

RESERVED WATER RIGHTS COMPACT COMMISSION



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August 30, 2013

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SEP 10 2013

Ravalli County Commissioners

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Senator Chas Vincent
Chair, Water Policy Interim Committee
Legislative Services Division
PO Box 201704
Helena, MT 59620-1704

Dear Chairman Vincent and Committee Members,

After consultation with the Governor's office, on behalf of which the Commission negotiates, we have decided to delay submittal of the report on the CSKT Compact directed by the Governor's veto letter for SB 265. Given the uncertain status of the Flathead Joint Board of Control (FJBC), and by association of the Flathead Indian Irrigation Project (FIIP) Water Use Agreement, we believe that the report should be delayed until after September 15, when at least some of the issues surrounding the legal status of the FJBC should be clarified.

Release of the report before more is known about this situation would be premature, as protections for Project irrigators are a vital component of the proposed settlement. Once the status and future of the FJBC is somewhat clearer, the Commission can more effectively consider and analyze the various options for these protections going forward. This will also allow the Commission to receive a meaningful response to its request for input from the FJBC—a response that was specifically contemplated by the Governor's directive but has yet to be received.

Over the last month, Governor Bullock and Attorney General Fox have received letters from FIIP farmers and ranchers who are dependent on the land and irrigation water for their livelihoods and who support the proposed settlement. As of today's date, these farmers and ranchers collectively represent more than 47,000 irrigated acres of land within the Flathead, Mission, and Jocko Districts within the FIIP. These letters have been submitted to the Governor and Attorney General on a weekly basis as additional signatures are added. This effort will also be taken into account and reviewed in the forthcoming report.

The Commission intends to have the report released publicly this fall. This will allow the public, the Committee, and other interested parties ample time to digest the report before the next meeting of the Committee. In the meantime, Commission staff will continue to review and incorporate into the report responses to additional comments as they are received.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Tubbs".

John E. Tubbs
Director, DNRC