

HOUSE JOINT RESOLUTION NO. 27

INTRODUCED BY K. WILLIAMS

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUIRING A STUDY OF WATER POLICY IN MONTANA; AND REQUIRING RECOMMENDATIONS FOR POLICIES TO ACCOMMODATE GROWING POPULATIONS AND CHANGING WATER NEEDS WITHIN THE TENETS OF PRIOR APPROPRIATION AND COMMITMENTS TO ORDERLY ADMINISTRATION OF WATER.

WHEREAS, the concept of "first in time, first in right", known as the prior appropriation doctrine, that governs the use of water was affirmed in Montana by the Territorial Supreme Court in 1870 and today persists as a primary tenet of Montana water law; and

WHEREAS, growing populations, changes in water needs, and new technologies provide both challenges and opportunities for water resource management in Montana; and

WHEREAS, various efforts in Montana and the West are attempting to document and modernize water use and allocation, but a more holistic review is warranted.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to evaluate current efforts, other models, and needed policies to continue Montana's leadership in innovative water management while protecting the prior appropriation doctrine.

BE IT FURTHER RESOLVED, that areas of consideration for the study may include:

- (1) the accuracy of the statewide water adjudication and effectiveness of decree implementation;
- (2) water transfer polices in the western United States, as summarized by the Western States Water Council and others, and where Montana's transfer policies fit, including required oversight of implementation of the temporary water leasing legislation enacted by the 2013 Legislature;
- (3) relationships between basin closures, adjudication status, and integrated management of surface and ground water, including continued oversight of policies related to wells exempt from permitting;

