

THE STATE OF MONTANA

Commissioner of Political Practices  
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COMMISSIONER OF  
POLITICAL PRACTICES

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### Campaign Finance and Practices

### Complaint Form (10/09)

Type or print in ink all information on this form except for verification signature

#### Person bringing complaint (Complainant):

Complete Name Alan Mikkelsen

Complete Mailing Address 61342 Hillside Rd.  
St. Ignatius, MT 59865

Phone Numbers: Work 406-240-0703 Home \_\_\_\_\_

#### Person or organization against whom complaint is brought (Respondent):

Complete Name Western Montana Water Users Association LLC

Complete Mailing Address P.O. Box 1042  
St. Ignatius, MT 59865

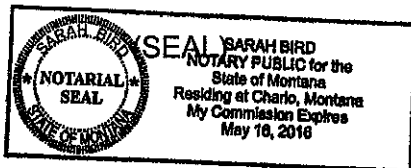
Phone Numbers: Work 406-745-9287 Home \_\_\_\_\_

**Please complete the second page of this form and describe in detail the facts of the alleged violation.**

#### Verification by oath or affirmation

State of Montana, County of Lake

I, Alan Mikkelsen, being duly sworn, state that the information in this Complaint is complete, true, and correct, to the best of my knowledge and belief.



Alan Mikkelsen  
Signature of Complainant

Subscribed and sworn to before me this 25<sup>th</sup> day of

April 2013.

Sarah Bird  
Notary Public

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_

**Campaign Finance and Practices  
Complaint Form**

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**Statement of facts:**

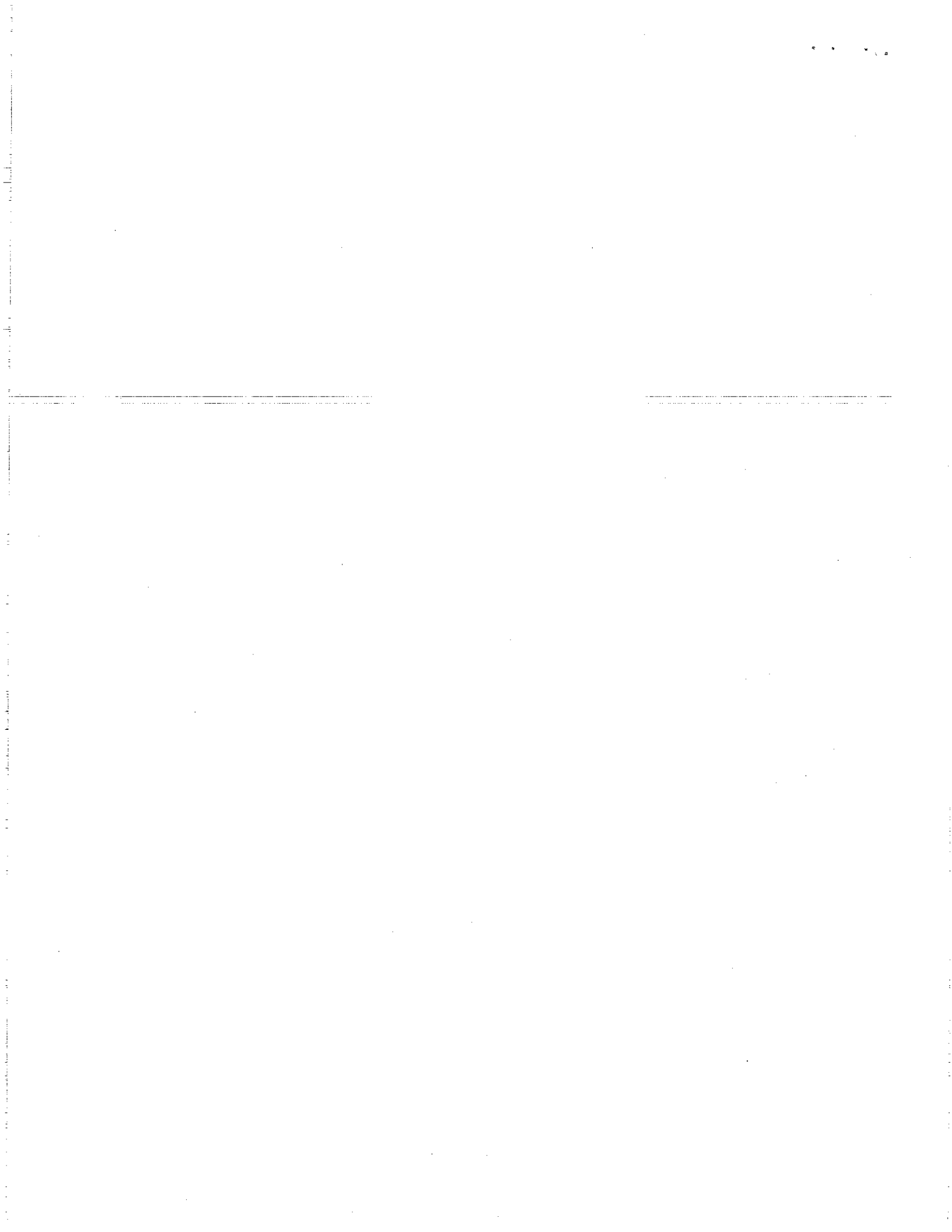
Describe in detail the alleged violation(s) and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

If the space provided below is insufficient, you may attach additional pages as necessary.

Please see attached pages for complaint.

**Complaints must be:**

- signed
- notarized
- delivered in person or by certified mail.



## **Mikkelsen v. Western Montana Water Users Association, LLC**

### **Complaint**

In a widely distributed campaign letter dated April 18, 2013, Western Montana Water Users Association, LLC (hereinafter WMWUA), a corporate entity registered with the Montana Secretary of State, advocated for the election of two individuals and against the election of two individuals, by name. (See attached letter of WMWUA, April 18, 2013.) The elections of these individuals falls under Montana Office of Political Practices (OPP) jurisdiction, as described in MCA 13-1-101 (23), political subdivisions, special districts. The elections are being held in the Mission Irrigation District and the Flathead Irrigation District, Lake County, Montana. The letter meets the expenditure requirements of MCA 13-1-101 (11a) as an expenditure influencing the results of an election. The letter is in violation of MCA 13-35-227 and MCA 13-35-502, as a prohibited contribution from a corporation. The elections in dispute are being conducted by the Lake County Election Administrator. Ballots were mailed on April 18, 2013 and are due in the Election Administrator's office May 7, 2013.

The WMWUA letter violates several other portions of Montana election law. The letter is in violation of MCA 13-35-225, Statement of Accuracy, with false claims against the Cooperative Management Entity of the Flathead Indian Irrigation Project (CME), as well as Walter Schock, a candidate for election in the Mission Irrigation District, and others. The letter also violates MCA 13-35-301, the Code of Fair Campaign Practices, by being mailed during an ongoing election by mail ballot. Under MCA 13-35-402, no fair notice was given of the mailing before an ongoing election.

WMWUA is not registered as a Political Committee, nor has it filed any election reports as such a committee, listing donors and donor amounts. That in itself may be in violation of MCA 13-37-210, Naming of Committees. Under MCA 13-37-225, there has been no report of contributions and expenditures. At the very least, WMWUA is in violation of MCA 13-37-217, contributions in the name of an undisclosed principal. Without disclosure, WMWUA may also be in violation of MCA 13-37-216 limitations on contributions.

The following text is extremely faint and largely illegible. It appears to be a list or a series of entries, possibly related to a technical or scientific document. The text is organized into several paragraphs, with some lines appearing to be part of a table or list structure. Due to the low contrast and resolution, the specific content of the text cannot be accurately transcribed.

## **Relief Sought**

Petitioner requests all applicable statutory relief, up to and including the relief in MCA 13-35-107, voiding of an election, should the beneficiaries of the illegal contributions win the elections discussed herein.

**Attachment:** Western Montana Water Users Association, LLC letter of April 18, 2013.

**Signed:**

A handwritten signature in black ink, appearing to read "Alan Mikkelsen", with a long horizontal line extending to the right.

Alan Mikkelsen  
61342 Hillside Rd.  
St. Ignatius, MT 59865

Phone: 406-240-0703  
Email: alanmikk@gmail.com

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the success of any business and for the protection of the interests of all parties involved.

In addition, it is noted that the records should be kept in a secure and accessible location. This ensures that the information is available when needed and is protected from unauthorized access or loss.

The document also highlights the need for regular audits and reviews of the records. This helps to identify any discrepancies or errors and ensures that the records are up-to-date and accurate.

Finally, it is stressed that all parties involved in the transactions should be kept informed and involved in the process. This promotes transparency and trust, which are essential for the long-term success of the business.

The document concludes by stating that these principles are fundamental to the success of any business and should be followed by all who are involved in the process.

It is hoped that this document will provide a clear and concise guide to the proper management of business records and help to ensure the success of all who follow its principles.

Thank you for your attention and interest in this important topic.



## **IMPORTANT INFORMATION: YOUR WATER RIGHTS ARE AT STAKE!**

April 18, 2013

Dear Fellow Irrigators:

We are writing to inform you of several important issues affecting your water rights. Montana's Legislature rejected the proposed CSKT Compact, due to the diligent efforts of the ~~Western Montana Water Users Association, LLC (WMWUA)~~, the Concerned Citizens of Lake County and Western Montana, and numerous other Montanans. However, the irrigation districts may still try to approve the proposed FIP Agreement to give the CSKT your irrigation water. Be aware of the following.

1. **The CME Failed to Impound Reservoir Water.** The Flathead Joint Board of Control (FJBC) turned over operation and maintenance of the irrigation project to the Cooperative Management Entity (CME). The FJBC lacked the authority to turn over O&M to the CME. In past years, the FJBC and CME would send ditch riders to turn headgates to start impounding water in the high mountain reservoirs. This year, **Gordon Wind**, CME Manager, chose to go on a **two-week vacation** in late March and refused to turn headgates to store water before he left. Irrigators demanded the CME turn the headgates to store reservoir water. The CME finally did so on April 4-5, 2013, but it is unclear if they are properly impounding all the water to which irrigators are entitled. Further, the CME has failed to operate and maintain the project in numerous respects. **The FJBC and irrigation districts did nothing** to demand the CME impound water in the reservoirs. More than 3 weeks of spring runoff was lost because the CME and FJBC failed to store water and do their jobs. The CME must be dissolved and O&M turned over to the irrigators as required by the Act of 1908.

2. **Current FJBC Board May Not Honor Its Word to Allow Irrigators to Vote on the Proposed FIP Agreement.** Although each of the 3 irrigation districts individually agreed to hold a vote of irrigators regarding whether to approve the proposed FIP Agreement in January, they postponed the irrigators' vote after the District Court ruled the FJBC and irrigation districts exceeded their authority because they knew they would lose the vote. Now, it appears they will cancel the irrigators' vote altogether. During the April 8, 2013 Regular Monthly Meeting,

the FJBC had the opportunity to tell irrigators whether it would submit the proposed FIP Agreement to a vote of irrigators for their approval. However, they chose to do nothing and say nothing during the Regular Meeting, with over 50 irrigators in attendance. On April 16, 2013 the FJBC attempted to hold an Emergency Special Meeting with 24-hours notice-without a crowd of irrigators watching-to **circumvent** a vote of irrigators by approving the FIP Agreement. **It did not work, as discussed below.**

**3. The FJBC Attempted to Hold a Secret Meeting to Approve the Proposed FIP Agreement** Current members of the FJBC are playing dirty politics. Montana's Legislature rejected the proposed CSKT Compact, of which the proposed FIP Agreement is a crucial part. Despite the fact the Compact is dead, the FJBC attempted to hold an Emergency Special Meeting with just 24-hours notice to approve the proposed FIP Agreement and give your irrigation ~~water and water rights~~ to the CSKT. Fortunately, the District Court granted our Writ of Prohibition to stop the FJBC's plan. The current FJBC board members are advancing their own agenda over the irrigators' best interests. **Did you know:**

- **Walt Schock, FJBC Chairman,** received a new pipeline to his lands and his family's lands. Although the pipeline project also benefited Tribal lands, the Tribal lands are unirrigable, uneven lands whereas Walt Schock and his son's land consists of approximately 192 irrigated acres. Therefore, the Schock's received most of the benefit from the pipeline project and yet only paid part of the bill. Also, FJBC Chairman Walt Schock gave the WMWUA his assurance that a meeting to approve the FIP Agreement would not be scheduled unless WMWUA and other irrigators were given 7 days notice. On April 15, 2013, **Mr. Schock chose not to honor his word** and allowed a vote on the FIP Agreement to be scheduled with only 24-hours notice.
- **Steve Hughes, FJBC Board Member,** holds numerous Tribal grazing leases and his livestock herds have grown substantially in only a few years. Mr. Hughes lost his election in his own district. However, the current FJBC Board appointed him as an At-large Member of the FJBC Board.

These individuals have consistently supported the CSKT's proposed Compact and FIP Agreement. Clearly, these individuals are putting their own interests above the interests of the irrigators and must be voted off the Board.

**4. The Tribes Attempted to Manipulate the Vote of Irrigators.** Most of you have received postcards in the mail directing you to a website referred to as "Vote4Farmers." However, nowhere on the postcard or on the website did it identify who was behind

the marketing campaign pushing the proposed FIP Agreement. Pyramid Communications, Inc.'s website, shows that they own the website and the CSKT is a client. But don't take our word for it - see documentation at [www.watermontana.com](http://www.watermontana.com). During the FJBC meeting on April 8, 2013, the FJBC Board Members claimed they did not know who was behind the mailing. However, somehow the CSKT obtained the FJBC's address list to mail you the postcards. Therefore, someone within the FJBC knew about the Tribes attempt to manipulate irrigators into believing "Vote4Farmers" is a group of irrigators and the proposed FIP Agreement was a good deal.

**5. FJBC and CME Shut Down Irrigators' Input During Meetings and Now Prohibit Video and Audio Recording Meetings.** During the April 8, 2013 FJBC Meeting, and the April 10, 2013 CME Meeting, both boards instituted a new policy forbidding irrigators from asking questions or providing public comments at meetings and requiring public comment may only be provided in writing after the meeting and no cameras or recording devices are allowed without approval. A copy of the new policies can be viewed at [www.watermontana.com](http://www.watermontana.com). During the April 10, 2013 CME Meeting, the CME Board called the Sheriff to require local residents to cease video recording the meeting. Why do the FJBC and CME fear the public recording their meetings? What are they hiding?

**6. April 9, 2013, the Montana Supreme Court Issued its Decision Overruling the District Court's Writs of Mandate.** As a result, the Supreme Court will not require the FJBC to comply with irrigation district statutes requiring irrigation districts to submit contracts to a vote of Irrigators and submit it to the District Court for approval. The Montana Supreme Court's actions are a disappointment. Interpretation of Montana Code §§85-7-1956 and -1957 came down to the word "or." Amazingly, the Court refused to give the word "or" its plain and ordinary meaning. Further, the Court ignored numerous procedural defects and did its own research and relied on cases and statutes not cited by any of the parties. **The good news is the Court carefully tailored its decision and avoided ruling on who owns the water rights and whether the FIP Agreement would result in an unconstitutional taking.** Alan Mikkelsen, consultant to the FJBC, has emailed numerous people, erroneously claiming the Supreme Court held the FIP Agreement is constitutional. **Mr. Mikkelsen is wrong - he is not an attorney and is either confused or attempting to misinform irrigators.**

Rest assured the WMWUA has planned for all outcomes, including this Supreme Court's ruling. There are a number of other claims in the WMWUA's *Complaint* that the District Court will need to decide. The WMWUA's efforts to defeat the Compact were successful and, Lord willing, the WMWUA is confident its continuing efforts will be successful as well.

7. IRRIGATORS MUST VOTE TO TAKE BACK THE FJBC. In April, 2013, irrigators will receive mail in ballots and have the opportunity to retake control of the FJBC before it permanently transfers irrigators' water rights to the CSKT. FJBC Chairman, Walt Schock, is up for reelection from the Mission District and **Jerry Laskody** is running against him. In the Flathead District, **Shane Orien** is running against Susan Lake. Susan Lake was outspoken in her support for the Tribes' proposed FIP Agreement and Compact. In order to prevent the FJBC from giving away your irrigation water rights, the WMWUA urges you to vote for **JERRY LASKODY** and **SHANE ORIEN**.

**Mission District: Vote for Jerry Laskody**

**Flathead District: Vote for Shane Orien**

Once a Compact or FIP Agreement is entered, it would be difficult or impossible to undo it. **The time to act is now.**

Western Montana Water Users  
Association, LLC

**TO LEARN MORE PLEASE VISIT OUR WEBSITE  
WWW.WATERMONTANA.COM**

Paid for by Western Montana Water Users Association, LLC  
P.O. Box 1042 St. Ignatius, MT 59865