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Hydrology, Engineering and Environmental Consulting

January 21, 2005

Testimony on House Bill 236 "An Act making permanent the Clark Fork River Basin Task Force".

Mr. Chairman, committee members. Thank you for the opportunity to present testimony on this significant legislation. I am Marc Spratt, a member of the Clark Fork Basin Task Force representing the Flathead Conservation District and the Upper Flathead Basin.

On behalf of the Flathead Conservation District, we respectfully request your favorable action on this bill. We have no other entity charged with coordinating the various appropriations of water within the Clark Fork Basin, that includes the Flathead Basin and such is direly needed. We have many competing users and to many peoples surprise, a limited supply of water. A Water Management Plan for the basin has been assembled and presented to the legislature after only two years work. The Plan should be labeled preliminary – but in truth a plan of this magnitude by its very nature is dynamic. It requires adjustment as conditions change and new information is obtained. Hence the Task Force must continue to revise the plan in light of changing conditions and new information.

A few years ago, I was Director of the Flathead Drainage 208 Project. Somewhat as now, the 208 Project (a committee of volunteers from through^{out} the basin) was charged with preparing a plan, in that instance a water quality plan, in two years for the entire Flathead Basin. The process was very successful because after writing and adopting the plan including much public comment, the 208 Project then worked for a number of years on implementation of the recommendations. As a result nearly every recommendation in the plan was implemented. In my opinion, Plans are only as good as the implementation process that follows.

With respect to the Clark Fork Basin, we have enormous issues that have local, State, and regional roots. The Plan merely scratches the surface of those issues. Many difficult issues have only been recognized by the Task Force. We need to continue to try to craft solutions to these

difficult issues so that water is available for existing and future users. These efforts require significant debate, both to understand the issue and then to find a solution that solves the problem. The Task Force provides an ideal arena for this debate.

From a broad stroke perspective, the collision of competing uses was inevitable. Depending on your point of view, most of the water in the basin may have been allocated under the Hell Gate Treaty of 1855. Based on water right records, all of the flow in the Clark Fork may have again been allocated by 1930 or so to agriculture, primarily for irrigation. By 1955, all of the water in the basin may have again been allocated to hydropower. In the face of this repeated allocation, there is no evidence that flows at the Idaho border have decreased over the 92 years of recorded flows. The Task Force is needed to unravel the tangled knot that this allocation process has created.

Then there are "other" interests. Management of our important native fisheries requires water, and apparently Montana water is necessary to manage downstream fisheries too, such as salmon. More important to Montana is management of our own native fishery – Bull Trout, Cutthroat Trout, and Grayling. The State of Washington is attempting to reserve up to 1.2 million ac-ft of water for future uses and it appears that that water may originate in Montana. We need the Task Force to make sure each of these uses gets their fair share.

On a different front, we have several entities that collect good hydrologic data – Montana Department of Natural Resources and Conservation, Montana Bureau of Mines and Geology, the Universities, U.S. Geological Survey, Natural Resources Conservation Service and others. We need to give them some guidance on which hydrologic information we need most and that is something the Task Force should do. Especially with regard to the critical interaction of groundwater and surface water.

Water is key to both the economic and environmental health of western Montana. The Task Force was created by the legislature in recognition of a problem, one that needed resolution but lacked definition. We have, at least some of, the definition and a few answers and respectfully request that you provide us the opportunity to continue our efforts to meet the needs of existing water users and provide water for future uses.