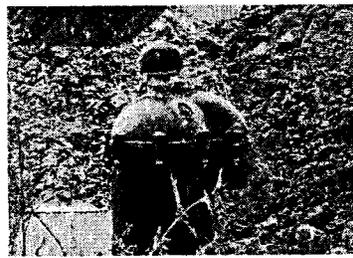
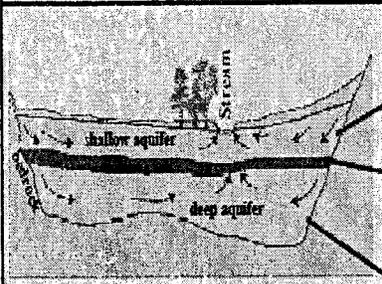
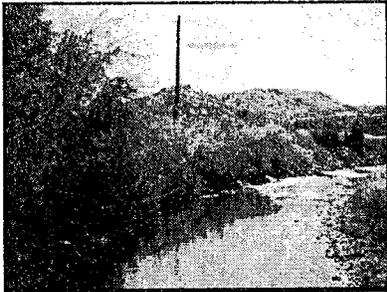


STATE NATURAL RESOURCES
CURRENT NO. 6
DATE 4-10-07
BILL NO. HB 831
Debby Barrett
444 1507

Water Policy in Montana

A Report to the 60th Legislature
of the State of Montana
October 2006



Prepared by Krista Lee Evans
Legislative Research Analyst

SURFACE WATER/GROUND WATER INTERACTION

Findings:

1. Montana, as do other western states, manages and distributes water based on the prior appropriation doctrine.
2. Surface water/ground water interaction appears to be most contentious in closed basins.
3. Surface water/ground water connectivity is a very emotional, complex, and diverse issue.
4. The presence or absence of a connection between surface water and ground water basins in Montana could significantly affect the ability to develop new water rights in closed basins.
5. The measurement of adverse effect, as provided in the prior appropriation doctrine, is an important element in determining whether a new appropriation may be allowed by the DNRC.
6. It is important to work with all interested parties if a solution to concerns or problems regarding surface water/ground water connectivity is going to be addressed in a way that will not harm senior water right holders.

Recommendations:

1. The DNRC work group should continue to work to try to find a consensus solution to address surface water/ground water connectivity concerns in closed basins.
2. The EQC should explore whether requesting a study resolution to address this issue is reasonable or feasible.