SENATE LOCAL GOVERNMENT
EXHIBIT NO. 1
DATE 3-11-2013
BILL NO. HB 154

CLINTON IRRIGATION DISTRICT
18181 EAST MULLAN ROAD
CLINTON, MONTANA 59825
(406-825-4791)

January 17, 2013

Hon: Liz Bangerter, Chair,
Local Government Committee
and Committee Members:

Good Afternoon:

My name is Pat Byrne and I am one of three Commissioners of the Clinton Irrigation District, which is a small Irrigation Company representing approximately 140 member irrigators. We were created by the District Court in 1919 and have operated continually since that time. Our District supplies irrigation water from the Clark Fork River to 820 acres through a series of Canals and Lateral Ditches to the various properties.

I have been a member of the district for 39 years and have served as a Commissioner for at least 15 of those years. Over this period we have always relied upon the County Attorneys Office as our Legal Counsel to assist us with user problems and to review our activities and contracts (State & Federal) to avoid any legal problems. It has always been our understanding that we were to use the County Attorney Office for legal assistance and that is was required by law.

We were fortunate four years ago to be awarded a Renewable Resource Grant from the State to assist in the rehabilitation of a portion of our main canal system. Of course, this required us to sign a contract and to review documents associated with the grant. When we requested assistance from the County Attorney, we were told that they have no responsibility or obligation to provide assistance and that we would have to seek private counsel. This came as a complete surprise, as the office had always been so helpful. When I advised the DNRC of this situation, they couldn't believe it, as many of the small irrigations districts throughout the State use the County Attorneys Offices for advise and counsel.

Section 7-4-2711 of the MCA, states that the County Attorney is to be legal advisor for other county, districts, township officers and governmental

subdivisions. Unfortunately it does not specifically mention Irrigation Districts and for this reason we have asked our Representative David Moore to see if the statute could be amended to include Irrigations Districts.

Small Irrigation Districts are very strapped for funding, and any new expenditure places a real burden on our budgets. Because of our proximate to Missoula, we have in recent years had to deal with several subdivisions within our district. This alone has resulted in considerable costs that were not anticipated.

We ask you and the Committee members to give this matter serious consideration, it is extremely important for the small Irrigation Districts to have access to County Attorney Offices.

Thank you for your time and cooperation.

Respectfully Yours.

Pat Byrne.