

# What is the History of Water Planning in Montana?

Water Fact Sheet #5



*Italicized terms are defined in Fact Sheet #10*

Planning for the conservation, development and beneficial use of Montana's water resources goes back to the early years of the 20<sup>th</sup> century. Initial efforts centered on the development of irrigated agriculture to promote settlement of the West. Water development projects were considered essential to the economic growth and viability of the state. In 1903, the U.S. Congress authorized construction of the Milk River Project as one of the first five reclamation projects built by the newly created Reclamation Service (now the Bureau of Reclamation) under the Reclamation Act of 1902. The Milk River Project's objective was to provide a stable source of water for irrigation of the lower Milk River Valley, and settlers moved to the valley on that promise.

In the 1920's, the Montana Irrigation Commission produced county-by-county plans for irrigation development. In addition, the Irrigation Commission assisted in organizing and managing irrigation districts around the state. It also had jurisdiction over the sale of water, water rights, and the contracting of water for irrigation. However, the Commission was abolished in 1929.

The precarious position of agriculture in Montana during the early 1930s promoted efforts toward seeking ways to develop Montana's water resources for beneficial use. Late in 1933, a special session of the state legislature passed House Bill No. 39 creating the State Water Conservation Board. Broad powers were given to the Board enabling it to cooperate and enter into agreements with all federal and state agencies, and to investigate, survey, construct, operate, maintain, and finance the construction of large water storage and distribution projects.

Between 1934 and 1960, the Board built 181 water conservation projects. These included 141 dams and reservoirs, 815 miles of canals, 23 miles of domestic water supply pipelines, and 24 miles of transmission lines to bring power to pumping stations. All told, the Board's actions created 438,017 *acre-feet* of storage and developed 405,582 acres of irrigated land (R. Kingery, personal communication 12 July 2013). This period also saw congressional approval of all the major federal water projects in Montana, including: Fort Peck, Canyon Ferry, Hungry Horse, Tiber, Yellowtail and Libby dams.

When Montana began to negotiate the Yellowstone Compact with Wyoming and North Dakota in 1939, the need for cataloging the state's water resources and their use became apparent. As a result, the 1939 Legislature authorized the collection of data pertaining to water use. Between 1942 and 1971, Montana initiated a comprehensive county-by-county assessment of water use. The resulting reports, known collectively as the Montana Water Resources Survey, contain an examination of water rights, water uses and irrigation development. This information was collected and published from 1943 thru 1965 by the State Engineers Office, and from 1966 thru 1971 by the Water Conservation Board. The historical information contained in the surveys provides an invaluable tool in today's efforts to adjudicate Montana's water rights.

In 1967, the Montana Legislature recognized the need for a comprehensive state water plan with passage of the Montana Water Resources Act of 1967 (89-101.2 R.C.M. 1947). The Act abolished the Water Conservation Board and transferred its powers and duties to the Water Resources Board. The Board was empowered to prepare a "*continuing comprehensive inventory of the water resources of the*

state,” and prepare a “*comprehensive, coordinate multiple-use water resources plan known as the ‘state water plan’.*”

The responsibilities given to the Board reflect a change in direction and purpose of water resource planning – from “conservation” of water through irrigation to a total concern for full utilization of our water resources through comprehensive multiple-use planning. In 1971, the Water Resources Board became the Water Resource Division of the Montana Department of Natural Resources and Conservation (DNRC).

Between 1972 and 1985, the DNRC conducted a number of reconnaissance-level planning studies in each of Montana’s major river *basins* with federal grant assistance. While these plans produced volumes of valuable technical information, inadequate consideration was given to the institutional and political feasibility of implementing the plan recommendations. Consequently, the plans had little effect on water management decision making within Montana. These plans were also ineffective for addressing the state’s most critical water management problems such as interstate water allocation, quantification of *federally reserved water rights*, water use efficiency, *instream flow* protection and *groundwater* management. Federal funding to support state water planning ended in 1981.

In 1987, the DNRC embarked on a new approach to developing the state water plan. After reviewing the water planning processes of other western states, the DNRC adopted an approach similar to that used in Kansas. Under this approach, the state water plan provided a forum for all stakeholders to work collaboratively on resolving water management issues. This new approach included the formation of a State Water Plan Advisory Council and issued-focused Steering Committees. The resulting state water plan focused on nine specific water resource issues:

1. Agricultural Water Use Efficiency,
2. *Instream Flow* Protection,

3. Federal Hydropower and State Water Rights,
4. Water Information System,
5. *Water Storage*,
6. Drought Management,
7. Integrated Water Quality and Quantity Management,
8. Upper Clark Fork Basin Water Management,
9. *Groundwater*.

In 2009, the Montana Legislature amended the state water planning statute and directed the DNRC to update the state water plan and report to the 2015 Legislature. In response, the DNRC launched the Montana Water Supply Initiative (MWSI). The purpose of the MWSI was two-fold: first, to provide up-to-date water resource information essential for planning and estimating future water demand; and second, to actively engage citizens in developing an adaptive State Water Plan that identified options to meet future needs, satisfied existing beneficial uses, and protected the state’s water resources.

Central to this effort was the formation of citizen-supported Basin Advisory Councils (BAC) in the Clark Fork/Kootenai, Upper Missouri, Lower Missouri, and Yellowstone River Basins. The BACs were appointed to actively engage water users in the planning process. In the wake of hundreds of hours of input from the BACs, the federal and state partners and dozens of public hearings across the state, DNRC’s Water Management Bureau completed *basin* plans for each of the *basins* in the fall of 2014. Each of the *basin* plans provided the informational framework and recommendations to develop the comprehensive state water plan. On January 5, 2015, *A Watershed Approach to the 2015 Montana State Water Plan* was delivered to the legislature and released to the public.

