

Managing Montana's Water

Every person who lives in or visits Montana participates in water management because we drink the water and wash with it, play in it, and conserve and protect it. Water management involves people who allocate water supplies, issue permits, regulate the resource according to state and federal laws, and enforce laws when violations occur. Without water management, more human wastes would end up in rivers, drinking water would be contaminated, crops would wither during drought, and water might not always be available.

Because every layer of government plays some part in water management, effective water management requires communication and collaboration among diverse individuals, interest groups, and government officials.

The Federal Role

Federal authority for water management is implied in the U.S. Constitution, although water is never mentioned by name. In each state, the federal role comes from several specified powers:

- Commerce power-The U.S. Congress has jurisdiction over all navigable waters of the United States. The commerce power includes flood protection and watershed development.
- Proprietary power-The property clause of the Constitution gives Congress unlimited authority to control the use of federal public lands. The property clause allows construction of federal reclamation projects and regulates electrical power generated at federal dams.
- Treaty-making power-Only the federal government has authority to enter into treaties with foreign nations and American Indians. The treaty-making power is one basis for the *reserved water rights* of Indian tribes in Montana.
- General welfare power-The federal government has authority to provide for the general welfare of the United States and its citizens "for the common benefit," rather than for only "local purposes."
- Equitable apportionment-When controversies arise among states over water, the U.S. Supreme Court has the power to decide the controversy.
- Interstate compacts-These *negotiated agreements* or *compacts appropriate* waters that cross state boundaries. The compacts must be ratified by Congress.

In Montana, the federal government is involved with water management in multipurpose projects such as Hungry Horse Dam (Bureau of Reclamation) or Fort Peck Reservoir (Army Corps of Engineers); irrigation projects like the Yellowstone and Milk River Irrigation Districts (Bureau of Reclamation); wildlife refuges such as the Charles Russell National Wildlife Refuge (U.S. Fish and Wildlife Service); and water and wastewater treatment facilities managed by municipal governments (regulated by the Environmental Protection Agency).

Water Policy Evolution

Federal water policy generated a network of inland waterways, dams, reservoirs, water treatment systems, scenic rivers, fish hatcheries, municipal supply systems, irrigated lands, and hydroelectric operations. This development had a five-phase evolution:

1. Early regulation of harbors, waterways, and fisheries, with an emphasis on settlement and development (navigation, flood control, and irrigation);
2. Promotion of a conservation ethic, for benefit of future generations (1900 to 1920s);
3. Major large-scale construction of multipurpose reservoirs (1930s to 1950s);
4. Nationwide river basin planning (1950s and 1960s); and
5. Environmental protection and education (1970s to 1990s).



What Is Equitable Apportionment?

States are obligated to share interstate waters. If the actions of one state harm or reduce another state's share of interstate waters, the affected state may ask the Supreme Court to apportion, or distribute, the water resource.



What Are Federal Reserved Water Rights?

In January 1908, the United States Supreme Court defined federal reserved water rights in the *Winters v. United States* decision involving members of the Fort Belknap Reservation in Northern Montana and non-Indian irrigators the Milk River drainage. The court decided that when federal lands were withheld from settlement and reserved for some purpose, water rights were also reserved.

Federal lands with reserved water rights in Montana include seven Native American reservations; land managed by the Forest Service; national parks and monuments managed by the National Park Service; wild and scenic rivers and other lands managed by the Bureau of Land Management.

Three issues dominate quantification of federal reserved water rights: uses for which the right can be exercised, the quantity of the right, and the priority of the right. In Montana, these issues are negotiated and stated in a compact that is then ratified by the holder of the federal water right, the Montana legislature, and the U.S. Congress. A reserved water right exists whether or not it is actually in use.



Milestones in Federal Water Policy

The federal role in water management in Montana has evolved over time. That evolution is expressed in the laws created and amended by Congress, in decisions of the federal courts, and through agency regulations that convert laws into meaningful practices in the real world.

- 1862** The Homestead Act was passed, providing free 160-acre farms to all American citizens whose settlement efforts endured a five-year trial period.
- 1868** First homestead application was filed in Montana.
- 2872** For the purpose of encouraging settlement and economic development in the west, the Mining Law set up a system for patenting, at a minimum price, public land for minerals extraction.
- 1877** Desert Land Act provided for the settlement of Western lands, and for the use of water by prior appropriation, reserving the unused water for future appropriations.
- 1899** The Rivers and Harbors Act authorized the U. S. Army Corps of Engineers to control construction in navigable waters and adjacent wetlands. Initially enacted to protect navigation, the act is now interpreted to prohibit discharge of refuse materials into navigable waters.
- 1902** To promote irrigation, the Reclamation Act created the Bureau of Reclamation and authorized it to construct irrigation projects—reservoirs, dams, and canals—in the western United States and territories. Landowners of tracts under 160 acres were eligible for water use and required to repay project costs over time. This prompted early development of smaller farms. One of the first Reclamation projects diverted water from the St. Mary's River to the Milk River basin.
- 1909** The Boundary Waters Treaty established a long-standing cornerstone for United States-Canadian bilateral cooperation, setting out principles to settle border disputes, including those involving water allocation.
- 1920** The Federal Water Power Act established a national hydropower policy and created the Federal Power Commission (now the Federal Energy Regulatory Commission) to license private hydropower facilities regulate interstate transmission of electricity, and set up a comprehensive plan for all water power development that carefully considers competing uses.
- 1936** The Flood Control Act authorized the construction of 200 dams for flood control and introduced cost-benefit analyses to verify that the benefits of federal water projects exceed their costs.
- 1944** This Flood Control Act authorized construction of six large-scale reservoirs on the Missouri for flood control, hydroelectric development, navigation, and irrigation water development in the 10-state Missouri basin. The act also authorized the Pick-Sloan Missouri Program, which established two plans. The Pick Plan, operated by the Army Corps of Engineers, advocates flood control and navigation for downstream states in the Missouri basin. The Sloan Plan, operated by the Bureau of Reclamation, develops water for consumptive uses, especially in upstream states like Montana. Conflicts stemming from these two plans persist today.
- 1945** The Missouri Basin Interagency Committee produced the Missouri Basin Comprehensive Framework Study in 1969, which provided baseline data for the entire basin.
- 2948** The Federal Water Pollution Control Act required states to locate water polluters and reduce or eliminate harmful discharges and provided federal financial assistance to construct municipal wastewater treatment facilities. This act and its amendments (1972, 1977, 1987) are often referred to collectively as The Clean Water Act.
- 1956** Amendments to the Federal Water Pollution Control Act increased federal financial assistance to construct municipal wastewater treatment facilities.
- 1958** The Fish and Wildlife Coordination Act gave the U.S. Fish and Wildlife Service and appropriate state agencies the right to review all project proposals to ensure that impacts to fish and wildlife are adequately considered during the planning phase of water development projects.
- 1965** The Water Resources Planning Act established the Water Resources Council to oversee water resources planning and development at the federal level.
- 1965** **The Water Quality Act** revised prior water quality legislation, requiring all states to classify interstate waters by 1967. The law set up the Federal Water Pollution Control Administration in the Department of the Interior to enforce water quality standards.
- 1968** In an effort to preserve outstanding scenic rivers in the nation, the Wild and Scenic Rivers Act was passed. Administered by the National Park Service of the Department of the Interior, states may recommend protection by Congress of certain "wild and scenic" river reaches; these must be approved by the Secretary of the Interior.
- 1969** The National Environmental Policy Act (NEPA) requires the preparation of an environmental impact statement (EIS) for any project requiring federal action such as permitting or construction. The act does not require the federal government to choose the most environmentally-sound alternative outlined in the EIS; it does require an explanation of why an alternative was authorized. The act also set up the Council on Environmental Quality to develop national environmental policies.
- 1972** **The Federal Clean Water Act Amendments** to the 1948 law gave states the authority to administer portions of the federal water quality program, introduced effluent limitations for industrial discharges, and set up a national permit system for point source discharges.
- 1974** The Federal Safe Drinking Water Act bolstered earlier legislation to assure safe public drinking water supplies. It authorized the Environmental Protection Agency to set up national primary drinking water standards (Maximum Contaminant Levels) and regulations for underground injection wells.
- 1976** The Federal Resource Conservation and Recovery Act delegated authority to the Environmental Protection Agency and qualified states to develop solid waste disposal programs for sludge and hazardous materials.
- 1976** The Toxic Substances Control Act gives the Environmental Protection Agency authority to regulate the manufacture and disposal of chemical substances.
- 1977** The Clean Water Act amended the Federal Water Pollution Control Act, by establishing ambitious goals:
- the elimination of pollution discharges into navigable waters by 1985
 - water quality suitable to protect fish and recreation by 1983
 - no discharge of toxic pollutants
 - construction of waste treatment works
- Three sections have been particularly significant:
- Section 404 set up a program, administered by the U.S. Army Corps of Engineers, that requires permits for dredging or filling wetlands.
 - Section 401 created a National Pollution Discharge Elimination system (NPDES), administered by the Environmental Protection Agency and qualifying states, that prohibits the discharge of pollutants from a point source unless NPDES grants a permit.
 - Section 371 prohibits the discharge of hazardous substances in harmful quantities.
- 1980** Federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) gives authorization to states to develop plans for cleanup of, and protection from, hazardous waste spills and disposal sites. It also established a trust fund known as the "Superfund" that supports cleanup of sites on the National Priorities List.
- 1985** The Food Security Act discouraged the filling or draining of wetlands by denying federal farm benefits to farmers harvesting an annual crop on converted wetlands.
- 1986** Title IX of the Water Resources Development Act funded the implementation of state dam safety programs.
- 1986** The Safe Drinking Water Act was amended to authorize states to establish statewide wellhead and aquifer protection programs. It also authorized the Environmental Protection Agency to establish national drinking water standards for 83 contaminants.
- 1987** The Water Quality Act reauthorized the Clean Water Act, with a specific goal for states to control nonpoint sources of pollution. It requires the Environmental Protection Agency to develop regulations for stormwater runoff control, and phased out federal grants for municipal wastewater treatment facilities.

The State Role

The framers of Montana's 1972 Constitution made it clear that a close relationship exists between the state's natural resources and a high quality of life. The natural environment was deemed so important by those who revised the Constitution that they devoted an entire section to it—Article IX, "Environment and Natural Resources"—and designated the state government as custodian of Montana's excellent water quality.

Section One of Article IX also assigned shared responsibility for protection and improvement of Montana's water: "The state and each person shall maintain and improve a clean and healthful environment in Montana for *present and future generations.*" The Montana legislature bears responsibility for "the administration and enforcement of this duty"—including protection of "environmental life support systems" and for preventing "unreasonable depletion and degradation of natural resources." In addition, the Constitution established the governmental framework for water use, appropriation, channelization, damming, conveyance, regulation, protection, treatment, and monitoring.

Water rights, which regulate water quantity, are singled out in Section Three: "All existing rights to the use of any waters for any useful or beneficial purpose are hereby recognized and confirmed." It further clarifies that all uses of water, regardless the nature, are considered public uses. And it declares *all* waters within state boundaries (ground water, surface water, flood waters, and atmospheric waters) are the property of the state "for the use of its people."

Mining interests in the West championed the first water rights based on the prior appropriation doctrine—first in time to use water is first in right. This rule still guides water use in most western states, especially during times of water shortage. Now, however, municipalities, recreationists, irrigators and ranchers, industries, miners, fish and wildlife, and hydroelectric generation all tug on the water supply. To avoid over-appropriation and pollution in watersheds, state legislation guides the use and protection of Montana's rivers, lakes, and ground water. Generally, water management in Montana is determined by the intended use of water, existing flood or drought conditions, demand for water, government jurisdiction, and water quality constraints.



Irrigation Wheel. Photo courtesy Montana Historical Society, Helena, Montana.

Preamble of the Montana State Constitution

We the people of Montana, grateful to God for the quiet beauty of our state, the grandeur of our mountains, the vastness of our rolling plains, and desiring to improve the quality of life, equality of opportunity and to secure the blessings of liberty for this and future generations do ordain and establish this constitution.



The Water Adjudication Process

The Montana Water Court, headquartered in Bozeman, adjudicates (settles) water rights in the state. It began this process in 1979 to clear up confusing rights or settle conflicting claims in all of Montana's 85 river basins. By April 30, 1989, over 201,000 claims were filed for water rights. As of 1995, the court had issued some type of decree (court-defined settlement) of rights in 49 of the basins and for two Indian water right compacts. Approximately 23,000 claims are pending. The Water Court resolves these objections through pretrial conferences and hearings, and concludes with Master's Reports that must be reviewed and adopted by one of the five Montana water judges.



The State Water Plan

The State Water Plan is required by state law to "...set out a progressive program for the conservation, development, and utilization of the state's water resources." The plan addresses watershed planning, instream flow protection, and agricultural water use efficiency. It also provides a forum for people to approach water management issues and concerns in a consensus-building process.





Milestones in State Water Policy

- 1842 Jesuit Fathers irrigate lands using water from Burnt Fork Creek in the Bitterroot.
- 1852 Earliest water USE right established for Burnt Fork Creek irrigation.
- 1864 **Territory** of Montana established by an act of Congress in 1889.
- 2868 First homestead application filed in Montana.
- 1899 Article III, Section 15 of the Montana Constitution states that use of all waters shall be held a public use.
- 1907 State Board of Health receives authority to control pollution where it affects domestic water supply.
- 1934 The State Water Resources Survey begins a county-by-county inventory of Montana's water resources; State Water Conservation Board created to construct water diversion and storage projects.
- 1950 Yellowstone River Compact approved by Congress.
- 1955 The Montana Water Pollution Control Act, Montana's first water quality act, protects water uses other than domestic supply. It set up the Water Pollution Control Council and authorized stream classifications and enforcement procedures.
- 1960 The Montana Stream Protection Act requires the Montana Department of Fish, Wildlife and Parks to administer a stream protection permit program for projects that may affect the natural existing shape of any stream, its banks, or tributaries.
- 1961 Montana Board of Water Well Contractors is formed to establish standards for drilling and licensing of water wells.
- 1967 Montana Water Resources Act was the first legislation aimed at developing a comprehensive water plan for Montana.
- 1967 Montana Water **Quality Act** became Montana's unified water quality legislation, and created state agency responsibilities for water quality regulation.
- 1971 The Montana Environmental Policy Act (MEPA) directs all state agencies to prepare environmental impact statements for any actions that might affect the environment. The act also created the Environmental Quality Council, a legislative office, to promote the goals of MEPA.
- 1971 Montana Water Pollution Control Law was rewritten. It made the Water Pollution Control Council advisory and gave authority to Board of Health.
- 1971 Metal Mine Reclamation Act (also called the Hard Rock Mining Act) requires that anyone engaged in production and exploration of mining properties obtain licenses and permits.
- 1971 Montana Strip and Underground Mine **Siting Act** gives the Montana Department of State Lands authority to review proposed coal and uranium mine sites and reclamation plans to determine whether the proposals are acceptable.
- 1971 Montana Open cut Mining Act addresses reclamation and conservation of land subject to open cut mining (for gravel, clay, bentonite, etc.). It is administered by the Department of State Lands.
- 1972 The Montana Constitution, revised and approved by voters, recognizes all existing water rights, provides for use of all waters subject to appropriation under law, and provides for administration of water rights records. In general, the revised Constitution recognized a need to protect and restore the environment.
- 1973 Montana Water Use Act set up a permit system for all post-1973 water rights, all adjudication process for quantifying all pre-1973 water rights, and a system to set aside or reserve water for future consumptive and instream flow use.
- 1973 The Flood Plain and Floodway Management Act restricts uses that are dangerous to public health and the safety of property in times of flood. Flood plain maps, prepared by the Natural Resource Conservation Service (formerly Soil Conservation Service), Montana Department of Natural Resources and Conservation, and others, are the technical basis for developing local floodplain regulations.
- 1973 Montana Water Quality Act, and subsequent amendments and regulations, authorizes the Montana Department of Environmental Quality to classify surface waters and establish surface water quality standards and a permit program to control the discharge of pollutants into state waters.
- 1973 Montana Major Facility Siting Act and subsequent amendments authorize the Facility Siting Bureau of the Montana Department of Natural Resources and Conservation to determine the need for major facilities (including hydroelectric plants), and to assess whether the site chosen will minimize environmental effects.
- 1975 Natural Streambed and Land Preservation Act requires a permit (commonly known as the 310 permit) from the county Conservation District for activities affecting the bed and banks of a perennial stream.
- 1975 The Lakeshore Development Act conserves and protects Montana's natural lakes, and provides local governing bodies with adequate statutory power to protect lake areas. Since this act passed, five local governing bodies have developed lakeshore regulations.
- 1977 Montana Solid Waste Management Act and 1991 amendments grant the Department of Environmental Quality the authority to develop rules for development and inspection of solid waste management systems for hazardous wastes, decomposable wastes, and non-water soluble wastes.
- 1979 Best known as Senate Bill 76, this law set up a Reserved Water Rights Compact Commission to negotiate federal and Native American water rights, and created the Montana Water Court to accelerate the adjudication of claimed water rights.
- 1981 Montana Hazardous Waste and Underground Storage Tank Act provides for state permitting and siting of hazardous waste facilities.
- 1985 Montana Hazardous Waste Act was amended to authorize the Department of Health and Environmental Sciences to implement an underground storage tank regulatory program.
- 1989 Montana Comprehensive Environmental Cleanup and Responsibility Act set up a water quality fund to protect Montana citizens from hazardous wastes by providing a state "Superfund" for cleanup of sites where no voluntary steps have been taken.
- 1989 Montana Agricultural Chemical Ground Water Protection Act requires preparation of agriculture chemical ground water management plans for areas where an agricultural chemical is detected in ground water at 50 percent of the ground water quality standard for that chemical.
- 1991 Montana Megalandfill Siting Act ensures that the location, construction, and operation of large landfills will produce little impact to the environment.
- 1991 Montana Ground **Water Assessment** Act established a committee to oversee ground water monitoring and assessment activities, coordinated permitting fees, and set up a fund for coordinated ground water characterization and monitoring.
- 1991 Streamside Management Zone Law protects the quality and quantity of forest waters by requiring permits for certain forest practices within 50 feet of any stream or lake.



Agency Responsibilities—Who Does What?

Federal Agencies

Department of Agriculture

Consolidated Farm Service Agency administers cost share programs for farmers that improve ronttr quality, soil stabilization and irrigation systems
Natural Resource Conservation Service assists private land owners with watershed protection, flood prevention, soil and water conservation, snow surveys, and soil inventories; conducts land-use inventories, cropland studies, and wetland assessments.
Forest Service conducts watershed management within ten national forests in Montana, and manages three wild and scenic river reaches within its forest boundaries

Department of the Army

Corps of Engineers authorizes permits for private projects affecting navigable waters; administers large multipurpose reservoirs for navigation, flood control, hydroelectric generation, and flood damage reduction.

Department of Commerce

Economic Development Administration provides public works grants for community water development.
National Oceanic and Atmospheric Administration issues information on weather, river, and climactic conditions; maintains a flood warning system.
National Weather Service forecasts weather and issues weather warnings and watches.

Department of Energy

Bonneville Power Administration markets electric power for the 30 hydroelectric projects of the federal Columbia River Power System; operates transmission systems.
Western Area Power Administration distributes and markets power from federal facilities outside of the Columbia River basin; operates transmission lines.

Department of Housing and Urban Development

Provides financial aid for local water resource projects.

Department of the Interior

Bureau of Indian Affairs protects water rights of Indian tribes and promotes productive water use.
Bureau of Land Management administers federally-owned lands and use of natural resources, including water, on these lands.
Bureau of Reclamation designs, constructs, and operates water projects; conducts river basin water management studies; coordinates water conservation efforts.
Fish and Wildlife Service reviews comprehensive water plans and projects for impacts on fish and wildlife habitat and populations; works to recover endangered fish and wildlife species; manages hatcheries; studies fish disease.
National Park Service protects water resources (reserved water rights) and conducts water resource studies in Montana's national monuments, battlefields, and national parks.
U.S. Geological Survey researches the source, quantity, distribution, movement, and availability of surface and ground water for national water data network and technical reports.

Department of Transportation

Federal Insurance Administration operates the National Flood Insurance Program, which insures buildings on flood plains at reasonable cost.
Federal Emergency Management Agency publishes maps showing flood-prone areas; provides assistance during emergencies caused by natural events.

Environmental Protection Agency

Works with states to establish and enforce standards for water quality and drinking water standards; provides grants for water pollution control facilities and education.

Federal Energy Regulatory Commission

Issues licenses for hydroelectric projects and transmission lines.

State Agencies

Department of Agriculture

Registers pesticide products, monitors well design and sampling for pesticide detection.

Department of Fish, Wildlife, and Parks

Administers programs to protect and restore fish habitat, instream flows, and water quality for support **Of fishing opportunities**; works to protect and improve wildlife habitat; maintains state parks and recreation sites; provides educational programs to adults and young people, including "Aquatic Project WILD."

Department of Environmental Quality

Administers federal pollution control programs that protect public health; issues permits for municipal, industrial, and agricultural discharges; monitors chemical and biological quality of streams and lakes; administers funds for municipal wastewater treatment improvements; administers a non-point source water pollution control program; promotes wellhead protection program; reviews sanitary and environmental aspects of proposed housing subdivisions.

Department of Natural Resources and Conservation

Maintains a centralized record of water rights; assists the Montana Water Court with its statewide adjudication of water rights develops the state water plan; prepares technical studies on surface and ground water availability; administers the state water reservation statute; administers the state dam safety act; rehabilitates and operates state-owned ronttr storage projects; conducts a floodplain protection program, trams water commissioners and mediators; provides conservation districts with technical assistance; administers leasing on state lands; manages state trust lands for timber and other uses; represents Montana in interstate and international proceedings regarding water use and allocation; and administers a Renewable Resource Development Program

Reserved Water Rights Compact Commission

Negotiates settlements with federal agencies and Indian tribes that claim federal reserved water rights within Montana

Montana Bureau of Mines and Geology

A nonregulatory research agency located at the Montana College of Mineral Science and Technology in Butte, this bureau gathers and publishes information on state geology and minerals. Its Ground Water Information Center develops and stows information on well logs, water quality and drilling.

Historic Preservation Office

Monitors impacts of water-related development on cultural history

Montana Environmental Quality Council

Overses state environmental programs for the Montana legislature; analyzes and interprets environmental trends; and advises the legislature on the adequacy of the state's water policy.

The Extension Service

Headquartered at Montana State University, but operating through 49 county extension offices, this service provides assistance and training on many water quality issues and develops public information materials.

Montana State Library Natural Resources Information System

Maintains a repository for natural resource data collected by several state and federal agencies and organizations. Four components include the Geographic Information System, the Montana Natural Heritage Program, the Montana Natural Resource Index, and the Montana Water Information system.

Montana Water Court

Completes the adjudication of water rights established prior to July 1, 1973. Issues decrees based on review of water rights claims filed by water right holders.

Montana University System

Provides scientific and technical expertise, research, outreach, and education from the campuses of Montana State University (MSU) at Bozeman, Billings, and Northern (Havre); the University of Montana (UM) at Missoula; Montana College of Mineral Science and Technology of UM at Butte; and Western Montana College of UM at Dillon. Entities include:

- Agricultural Experiment Station
- Burns Telecommunication Center
- Center for Biofilm Engineering
- Flathead Lake Biological Station
- Montana Bureau of Mines and Geology (see above)
- Montana Cooperative Fishery Research Unit
- Montana Environmental Training Center
- Montana State Climate Center
- Montana Watercourse and Project WET Montana
- MSU Chemistry Station Analytical Laboratory
- MSU Extension Service (see above)
- Reclamation Research Unit
- The Watercourse and National Project WET
- University System Water Resources Center
- Yellowstone Center for Mountain Environments

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Agency Responsibilities—Who Does What? (continued)

International and Multi-State Commissions

International Joint Commission

A six-member commission administers the *Boundary Waters Treaty of 1909* and resolves water and other natural resource allocation issues shared by states and provinces along the 49th Parallel

Missouri River Basin Association

A forum for Missouri basin states, federal tribal governments, and interest groups to come to consensus on water allocation issues.

Yellowstone River Compact Commission

A water allocation compact among Montana, North Dakota, and Wyoming.

Western States Water Council

A forum for western states to build mutual interests and support for the protection and wise management of water in the West.

Western Governors' Association

A regular meeting of 18 western state governors to discuss shared issues, including water resources topics. Its water program focuses on watersheds Indian water rights, allocation, and collaboration.

Flathead Basin Commission

A 22-member commission of state, federal, Canadian, tribal, and private citizen members established by the 1983 legislature; charged with protecting Flathead Lake and the resources of Flathead basin while encouraging sound economic development.

Missouri River Natural Resources Committee

A committee, comprised of representatives from seven Missouri basin state wildlife agencies, that makes recommendations to the U.S. Army Corps of Engineers about dam operations on the Missouri River.

Northwest Power Planning Council

A council, with two appointed members from each of four northwestern states, that conducts regional power planning and fishery mitigation studies.

Tribal Agencies

Ordinances and codes regarding management of resources have been developed by agencies at some of Montana's seven tribal reservations: Chippewa and Cree Tribes (Rocky Boy Reservation), Confederated Salish and Kootenai Tribes (Flathead Reservation), Blackfoot

Tribe (Blackfoot Reservation), Crow Tribe (Crow Reservation), Assiniboine and Sioux Tribes (Fort Peck Reservation), Fort Belknap Tribe (Fort Belknap Reservation), Northern Cheyenne Tribe (Northern Cheyenne Reservation).

Protecting Water for the Future

The 1973 Montana Water Use Act set up a water reservation process to provide for future beneficial uses and maintenance of minimum stream flows. Political subdivisions of the State of Montana, state agencies, and the United States or any of its agencies can apply to reserve water. The process is the first provision in Montana law that allows the creation of a water right for future use. It is also one of the only ways that an instream flow water right can be established for unappropriated waters.



Far More Information

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- *A Landowner's Guide to Western Water Rights*. 1994. The Watercourse, Montana State University-Bozeman.
- *Final Status of Natural Resource Legislation in the legislature*. Biannual. Montana Environmental Quality Council.
- *Montana Environmental Law Handbook*. 1992. The Law Firm of Crowley, Haughey, Hanson, Toole, and Dietrich.
- *Montana Forestry BMPs*. Montana State University Extension Service
- *Montana Index of Environmental Permits*. 1993. Environmental Quality Council.
- *Montana Placer Mining BMPs*. Montana Bureau of Mines and Geology.
- *Tips on Land & Water Management for Small farms & Ranches in Montana*. Conservation Districts Bureau, Department of Natural Resources and Conservation.
- *Who Does What With Montana's Water? A Directory*. 1994. The Montana University System Water Center.