

EXHIBIT 9
DATE 3-27-13
HB SB278

Les Thomas
3508 Haxby Rd
Jordan, MT 59337
March 26, 2013

Representative Gerald Bennett
Chair, Natural Resources Committee
PO Box 200400
Helena, MT 59620-0400

RE: CMR Reserved Water Right Compact

Dear Chairman Bennett and Members of Natural Resources Committee,

It is my opinion that the water compact commission and their lawyer may have broken the law by saying things that were not true. They told the people at the meetings that if the public didn't go along with the compact it would cost the people thousands of dollars defending their water rights in water court, that the CMR would demand extreme amounts of water in water court, that the CMR would be entitled to water rights outside their boundary, etc.

This compact is taking water on one section of Ash Creek of my water rights that has a priority date 1914 and has been kept up ever since. This devalues my land, takes property and profits from me without just compensation or due process.

I was born in 1959 and have worked this ranch my whole life. My son is a land owner with me; he is 4th generation on my Dad's side of the family and 6th generation on my Mom's side of the family living in Montana.

Our ranch is almost historical. We are the owners of the CBC brand; the CBC being the company that years ago ran all the wild horses in Montana. My Grandfather and Uncles rode for the CBC. My late Grandfather 'Shorty' Thomas was friends with Wild Bill Hickok and Calamity Jane, both stayed at our ranch on their way to Glasgow for the Wild West shows. I also have a 1916 Punitive Expedition badge that belonged to my late Father's Grandfather who had participated in the expedition to apprehend Poncho Villa.

My family has been here a long time and I don't think the US FWS needs our water; they want our land--control the water, control the land. Don't let this be like Cyprus, where the government just takes what they want. People are having a hard enough time making it today.

Please vote against the CMR water compact.

Sincerely,



Les Thomas

March 26, 2013

RE: CMR Water Compact

Dear Chairman Bennett and Members of the Natural Resources Committee

My family and I live in northeastern Garfield County. We live on Ash Creek, the fourth stream on the list of streams in the CMR water compact. My Husband's Grandfather and Grandmother moved into this area around 1910 and were some of the first to live here. They took up homesteads and developed the land and water resources. The 'restricted reach' on Ash Creek is on a mile of our property on 22N41E, Section 11.

You, as Legislators, have the ability to make changes to the compact by offering a 'counter proposal' to the parties involved. I request that you consider the following and then make or offer changes to the compact.

Remove the 'restricted reaches' designations where they pertain to private lands. These designations on private lands are a taking of private property rights. It takes the right from the land owners to make a choice about their own land and takes their right to go through the application/permitting process established by Montana water laws. Whether the land owner succeeds or fails, they should still have the right to try.

Montana laws protect water users by providing an opportunity for downstream users, including the Federal Government, to protest proposed large water projects. Removing the restricted reaches designations from private lands would not alter the intent of the compact. It would simply allow the private land owners to go through the permitting process and require the Federal Government to offer its objections the same as any other water user. Neither party would be harmed by the removal of the restricted reaches designations on private lands; it would remove the burden from the private land and the State of Montana and allow the State's water laws to do what they were enacted to do.

I don't believe that the compact commission and its lawyer worked to protect the people of Montana, their main concern seemed to be to do whatever was expedient. They stated at meetings that if this compact was not completed that it would cost the private land owners thousands of dollars to protect themselves in water court, that FWS would be able to claim and receive water rights long distances outside the boundary of the Refuge, that FWS would be entitled to large amounts of cfs in each stream, and they implied that the Refuge's 1934 priority date would be extended outside the boundary of the Refuge. All of these consequences of not completing the compact had no basis in fact; they simply used them to scare or intimidate the public into believing they had to go along with whatever the commission wanted. The people who have filed their water rights have protection under the law, what proof is there that the water court would give water rights outside the boundary of the Refuge as a case like this has not been presented before the court, FWS has no data to back up a claim of even a small amount of cfs in each stream and their priority date ends at their boundary. How the commission and their lawyer interpreted the executive order that established the Refuge may not be how the water court would interpret it.

The executive order may or may not have had implied water rights but I would argue that it did not imply water rights outside the boundary of the refuge and certainly not on private lands. There are hundreds of thousands of acres of Federal lands around the CMR Refuge that guarantees there will always be sufficient run-off into or onto the Refuge.