

Jerry Nypen Testimony

In support of SB 407

Hearing before Senate Agriculture, Livestock and Irrigation Committee
Tuesday, February 17, 2009, 3:00pm, Room 335, State Capitol

Mr. Chairman, and members of this committee, my name is Jerry Nypen from Sidney, Montana. I am the manager of 3 Montana irrigation districts on the Lower Yellowstone River between Glendive, Montana and the river's confluence with the Missouri River, North of Sidney and Fairview Montana. These districts are custodians of 3 Federal Reclamation Projects that total 39,000 acres. I represent them here today and they are in support of this bill.

I have been associated with the unique relationship between the Bureau of Reclamation and irrigation districts around the state of Montana since 1971. The purpose of these relationships is simple: To continue the operation, maintenance, repayment and other routines on Federal irrigation projects.

Congress established Reclamation Law that required local non-profit public water user entities, such as irrigation districts, to be established on its projects. It is of interest that water was first delivered to farms on the Lower Yellowstone Irrigation Project in 1909. Ironically, it appears that state provisions for irrigation districts were initiated in 1909.

The state established rules for creating irrigation districts and outlined how they are to function. Special language was written into many of the articles of Title 85, Chapter 7 to supply the tools for the irrigation districts to deal effectively within the Reclamation program.

Reclamation rules specifically require that a state court confirm that districts are authentic and that districts follow correct procedure prior to the execution of certain Federal contracts that supply water from Federal facilities and that transfer the features to the districts for care and maintenance.

If Title 85-Chapter 7-Article 1957 could also be interpreted that a local court become involved in the actual terms and conditions of the contract, then the language should be corrected. We don't believe that it was ever intended for Federal contract confirmation to be a convoluted process involving a local court.

Also it would be very inappropriate for the court to review contract articles to see if the United States followed Reclamation Law.

Senate Bill 407 supports a streamlined process in contract renewal. This is important so as to not interrupt the magnificent flow of benefits that they provide. As you know, revenues generated from our water resource developments explode directly into the local, state, regional, and countrywide economies. Believe me, this state is very fortunate, especially in these times, to have these projects, these economic pumps that benefit everyone.

Lower Yellowstone Irrigation District #1, Savage Irrigation District, and Intake Irrigation District support this bill. We ask this committee to support as well. Thank you.