

1 H JOINT RESOLUTION NO. 23
 2 INTRODUCED BY Rep. by request Mont water subcommittee
 3 BY REQUEST OF
 4 THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

5
 6 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 7 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE
 8 COMMITTEE ON PRIORITIES TO ASSIGN TO THE APPROPRIATE
 9 STANDING COMMITTEE A STUDY OF ESTABLISHING A PREFERENCE
 10 SYSTEM OF WATER RIGHTS IN MONTANA.

11
 12 WHEREAS, water law in the state is based upon the
 13 appropriation doctrine incorporating the "first in time,
 14 first in right" principle; and

15 WHEREAS, according to the report submitted by the
 16 Department of Natural Resources and Conservation "The Future
 17 of the Yellowstone River...?" there will not be enough water
 18 in all areas of the Yellowstone Basin at all times of the
 19 year to satisfy all potential water users; and specifically,
 20 the Tongue and Powder River Basins may be short of water if
 21 future development approaches the level considered in the
 22 report; and

23 WHEREAS, to promote the orderly and wise utilization of
 24 Montana's water and related land resources, it may be
 25 helpful to the state to adopt a system of rating water uses

1 for the purpose of establishing preference of one use of
 2 water over another, a system now utilized by most western
 3 states.

4
 5 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 6 OF REPRESENTATIVES OF THE STATE OF MONTANA:

7 (1) That the Committee on Priorities assign to the
 8 appropriate standing committee a study of establishing a
 9 preference system of water rights in Montana.

10 (2) That the Committee consult with the Department of
 11 Natural Resources and Conservation and other appropriate
 12 agencies and persons during the course of the study.

13 (3) That the study consider the feasibility of
 14 implementing a preference system throughout Montana and
 15 within individual water basins.

16 (4) That the committee report its findings and
 17 recommendations to the 46th Legislature.

-End-

HJR 23

Approved by Committee
on Judiciary

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