

Yellowstone Basin Advisory Council
Membership &
Report of 2013 Public Scoping Activities

Appendix B:
Key Points of DNRC Presentations at Regional Meetings



Key Points in DNRC Presentations at Regional Meetings

Water Planning

1. Objectives of the Yellowstone water planning process are set forth in Montana's water planning statute (§85-1-203 MCA):
 - Document current beneficial uses,
 - Forecast future demand for water,
 - Identify sources of water to meet increases in demand (while protecting existing uses),
 - Provide recommendations to the Legislature on ways to meet future water needs,
 - Provide guidance to DNRC with respect to water administration.
2. Irrigation accounts for nearly all (96%) of the total water withdrawn from Montana's water supply. Eighty percent of this water stays in the ground and surface water components of the hydrologic system. The remainder evaporates or is consumed by crops.
3. Water allocation in Montana is governed by the Doctrine of Prior Appropriation: "first in time, first in right". Thus, access to usable water during times of scarcity is legally allocated by priority date. In reality, access to usable water is governed by a variety of interacting factors (e.g. amount and timing of delivery, form of precipitation, quality sufficiency, physical access, etc.) that must be accounted for in any water availability determination.
4. Legal availability of water is not equivalent to physical availability of water. Water rights are a legal construct intended to secure a right to use water; water right ownership does not guarantee water is or will be available.
5. To prepare for times of scarcity, or to ensure an adequate supply for existing and potential uses, requires better information regarding water distribution and use.

<p style="text-align: center;">Water Supply</p>	<p>Water planning requires:</p> <ol style="list-style-type: none"> 1. Up-to-date information on existing and potential future beneficial uses of water, 2. Estimates of how climatic variability may affect water supplies, 3. Information about Wyoming water uses and development in hydrologic analyses, 4. Basin-scale models (water budget), and 5. Examinations of water allocation and shortages under various future conditions.
<p style="text-align: center;">Water Rights</p>	<ol style="list-style-type: none"> 1. Montana water law is based on the Doctrine of Prior Appropriation: “first in time is first in right”. 2. Water must be put to beneficial use and individual water right holders cannot reserve water. If a right to use water is not exercised, its validity is at risk. Also known as: “use it or lose it”. 3. Water Use Act of 1973 requires applying for new water use and applying for changes to existing water rights. 4. Adjudication is the process of having Montana’s water rights validated through a court process (Montana Water Court). 5. Northern Cheyenne Compact was ratified by the Legislature 1991; Crow Compact was ratified in 1999; final process of having the Crow Compact approved by MT Water Court is occurring now. 6. Once finalized, the 1950 Yellowstone Compact must be recognized.

