo (non-district)  
Paul Hunsucker, Polson  
Virgil & Barb Rinke, Ronan  
Paul Cullen, Ronan  
Valley View Charlais Scott & Buddy Westphal, Polson  
Gail & Jean Patton, Hot Springs

Ron & Carmel Couture, Ronan  
Bill Meadows, Trout Creek (non-district)  
John Salomon, Ronan  
Bob & Myrna Gauthier, Ronan  
Donald Olsson Jr., Ronan  
Curtis & Janette Rosman, Charlo (Mission & Flathead District)  
Krantz Family Limited Partners, Ronan  
Cynthia Gabriel, Charlo  
Oliver & Lois Dupuis, Polson  
Kendall & Linda Dupuis, Polson  
Lila Nelson Normandeau, Ronan  
Paddy Trusler, Polson  
Scott & Debbie Lund, Ronan  
Dave Robbins, Triple D Ranch, Ronan  
Bud & Ramona Lynch, Ronan  
Moiese Valley Ranch, L.L.C., Charlo  
Ninepipe Ranch L.L.C., Missoula (Non-District)  
Post Creek Springs, Ltd., Missoula (Flathead District)  
Dave & Jeanette Dutter, Flathead District  
Frances E. & Kay Rollins, St. Ignatius (Flathead District)  
Ernest & Kristi Foust, Charlo  
Hector Speckert, Polson

**\*\*These farmers and ranchers and landowners operate more than 45,000 acres of land on the Flathead Indian Irrigation Project**