

March 23, 2013

The Montana Reserved Water Rights Compact Commission (RWRCC) has been in negotiations with the United States, CS&KT and the state of Montana for approximately 5 years, as stated per Mr. Chris Tweeten, in his testimony at the HB 265 Committee hearing dated March 22, 2013. He claimed the meetings adhered to Open Committee Laws, which I have no doubt that may be true.

The Lake County residents (on reservation) were first made aware of a final proposed draft of the Flathead Indian Irrigation Project (FIIP) Water Use Agreement approximately May 31, 2012. In June, 2012, the RWRCC held their first public meeting in Ronan to explain the proposed FIIP Water Use Agreement and to field questions from the attending public, for which I was there. The initial FIIP Water Use Agreement released in May reflected that the public comment period deadline to be June 19, 2012. Through significant public outcry and petition, the deadline was extended until approximately July 2, 2012 and then extended one more time (date unknown).

Please note, the proposed Compact and the Unitary Management Ordinance was not yet made available for public review until sometime later in the year, approximately August 2012. The focus was squarely on the FIIP Water Use Agreement, which is the core piece of the entire Compact and which is only referred to as Appendix 3 which is not provided for your thorough review. Also not provided for your thorough review are the 1000+ pages of Abstracts which take controlling precedence over the Compact in case of inconsistency. (see page 8 of the Compact, Article 3B Abstracts of Water Rights).

In June, immediately after the first RWRCC meeting, a private irrigator composed and mailed to all known FIIP irrigators, a one page letter advertising a Town Hall meeting in St. Ignatius. This informative meeting was held in June 2012 with over 300 people in attendance which I attended. The word got out quickly amongst Lake County residents that there was language within this proposed FIIP Water Use agreement which was thought to be unconstitutional and essentially not representative of a fair and equitable agreement between the irrigators, existing water users and the CS&KT. In fact, recently, the FIIP Water Use Agreement has been found to be an "unconstitutional taking of property rights without due compensation" per the Honorable Lake County District Judge C.B. McNeil, in his court ruling dated February 15, 2013 (Western Montana Water Users Association, LLC versus Mission Irrigation District, Jocko Valley Irrigation District, Flathead Irrigation District and Flathead Joint Board of Control, Cause No DV-12327).

Immediately after the St. Ignatius meeting, two opposition groups were formed... one of them organized as an LLC in the name of Western Montana Water Users Association, LLC, and the other was a collection of private, constitutionally minded individuals calling themselves Concerned Citizens of Western Montana. Immediately, these two groups independently arranged, on and off, reservation public town hall meetings, County commissioner meetings, private organization meetings... such as with a multitude of Business Associations.

- The RWRCC slowly set out to combat the organized groups' opposing outreach by mirroring their success. The RWRCC arranged for several more on-reservation meetings throughout the summer and
- fall, approximately one per month. The RWRCC scheduled additional meetings, which were well advertised and commenced in the last week of November and the first week of December, during the beginning of the holiday season, for which I attended each. They held 12 meetings in all during this time, in 11 counties and squeezed in the Northwest Montana Association of Realtors (NMAR) for a feeble attempt to sway the NMAR board and attending real estate members. There was very little time for true public comment during that particular 1 ½ hour meeting. The RWRCC did hold one other unscheduled, unadvertised, yet public meeting in Eureka, the following week, which I was unable to attend. In all, they held approximately 20 meetings, all with the same theme: "why wouldn't you accept this agreement, for you (as in the people of western Montana) never had water to begin with"? This theme never wavered and these meetings were unfortunately perceived as a sales job rather than an open negotiation and an honest approach toward an equitable agreement. In fact the RWRCC even had a private attorney attending each of these meetings who took notes fervently and undoubtedly held private RWRCC legal coaching so as to tighten their strong talking points and guide them away from all else. This hired hand never asked public questions and was clearly part of their team through obvious pre and post RWRCC consultation. Each and every meeting conducted by the RWRCC exhibited a more aggressive tone, mannerism and overall condescending behavior toward the public.

In 2013, the RWRCC announced that a final meeting will be held in Helena, 2013, to put forth a vote by the Compact Commission whether the compact was complete and ready to pass Legislature for legislative ratification. We were told at that time there would be no public comment taken at the upcoming meeting. Furthermore, the written agenda provided at that meeting further supported that notion due to the RWRCC vote was evidently before any public comments were to be heard. However, Mr. Tweeten announced in the beginning of that meeting that the Governor mandated that the public be allowed to have comments and that this meeting would adhere to Open Committee Laws. However the damage was done, and many who arrived in opposition to the vote did not speak. They were intimidated and felt that the decision was already a foregone conclusion. The opposing audience chose to save their voice for the Legislature. The Open Committee Law was not adhered to and this meeting in Helena, in 2013, should have been recalled, in my opinion.

In summary, the Montana Reserved Water Right Compact Commission (RWRCC), per Mr. Chris Tweeten's testimony on March 22, 2013 during the HB165 legislative hearing, did not adhere to a public outreach over a 5 year period. Mr. Tweeten further and enthusiastically claimed that most of the supporting audience of HB165 attended those meetings over the past 5 year period which is patently false and another misleading truth, for yes, most of those individuals did attend the meetings in the summer and winter of 2012/2013, but not prior.

Thank you for your service to the people of Montana,

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