

DNRC 2013 Legislative Proposals

June 29, 2012

Water Resources Division

- 1) **Water Use Act Cleanup Bill:** This bill cleans up changes to the Water Use Act that have taken place over the last decade through HB 39 (2007), HB 831 (2007), and HB 40 (2009) which have proven to be unnecessary, redundant, or in conflict with other sections of law.
- 2) **Change Title of Governor's Drought Advisory Committee:** The bill changes the Title of the "Governor's Drought Advisory Committee" to the "Governor's Drought and Water Supply Advisory Committee." The change better reflects the range of issues and information dealt with by the advisory committee. The 2011 floods raised the need for the advisory committee to address a wider range of weather and water projections than just drought.
- 3) **Temporary Leasing of Water Rights:** The eastern Montana oil boom has dramatically increased the demand for water. This bill would allow water right holders to temporarily lease the consumptive portion of an existing water right. The temporary lease process would limit the number of years a temporary lease can be used (one in ten), would limit the amount of water that can be leased, and would require the temporary lease be publicly noticed by the water right holder.

Conservation and Resource Development Division

- 4) **Establish Regional Water System Rate Process:** Montana regional water systems deliver water to communities and individual water users. Cities, towns, and water districts all have a process by which rates and charges are established. The bill would establish a similar process for regional water systems.

Reserved Water Rights Compact Commission

- 5) **Confederated Salish and Kootenai Tribes Water Compact:** The State of Montana-RWRCC has been negotiating in earnest with the Confederated Salish and Kootenai Tribes and Federal Government on the settlement of the Tribes' reserved water rights since 2007. The Commission intends to bring a compact to the Legislature for ratification.
- 6) **Ft. Belknap Water Compact Funding:** The Fort Belknap-Montana Compact was ratified by the 2001 Legislature. The State committed \$14.5 million as its contribution to fund infrastructure improvements and mitigation measures. The 2005 Legislature authorized \$9.5 million in General Obligation bonds. The 2009 Legislature appropriated \$1 million for People's Creek minimum flow account. The bill appropriates \$4 million from the general fund to meet the balance of State's commitment.
- 7) **Charles M. Russell National Wildlife Refuge Water Compact:** The CMR National Wildlife Refuge was established in 1936. Negotiations on reserved water rights are ongoing. The Commission intends to bring a compact to the Legislature for ratification. Compacts for the other National Wildlife Refuges in Montana have been ratified by the Legislature.
- 8) **Upper Missouri Breaks National Monument Water Compact:** The Upper Missouri River Breaks National Monument was established in 2001. The proclamation limits the reservation of water to two Missouri River tributaries, Arrow Creek and the Judith River. Negotiations are ongoing. The Commission intends to bring a Compact to the Legislature for ratification.

- 9) **Sunset Reserved Water Rights Compact Commission:** The RWRCC was established in 1979 to negotiate settlements with federal agencies and Indian tribes that claim federal reserved water rights within the State. The 2009 Legislature extended the Commission to July 1, 2013. The water right claims of the tribes and federal agencies are suspended from adjudication while they are being negotiated.

Director's Office Legal Unit

- 10) **Provide Authority to Appropriate Water Rights Enforcement Penalties for DNRC Enforcement Work:** 2007 legislation added the AG's office to the list of enforcement entities under 85-2-114 and provided that if fines were collected they would be made available without further appropriation for expenditures by the Dept. of Justice for enforcement actions under 85-2-114. The legislation is intended to provide for the correlative authority for DNRC to expend funds from fines for that purpose as well.