

DELPHIA MELSTONE CANAL USERS ASSN.
Melstone, Mt

Environmental Quality Council
Interim Committee

Ladies and Gentlemen,

The demands on many of us ranchers is such that we just can not justify the time and expense to travel, especially this time of year. Those demands require I comment by letter.

Our association is very concerned about the water adjudication process because it is essentially taking away our traditional water right. Briefly:

1. We depend on the most dewatered river in Montana.
2. Our association's decreed water wight is dated 1950.
3. Our available water has steadily diminished since 1950 because of lower return flows reaching the lower portions of the river.
4. According to the State 1947 Water Survey a great deal of new land has since been developed along the Musselshell River, mostly involving sprinklers.
5. For much of the newly developed land, water right claims date prior to the water survey.
- ~~6. The State Water Court has a position that unless a water right is protested, it is ok.~~
7. How could I as an individual rancher or even our association know enough to protest any right without huge amounts of time and effort directed to this end? In truth we can't do it.
8. To add insult to injury we as an association must hire, at our own expense, a lawyer to represent us during the protest process. In truth we do not have those kinds or resources.
9. The magnitude of the problem is so great and the historical use of water so abused that the word "discouraged" is not an adequate word to describe our future.

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Summary: We are asking you people on this committee to look at the Water Court and its policies with an eye on bringing a more just resolution to obviously disputed water claims. Also, with even the limited resources of the DNRC, their input can bring to the process a professional unbiased assessment of each water claim. Placing this burden at the feet of people who have neither the time, the knowledge, the authority or the people skills is essentially denying them justice. I believe most citizens in a democratic society are comfortable being governed.

And finally, if this process isn't changed the diminishing return flows at the lower end of this river will have a severe economic impact. Basically it will amount to taking a historical resource away from the people in our community and moving up the river, including the headwaters 150 miles west.

Sincerely,

Richard Haxton, President

A handwritten signature in black ink that reads "Richard Haxton". The signature is written in a cursive, flowing style with a large initial "R".