



TUCKER CROSSING RANCH

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“DEDICATED TO THE ENHANCEMENT OF FISH
AND WILDLIFE HABITAT
AND
THE PRESERVATION OF OPEN SPACE AND
AGRICULTURE IN THE BEAUTIFUL BITTERROOT
VALLEY”

October 29, 2014

Presented To: Water Policy Interim Committee

RE: CSKT Water Compact

Good Morning,

Chairman Vincent, committee members, thank you for this opportunity to address you today. My name is Roger Raynal and I live in Corvallis in the Bitterroot Valley river bottom, which is also the ancestral home of the Salish people.

With my wife Wendy, I have built and managed Tucker Crossing Ranch, and represented the ranch owners in all matters including water rights, for which I hold the power of attorney, since 1996. Tucker Crossing Ranch is arguably the largest single irrigator on the main stem Bitterroot River. We hold the most comprehensive and diverse water rights portfolio in the area, including portions of the oldest decreed rights out of the river. We divert water to the ranch through major irrigation systems including the Woods-Parkhurst Ditch, Supply Ditch, Corvallis Canal, Humble Drain, and Mitchell Slough, as well as being the largest shareholder in Painted Rocks Water Users Association. Our operations include hay and small grains, pasturage, wildlife food plots, wetlands development, and fishery enhancement. We have built one of the largest, and to this day maintain the highest functioning wetlands mitigation project for MDOT in the region.

Speaking of Painted Rocks Water Users Association (PRWUA), I have been on the Board of Directors for the PRWUA since 1997 and Vice President since 2005.

I am the Secretary/Treasurer for Ravalli County Farm Bureau and have been for many years the Chairman of the Water Policy Committee for the Montana Farm Bureau Federation.

So it is fair to say that I have had some exposure to the agricultural industry in the Bitterroot Valley and beyond. And thus, I have some insight into how some ag folks are engaged with the CSKT Water Compact; a most important subject for agriculture in western Montana if there ever was one.

Unfortunately, as is typical for agriculture, getting folks “involved” in local, let alone statewide issues, even those that directly affect their very livelihoods is something that just doesn’t happen very often. Serious ag producers have little time for anything other than their fields, livestock,

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Exhibit 13

and families. Local 4H and FFA support are fine as families can participate together, but take time off the tractor or get out of the corrals to come to Helena to testify before a committee, or even just write a letter... good luck. So sharing information about serious subjects such as the Water Compact, gleaned from the radio in the pickup or tractor or from the evening news broadcast is minimal. Ranching and farming folks are just notoriously slow to engage and it's worked against us time and time again. It's unfortunate however, that up to this point, the scare mongering and misinformation is pretty much what folks are hearing. The folks that I have spoken to and shared factual information with generally seemed relieved and supportive. I'll be honest though; there are some folks who will always mistrust government, no matter how compelling the facts are, and won't support a cooperative effort such as this. It's sad that while these folks cry out against the takings of private property rights, they themselves are the ones who are keeping our property values and the value of our decreed and permitted water rights held captive and in limbo.

But, having gotten to the point where I'm fed up with the outright falsehoods and misinformation that has poisoned the public forum, I'm here as an ag producer to share my opinion of the CSKT Water Compact...

From **Tucker Crossing Ranch's standpoint**, we strongly support the CSKT Water Compact. The very fact that the tribes have agreed to only assert a co-ownership with FWP of four very junior in-stream flow rights on the main stem Bitterroot and have asked to be listed as co-owners with FWP for their shares of the contract water from Painted Rocks Reservoir and Como Lake, all the while maintaining that FWP will retain the sole administrative responsibilities of water delivery as they have done in the past, is pretty remarkable. Considering that by way of their potential senior priority date of 1855, if the tribes went so far as to file their claims, and make call on their in-stream flow rates, agriculture in the Bitterroot Valley would never be the same. The viability of many operations would be gravely affected. Private wildlife and fishery enhancement efforts, off of the main stem river, would crumble as the opportunity to put limited water supplies to other beneficial uses, other than agriculture, would literally dry up. Case in point, annually, the target flow rate on the river in the mid valley area at Bell Crossing is 400 cfs and during normal years, even with reservoir releases, we struggle at times to make that flow rate during mid-summer. Last year, we had trouble making half that target level even with serious voluntary cutbacks and cooperation from irrigators. We can only imagine the impact to agriculture if in-stream flow rates were to climb greatly under the tribes senior rights. In light of all this, the tribes are comfortable with past efforts between FWP and agriculture to protect the river, its fishery, and other resources. Their primary concern for habitat protection is being met and they just want to have an associated seat at the table with FWP.

For most farmers and ranchers, it's a fact of life that financial resources, uncommitted to anything other than day to day operations, are not available to be put forth for attorneys and water right consultants. The resources are just not there to object to and fight serious tribal water right filings in order to protect what water has already been decreed or permitted to these landowners for upwards of almost 145 years. Tucker Crossing Ranch alone has spent many years and large sums of money making sure our water rights were in sound order leading up to our basin's adjudication. If the compact isn't ratified this session, our water rights and thousands of other similar filings, adjudicated or not, all across Montana, will be in jeopardy. No matter

how hard we in agriculture fight, our water rights will be junior to the tribes and that's one fact of life. The other fact is the only winners will be the lawyers.

Last spring at our **PRWUA** annual meeting, our membership and board discussed the water compact. We have approximately 35 members including the largest ranches and irrigation companies and districts in the Bitterroot Valley. Our association holds a contract for 10,000 acre feet of stored water in Painted Rocks Reservoir, which is a state-owned water right in a state-owned water storage project. Our contract is separate from the two contracts totaling 15,000 acre feet that FWP currently holds, and if the water compact is ratified, the tribes will become a co-shareholder with FWP. Our organization has realized and acknowledges that under the proposed compact, we see no impact to our delivery of irrigation water, or any changes in management of the dam works, or delivery of FWP's in-stream water. So while PRWUA has not formally voted to take a position of support or opposition, we foresee no future problems in our operations if the proposed water compact is ratified.

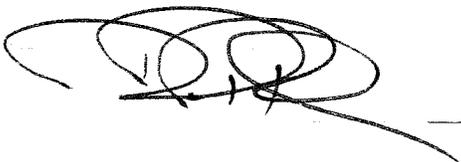
I'd like to wrap up by mentioning that the **Montana Farm Bureau Federation (MFBF)** is the state's largest agricultural organization and advocate for Montana agriculture with over 13,000 ag producing family members statewide. It is truly the purest form of a grassroots organization imaginable.

A year ago June in Bozeman during Summer Conference, where all agricultural commodity committees meet to discuss issues and policy needs, my water policy committee held a comprehensive debate on the water compact. Jay Weiner provided foundational information on the water compact and we invited members of opposing groups to present their arguments against the compact. As you can imagine it got pretty heated during the Q and A period. But the committee members went back to their different districts across the state with a better understanding of the complexity and importance of the issue for agriculture. As background... It is at the county level where proposed policy is developed, and subsequently during each county's annual meeting any proposed policy resolutions are voted on. If a proposed policy resolution is passed at the county level, it is brought forth to the state convention. It is at this point that locally elected delegates from every county in Montana gather on the delegate floor, as they do every year, to discuss, debate, and vote to pass or reject proposed policy on a wide scope of issues affecting Montana agriculture. Again, this is truly a grassroots process.

Last November at the Farm Bureau's Annual Convention in Billings, after much debate, MFBF delegates voted to formally support a negotiated settlement of the CSKT Water Compact. **The largest voice for Montana agriculture has spoken and as such we support the absolute and imperative necessity of getting this CSKT Water Compact passed and ratified.**

Thank you for your time and this opportunity.

Roger Raynal

A handwritten signature in black ink, appearing to read 'Roger Raynal', written over a horizontal line.