



Senate Judiciary Committee,

Mr. Chairman and members of the Committee, my name is Gene Curry. I am here today representing the Montana Stockgrowers Association. I am a rancher, irrigator and current President of the Montana Stockgrowers Association.

I am here today in Support of the CSKT Water Compact. Our Support is based on policy that was passed by our membership and Board of Directors. Our membership direction was to support a negotiated water compact that protects historical water use, on and off the reservation, and our analysis shows this compact meets those critical components.

The Compact includes numerous protections for historic water users that would **not** be available through litigation. The CSKT are prohibited from making a call upon non-irrigation water rights both off and on the reservation, including all stock water rights.

Many of the off-reservation water rights granted to the CSKT are already in existence such as the Milltown Dam water right and Montana Fish, Wildlife and Parks instream flow water rights. These rights are generally junior and do not represent an additional burden on water users. In those cases where the CSKT are granted off-reservation rights with a time immemorial priority date, the rights are limited in a manner to protect historic water use. In addition, the daily flow rates for this right are exceeded approximately 90% of the time. Restrictions are placed on all of the Tribes' off-reservation water rights for the protection of historic water uses.

If the Compact is not ratified, litigation will only address the elements of the Tribes' water rights and will not provide an opportunity to attach limitations on the exercise of those rights. These water right claims filed by the CSKT will likely be larger, more senior, and will encompass a greater area of the State than those outlined in the Compact. And lastly, regardless of the outcome of the litigation, it will be expensive, lengthy, and disruptive to the current adjudication process.

As an irrigator, I can attest to the significant costs of litigation in defending your water rights. I personally have been involved in numerous years of litigation over water rights, with a significant cost to our family ranch. It is important to pass this critical piece of legislation and not force thousands of family ranchers into similar situations of this type of litigation.

In closing, I would like to thank the Committee for taking time to listen to our comments and ask for your **support** in passing this Water Compact.

Montana Stockgrowers Association
President
Gene Curry

