

To: Water Policy Interim Committee  
Krista Lee Evans, Staff  
From: Lyle Manley, Staff Attorney  
Department of Transportation  
RE: Recommendations for Potential Legislation  
Date: October 25, 2007

**Water Policy Committee – Recommendations for prioritization**

Allow state reservation water rights to be used as a mechanism for acquiring water rights to protect MDT's wetlands to earn the credits necessary from the federal government. As the water laws currently exist, there is little flexibility in the Missouri River basin and in the Upper Clark Fork and Bitterroot Basin Closures to acquire state reservation water rights. MDT believes that having one clear mechanism for establishing a water right to protect its wetlands as versus having to choose between permits, change of use rights, and state reservation of water rights depending on the basin the wetland is being established, would be more efficient for MDT, DNRC, and those who may benefit or be impacted by the establishment of the wetland