

# Montana State Legislature

**Exhibit Number:**

4

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SENATE NATURAL RESOURCES  
COMMITTEE NO. 4  
DATE 3/4/05  
BILL NO. HB 308

# Private Water Leasing *A Montana Approach*

A report on the 10-year history  
of a unique Montana program



# Executive Summary

Montana is known worldwide for its trout fisheries. Yet, Montana's trout streams are suffering. Competing uses for water, restrictive water laws, and prolonged droughts over the past two decades have all served to put stress on the habitat trout depend on, in spite of efforts through the Montana wild trout program to help the fish survive. In 1995, after years of rigorous debate, the Montana Legislature, with the assistance of conservation and agricultural groups, came up with a concept designed to help address the problem. A unique, Montana-style approach, the idea is known as private water leasing. Under the program, conservationists and water right holders work together to develop a lease that improves stream flows for trout while benefiting the farming or ranching operation and protecting all private water rights.

A ten-year pilot program that the 2005 legislature will consider renewing, the water leasing program has been an unqualified success. Streamflows have been restored and fisheries enhanced in several of Montana's most storied trout rivers, including the Blackfoot, Madison, Jefferson and Yellowstone. Equally significant, because of the careful way the program was designed, during its 10-year trial period there have been no adverse effects on other water users in the drainages where leases have been approved.

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*The Montana leasing program has met with and  
agricultural interests. It is a clear example of how both  
conservation and agricultural interests can work  
together for the common good of the state.*

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