

Congress of the United States
Washington, DC 20515

August 29, 2012

The Honorable John Mica
Chairman
Committee on Transportation & Infrastructure
2165 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Nick Rahall
Ranking Member
Committee on Transportation & Infrastructure
2163 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Mica and Ranking Member Rahall,

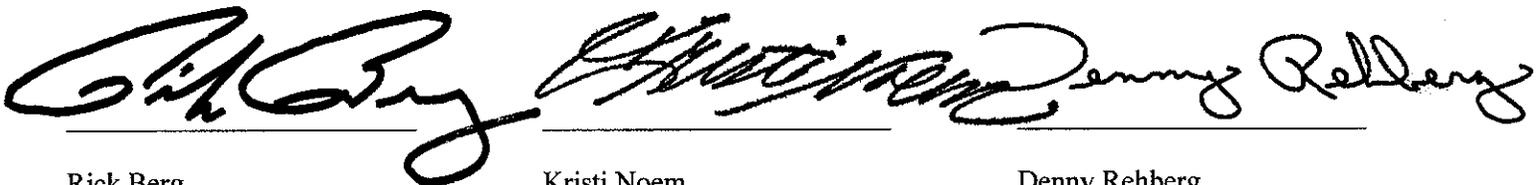
We write today to request a hearing at the Transportation and Infrastructure Committee to review the U.S. Army Corps of Engineers' plan to charge fees for stored water in the Missouri River upper basin state reservoirs. Access to Missouri River water is critical for farms, businesses, tribes, and municipalities of Montana, North Dakota, and South Dakota, therefore this proposal seriously affects our states' economies as well as our states' water rights.

As you know, the Corps recently released a proposal to restrict access to natural flows from the Missouri River and charge a fee for water drawn from the reservoirs. According to this proposal, users would be required to enter into multiyear purchase contracts with the Corps. We believe that such a proposal contradicts the legal and historical precedents surrounding the main stem dam system on the Missouri River.

For this reason, we are requesting a hearing to review the Corps' proposal as well as to review the legal and historical precedents surrounding the Corp's efforts in this regard. We would welcome the opportunity to hear from Assistant Secretary of the Army (Civil Works) Jo-Ellen Darcy about the Corps' proposed plan. In addition, North Dakota Attorney General Wayne Stenehjem and South Dakota Attorney General Marty Jackley would be able to provide critical insight on the plan as expert witnesses.

Thank you in advance for your consideration of this request. We would be happy to work with you on this critical issue and to participate in such a hearing as you see fit. Should you need any further information please feel free to contact Patrick Buell (Berg), Andrew Christianson (Noem), or Darrin Munoz (Rehberg).

Sincerely,



Rick Berg
Member of Congress

Kristi Noem
Member of Congress

Denny Rehberg
Member of Congress