

SENATE JOINT RESOLUTION NO. 16

INTRODUCED BY YELLOWTAIL, HANSON, HIRSCH, SHAW

IN THE SENATE

February 2, 1985	Introduced and referred to Committee on Natural Resources.
February 4, 1985	Fiscal Note requested.
February 9, 1985	Fiscal Note returned.
February 16, 1985	Committee recommend bill do pass. Report adopted.
February 18, 1985	Bill printed and placed on members' desks.
February 19, 1985	Second reading, pass consideration.
February 20, 1985	Second reading, do pass as amended.
February 21, 1985	Correctly engrossed.
February 22, 1985	Third reading, passed. Ayes, 49; Noes, 0. New Fiscal Note requested. Transmitted to House.
February 26, 1985	New Fiscal Note returned.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Natural Resources.
March 14, 1985	Committee recommend bill be concurred in. Report adopted.

March 16, 1985

Second reading, concurred in.

March 19, 1985

Third reading, concurred in.

Returned to Senate.

IN THE SENATE

March 19, 1985

Received from House.

Sent to enrolling.

Reported correctly enrolled.

Senate JOINT RESOLUTION NO. 16

INTRODUCED BY Yellowstone, M. Hanson, Sue Hinrich

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE GOVERNMENTS OF MONTANA AND WYOMING TO RESOLVE THEIR DIFFERENCES ON THE POWDER RIVER THROUGH NEGOTIATION OF A BASIN MANAGEMENT PLAN.

WHEREAS, proposed water development projects in Wyoming could adversely affect the water quality of the Powder River flowing into Montana; and

WHEREAS, there are conflicting reports on the degree of water quality degradation and the effect such degradation would have on existing water uses in Montana; and

WHEREAS, there is dispute over the validity of the date of the water rights proposed to be developed in Wyoming's Middle Fork Project; and

WHEREAS, these differences could lead to costly litigation; and

WHEREAS, currently 25% of the salt load of the Powder River flowing into Montana is attributable to discharges from secondary oil recovery operations in the Salt Creek drainage; and

WHEREAS, the Yellowstone Compact Commission has

jurisdiction to resolve conflicts between Montana and Wyoming over the allocation of water from the Powder River; and

WHEREAS, the commissioners from Montana and Wyoming disagree on the Compact's jurisdiction over water quality and the apportionment of water from the Powder River; and

WHEREAS, the Wyoming Water Development Commission has the responsibility for the development of the Middle Fork Reservoir Project; and

WHEREAS, conflict over water quality is both a legal and a technical issue, involving the Attorney General as well as the Yellowstone River Compact Commission and water quality agencies in Wyoming and Montana; and

WHEREAS, there may be the potential for the states to cooperate on a joint water development project or plans that resolve both states' concerns; and

WHEREAS, this issue is complex and involves a number of agencies in both states.

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

(1) That the Legislature of the State of Montana urge the governments of Wyoming and Montana to resolve their differences on the Powder River through negotiation of a basin management plan.



1 (2) That the purpose of this plan be to exchange
2 information, establish criteria for evaluating proposed
3 development, and investigate the potential for joint water
4 projects.

5 (3) That the intent of the plan be to avoid litigation
6 by resolving the differences between the states through
7 negotiation.

8 (4) That it be proposed that this plan be negotiated
9 by a team of individuals from both states appointed by the
10 respective Governors.

11 (5) That this team meet on a regular schedule as
12 needed until a negotiated management plan is completed.

13 (6) That Governor Schwinden, together with
14 representatives of the Montana Legislature, be urged to meet
15 with Governor Herschler and representatives of the Wyoming
16 Legislature as soon as possible to establish the management
17 plan negotiation team.

18 (7) That the Secretary of State send a copy of this
19 resolution to Governor Ted Schwinden, Honorable Ed
20 Herschler, Governor of Wyoming, Honorable Gerald Geis,
21 President of the Wyoming Senate, and Honorable Jack Sidi,
22 Speaker of the Wyoming House of Representatives.

-End-

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. FNN334-85

Form BD-15

In compliance with a written request received February 4 19 85, there is hereby submitted a Fiscal Note for S.J.R. 16 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION:

The resolution urges the Governors of Wyoming and Montana to appoint a negotiation team to resolve our differences in the Powder River Basin of Montana and Wyoming and to develop a basin management plan that mutually benefits both states. Wyoming is presently increasing the salt load in the Powder River by at least 25% from secondary oil well treaters that discharge waste into Salt Creek, a tributary of the Powder River. Wyoming also plans to build a storage project on the Middle Fork of the Powder River that would utilize the good quality water and let the poor quality water pass into Montana. Montanans in the Powder River Basin depend upon the Powder River water for irrigation. The quality of this water is marginal for irrigation and any increase in total dissolved solids and pollutants would adversely effect existing water rights protected under the Yellowstone River Compact.

ASSUMPTIONS:

1. The negotiation team will meet at least 4 times per year.
2. The negotiation team will consist of 6-8 members.
3. The teams will collect data and conduct legal and technical investigations.
4. State agency personnel, Legislators and legislative staff will be paid from existing programs.
5. An investigation on the effects of water quality on production will be determined in the Powder River Basin to strengthen Montana's legal position.
6. One FTE will be required to conduct necessary research.

EXPENDITURE IMPACT:

	FY 1986	FY 1987
Amount under current law	\$ 9,600	\$ 9,600
Amount under proposed law	60,110	60,110
Increase General Fund Cost	\$50,510	\$50,510

LONG RANGE EFFECTS OF PROPOSED LEGISLATION:

This legislation could have the effect of mitigating costly litigation between Montana and Wyoming; protecting existing water users in the Montana portion of the Powder River Basin and possibly providing increased water of better quality to Montana.

David L. Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 9, 1985
SJR/16

APPROVED BY COMM. ON
NATURAL RESOURCES

Senate JOINT RESOLUTION NO. 16

INTRODUCED BY Yellowstone, M. Hanson, Sue Heisek
Chair

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE GOVERNMENTS OF MONTANA AND WYOMING TO RESOLVE THEIR DIFFERENCES ON THE POWDER RIVER THROUGH NEGOTIATION OF A BASIN MANAGEMENT PLAN.

WHEREAS, proposed water development projects in Wyoming could adversely affect the water quality of the Powder River flowing into Montana; and

WHEREAS, there are conflicting reports on the degree of water quality degradation and the effect such degradation would have on existing water uses in Montana; and

WHEREAS, there is dispute over the validity of the date of the water rights proposed to be developed in Wyoming's Middle Fork Project; and

WHEREAS, these differences could lead to costly litigation; and

WHEREAS, currently 25% of the salt load of the Powder River flowing into Montana is attributable to discharges from secondary oil recovery operations in the Salt Creek drainage; and

WHEREAS, the Yellowstone Compact Commission has

jurisdiction to resolve conflicts between Montana and Wyoming over the allocation of water from the Powder River; and

WHEREAS, the commissioners from Montana and Wyoming disagree on the Compact's jurisdiction over water quality and the apportionment of water from the Powder River; and

WHEREAS, the Wyoming Water Development Commission has the responsibility for the development of the Middle Fork Reservoir Project; and

WHEREAS, conflict over water quality is both a legal and a technical issue, involving the Attorney General as well as the Yellowstone River Compact Commission and water quality agencies in Wyoming and Montana; and

WHEREAS, there may be the potential for the states to cooperate on a joint water development project or plans that resolve both states' concerns; and

WHEREAS, this issue is complex and involves a number of agencies in both states.

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

(1) That the Legislature of the State of Montana urge the governments of Wyoming and Montana to resolve their differences on the Powder River through negotiation of a basin management plan.

1 (2) That the purpose of this plan be to exchange
2 information, establish criteria for evaluating proposed
3 development, and investigate the potential for joint water
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5 (3) That the intent of the plan be to avoid litigation
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7 negotiation.

8 (4) That it be proposed that this plan be negotiated
9 by a team of individuals from both states appointed by the
10 respective Governors.

11 (5) That this team meet on a regular schedule as
12 needed until a negotiated management plan is completed.

13 (6) That Governor Schwinden, together with
14 representatives of the Montana Legislature, be urged to meet
15 with Governor Herschler and representatives of the Wyoming
16 Legislature as soon as possible to establish the management
17 plan negotiation team.

18 (7) That the Secretary of State send a copy of this
19 resolution to Governor Ted Schwinden, Honorable Ed
20 Herschler, Governor of Wyoming, Honorable Gerald Geis,
21 President of the Wyoming Senate, and Honorable Jack Sidi,
22 Speaker of the Wyoming House of Representatives.

-End-

STATE OF MONTANA
FISCAL NOTE

Revised
REQUEST NO. FNN334-85

Form BD-15

In compliance with a written request received February 22 19 85, there is hereby submitted a Fiscal Note for SJR 16 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

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ASSUMPTIONS:

1. The negotiation team will meet at least 4 times per year. Negotiation team will consist of 6-8 members. Besides the quarterly meetings, other technical meetings are planned in the Powder River Basin. Most meetings will be held in Billings, Powder River, or Sheridan.
2. The teams will collect data and conduct legal and technical investigations.
3. State agency personnel and travel costs will be paid from existing programs.
4. Private Sector team members cost will be paid for from state funds.

FISCAL IMPACT:

	<u>FY1986</u>	<u>FY1987</u>
General Fund Cost	\$1,000	\$1,000

LOCAL IMPACT:

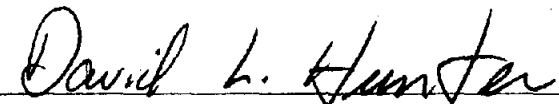
None

LONG RANGE EFFECTS OF PROPOSED LEGISLATION:

The legislation could have the effect of mitigating costly litigation between Montana and Wyoming; protecting existing water users in the Montana portion of the Powder River Basin and possibly providing increased water of better quality to Montana.

TECHNICAL NOTES:

None



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 26, 1985

SENATE JOINT RESOLUTION NO. 16

INTRODUCED BY YELLOWTAIL, HANSON, HIRSCH, SHAW

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE GOVERNMENTS OF MONTANA AND WYOMING TO RESOLVE THEIR DIFFERENCES ON THE POWDER RIVER THROUGH NEGOTIATION OF A BASIN MANAGEMENT PLAN.

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jurisdiction to resolve conflicts between Montana and Wyoming over the allocation of water from the Powder River; and

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WHEREAS, conflict over water quality is both a legal and a technical issue, involving the Attorney General as well as the Yellowstone River Compact Commission and water quality agencies in Wyoming and Montana; and

WHEREAS, there may be the potential for the states to cooperate on a joint water development project or plans that resolve both states' concerns; and

WHEREAS, this issue is complex and involves a number of agencies in both states; AND

WHEREAS, THERE ARE OTHER YELLOWSTONE RIVER BASIN TRIBUTARIES FOR WHICH SIMILAR CONSIDERATIONS WILL ARISE IN THE NEAR FUTURE.

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

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1 the governments of Wyoming and Montana to resolve their
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16 (6) That Governor Schwinden, together with
17 representatives of the Montana Legislature, be urged to meet
18 with Governor Herschler and representatives of the Wyoming
19 Legislature as soon as possible to establish the management
20 plan negotiation team.

21 (7) THE RESPECTIVE GOVERNORS ARE ENCOURAGED TO
22 CONSIDER IMPLEMENTING SIMILAR BASIN MANAGEMENT NEGOTIATION
23 PROCESSES ON OTHER YELLOWSTONE RIVER BASIN TRIBUTARIES AS
24 NEED ARISES.

25 ~~(7)~~(8) That the Secretary of State send a copy of this

1 resolution to Governor Ted Schwinden, Honorable Ed
2 Herschler, Governor of Wyoming, Honorable Gerald Geis,
3 President of the Wyoming Senate, and Honorable Jack Sidi,
4 Speaker of the Wyoming House of Representatives.

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REFERENCE BILL

SJR 16

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