

1 _____ JOINT RESOLUTION NO. _____
2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING AN INTERIM STUDY OF STOCK WATER RIGHTS ON TAYLOR GRAZING ACT
6 LANDS.

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8 WHEREAS, Taylor Grazing Act lands are managed by the Bureau of Land Management of the United
9 State Department of the Interior; and

10 WHEREAS, the Bureau of Land Management does not have a federally reserved water right for Taylor
11 Grazing Act lands; and

12 WHEREAS, water rights on Taylor Grazing Act lands are state-based water rights; and

13 WHEREAS, most Taylor Grazing Act lands fall within a state or federal grazing district; and

14 WHEREAS, access to stock water on Taylor Grazing Act lands is critical to the success of ranchers
15 that lease these lands and for the continued viability of eastern Montana agriculture; and

16 WHEREAS, Montana case law recognizes that an individual can own water rights on federal land; and

17 WHEREAS, other western states have determined that the federal government cannot own stock water
18 rights.

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

22 That the Legislative Council be requested to designate an appropriate interim committee or statutory
23 committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to examine issues related to
24 the administration and exercise of stock water rights on Taylor Grazing Act lands, including evaluations of:

25 (1) the data and records management system employed by the Department of Natural Resources and
26 Conservation as it relates to claims of water rights filed on Taylor Grazing Act lands;

27 (2) the amount and type of livestock owned by the federal government and where those are grazed or
28 located in the state;



1 (3) the applicability of legislation similar to Idaho law that implements an Idaho Supreme Court
2 decision from *Joyce Livestock Company v. United States of America*;

3 (4) claims and water rights of the Bureau of Land Management on Taylor Grazing Act lands, including
4 the number, type, flow rate, and volume of the associated claims or rights;

5 (5) entities who have filed claims for water rights where the place of use is located on Taylor Grazing
6 Act lands, including the number, type, flow rate, and volume of the claims;

7 (6) instances where both a private entity and the Bureau of Land Management have filed claims or
8 water rights on the same Taylor Grazing Act lands;

9 (7) case law regarding the site-specific analysis associated with the determination of ownership of
10 water rights located on Taylor Grazing Act lands; and

11 (8) the relationship between the lessor and the lessee as it relates to Taylor Grazing Act lands.

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

14 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
15 requirements, be concluded prior to September 15, 2022.

16 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
17 comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

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