

## 1 SENATE BILL NO. 61

2 INTRODUCED BY B. GILLESPIE

3 BY REQUEST OF THE WATER POLICY INTERIM COMMITTEE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING POLICY CONSIDERATIONS FOR MEASURING  
6 STREAMFLOW."7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:9  
10 NEW SECTION. **Section 1. Policy considerations.** (1) Article IX, section 3(3), of the Montana  
11 constitution declares that all surface, underground, flood, and atmospheric waters within the boundaries of the  
12 state are the property of the state for the use of its people and are subject to appropriation for beneficial uses  
13 as provided by law.14 (2) The legal appropriation of water requires that the water be legally and physically available for  
15 appropriation.16 (3) The measurement and monitoring of streamflow supports the state's ability to determine when  
17 water is physically and legally available to meet new demands while protecting existing water rights.18 (4) The effective management and distribution of water depends on an accurate, real-time  
19 measurement of streamflow.20  
21 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
22 integral part of Title 85, chapter 2, part 1, and the provisions of Title 85, chapter 2, part 1, apply to [section 1].

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