

HOUSE JOINT RESOLUTION NO. 5

INTRODUCED BY C. FISCUS, S. HESS, D. JONES, D. MORTENSEN, V. RICCI, B. TSCHIDA,
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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM REVIEW OF WATER POLICY TO RECOMMEND OPTIONS FOR INCREASING THE USE OF THE STATE'S SURFACE AND GROUND WATER, INCLUDING OPTIONS FOR PUTTING MORE OF THE STATE'S WATER TO USE BY THE PEOPLE BY STREAMLINING THE WATER RIGHT APPLICATION PROCESS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 65TH LEGISLATURE.

WHEREAS, the Montana Constitution provides that all surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law; and

WHEREAS, approximately 98% of our surface water flows out of state by the force of gravity; and

WHEREAS, approximately 33% of our surface water is lost to evaporation; and

WHEREAS, much of Montana's water originates in closed basins where there are additional requirements for surface and ground water use, even though the use of water is a minuscule percentage of the total water supply; and

WHEREAS, Montanans are denied the use of water because of a draconian water right permitting process.

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:

- (1) study the history of Montana's water supply, including the prevalence of massive weather systems;
- (2) evaluate the legislative and administrative history of basin closures and determine whether the closures were necessary;
- (3) consider options for putting more of the water originating in the state to beneficial and economic use



1 before it leaves the borders;

2 (4) evaluate the process for permitting new uses of water and recommend revisions to make the process
3 easier and faster;

4 (5) evaluate the 2015 Montana state water plan issued by the department of natural resources and
5 conservation; and

6 (6) suggest methods to promote the use of all surface, underground, flood, and atmospheric waters
7 within the boundaries of the state for the economic benefit of the people.

8 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
9 presented to and reviewed by an appropriate committee designated by the Legislative Council.

10 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
11 requirements, be concluded prior to September 15, 2016.

12 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
13 comments, or recommendations of the appropriate committee, be reported to the 65th Legislature.

14 - END -