

1 SENATE JOINT RESOLUTION NO. 5

2 INTRODUCED BY C. VINCENT

3 BY REQUEST OF THE WATER POLICY COMMITTEE

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5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
6 MONTANA REQUESTING AN INTERIM STUDY TO EXAMINE MONTANA'S LEGAL PROCESSES FOR
7 WATER RIGHTS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE
8 65TH LEGISLATURE.

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10 WHEREAS, Article IX, section 3(3), of the Montana Constitution declares that "all surface, underground,
11 flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its
12 people and are subject to appropriation for beneficial uses as provided by law"; and

13 WHEREAS, Article IX, section 3(4), of the Montana Constitution declares that "the legislature shall
14 provide for the administration, control, and regulation of water rights"; and

15 WHEREAS, the Department of Natural Resources and Conservation, the Montana Water Court, and state
16 district courts each endeavor to meet the standards contained in the Montana Constitution through various legal
17 processes; and

18 WHEREAS, the Legislature must ensure that the legal processes for water rights remain relevant,
19 professional, fair, effective, and efficient in the future.

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

23 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to
24 section 5-5-217, MCA, or direct sufficient staff resources to examine the legal processes related to water rights
25 administration, examine changing the role of the Water Court to that of a district court, and suggest improvements
26 for the future.

27 BE IT FURTHER RESOLVED, that the study consider:

28 (1) reports and analyses of Montana's legal processes related to water rights;

29 (2) input from all agencies and courts involved in Montana's legal processes related to water rights; and

30 (3) legal processes related to water rights in other states.

