

St. Mary bill moving forward

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St. Mary Rehabilitation Working Group executive director Larry Mires said today that the group expects to receive the latest draft of federal legislation as early as this afternoon. The proposal, which would place the burden of funding repairs to the diversion - estimated to cost in excess of \$120 million - on the shoulders of the federal government rather than on Milk River irrigators, is slated to be in working group members' hands early next week at the latest, Mires said.

He said congressional staffers will work through the Memorial Day weekend if necessary.

"They're right up to the wire at this point," he said.

Mires and state Department of Natural Resources and Conservation bureau chief John Tubbs have been working with staff in U.S. Sen. Conrad Burns' office to revise the bill. The proposal was shipped to Burns' office in March. The U.S. Bureau of Reclamation submitted its own proposal, and staffers have been working to blend the two, Tubbs said.

Working group members will review the bill next week and plan to send it back to Capitol Hill by the end of next week, Mires said.

At a working group meeting on Tuesday in Havre, Tubbs said the window for congressional approval is closing. June and July are a critical time to get approval in both the Senate and the House, he said. U.S. Rep. Denny Rehberg, Tubbs said, believes he can get House approval in July if the Senate approves the bill next month.

The diversion augments the flow of the Milk River by transferring water from the St. Mary River to the Milk's north fork through a 29-mile system of canals, siphons and drops. The system supplies 17,000 northern Montana residents with water and irrigates roughly 140,000 acres in the Milk River Basin.

The group and the state are asking the U.S. government to recognize the diversion's benefits beyond irrigation - such as recreation, flood control, and fish and wildlife habitat. If the other uses are recognized, U.S. taxpayers would be responsible for funding the repairs. Under current law, those costs fall on the backs of irrigators.

Before the first delivery of water through the system in 1916, the Milk River ran dry six out of every 10 summers.

Many are concerned that the diversion could suffer catastrophic failure, and the system also has caused environmental concerns on the Blackfeet Indian Reservation, where the entire facility is located.

One new addition to the proposal is a "catastrophic failure" provision that would require the U.S. Bureau of Reclamation to repair the diversion facilities - possibly to the specifications of the new, updated designs - in the event of a major problem, Tubbs said.

Blackfeet water rights attorney Jeanne Whiteing said tribal members want to be sure the Blackfeet's interests and concerns are represented in the bill.

"It could slow down the process," she said.

Other working group members voiced similar concerns, saying the working groups' issues need to be addressed.

Tubbs said that it is important for all parties involved - the Blackfeet and Fort Belknap tribes, the state, and Milk River contract holders - to review the bill and make sure everyone's interests are represented.

Working group co-chair Randy Reed asked for "a little bit of patience."

"Our wishes and our wants can be achieved," he said.

Burns' spokeswoman Sarah Converse said the senator still hopes to have field hearings on the St. Mary's bill in July and August, with members of the Appropriations Committee's subcommittee on energy and water traveling to Montana.

Converse told working group members Tuesday that their funding request will likely be considered by the Senate in late June.

The working group has submitted a request for \$15.45 million in federal funding, the bulk of which is intended for an environmental impact statement, required by federal law, before work could begin on the diversion facilities. The request also includes money for engineering services, additional studies and Blackfeet vocational training.

Tubbs said the group can likely expect to receive less than half of the funding request.

In a hearing Tuesday, Burns, R-Mont., questioned acting Bureau of Reclamation Commissioner William Rinne about the project, and reiterated his commitment to the diversion's repair.

State Senate President Jon Tester, D-Big Sandy, in a press release criticized Burns for not moving forward more quickly with the draft legislation. Tester is one candidate vying for the Democratic nomination for Burns' seat.

“Senator Burns has pledged to get this critical project moving, but so far he has not delivered for Montana farmers and irrigators who count on this water to make their living,” Tester said in the statement.

A Bureau of Reclamation official told working group members that Lake Sherburne and Fresno Reservoir are at 100 percent of average storage for this time of year.

Fresno is filling at a rate of two to three feet a day. The reservoir is at about 88,000 acre-feet and from April 30 to May 15, water poured over the spillway. The bureau has been releasing about 1,200 cubic feet per second from the outlet.