

Testimony On HJ 3
Before the Senate Natural Resource Committee
March 2, 2005

SENATE NATURAL RESOURCES
EXHIBIT NO. 4
DATE 3/2/05
BILL NO. HJ3

Chairman Rouse, members of the Committee, my name is Gerald Mueller, and I live at 440 Evans in Missoula. I am the facilitator for the Clark Fork Basin Task Force. I appear before you on behalf and at the direction of the Task Force in support of HJ 3. The Task Force requested Representative Jackson to introduce this resolution because water now stored in Hungry Horse Reservoir may play a critical role in assuring the availability of additional water for the Clark Fork River basin's growing needs, while at the same time increasing the security of existing basin water rights.

The Task Force was created pursuant to HB 397 passed by the 2001 legislature. HB 397 directed the Task Force to write a water management plan for the Clark Fork River basin that would provide 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 directive when in September 2004 it submitted the *Clark Fork Watershed Management Plan* to governor and the legislature.

The Task Force that developed the *Plan* included representatives of the broad range of water users in the basin, including basin local governments, conservation districts, irrigation districts, watershed groups, the Salish and Kootenai Tribes, environmental organizations, and hydropower utilities. Rep. Jackson served as an *ex officio* member of the Task Force. A list of the Task Force members that developed the *Plan* is attached.

The *Plan* concludes that because of their size, priority date and location, the lower basin hydropower water rights pose a potential constraint both on junior water rights and on water available for future use in the basin, but the risk that these constraints will actually be imposed is unknown. To address this constraint, the *Plan* recommends that the State of Montana open discussions with the US Bureau of Reclamation to determine the availability and cost of contracting options and a quantity of firm water storage in Hungry Horse Reservoir for Montana uses other than hydropower.

Hungry Horse Dam is located on the South Fork of the Flathead River at the top of the Clark Fork basin. It is owned by the federal government and operated by the US Bureau of Reclamation. The water rights associated with this dam filed by the Bureau with the state claim the right to store 3.5 million acre feet of water to sell to water users for beneficial uses primarily within the State of Montana. To date, no contracts have been executed for this water so no sales have occurred. As a result, the Bureau has not yet established a price for the sale of this stored water. It appears, therefore, that water now stored behind Hungry Horse Dam may be available for new consumptive uses in the Clark Fork River basin. Because it would be stored water, its use for new consumptive uses would not conflict with the hydropower rights. Water released from Hungry Horse could also ameliorate the hydropower utilities' need to make a call on junior users, if the amount released equaled the amount consumed by the junior users. Water stored in Hungry Horse may also play a role in reaching a compact between the State and the Confederated Salish and Kootenai Tribes.

Unfortunately, this situation is complicated because of the constraints on the operation of the

Hungry Horse Dam imposed by this project's statutory purposes, such as flood control and hydropower generation, and by the Bureau's obligation to provide flows from this dam for salmon and steelhead stocks located downstream in the Columbia River basin that are listed under the Endangered Species Act. The Task Force believes that discussions between the State of Montana and the Bureau will be necessary to determine the amount and price of stored water available for Clark Fork water users. Directing the Department of Natural Resources and Conservation to enter into these discussions is the purpose of this Joint Resolution.

In closing, I should note that downstream states are already acting to increase their allocation of water from the Columbia River, to which the Clark Fork River is a tributary. The State of Washington alone is seeking an additional 1 million acre feet of water from the Columbia. Should these states succeed, their additional use may increase the demand on flows from Hungry Horse to the detriment of Montana water users. Montana needs to act promptly to secure Hungry Horse water to meet the needs of Clark Fork River basin water users. The Task Force therefore urges passage of HJ 3, and looks forward to working with the DNRC to facilitate discussions with the Bureau.

Thank you.

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>	