

# HOUSE SELECT COMMITTEE ON WATER

February 19, 1979

The meeting was called to order by acting Chairman Dassinger at 7:30 p.m. with all members present except Representatives: Kemmis, Nathe, Ramirez, and Scully.

## HOUSE BILL NO. 842

REPRESENTATIVE WILLIAM M. DAY introduced the bill. This bill is the recommendation of the Select Committee on Water. It will permit the reallocation and appropriation of water reserved for purposes of maintaining in-stream flow in the Yellowstone River whenever the Board of Natural Resources and Conservation determines that the reservation is not required. This bill was drafted mostly to cover the Fish and Game's reservation for in-stream flow, giving the DNRC the authority, if the need arises, to reallocate.

He then proposed amendments to change, "aquatic life" to "in-stream flow" throughout, and page 2, line 4, insert: "or a more beneficial use can be proven."

### PROPOSERS:

JAMES POSEWITZ, Department of Fish and Game, stated that their interest is in protecting the in-stream flow of water. They asked that the review of the in-stream flow be made at the same time the other reservations are reviewed. They made their case once and can do it again. It was their understanding when the reservation was made that the Department had the right to reallocate this water if necessary.

BOB BIGGERSTAFF, Montana Association of Conservation Districts, stated that they were in favor of anything that would improve the use of water for agricultural purposes.

JOHN WILSON, Montana Council of Trout Unlimited, stated that the amendments make more sense and give more flexibility. They agreed that since the 10 year review is already allowed for, they would encourage this review be done on a 10 year basis, also.

FRANKLIN GROSFIELD, Big Timber, rose in support of the amendments.

Seeing no opponents the hearing on HB 842 was closed.

## HOUSE JOINT RESOLUTION NO. 48

REPRESENTATIVE WILLIAM M. DAY introduced the bill which was also a request of the Select Water Committee. This resolution was stemmed from a bill that had been introduced in the Wyoming legislature. Their bill would by-pass the agreement made with us in the Yellowstone River Compact. This is in violation of the compact and we will be letting them know that we are not going to sit and let it go unnoticed.

RONALD F. WATERMAN, Montana Railroad Association, stated that they were

in support for the reasons stated by Representative Day. We are encouraging the signatory states of the Yellowstone River Compact to abide by the provisions of the Compact by passage of this resolution.

TED DONEY, Department of Natural Resources and Conservation, rose in support of the resolution. Notice has already been served on Wyoming letting them know that we do not intend to set by and let them violate the Compact.

Chairman Day resumes the Chair.

EXECUTIVE SESSION:

HOUSE JOINT RESOLUTION NO. 48

Representative Hand moved, DO PASS. The motion was carried unanimously.

HOUSE BILL NO. 842

Representative Dassinger moved, TO AMEND, by committee of the whole, the amendments proposed by Representative Day. The motion was carried unanimously.

Representative Hand moved, DO PASS. The motion was carried unanimously.

The meeting was adjourned at 7:50 p.m.

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William M. Day, Chairman

Judy J. Mook, Secretary

*William Day*