

RESERVED WATER RIGHTS
COMPACT COMMISSION



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MEMO

TO: Commission Members
FROM: Marcia Rundle, Attorney/Program Manager
DATE: March 20, 1987
RE: Legislative Hearings

Marcia

Senator Galt, Vice-Chairman Tweeten, Gordon McOmber, and myself have attended hearings on SB92 and HB770, as well as the budget hearings in the House Subcommittee on Natural Resources and the full Appropriations Committee. Notice was given to the tribes and the federal government as to the hearings on SB92 and HB770; no notice was given on the budget hearings.

SB92

The Senate Committee meeting on SB92 was held in the Senate Natural Resources Committee on January 28, 1987. Testimony in favor of the extension of the Compact Commission was given by Senator Stimatz, who carried the bill for the Water Policy Committee; Chairman Galt, Vice-Chair Chris Tweeten, and former chairman Gordon McOmber for the Compact Commission; Larry Fasbender for DNRC; Bob Delk for the Bureau of Indian Affairs; Micky Pablo and Dan Decker for the Confederated Salish and Kootenai Tribes; Daryl Wright for the Chippewa-Cree Tribes of Rocky Boy's; Randy Perez for the Fort Belknap Water Policy Team; Dan Hoven and Alan Mikkelsen for the Joint Board of Control of the Flathead Irrigation Districts; and Jo Brunner for the Water Development Association. There were no opponents.

Mr. Hoven and Mr. Mikkelsen offered qualified support for the legislation and requested deferral of any action until they met with the RWRCC. They explained that the Joint Board wished to offer amendments to SB92 that would include the irrigators in the process.

Copies of the written testimony that was submitted is attached. The Committee approved the bill two days later without amendment. It was approved by the full Senate and transmitted to the House later that week.

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The hearing in the House Judiciary Committee was held on March 19, 1987. The following persons testified in support of SB92: Senator Stimat for the Water Policy Committee; Senator Galt and Chris Tweeten for the Commission; Dan Decker for the Confederated Tribes; Jo Brunner for the Water Development Association; Laurents Grosfield for the Montana Association of Conservation Districts; and Claudia Massman for the Environmental Information Center. Also, I reported to the Committee that the Fort Belknap and Rocky Boy's Tribes had indicated that they would not attend, as they had testified in the Senate, but that they would send written testimony, and that the Crow and the Northern Cheyenne requested that we inform the Committee that they supported the legislation. There were no opponents. The Committee took executive action immediately and approved SB92 with one representative opposed.

HB770

HB770, drafted at the request of Rep. Spaeth for the Joint Board, was sponsored by Rep. Al Meyers and Sen. Dick Pinsoneault. As the representatives of the Joint Board had indicated in the Commission meeting on January 28, 1987, the legislation authorized the Commission to negotiate with political subdivisions and public corporations of the state claiming federal reserved water rights. The Commission did not have a meeting before the hearing and took no position on the legislation.

The hearing was held in the House Natural Resources Committee on February 18, 1987. The following persons testified in support of the bill: Dan Hoven, Chuck Stipe, Roger Dietrick, and Fritz Whiplinger for the Joint Board; and Jo Brunner for the Water Development Association. Opponents who testified were Richard Whitesell, Area Director for the BIA; Micky Pablo and Dan Decker for the Confederated Salish and Kootenai Tribes; Clay Smith for the Montana Attorney General; Tommy Roundface for the Crow Tribe; and Bud Musgrove for the Fort Belknap Tribes. Chris Tweeten reported to the Committee that the Commission did not have a position on the bill and responded to questions from the Committee members.

The bill was tabled in committee two days later at the request of the sponsor, Rep. Meyers.

Chairman Pablo called several weeks later asking about the enclosed clipping. I told him that the Commission had not met since January 28, 1987, when he and Mr. Decker were present.

Budget Hearings

The House Subcommittee on Natural Resources considered the Commission's proposed budget as a modified line-item in the DNRC budget. Senator Galt, Vice-Chairman Tweeten and myself testified at the hearings. The budget was approved as proposed.

The full House Appropriations Committee also approved the budget for the Commission as proposed. However, budget amendments have been approved for other portions of the adjudication process. As of today, it appears that HB2 will include an amendment reducing the DNRC budget for the adjudication program by approximately \$500,000 per year. In addition, it appears that the budget for the Water Court will be reduced by approximately \$75,000 for the biennium.

A prior amendment to reduce the Water Court budget by half was adopted and then reconsidered, as part of a compromise that included an addition to the budget of the Water Policy Committee of \$100,000 to contract with a disinterested water law expert to analyze the adjudication process.