67th Legislature

| 1 | SENATE JOINT RESOLUTION NO. 27 | | |
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| 2 | INTRODUCED BY M. LANG | | |
| 3 | | | |
| 4 | A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF | | |
| 5 | MONTANA REQUESTING AN INTERIM STUDY OF STOCK WATER RIGHTS ON TAYLOR GRAZING ACT | | |
| 6 | LANDS. | | |
| 7 | | | |
| 8 | WHEREAS, Taylor Grazing Act lands are managed by the Bureau of Land Management of the United | | |
| 9 | State Department of the Interior; and | | |
| 10 | WHEREAS, the Bureau of Land Management does not have a federally reserved water right for Taylor | | |
| 11 | Grazing Act lands; and | | |
| 12 | WHEREAS, water rights on Taylor Grazing Act lands are state-based water rights; and | | |
| 13 | WHEREAS, most Taylor Grazing Act lands fall within a state or federal grazing district; and | | |
| 14 | WHEREAS, access to stock water on Taylor Grazing Act lands is critical to the success of ranchers | | |
| 15 | that lease these lands and for the continued viability of eastern Montana agriculture; and | | |
| 16 | WHEREAS, Montana case law recognizes that an individual can own water rights on federal land; and | | |
| 17 | WHEREAS, other western states have determined that the federal government cannot own stock water | | |
| 18 | rights. | | |
| 19 | | | |
| 20 | NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF | | |
| 21 | THE STATE OF MONTANA: | | |
| 22 | That the Legislative Council be requested to designate an appropriate interim committee or statutory | | |
| 23 | committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to examine issues related to | | |
| 24 | the administration and exercise of stock water rights on Taylor Grazing Act lands, including evaluations of: | | |
| 25 | (1) the data and records management system employed by the Department of Natural Resources and | | |
| 26 | Conservation as it relates to claims of water rights filed on Taylor Grazing Act lands; | | |
| 27 | (2) the amount and type of livestock owned by the federal government and where those are grazed or | | |
| 28 | located in the state; | | |



67th Legislature

| 1 | (3) | the applicability of legislation similar to Idaho law that implements an Idaho Supreme Court |
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| 2 | decision from | m Joyce Livestock Company v. United States of America; |
| 3 | (4) | claims and water rights of the Bureau of Land Management on Taylor Grazing Act lands, including |
| 4 | the number, | type, flow rate, and volume of the associated claims or rights; |
| 5 | (5) | entities who have filed claims for water rights where the place of use is located on Taylor Grazing |
| 6 | Act lands, in | cluding the number, type, flow rate, and volume of the claims; |
| 7 | (6) | instances where both a private entity and the Bureau of Land Management have filed claims or |
| 8 | water rights | on the same Taylor Grazing Act lands; |
| 9 | (7) | case law regarding the site-specific analysis associated with the determination of ownership of |
| 10 | water rights | located on Taylor Grazing Act lands; and |
| 11 | (8) | the relationship between the lessor and the lessee as it relates to Taylor Grazing Act lands. |
| 12 | BE | IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be |
| 13 | presented to | and reviewed by an appropriate committee designated by the Legislative Council. |
| 14 | BE | IT FURTHER RESOLVED, that all aspects of the study, including presentation and review |
| 15 | requirement | s, be concluded prior to September 15, 2022. |
| 16 | BE | T FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, |
| 17 | comments, | or recommendations of the appropriate committee, be reported to the 68th Legislature. |
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