

HJR 40 - Artificial Ponds Study Resolution

STAKEHOLDER	INTERESTS	POSSIBLE SOLUTIONS
John Wilson - Trout Unlimited	(1) Protect existing water rights holders. (2) Protect instream flows for fisheries	(1) HB 505 (2) Prohibit artificial ponds (with exceptions) in closed basins by defining ponds as a consumptive use.
Bob Lane - DFWP	(1) Protect instream flows for fisheries. (2) Close loopholes in HB 505.	(1) Recognize that most ponds are consumptive by evaporation and through interconnection of surface and groundwater in many cases. (2) Establish criteria and define how much water is needed to water stock, maintain fish, reflect a house, etc.
Jack Stults, Curt Martin, Tim Hall - DNRC Water Rights Division.	(1) Protect existing water rights holders. (2) Eliminate illegal water use. (3) Assure that ponds approved as designed are built, operated, and maintained as designed. (4) Don't limit options to design and develop a "nonconsumptive" pond. (5) Don't expect agency to enforce without major provision of resources.	(1) Develop more "artful" language than that in HB 505. (2) Develop public interest criteria for approval of ponds...conditional on purpose of diversion, size of pond, water quality protections, benefit to state. (3) Statutorily mandate limit on pond size for types of ponds (fish, aesthetic, recreation, fire protection etc). (4) Establish criteria that describes minimum amount of water necessary to sustain the proposed use. (5) Prove that use has no adverse impact on public fisheries.

STAKEHOLDER	INTERESTS	POSSIBLE SOLUTIONS
Mike Murphy - Montana Water Resources Assn.	(1) Protect existing water rights holders (2) Don't jeopardize ability to establish on or off stream runoff water storage reservoirs. (3) Don't jeopardize existing exclusion that allows the development of stock ponds.	(1) Define size limits. (2) Make attorney fees recoverable in civil actions brought by water rights holders against violators.
John Bloomquist - Montana Stockgrowers Assn.	(1) Protect existing water rights holders. (2) Don't jeopardize existing exclusions that allow the development of stock ponds.	(1) Don't use water use act. (2) Make yes or no state policy decision regarding acceptability of (nonstock) artificial ponds. (3) If prohibited, have DFWP enforce it.
John Youngberg - Montana Farm Bureau	(1) Protect existing water rights holders. (2) Disallow and enforce illegal surface diversions for (non ag) ponds.	
Holly Franz - PPL	Protect existing water rights holders.	(1) Limit pond size - more difficult approval or ban for large ponds - tie to use. (2) Provide for easier administration or more effective enforcement.
David Schmidt - Water Rights Solutions	Retain ability to design ponds and to improve water based habitats.	Approve on site by site basis.
Karen Filipovich - Montana Watercourse MSU	Avoid improperly designed ponds.	Develop manual for proper pond design and maintenance.
Mont. Dept of Transportation	Retain ability to mitigate wetland impacts from highway construction by developing replacement areas.	