

# HOUSE SELECT COMMITTEE ON WATER

January 31, 1979

The meeting was called to order by Chairman Day at 1:30 p.m. with all members present except Representatives Hand, Robbins, and Scully. The following people from the Department of Natural Resources and Conservation were present to explain to the committee where the Yellowstone River reservations were allocated: Ted J. Doney, Gary Fritz, Laurence Siroky, and Gary Spaeth.

TED DONEY began by stating that the Board of Natural Resources did an outstanding job on the final decisions on the Yellowstone River water reservations. He submitted a report from Dr. Wilson F. Clark, a member of the Board of Natural Resources and Conservation, on the Yellowstone River Water Reservations (attached) and a book entitled, "Order of Board of Natural Resources Establishing Water Reservations". This book is a full explanation of what the board did. (this book is in the possession of Representative Day)

The Department of Natural Resources and Conservation was handicapped in helping the board because they were unable to communicate with them because of the application the Department had made on the Tongue River for a water reservation. They will not make application ever again so they will be able to work with the board.

GARY FRITZ, explained that in 1973 the legislature passed the Water Use Act, pointing out four important items; 1) purpose of the reservation, 2) need for the reservation, 3) the public interest, and 4) the availability of water.

In 1974 the legislature passed the Yellowstone Moratorium. This was a three year moratorium, but was extended for 5 years. It was finally settled on December 15, 1978.

The applications amounted to more than water available on the river in a one year period. He then showed the committee some charts of how much water was applied for and how much was allocated.

The following cities were granted water under the municipal reservations: Livingston, Big Timber, Columbus, Laurel, Billings, Miles City, Glendive, and Broadus. The municipal reservations requested for a one year period was 391,516.9 acre-feet of water. The actual amount the board granted them was 60,913 acre-feet.

Several agencies requested water for irrigation purposes. The applications amounted to over 1 million acre-feet of water, 635 thousand acre feet were actually granted. These reservations total more water than the river has in low years. The priorities are as follows: 1) all municipal, 2) instream reservations at the mouth of the Bighorn River, 3) irrigation reservations, 4) instream reservations down stream from the mouth of the Bighorn River, and 5) all purpose storage reservations

Charts were shown on the amounts of water granted and how much would be used for each area. The flows are granted by the month for irrigation purposes.

The instream reservations are held jointly with the Department of Fish and Game and the Department of Health.

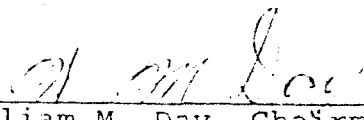
There is 2 million acre-feet not reserved in an average flowing year.

TED DONEY, stated that the Departments recommendations were not the same as the Boards. They recommended more water not be reserved where the Board granted all of it. He made it clear that the Department of Natural Resources and the Board of Natural Resources are different. The Board is made up of seven members, and we are part of the Department.

The water reserved for irrigation purposes will have to be justified and reported to the board within the next three years. This will cost the irrigation districts about 455 thousand dollars.

REPRESENTATIVE RAMIREZ, stated that he felt the water committee should investigate and find out who would have the right to change the instream reservations.

The meeting was ajourned at 2:15 p.m.

  
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William M. Day, Chairman

Judy J. Mock, Secretary