

Who Manages Montana's Water?



Water Fact Sheet #2

Italicized terms are defined in Fact Sheet #10

Montana's water is diverted, allocated, channeled, dammed, conveyed, regulated, protected, treated, and monitored. In a word, it is managed. How water is managed—and who does the managing—depends on a range of factors, including the intended use of the water, existing flood or drought conditions, demand for water, legal constraints, and water quality concerns. Not surprisingly, a number of federal and state agencies, as well as regional and local organizations, play roles in managing Montana's water. Some of the key players are described here.

Water Supply Managers

The primary state agency charged with managing the use of Montana's water resources is the Department of Natural Resources and Conservation (DNRC). DNRC's responsibilities under the *Montana Water Use Act* (Title 85, Montana Code Annotated) pertain to acquiring new water rights, changing existing water rights, and maintaining a centralized water right record system. Eight regional water offices assist in these activities (Figure 1). The DNRC is also responsible for developing the State Water Plan (see Fact Sheet #5: *History of Water Planning in Montana*), administering state floodplain and dam safety programs, and the operation and maintenance of 24 state-owned water projects.

Under the supervision of the Montana Supreme Court, the Water Court has sole jurisdiction over the adjudication of pre-1973 water right claims (see Fact Sheet #7: *What is Water Rights Adjudication?*).

Montana's District Courts can play an important role in local water management through their powers to appoint *water commissioners* with the authority to

distribute water on decreed streams (See Fact Sheet #6: *How Is Water Managed in the Event of Water Shortages*). Resolution of water right disputes may be sought through DNRC or through the District Courts.

Montana Fish, Wildlife, and Parks (FWP) is responsible for protecting fisheries and recreational opportunities on



The Yellowstone River, the longest free flowing river in the lower 48 states, flows 900 miles without being dammed.

Montana's waters. The scope of FWP management includes reviewing comprehensive water plans and projects for impacts on fish and wildlife populations, working to recover endangered fish and wildlife species, and administering an instream flow leasing program. Additionally, FWP issues permits for fishing and river recreation.

Tribal water resources on Montana's Indian Reservations are managed under the framework of each tribe's Federal Reserved Water Rights Compact (see Fact Sheet #9: *What are Federal and Tribal Reserved Water Rights?*). State water resources on the Indian reservations are managed under the *Montana Water Use Act*. Provision is made for dispute resolution between state and tribal uses under the terms of each Compact.

At the federal level, the U.S. Bureau of Reclamation manages 15 dams and reservoirs, 9 diversion dams, 10 pumping plants and 3 hydroelectric power plants

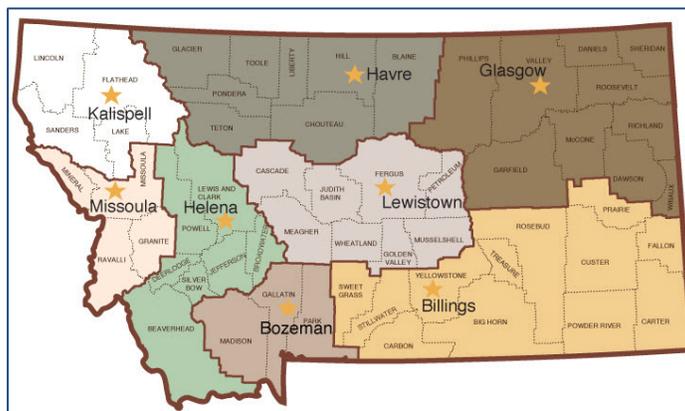


Figure 1-Montana DNRC regional water offices

in Montana. These facilities provide a variety of benefits and serve multiple Congressionally-authorized purposes.

The U.S. Army Corps of Engineers operates Fort Peck Dam on the Missouri River and Libby Dam on the Kootenai River in Montana. The Corps operates these facilities for Congressionally-authorized purposes including flood control, navigation, irrigation, hydropower, water supply, water quality, recreation, and fish and wildlife.

The Federal Energy Regulatory Commission also plays a role in water management through conditions attached to licenses issued for construction and operation of hydropower projects.

Water Supply Managers

MT DNRC: www.dnrc.mt.gov

MT FWP: www.fwp.mt.gov

Bureau of Reclamation: www.usbr.gov

Army Corps of Engineers: www.usace.army.mil

U.S. Geological Survey: www.usgs.gov

Water Quality Managers

MT DEQ: www.deq.mt.gov

US EPA: www.epa.gov

Organizations

Montana Conservation Districts:

www.macdnet.org

Montana Irrigation Districts: www.mtwra.org

Montana Watershed Coordination Council:

www.mtwatersheds.org

Information Resources

State Library Water Information System:

<http://nris.mt.gov/wi.asp>

Montana Water Center

<http://watercenter.montana.edu/>

Montana Watercourse

<http://mtwatercourse.org/index.php>

Montana Bureau of Mines and Geology

[http://www.mbm.mtech.edu/grw/grw-](http://www.mbm.mtech.edu/grw/grw-main.asp)

[main.asp](http://www.mbm.mtech.edu/grw/grw-main.asp)

Although not directly involved in water management, the U.S. Geological Survey (USGS) is the primary collector of streamflow data. The USGS publishes studies on water use throughout the country, as well as flood and drought conditions. All water managers use this valuable information.

Water Quality Managers

Many of the above agencies have some responsibilities for managing water quality, but few agencies focus entirely on water quality protection. The U.S. Environmental Protection Agency (EPA) monitors and regulates water quality standards for safe drinking water. At the state level, the Montana Department of Environmental Quality (DEQ) has the authority to issue permits and undertake enforcement actions to ensure compliance with state and federal water quality laws, such as the Clean Water Act. DEQ's Water Protection Bureau administers waste treatment plans and discharge permits to protect the quality of Montana's surface water and groundwater.

Local Water Management Organizations

While state and federal agencies do much of the work in water planning and management, regional and local organizations are closer to the physical use of the water and the needs of local water users. Local water management organizations include irrigation districts, conservation districts, water users associations, and local watershed groups.

Sources of Information

Because there are many agencies and groups involved in water management in Montana, it can be difficult to know where to start when looking for water information. The Montana State Library's Water Information System is the starting point for locating information regarding Montana's water resources, such as data on surface water, groundwater, water quality, riparian areas, water rights, climate data, and more.

National databases on water quality and streamflow are maintained by the EPA and U.S. Geological Survey (USGS), respectively.