SENATE AGRICULTURE
EXHIBIT NO. 11
DATE 1-10-07
BILL NO. 187

Senate Bill 187
January 10, 2007
Presented by Robert Lane
Senate Agriculture, Livestock and Irrigation Committee

Mr. Chairman and committee members, for the record I am Bob Lane, Chief Legal Counsel, of Montana Department of Fish, Wildlife & Parks (FWP).

FWP supports the water rights compact between the United States Department of Agriculture's Fort Keogh Livestock & Range Research Laboratory and the State of Montana.

This Compact quantifies the existing and future reserved water rights of the Research Laboratory. In doing so, the compact helps define the status and certainty of all water rights in the basin.

FWP holds water rights in the Yellowstone River Basin for both instream flows and diversionary uses for state owned properties. FWP's specific concern is its water supply for the warm water fish hatchery in Miles City, Montana. The hatchery is located immediately east and adjacent to the Fort Keogh Livestock and Range Laboratory. The compact provides a level of protection for the water supply of the Miles City Fish Hatchery now operated by Department of Fish, Wildlife and Parks.

The bill before you includes language that allows for the development of ground water by the Research Laboratory but requires that this development not interfere with FWP's water rights that provide critical ground water supplies to the hatchery (Article III, Section C (2) (d) [Development of Future Uses]).