

HOUSE JOINT RESOLUTION NO. 14

INTRODUCED BY B. HAMLETT

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 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
 5 MONTANA REQUESTING AN INTERIM STUDY OF THE FUTURE OF THE MONTANA WATER COURT; AND
 6 REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 67TH LEGISLATURE.

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 8 WHEREAS, the Montana Supreme Court finally recognized the prior appropriation doctrine in 1921,
 9 providing a system for water distribution and an important private property right; and

10 WHEREAS, the 1973 Montana Water Use Act created an adjudication process to centralize a system
 11 of water right administration and to determine many undefined water rights; and

12 WHEREAS, the 1979 Legislature created the Montana Water Court to conduct the litigation phase of
 13 adjudication and to issue final decrees, which determine the priority dates and flow rates for all water claimed
 14 before 1973; and

15 WHEREAS, the Montana Water Court will have a diminished role after decrees are issued for all of the
 16 state's 85 hydrologic basins, which is estimated to be 2028; and

17 WHEREAS, the Montana Water Court, its judges, and its water masters retain a broad depth of historical
 18 and contemporary knowledge of water rights in Montana, and it may be wise to retain such expertise for future
 19 decades of water right administration in Montana.

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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 review the future role of the Montana Water Court
 25 and, if possible, make recommendations for the Water Court.

26 BE IT FURTHER RESOLVED, that the study consider:

- 27 (1) reports and analyses related to the Water Court, and the adjudication, permitting, and change of water
 28 right processes;
 29 (2) input from the Water Court, state agencies, water users, and others involved in the change process;
 30 (3) similar courts in other arid western states; and



1 (4) other relevant information.

2 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
3 presented to and reviewed by an appropriate committee designated by the Legislative Council.

4 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
5 requirements, be concluded prior to September 15, 2020.

6 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
7 comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

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