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To: Jim Peterson
Chairman Natural Resources Committee
House of Representatives
P.O. Box 200400
Helena, MT 59620-0400

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ELEMENT
DATE 1.24.05
HB 69

From: Craig White
P.O. Box 56
Gallatin Gateway, MT 59730

Re: HB-22, HB-69, HB 293

Dear Committee,

For the record I would like to express my opposition to the above bills for the following reasons:

HB-22, HB69

I am owner/operator of ranches outside Bozeman and have numerous water right interests that were decreed and adjudicated. The Montana Legislature in past sessions (see attachment) reduced funding and FTE's from DNRC for the adjudication process. Had funding been maintained we would be further along in this process. Since Montana as a whole benefits from the protection from downstream users of Montana's water, and reduced funding went into the General Fund; the money required should be returned from the General Fund to finance the adjudication process. I attended the June 7, 2004 Working Group committee on this very issue. Comments aired were against funding from taxes on water. I feel this could be a precedent for future taxation on an industry already suffering slim margins. Agriculture has no remedy to pass on these costs. , Where-as Municipalities, Utilities, Agencies do. Yet I don't believe they should be used as a vehicle for collecting taxes.

HB-293

The language change requested appears to be a back door approach to acquire easements under duress without compensation. I worked some years with Montana Power and never did I coerce people into granting access to their private property. I do not expect the Montana Legislature to codify this practice.

Thank-you for hearing me on this matter.

Sincerely,

Craig White

1/24/2005

Craig White

Excerpts from

**CHRONOLOGY OF MONTANA'S WATER
ADJUDICATION PROCESS, 1972-2003**

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Krista Lee Evans,
Research Analyst

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February 3, 1987	Legislative Joint Appropriations Subcommittee on Natural Resources cut \$500,000 per year from the adjudication program budget.
July 1, 1987	Effective date of reduced adjudication program budget. Staff was reduced from 37.72 FTE to 20 FTE for FY88 and FY89 with 13 FTE in regional offices.
Spring 1989	1989 Legislature increased the adjudication program budget by \$150,000 per year for FY90 and FY91. Staff was increased from 20 FTE to 27 FTE with 20 FTE in the regional offices.
July 1, 1993	1993 Legislature reduced adjudication staff from 27 to 23 FTE. The regional office staff was reduced from 20 to 17 FTE, and the Helena central office staff decreased from 7 to 6 FTE.
November 1993	Special legislative session reduced the adjudication budget and eliminated four regional office FTE. There were now 13 FTE in the regional offices. The total program staff was reduced from 23 to 19 FTE.

STATUS OF STATE ADJUDICATION AS OF DECEMBER 1, 2003

Final Decrees	6 basins	16,354 total claims
Preliminary Decrees	11 basins/1 subbasin	23,262 total claims
Temporary Preliminary Decrees	36 basins/2 subbasins	89,809 total claims
Active examination by DNRC	4 basins completed	3,774 total claims
Active examination by DNRC	13 basins/29,477 claims done	39,840 total claims
To be examined by DNRC	15 basins	46,379 total claims
TOTALS	85 basins/3 subbasins	219,417 total claims

TYPES OF DECREES

- Temporary preliminary decree (TPD) – issued in basins containing federal reserved water rights where a compact has not been concluded. TPDs contain all rights other than reserved rights being negotiated. In these basins, a preliminary decree will be issued as a second step in the process and will include all rights in the temporary preliminary decree along with all reserved rights in the basin.
- Preliminary decree – this is the first decree issued in basins that do not contain any federal reserved rights.
- Final decree – After all objections have been resolved, the Water Judge issues a final decree. On the basis of the final decree, DNRC will issue a Certificate of Water Right to each person decreed an existing water right.