

**From:** [Randy Knowles](#)  
**To:** [Mohr, Jason](#)  
**Subject:** Knowles RE: HJ26: Study of ditch easement disputes out for public comment  
**Date:** Monday, July 21, 2014 9:51:31 AM

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Jason, I read the draft and Have one comment. On page 6 there should be a footnote 10 identifying the section in the 1972 constitution.... A footnote would help neophyte researchers.... I found this very interesting as I have found the other Legislative services brochures.... Thanks randy

Randall Gene Knowles,

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**From:** Jason Mohr [mailto:jmohr2@mt.gov]  
**Sent:** Tuesday, July 15, 2014 9:46 AM  
**To:** knowlesmontana@juno.com  
**Subject:** HJ26: Study of ditch easement disputes out for public comment

The Water Policy Interim Committee (WPIC) welcomes public comment on its report related to ditch easement disputes between landowners and ditch owners.

The WPIC approved a draft of the report July 8 in order to seek public comment. The comment period ends Aug. 16. Comments will be reviewed and discussed at the September meeting of the WPIC before final decisions are made.

House Joint Resolution 26 directed the WPIC to “examine the intersecting interests of estate owners and ditch owners and contemplate options to accommodate both estates.” State law does not allow encroachment upon a ditch – or its secondary easement – although conflicts remain between landowners and ditch owners. The report traces the history of irrigation in Montana, the legal framework surrounding ditch easements, how others states approach the issue, and considerations for the future.

The report is available for review on the WPIC’s website, <http://www.leg.mt.gov/water>. Comments may be sent to the WPIC at P.O. Box 201704, Helena, MT 59620-1704 or emailed to [jasonmohr@mt.gov](mailto:jasonmohr@mt.gov) with the subject line, “HJ26 comments.”

All comments received by 5 p.m. on August 16 will be compiled and reviewed by the WPIC prior to its Sept. 8-9 meeting in Helena. Comments received after the deadline will be provided to the WPIC at the meeting. Comments are welcome in person at the meeting as well. An agenda and all other meeting materials for the September WPIC meeting will be made available on the WPIC’s web site approximately two weeks in prior to the meeting.

WPIC members are Sens. Jennifer Fielder, R-Thompson Falls; Bradley Maxon Hamlett, D-Cascade; Sharon Stewart-Peregoy, D-Crow Agency; and Chairman Chas Vincent, R-Libby; and Reps. Pat Connell, R-Hamilton; Steve Fitzpatrick, R-Great Falls; Reilly Neill, D-Livingston; and

Vice Chairwoman Kathleen Williams, D-Bozeman.

For more information, contact Jason Mohr, WPIC staff, at 406-444-1640 or  
jasonmohr@mt.gov.

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