

Montana Code Annotated 2011

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85-1-203. State water plan. (1) The department shall gather from any source reliable information relating to Montana's water resources and prepare from the information a continuing comprehensive inventory of the water resources of the state. In preparing this inventory, the department may:

- (a) conduct studies;
- (b) adopt studies made by other competent water resource groups, including federal, regional, state, or private agencies;
- (c) perform research or employ other competent agencies to perform research on a contract basis; and
- (d) hold public hearings in affected areas at which all interested parties must be given an opportunity to appear.

(2) The department shall formulate and adopt and amend, extend, or add to a comprehensive, coordinated multiple-use water resources plan known as the "state water plan". The state water plan may be formulated and adopted in sections, with some of these sections corresponding with hydrologic divisions of the state. The state water plan must set out a progressive program for the conservation, development, utilization, and sustainability of the state's water resources and propose the most effective means by which these water resources may be applied for the benefit of the people, with due consideration of alternative uses and combinations of uses.

(3) Sections of the state water plan must be completed for the Missouri, Yellowstone, and Clark Fork River basins, submitted to the 2015 legislature, and updated at least every 20 years. These basinwide plans must include:

- (a) an inventory of consumptive and nonconsumptive uses associated with existing water rights;
- (b) an estimate of the amount of surface and ground water needed to satisfy new future demands;
- (c) analysis of the effects of frequent drought and new or increased depletions on the availability of future water supplies;
- (d) proposals for the best means, such as an evaluation of opportunities for storage of water by both private and public entities, to satisfy existing water rights and new water demands;
- (e) possible sources of water to meet the needs of the state; and
- (f) any legislation necessary to address water resource concerns in these basins.

(4) (a) The department shall create a water user council in both the Yellowstone and Missouri River basins that is inclusive and representative of all water interests and interests in those basins. For the Clark Fork River basin, the department shall continue to utilize the Clark Fork River basin task force established pursuant to 85-2-350.

(b) The councils in the Missouri and Yellowstone River basins consist of representatives of existing watershed groups or councils within the basins.

- (c) Each council may have up to 20 members.
- (d) Each water user council shall make recommendations to the department on the basinwide plans required by subsection (3).

(5) Before adopting the state water plan or any section of the plan, the department shall hold public hearings in the state or in an area of the state encompassed by a section of the plan if adopted. Notice of the hearing or hearings must be published for 2 consecutive weeks in a

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circulation in each county encompassed by the proposed plan or section of the plan at least 30 days prior to the hearing.

(6) The department shall submit to the environmental quality council established in 5-16-101 and to the legislature at the beginning of each regular session the state water plan or any section of the plan or amendments, additions, or revisions to the plan that the department has formulated and adopted.

(7) The legislature, by joint resolution, may revise the state water plan.

(8) The department shall prepare a continuing inventory of the ground water resources of the state. The ground water inventory must be included in the comprehensive water resources inventory described in subsection (1) but must be a separate component of the inventory.

(9) The department shall publish the comprehensive inventory, the state water plan, the ground water inventory, or any part of each, and the department may assess and collect a reasonable charge for these publications.

(10) In developing and revising the state water plan as provided in this section, the department shall consult with the environmental quality council established in 5-16-101 and solicit the advice of the environmental quality council in carrying out its duties under this section.

History: En. Sec. 5, Ch. 158, L. 1967; amd. Sec. 138, Ch. 253, L. 1974; R.C.M. 1947, 89-132.1(1) thru (5); amd. Sec. 18, Ch. 573, L. 1985; amd. Sec. 1, Ch. 381, L. 1989; amd. Sec. 417, Ch. 418, L. 1995; amd. Sec. 70, Ch. 545, L. 1995; amd. Sec. 1, Ch. 404, L. 2009.

Provided by Montana Legislative Services

**State Water Planning Process
Water Policy Interim Committee
March 6, 2012**

- 1) Purpose of State Water Planning Process pursuant to MCA 85-1-203:
 - The purpose of state water planning process is to develop a coordinated strategic approach for meeting Montana's future water demands while protecting all existing beneficial uses.
- 2) Opportunity to develop a long-term water planning process rather than the development of static state water plan.
- 3) Outcomes of State Water Planning Process –
 - A strategic framework to guide the conservation, development, utilization, and sustainability of Montana's water resources over the next 20 years.
 - Information about future water availability and demands that individuals and public and private entities can use to support decisions related to water use.
 - Guidance for DNRC in prioritizing its resources and carrying out its duties with respect to coordinating the development and use of the water resources of the state.
 - Priorities for funding under the Renewable Resource Grant and Loan program administered by DNRC. Projects that implement state water plan priorities must be given preference over projects that are equal in terms of public benefit and technical feasibility. (85-1-601, MCA)
- 4) Sequence Approach –
 - a) Clark Fork Basin – March 2012- April 2013 (anticipated)
 - b) Yellowstone Basin – July 2012- September 2013 (anticipated)
 - c) Upper Missouri Basin – May 2013-July 2014 (anticipated)
 - d) Lower Missouri Basin – May 2013-July 2014 (anticipated)
 - e) Draft State Water Plan – Submitted to EQC/WPIC September 2014
 - f) Final State Water Plan – Submitted to Legislature December 2014
- 5) Report progress and seek input from EQC and WPIC throughout the planning process.
- 6) Activities Currently In Progress –
 - a) Compiling an inventory of water resource information and data available from sister agencies and partners.
 - b) Working in partnership with USGS to develop a compilation of water use in MT.
 - c) Working in partnership with MDT and USGS to develop a web-based tool that will greatly simplify the process of calculating hydrological statistics i.e. frequency of high and/or low flows.
 - d) Established basin planning teams (planner and hydrologist) for each basin. Planning teams will:
 - i) Work with Clark Fork Task Force in the Clark Fork Basin.
 - ii) Work with interested parties to establish basin councils in the Yellowstone and Missouri River Basins.
 - iii) Work with basin councils to establish an ongoing planning process in each basin.
 - iv) Work with basin councils to indentify and prioritize water management issues in each basin.
 - v) Identifying the information and data gaps to be filled in order to address the water management issues in each basin.