

EXHIBIT 5  
DATE 1/19/05  
HB 6, 8

**Sweet Grass Canal &  
Reservoir Co. Inc.**

Ralph Cosgriff, President  
1029 Otter Creek Road  
Big Timber, Montana 59011

January 19, 2005

Chairman Wells  
Long Range Planning Appropriations Subcommittee HB6  
General Legislature  
P.O. Box 201706  
Helena, Montana 59601

Re: Middle Glaston Reservoir Feasibility Study submitted by Sweet Grass County  
Conservation District

Dear Chairman Wells:

The Sweet Grass Canal & Reservoir Co., Inc. owns and operates a system of canals and reservoirs in Sweet Grass County that store water diverted from Sweet Grass Creek in off-stream reservoirs for irrigation. Our Upper and Lower reservoirs have a combined storage capacity of approximately 23,000 acre-feet. The system was begun in 1906 and has been in full operation since 1911.

The Sweet Grass Canal & Reservoir Co., Inc. believes that the capacity of our system to divert and convey water from Sweet Grass Creek to our reservoirs is insufficient to accommodate any new use that exceeds current water rights.

We can not support a project that envisions a greater burden upon our system.

Sincerely,

  
Ralph Cosgriff,  
President

RC/cdm

January 17, 2005

Joint Appropriations Subcommittee for Long Range Planning

RE: Middle Glaston Reservoir Feasibility Study

Dear Chairman Wells and members of the Subcommittee on Long Range Planning:

My name is Jerry Iverson. I own a small ranch (520 acres) near Big Timber, including 1000 feet of Sweet Grass Creek. I am also representing my neighbor and employer, Roy Jackson. Mr. Jackson owns over 4 miles on either side of the Sweet Grass, and has 1894 water rights.

I am writing in opposition to the Middle Glaston Reservoir Feasibility Study. Please deny the funding of this study for these reasons:

First, Sweet Grass Creek is already significantly impacted by two Glaston Lakes. Since 1912, these large off-stream storage reservoirs have diverted much water out of Sweet Grass Creek Basin and into Otter Creek Basin (inter-basin transfer). The proposed Middle Glaston Reservoir would be a cumulative impact and would further reduce the natural flow of Sweet Grass Creek.

Second, a gauging station near the point of diversion for the proposed Reservoir provided flow data for 45 years. We know how much water went by that gauging station during those years. The proponents of the new Reservoir are planning to take 40% of the high water on an average year. On years of low flow, they may need to take all the high water to fill the Reservoir.

High water has value for downstream beneficial users:

- regenerates willow and cottonwood bottoms
- recharges the adjacent aquifers
- scours the river bottom for fish spawning
- provides for fish migration from the Yellowstone River

Third, the proponents of the new Reservoir intend to divert cold runoff water in late May and release it to the creek in late August. As the water sits in the hot sun for three months, I am concerned that it will increase in temperature and grow undesirable aquatic life. When released, this stored water has potential to harm the fisheries and recreational opportunities.

Nearly all your grant requests are for maintaining or improving existing facilities that have proven their worth to the local communities. The Middle Glaston Reservoir is only a pipe dream that, I believe, would cause harm to downstream beneficial users.

Please do not fund the Middle Glaston Reservoir Feasibility Study.

Thank you for this opportunity to comment.

Sincerely,



Jerry Iverson 1270 Lower Sweet Grass Road Big Timber, Mt. 59011

15 January 2005

Joint Appropriations Subcommittee  
for Long Range Planning  
Room 350  
Montana State Capitol  
Helena, Montana

We are unable to attend the planning meeting to testify about the renewable resource grant application for the Middle Glasston feasibility study for the Sweet Grass Creek (Sweet Grass County, MT), and are writing this letter to make our opinions known.

We feel very strongly this grant application should not be allowed at this time. Over the last several months, many, many questions have come up which ought to be answered BEFORE the grant application is made. There is much contention which needs to be addressed. A number of water users have not been heard from, some have not been listened to. We have been told repeatedly the Glasston Lakes group will NOT allow this project. We do not have confidence in the ability of the researcher thus-far assigned to the study to maintain an unbiased viewpoint. He has made it clear several times he supports a "side."

We also think the threats made to disallow opposition testimony indicates we have a long way to go before we are ready for this grant.

Thank you for your consideration. If you have questions about this letter, please call us at 932-6502.

Sincerely yours,



Kathy and Lyle Jones  
Lone Indian Ranch  
858 Lower Sweet Grass Road  
Big Timber, Montana 59011

January 17, 2005

To: Joint Appropriations Subcommittee for Long Range Planning

My name is Keith Goodhart. I am a resident of Sweet Grass County and have worked on sheep and cattle ranches on the lower Sweet Grass Creek for 25 years. I have been raising sheep on my own place for the last fifteen years and I use irrigation water out of Sweet Grass Creek.

I am opposed to funding for the Sweet Grass Conservation District's Middle Glasston Reservoir Feasibility Study for the following reasons:

1) The Sweet Grass Creek Water Users does not have a charter or a structure to plan for the future. It was hastily formed in response to concerns about the drought. This group needs to more effectively manage the water they already have before asking the taxpayers of Montana to fund this study for off stream storage.

2 The proposal of an upstream reservoir greatly concerns me since the Sweet Grass Creek runs through the middle of my property. Any major diversion of the creek could affect the value of my land in terms of aesthetics, recreation and agriculture.

3) The plan for the proposed reservoir is contingent upon the approval of another water user group and other landowners; this complication has not yet been addressed or negotiated by the Sweet Grass Water Users.

It may seem odd for a rancher who relies on irrigation to be opposed to off stream water storage, but I'm not sure we need it. Last summer, during our seventh year of drought, there didn't seem to be a shortage of water for users on this creek. That makes me wonder if this project will be worth the cost.

I don't think this study should be funded until the Sweet Grass Water Users Group is more cohesive and has laid better groundwork for its request.

Thank you for your consideration.



737 Lower Sweetgrass Rd  
Big timber 59011

Box 63  
Greycliff, Montana 59033  
January 17, 2005

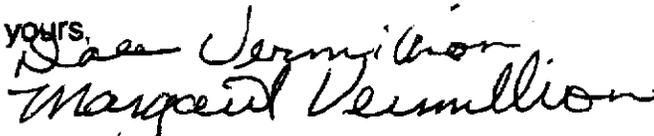
To whom it may concern,

My wife and I own property at the mouth of the Sweet Grass Creek which we bought in 1972. As such, we own a portion of the oldest or most senior water right on Sweet Grass Creek, as well as the second most senior right and several others.

Currently a feasibility study is being proposed for off stream storage on Sweet Grass Creek. We feel that this would not benefit us in any way but we would be expected to help pay for it anyway. Because of this, we are opposed to the feasibility study as currently proposed.

We would, however, support any study into the hydrology of the creek, the natural flow of waters in the creek and its aquifer, and how pivot irrigation and other projects would affect the natural flow of this water.

Sincerely yours,



Dale and Margaret Vermillion

1-16-05

Wendell Peterson

The Joint Appropriations  
Subcommittee for  
Long Range Planning

My name is Kathleen Peterson.  
I live on the Lower Sweet Grass.  
The Peterson family have lived on  
Lower Sweet Grass since 1880.

I would like to voice my  
opposition to the Middle Houston  
Reservoir Feasibility study. I am  
concerned about the proposed same impact  
on the Sweet Grass Creek. I ask you  
to deny this request.

Kathleen Peterson

Re: Middle Glaston Reservoir

We are not in favor of anything that would jeopardize our current water rights or the well-being of Sweet Grass Creek. We also don't want anything that will cost us more money.

~~Jim Langford~~  
Dickie Langford