



Item: Review and possible action on prior reduction of 1889 Water Right (41QJ123410)

From: Gregory T. Doyon – City Manager

Initiated By: Gregory T. Doyon – City Manager

Presented By: Gregory T. Doyon – City Manager

Action Requested: Commission requested item be placed on agenda for discussion and possible action.

Optional Motions:

1. Commissioner moves:

“I move that the City Commission request an extension from the Montana Department of Natural Resources and Conservation in order to evaluate its 1889 water right (41QJ 123410) volume reduction amendment”

OR

“I move that the City Commission direct the City Manager to file an objection, to its own previously filed amended 1889 water right (41QJ 123410), with the Montana Department of Natural Resources and Conservation.”

OR

“I move that the City Commission accept the 1889 water right (41QJ 123410) volume reduction amendments as previously submitted to the Montana Department of Natural Resources and Conservation and currently on record with the Montana Department of Natural Resources and Conservation.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Staff Recommendation: At the Tuesday, July 15, 2008, work session, the Commission consulted with David Schmidt of Water Rights Solutions and Attorney Harley Harris regarding recent amendments to the City’s 1889 water right (41QJ 123410), recommendations to modify other existing water rights, and other long term strategic water reservation needs for the City.

The immediate action required by the Commission is to determine whether it wants to request an extension of time to review the recently modified 1889 water right as submitted to the Montana Department of Natural Resources and Conservation, and/or file an objection to the previously submitted amendments, or take action to accept the amendments as currently on file.

In order to file an objection, the City may also be required to provide a proposed volume amendment, which is based on verifiable historical usage prior to July 1973. In determining that proposed volume, the Commission will need to rely on the counsel of its water rights attorney, consultants, city staff, and the community (both residential and commercial) to assess a strategy that will yield the best long term benefit to the City.

Background: The City Commission was presented with reports from Water Rights Solutions, Inc., on November 19, 2002, July 20, 2004, and January 8, 2008, regarding their review and finding of the City's water reservations and offering recommendations.

MCA 85-2-227 details the law associated with the adjudication processes http://data.opi.mt.gov/bills/mca_toc/85.htm. Online information about the process and the City's water rights of record can be found at the DNRC website: http://dnrc.mt.gov/wrd/water_rts/default.asp.