

SENATE JOINT RESOLUTION NO. 5

INTRODUCED BY C. VINCENT

BY REQUEST OF THE WATER POLICY COMMITTEE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO EXAMINE MONTANA'S LEGAL PROCESSES FOR WATER AND DITCH RIGHTS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 65TH LEGISLATURE.

WHEREAS, Article IX, section 3(3), of the Montana Constitution declares that "all surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law"; and

WHEREAS, Article IX, section 3(4), of the Montana Constitution declares that "the legislature shall provide for the administration, control, and regulation of water rights"; and

WHEREAS, the Department of Natural Resources and Conservation, the Montana Water Court, and state district courts each endeavor to meet the standards contained in the Montana Constitution through various legal processes; and

WHEREAS, the Legislature must ensure that the legal processes for water AND DITCH rights remain relevant, professional, fair, effective, and efficient in the future.

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

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to examine the legal processes related to water AND DITCH rights administration, examine ~~changing~~ the role of the Water Court ~~to that of a district court, and, DISTRICT COURTS, AND THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION, AND IF NECESSARY~~ suggest improvements for the future.

BE IT FURTHER RESOLVED, that the study consider:

(1) reports and analyses of Montana's legal processes related to water AND DITCH rights;

(2) input from all agencies ~~and~~ courts, AND WATER USERS involved in Montana's legal processes related



1 to water AND DITCH rights; and

2 (3) legal processes related to water AND DITCH rights in other states; AND

3 (4) THE IMPACTS ANY CHANGES MAY HAVE ON WATER USERS.

4 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be  
5 presented to and reviewed by an appropriate committee designated by the Legislative Council.

6 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review  
7 requirements, be concluded prior to September 15, 2016.

8 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,  
9 comments, or recommendations of the appropriate committee, be reported to the 65th Legislature.

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