

HOUSE JOINT RESOLUTION NO. 3
INTRODUCED BY V. JACKSON

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO ENTER INTO NEGOTIATIONS WITH THE UNITED STATES BUREAU OF RECLAMATION TO DETERMINE THE AVAILABILITY AND COST OF WATER STORED BEHIND HUNGRY HORSE DAM FOR WHICH THE STATE OF MONTANA MIGHT CONTRACT TO SUPPORT FUTURE WATER DEVELOPMENT AND EXISTING WATER USE IN THE CLARK FORK RIVER BASIN.

WHEREAS, the 2001 Montana Legislature passed House Bill No. 397 creating the Clark Fork River basin task force and directing it to write a water management plan for the Clark Fork River basin that identifies options to protect the security of water rights, provides for the orderly development of water, and provides for the conservation of water in the future; and

WHEREAS, the Clark Fork task force on August 16, 2004, adopted "The Clark Fork River Basin Water Management Plan"; and

WHEREAS, the Clark Fork task force concludes in the plan that the basin's hydroelectric utility water rights likely pose a constraint on future basin water development and a risk to water use based on water rights junior to the hydroelectric rights; and

WHEREAS, Hungry Horse Reservoir was constructed and is operated by the United States Department of the Interior Bureau of Reclamation "for the purpose of irrigation and reclamation of arid lands, for controlling flood, improving navigation, regulating the flow of the South Fork of the Flathead River, for the generation of electric energy, and for other beneficial uses primarily in the State of Montana, but also for downstream uses"; and

WHEREAS, in its application of water right, the United States Bureau of Reclamation claimed 3.5 million acre-feet of storage for future sales; and

WHEREAS, no contracts for the sale of Hungry Horse water have been issued to date; and

WHEREAS, the plan concludes that water stored in Hungry Horse Reservoir could be released in a manner that would allow new water development in the Clark Fork River basin without adversely affecting downstream existing hydroelectric water rights; and

WHEREAS, water stored in Hungry Horse Reservoir could also be released in the amount used by water

users with water rights junior to the hydroelectric utilities, thereby precluding the need for the hydroelectric utilities to make a call on junior water right holders; and

WHEREAS, the plan recommends that the State of Montana open discussions with the United States Bureau of Reclamation to determine the availability and cost of temporary and long-term contracting options and to determine a quantity of firm storage available from Hungry Horse Reservoir for Montana uses other than hydroelectric power.

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

That the Montana Department of Natural Resources and Conservation be urged to enter into negotiations with the United States Bureau of Reclamation to determine the availability and cost of water stored behind Hungry Horse Dam for which the State of Montana might contract to support existing water use and future water development in the Clark Fork River basin.

BE IT FURTHER RESOLVED, that the Montana Department of Natural Resources and Conservation report to the Environmental Quality Council and the Clark Fork River basin task force the results of these negotiations prior to January 1, 2007.

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