

EXHIBIT 4
DATE 1.21.05
HB 236

**Testimony On HB 236
Before the House Committee on Natural Resources
January 21, 2005**

Chairman Peterson, members of the Committee, my name is Gerald Mueller. I live at 440 Evans Ave. in Missoula. I appear before you on behalf and at the direction of the Clark Fork Basin Task Force in support of HB 236.

The purpose of this bill is to extend the mandate of the Clark Fork River Basin Task Force and to charge it with specific tasks including:

- Monitor implementation of the *Clark Fork River Basin Watershed Management Plan*;
- Refine and expand the *Plan* as appropriate;
- Identify short-term and long-term water management issues and problems and alternatives for resolving them; and
- Identify data gaps regarding basin water resources, and especially groundwater.

This bill also provides that Task Force members serve two year terms that may be repeated.

The Task Force was originally authorized by HB 397 passed by the 2001 Montana Legislature. HB 397 mandated that the Task Force prepare by September 2004 a water management plan for the Clark Fork River basin including recommended strategies for increasing the security of basin water rights, for providing for the orderly development of water in the basin, and for conserving the basin's water resource. The Task Force complied with this charge by presenting to the governor and legislature the *Clark Fork River Basin Watershed Management Plan* within the statutory deadline. Significantly, the *Plan* recommended a method for addressing the issue which stimulated its creation, the constraint that the basin's hydropower water rights pose to new basin water development and to continued water use by users with water rights junior to the hydropower water rights. The *Plan* recommends that the State of Montana enter into negotiations with the US Bureau of Reclamation to determine the availability and cost of contract water stored behind Hungry Horse Reservoir that might be used for future development in the basin while increasing the security of existing water rights including those of the hydropower utilities. HJ3, which would implement this recommendation, has unanimously passed the House Committee on Federal Relations, Energy, and Telecommunications.

The Director of the DNRC has reviewed the *Plan* recommendations and her decision on incorporating many of them into the State Water Plan pursuant to 85-1-203 MCA is pending.

If the *Plan* has been adopted and many of its recommendations may be incorporated into the State Water Plan, why should the Task Force be extended?

First and foremost, the Clark Fork River basin is one of the fastest growing areas of the state, and this growth is putting increasing pressure on the basin's water resources. The Task Force is the only entity within the basin that can negotiate water quantity issues among the competing basin interests in a comprehensive fashion. In addition, there are three other important reasons to continue the Task Force. First, a plan is not the same thing as actions to increase the security of

Clark Fork Task Force
That Developed the *Clark Fork Watershed Management Plan*

Name	Organization	Area/Interest Represented
Marc Spratt	RLK Hydro & Flathead Conservation District	Flathead Basin above Flathead Lake
Steve Fry	Avista	Hydropower Utilities
Holly Franz	PPL Montana	Hydropower Utilities
Matt Clifford	Clark Fork Pend Oreille Coalition	Conservation/Environment
Phil Tourangeau	Confederated Salish and Kootenai Tribes	Indian Tribes
Gail Patton	Sanders County Commissioner	Basin Local Governments
Eugene Manley	Granite County	Basin Local Governments
Jay Stuckey	Green Mountain Conservation District	Clark Fork River Watershed below Flathead River confluence
Elna Darrow	Flathead Basin Commission	Flathead Lake
Bill Slack	Joint Board of Control of the Flathead Irrigation District	Flathead River watershed below Flathead Lake to the confluence with the Clark Fork River
Harvey Hackett	Bitter Root Water Forum	Bitterroot River watershed
Fred Lurie	Blackfoot Challenge	Blackfoot River watershed
Jim Dinsmore	Granite Conservation District & Upper Clark Fork River Basin Steering Committee	Clark Fork River watershed above Milltown Dam
Rep. Verdell Jackson <i>Ex Officio</i>		

basin water rights, provide for the orderly development of water in the basin, and conserve the basin's water resource. Plans require implementation. The Task Force is uniquely suited to participate in or oversee the negotiations to secure a block of Hungry Horse water to benefit basin water users and other activities necessary to implement the *Plan*. Second, two years was not enough time for the Task Force to address all of the basin's water issues. Developing a water depletion model for the basin and understanding how ongoing development is and will affect aquifer capacity are examples of outstanding issues. Third, the Task Force consists of water users, broadly representative of the range of the basin's geography and water interests. These water users all of whom volunteer their time have learned much about the basin's water resource and water interests. It is in the best interests of the state to continue to build on the Task Force's experience and expertise to refine and expand the *Plan* and oversee its implementation.

Continuing the Task Force would require funding. The Task Force has prepared a \$25,000 annual budget for the coming biennium to provide for its meeting expenses including facilitation and per diem for Task Force members and to fund *Plan* implementation activities. These funds have been included in the DNRC budget by the House Appropriations subcommittee on Natural Resources. The source of these funds is the Resource Indemnity Trust, not Montana's General Fund.

Attached to this testimony is a list of the Task Force members.

We respectfully urge this Committee to act favorably on HB 236.

Thank you.