

## Establishment of Stream Gauge Oversight Work Group Montana Code Annotated 2019

TITLE 2. GOVERNMENT STRUCTURE AND ADMINISTRATION  
CHAPTER 15. EXECUTIVE BRANCH OFFICERS AND AGENCIES  
Part 33. Department of Natural Resources and Conservation

Drought And Water Supply Advisory Committee -- **Stream Gauge Oversight Work Group**

**2-15-3308.** *(Temporary)* **Drought and water supply advisory committee -- stream gauge oversight work group.** (1) There is a drought and water supply advisory committee in the department of natural resources and conservation.

(2) The drought and water supply advisory committee is chaired by a representative of the governor and consists of representatives of the departments of natural resources and conservation; agriculture; commerce; fish, wildlife, and parks; military affairs; environmental quality; and livestock. The governor's representative must be appointed by the governor, and the representative of each department must be appointed by the head of that department. Additional, nonvoting members who represent federal and local government agencies and public and private interests affected by drought, flooding, or water supply may also be appointed by the governor.

(3) The drought and water supply advisory committee shall:

(a) with the approval of the governor, develop and implement a state plan that considers drought and flooding, mitigation, and response;

(b) review and report drought and water supply monitoring information to the public;

(c) coordinate timely drought and flooding impact assessments and maintain regular communication with the United States drought monitor, the national drought mitigation center, the division of disaster and emergency services, the national weather service, and other appropriate local, state, tribal, and federal partners;

(d) identify areas of the state with a high probability of drought or flooding and target reporting and assistance efforts to those areas in coordination with local, state, tribal, and federal agencies;

(e) upon request, assist in organizing local advisory committees for the areas identified under subsection (3)(d);

(f) request state agency staff to provide technical assistance to local advisory committees;

(g) promote ideas and activities for groups and individuals to consider that may reduce vulnerability to drought or flooding and improve seasonal forecasting of water supply; and

**(h) select members of the committee to serve on a stream gauge oversight work group.**

(4) The drought and water supply advisory committee shall meet, at a minimum, on or around October 15 and March 15 of each year to assess moisture conditions and forecasts and, as appropriate, begin preparations for drought or flood mitigation.

(5) By April 15 of each year, the drought and water supply advisory committee shall submit a report to the governor's office that, to the extent possible, describes the potential for drought or flooding in the coming year, describes the current water supply conditions of the state, taking into consideration winter precipitation, and provides an assessment of the cumulative water supply status.

(6) By July 1 of each year, the drought and water supply advisory committee shall submit a report to the governor's office evaluating the potential for drought for the remainder of the calendar year. If the report identifies a potential for drought that is likely to cause adverse impacts to human health and safety, environmental quality, or both, the committee shall notify the division of disaster and emergency services and county commissioners, tribal governments, conservation districts, and local watershed groups in the geographic location potentially impacted by drought and the types of impacts likely to occur.

(7) (a) The stream gauge oversight work group shall meet at least semiannually to review:

(i) locations, uses, and funding arrangements for the stream gauge network of the U.S. geological survey; and

(ii) priorities, needs, and expectations of those funding the maintenance and operations of these stream gauges and those using data measured by these stream gauges.

(b) The work group shall create annually a stream gauge infrastructure work plan, which may include:

(i) a comprehensive overview of the existing stream gauge network;

(ii) a review of options for funding the maintenance and operations of the stream gauge network, including use of private funds, consolidated agreements, or multipayer payments;

(iii) a proposal for stream gauge priorities;

(iv) cost-effective and reasonable alternatives to stream gauges, including gauges that are not part of the U.S. geological survey's stream gauge network, if applicable;

(v) oversight of recommendations and activities related to any legislative study of stream gauges; and

(vi) coordination of information regarding stream gauge funding recommendations and requests from state and federal agencies.

(c) The work group shall report to the water policy interim committee established in **5-5-231**.

(8) Nothing in this section is intended to remove or interfere with the duties and responsibilities of the governor or the division of disaster and emergency services for disaster coordination and emergency response, as provided in Title 10, chapter 3, part 1. The duties and responsibilities of the drought and water supply advisory committee supplement and are consistent with those of the division of disaster and emergency services for drought or flood planning, preparation, coordination, and mitigation. (*Terminates June 30, 2023--sec. 7, Ch. 298, L. 2019.*)

**2-15-3308.** (*Effective July 1, 2023*) **Drought and water supply advisory committee.** (1) There is a drought and water supply advisory committee in the department of natural resources and conservation.

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**History:** En. Sec. 1, Ch. 209, L. 1991; amd. Sec. 19, Ch. 418, L. 1995; amd. Sec. 1, Ch. 17, L. 1999; amd. Sec. 1, Ch. 84, L. 2013; amd. Sec. 1, Ch. 81, L. 2019; amd. Sec. 3, Ch. 298, L. 2019.

TITLE 85. WATER USE  
CHAPTER 2. SURFACE WATER AND GROUND WATER  
Part 1. General Provisions

**Policy Considerations**

**85-2-154. (Temporary) Policy considerations.** (1) 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.

(2) The legal appropriation of water requires that the water be legally and physically available for appropriation.

(3) Measurement and monitoring of streamflow supports the state's ability to determine when water is physically and legally available to meet new demands while protecting existing water rights.

(4) The effective management and distribution of water depends on accurate real-time measurement of streamflow. (*Terminates June 30, 2023--sec. 7, Ch. 298, L. 2019.*)

**History: En. Sec. 1, Ch. 298, L. 2019.**

**Intent**

**85-2-155. (Temporary) Intent.** (1) The 2015 state water plan recognizes that improving Montana's water supply and distribution monitoring network will improve the ability of water managers and water users to adjust to seasonal supply and demand imbalances as well as plan for longer term imbalances associated with climate variability.

(2) It is the intent of the legislature to support local, state, and federal efforts and programs to collect and distribute timely and accurate information on Montana streamflows.

(3) The legislature recognizes that streamflow information is collected by numerous state and federal agencies and tribes to meet their statutory responsibilities.

(4) The legislature recognizes that streamflow information collected by state, tribal, and federal entities is critical to administration of the Montana Water Use Act, distribution of water by decree, water supply planning for municipalities, and implementation of plans and agreements that address locally developed drought, fish habitat, or water supply objectives.

(5) The legislature recognizes it is in the public interest to support and encourage coordination in the collection and distribution of streamflow information. (*Terminates June 30, 2023--sec. 7, Ch. 298, L. 2019.*)

**History: En. Sec. 2, Ch. 298, L. 2019.**