

SENATE NATURAL RESOURCES
COMMITTEE NO. 5
DATE 3/2/05
BILL NO. HJR 3

TESTIMONY BY
THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
ON
HOUSE JOINT RESOLUTION 3
BEFORE THE SENATE NATURAL RESOURCES COMMITTEE

MARCH 2, 2005

A RESOLUTION ENTITLED: "A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO ENTER INTO NEGOTIATIONS WITH THE UNITED STATES BUREAU OF RECLAMATION TO DETERMINE THE AVAILABILITY AND COST OF WATER STORED BEHIND HUNGRY HORSE DAM FOR WHICH THE STATE OF MONTANA MIGHT CONTRACT TO SUPPORT FUTURE WATER DEVELOPMENT AND EXISTING WATER USE IN THE CLARK FORK RIVER BASIN."

DNRC Supports JHR 3

The Department of Natural Resources and Conservation (DNRC) supports Joint House Resolution #3. The resolution requests DNRC to explore opportunities with the Bureau of Reclamation to market stored water from Hungry Horse Reservoir to meet existing and future water needs in the Clark Fork Basin of Montana.

Background.

Water available for future appropriation and use is extremely limited because of the large hydropower water rights of Avista Corp at Noxon Rapids and PP&L Montana at Thompson Falls, and the un-quantified reserved water rights of the Confederated Salish and Kootenai Tribes. Because of this, the Montana Legislature established the Clark Fork Task Force in 2001 to explore options for meeting future water needs. The Clark Fork Task Force has recommended that DNRC work with the Bureau of Reclamation to negotiate a contract that would allow the state to lease stored water out of Hungry Horse Reservoir.

Hungry Horse Reservoir is owned and operated by the Bureau of Reclamation. It was constructed under Public Law 78-329, which authorizes the project for multiple purposes: irrigation, flood control, navigation, stream flow regulation, hydroelectric generation, and other beneficial uses. The project is primarily used for flood control, hydropower and maintaining fish flows in the Flathead River and downstream in the Columbia River. Hungry Horse water rights are senior to those of Avista Corp. at Noxon Rapids.

DNRC has the authority to acquire leases to market stored water from federal reservoirs (85-1-205 MCA.) and in turn, has the authority to lease this stored water to meet future water needs (85-2-141 MCA 2005).

What HJR 3 does?

DNRC is urged to work with the Bureau of Reclamation to determine whether water is physically and legally available for marketing and in what amount and at what costs. This will probably required the completion of a water availability analysis for stored water from Hungry Horse Reservoir and an Environmental Assessment or Environmental Impact

Statement, similar to the one prepared by the Bureau of Reclamation to market stored water from Yellowtail Reservoir on the Big Horn River, a tributary of the Yellowstone River. If water is available, DNRC will need to negotiate a contract with the Bureau of Reclamation on the amount and cost of the stored water that DNRC will be able to lease to meet existing and future water needs in the basin.

If DNRC is required to cost-share the Environmental Impact Statement or Environmental Assessment and water availability analysis, there could be additional costs to the department.