

Water Rights on the Missouri River

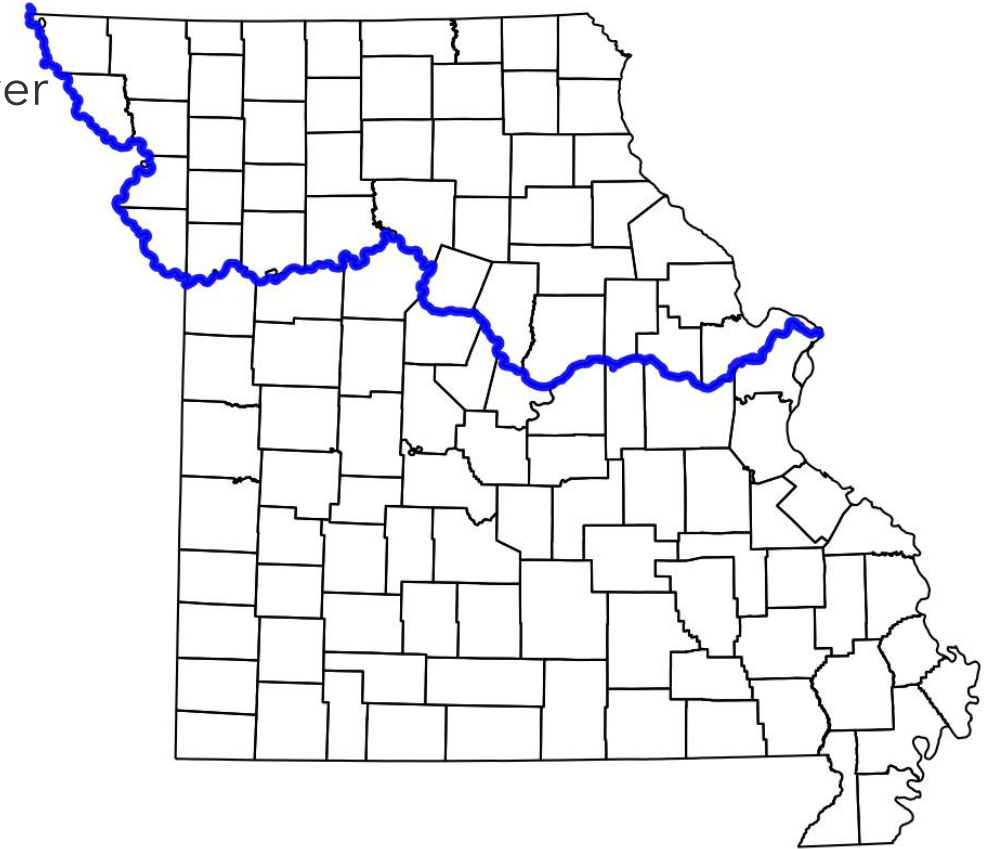
Colby Thrash, Hydrologist

Billy Hackett, Integrated Planning Unit Chief

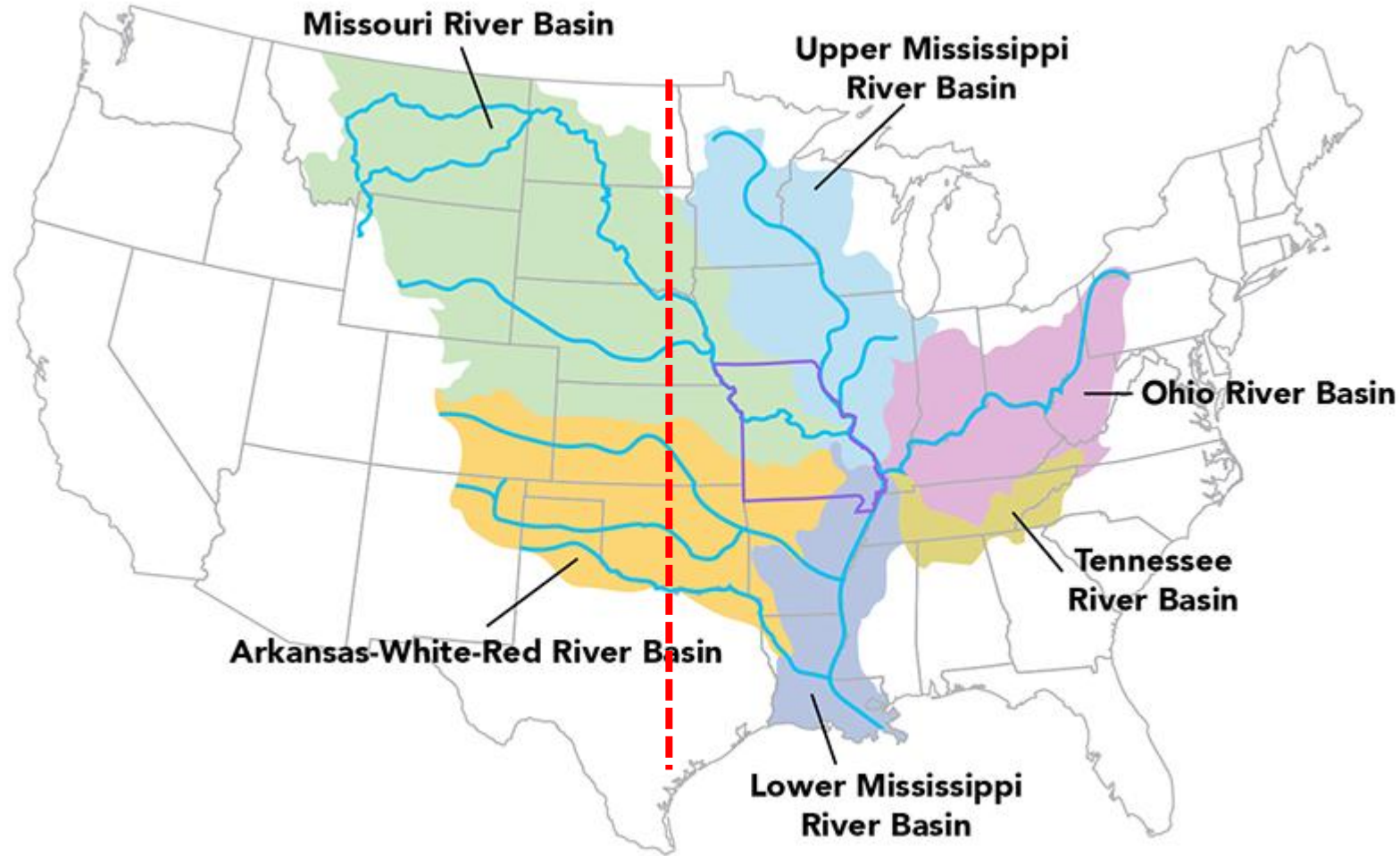
Water Resources Center,
Missouri Geological Survey

Why Missouri River?

- Water Supply
 - ~50% of Missouri water supply comes from MO River or alluvium
- Navigation
 - ~\$250 million of goods transported annually
- Industrial
 - 7 power plants utilize MO River for cooling
 - ~4.5 million tons of sand & gravel mined
 - National Pollutant Discharge Elimination System (NPDES)
 - 217 Waste Water Outfalls
 - 333 Storm Water Outfalls
- Environmental / Recreation
 - MR340 – KC to St Charles

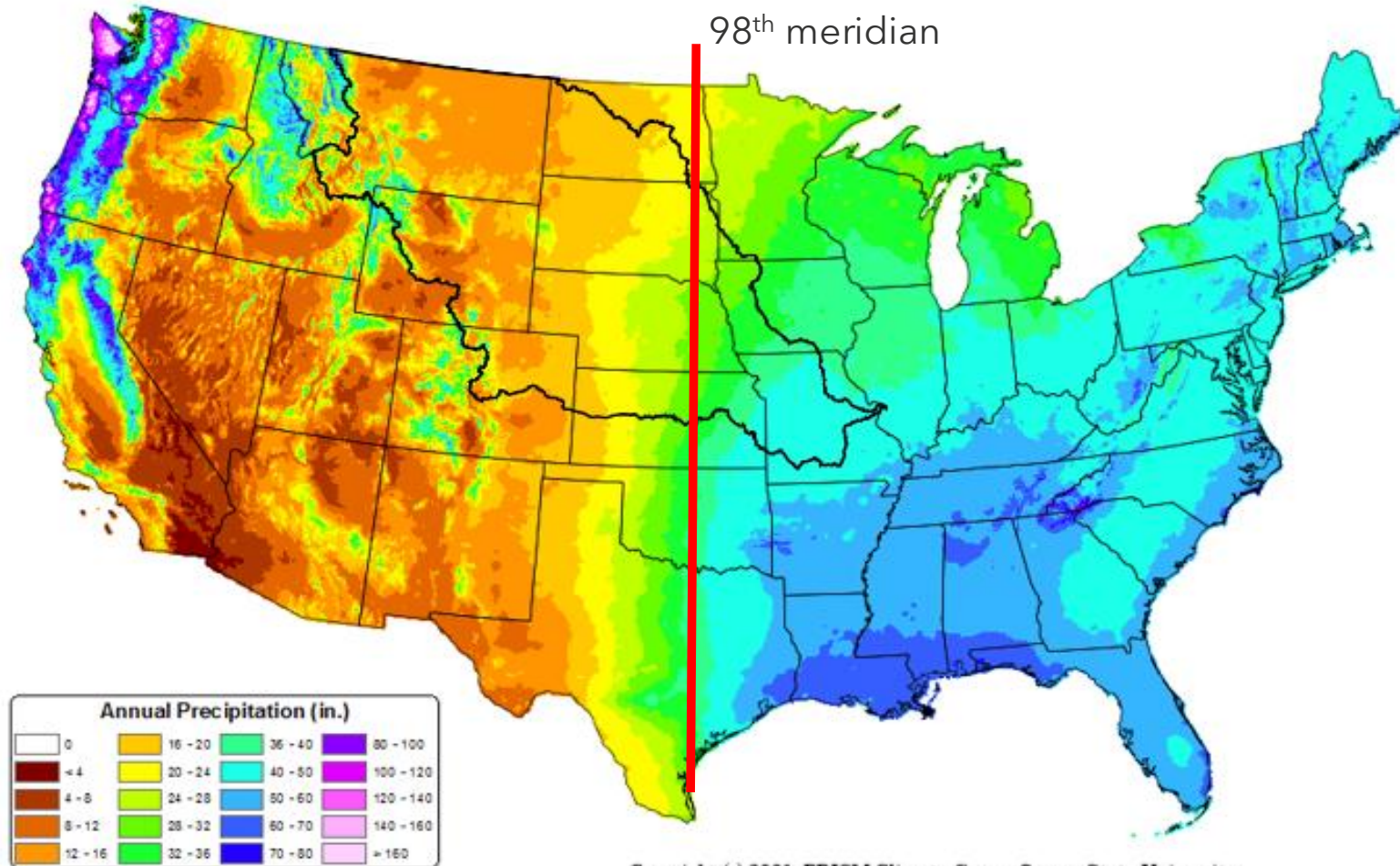


Missouri River Basin



Missouri River Basin

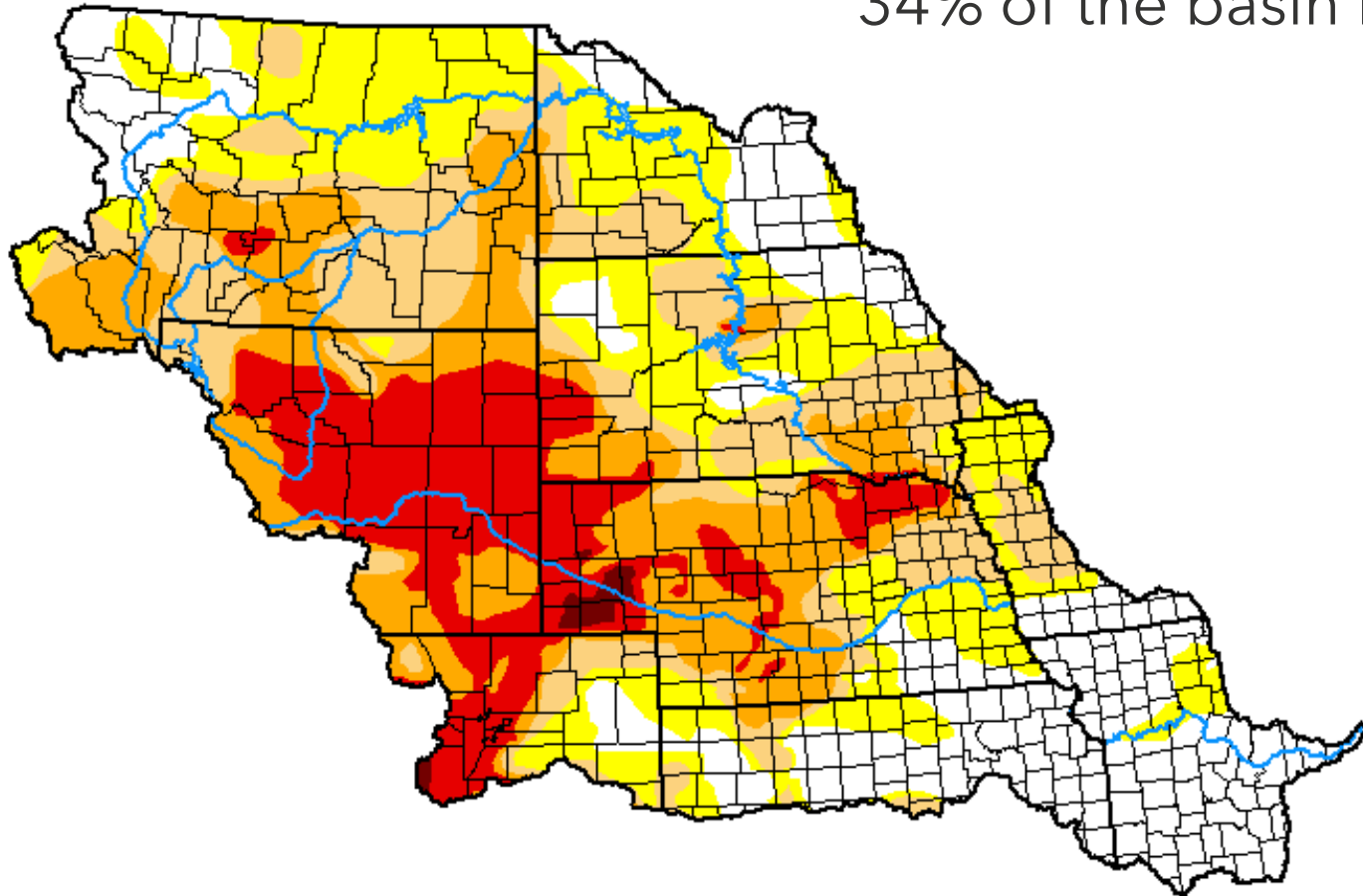
30-yr Normal Precipitation: Annual
Period: 1991-2020



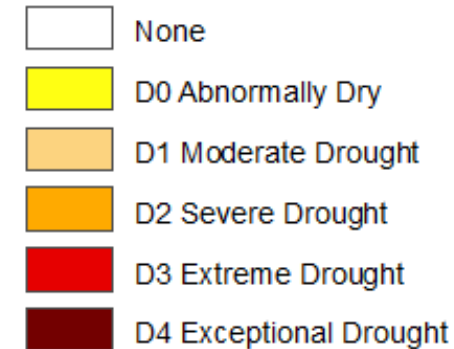
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Missouri River Basin Drought - July 21, 2026

34% of the basin is in at least Severe Drought



Intensity:

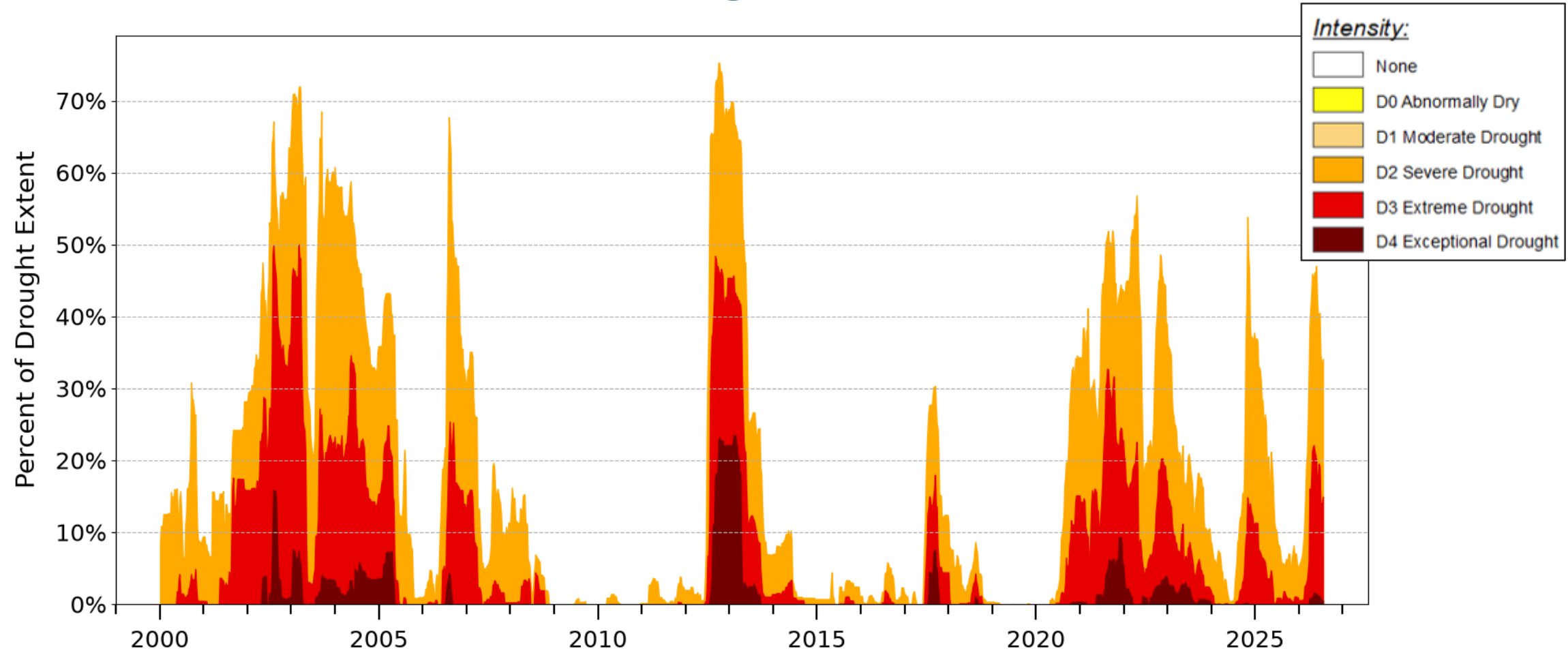


The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

Author:

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DRI/WRCC

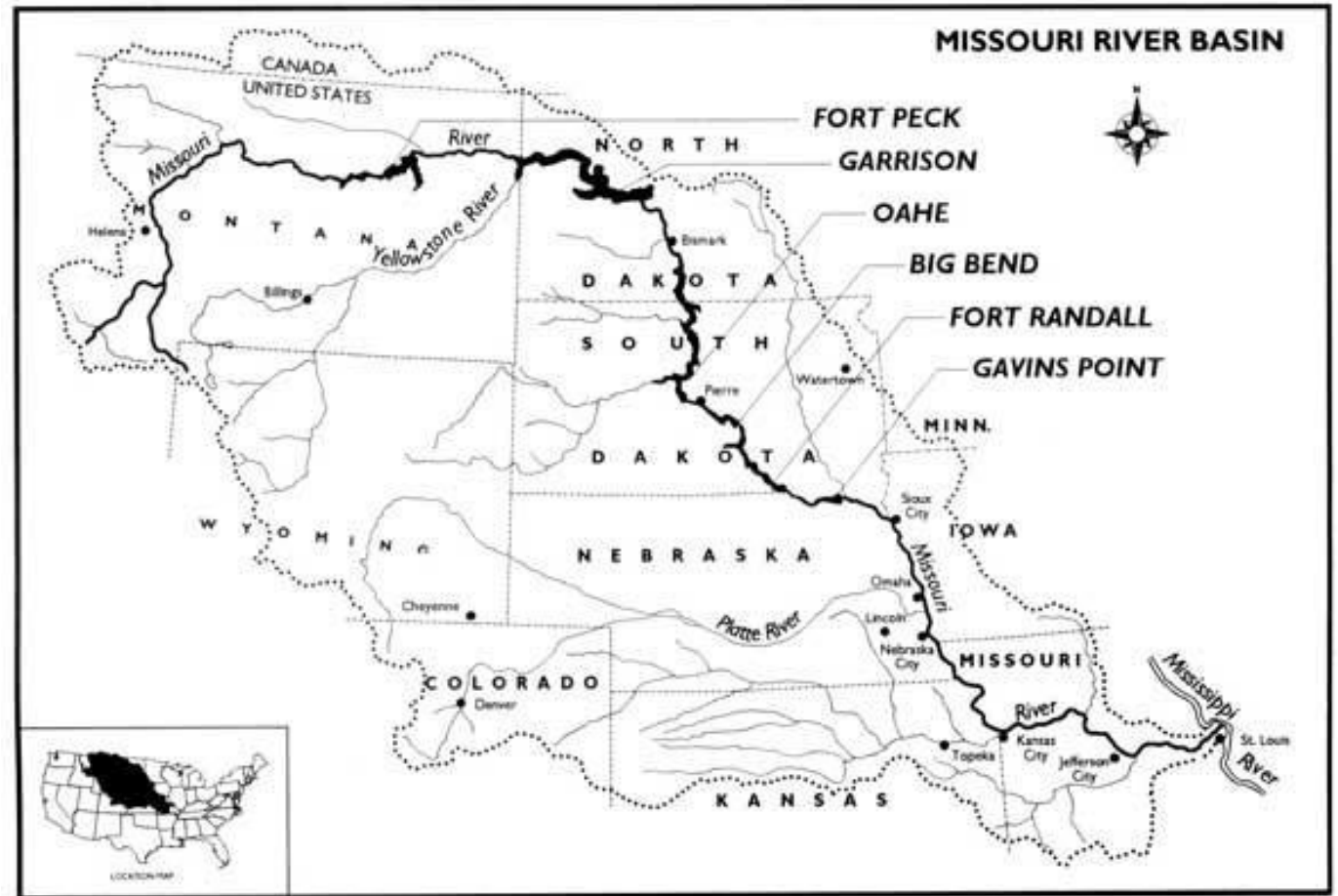
Missouri River Basin Drought 2000-2026



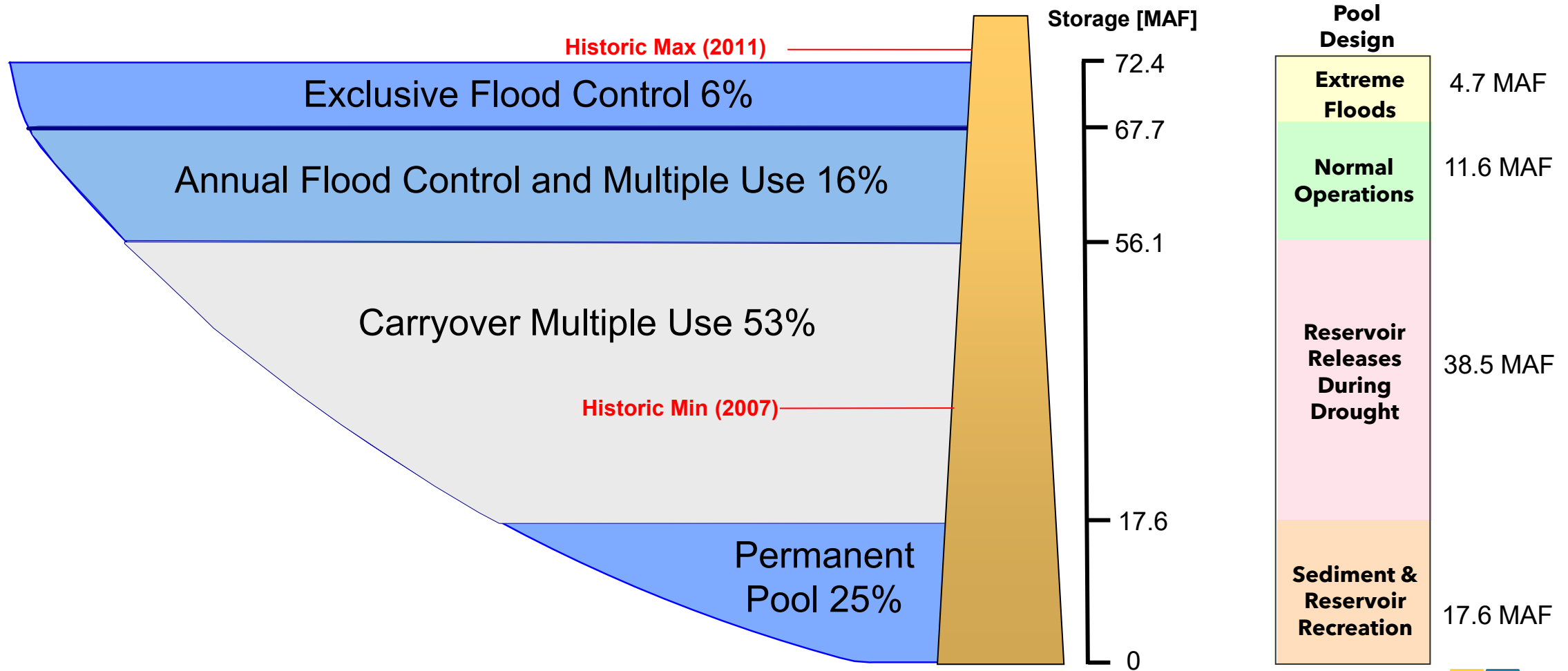
Data Source: <https://www.drought.gov/watersheds/Missouri>

Missouri River Operations

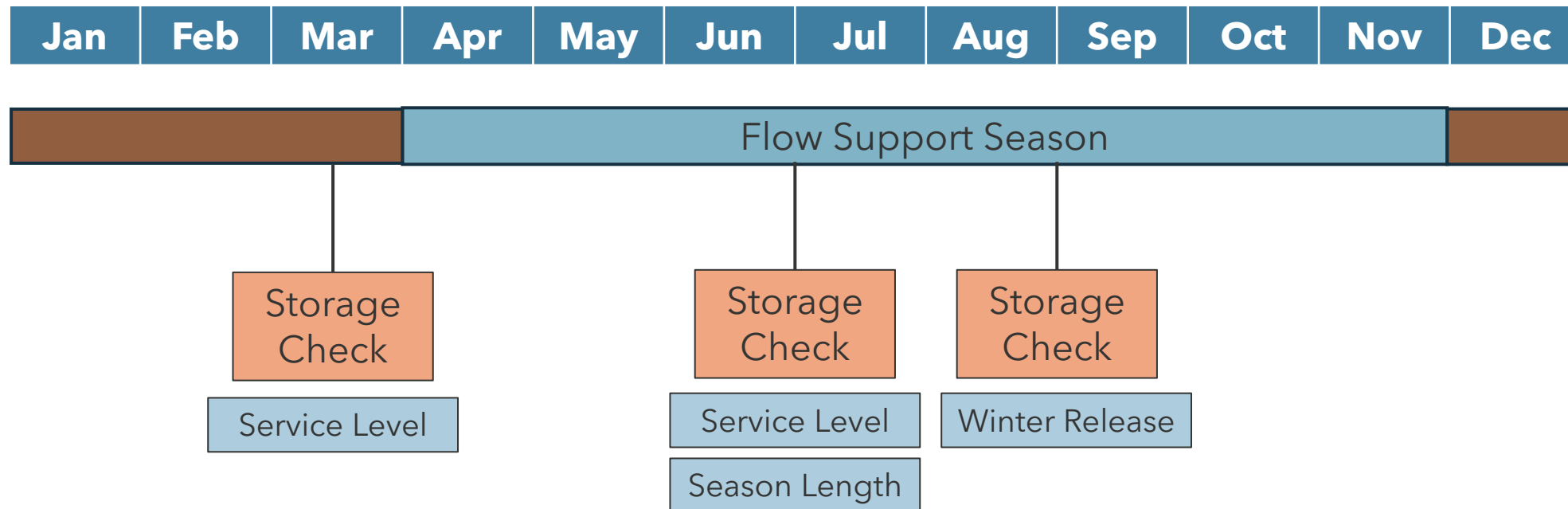
- Flood Control Act 1944
- 6 main stem dams
 - **72.4 million acre-feet**
- Bank Stabilization & Navigation Program (BSNP)
- Authorized Uses:
 - Flood Control
 - Navigation
 - Hydropower
 - Water Supply
 - Water Quality
 - Irrigation
 - Recreation
 - Fish and Wildlife



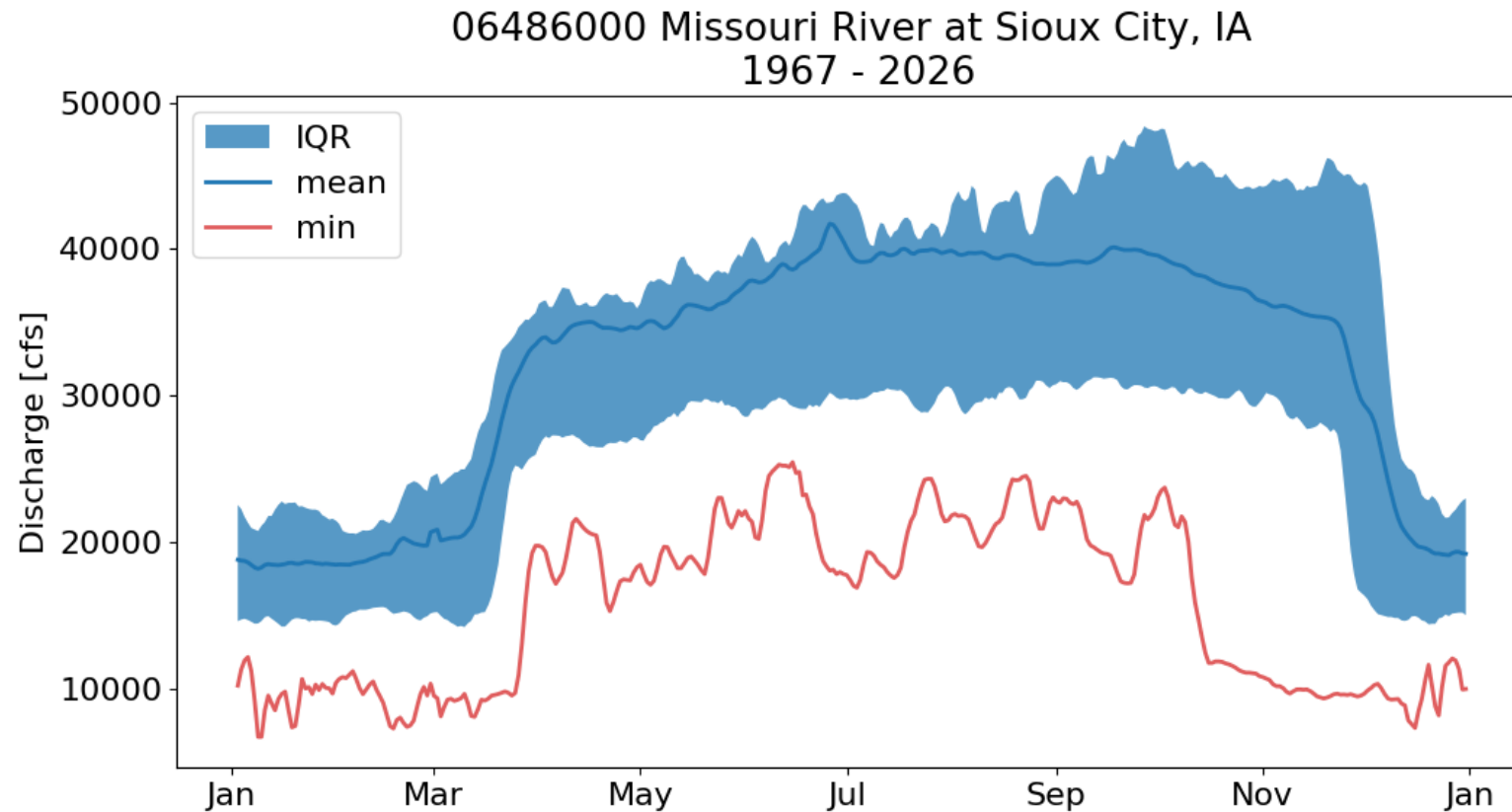
Missouri River System Total Storage and Allocations



Missouri River Operations



Missouri River Operations



Missouri River Operations: Reduced Releases

- 14/23 years (~60%)

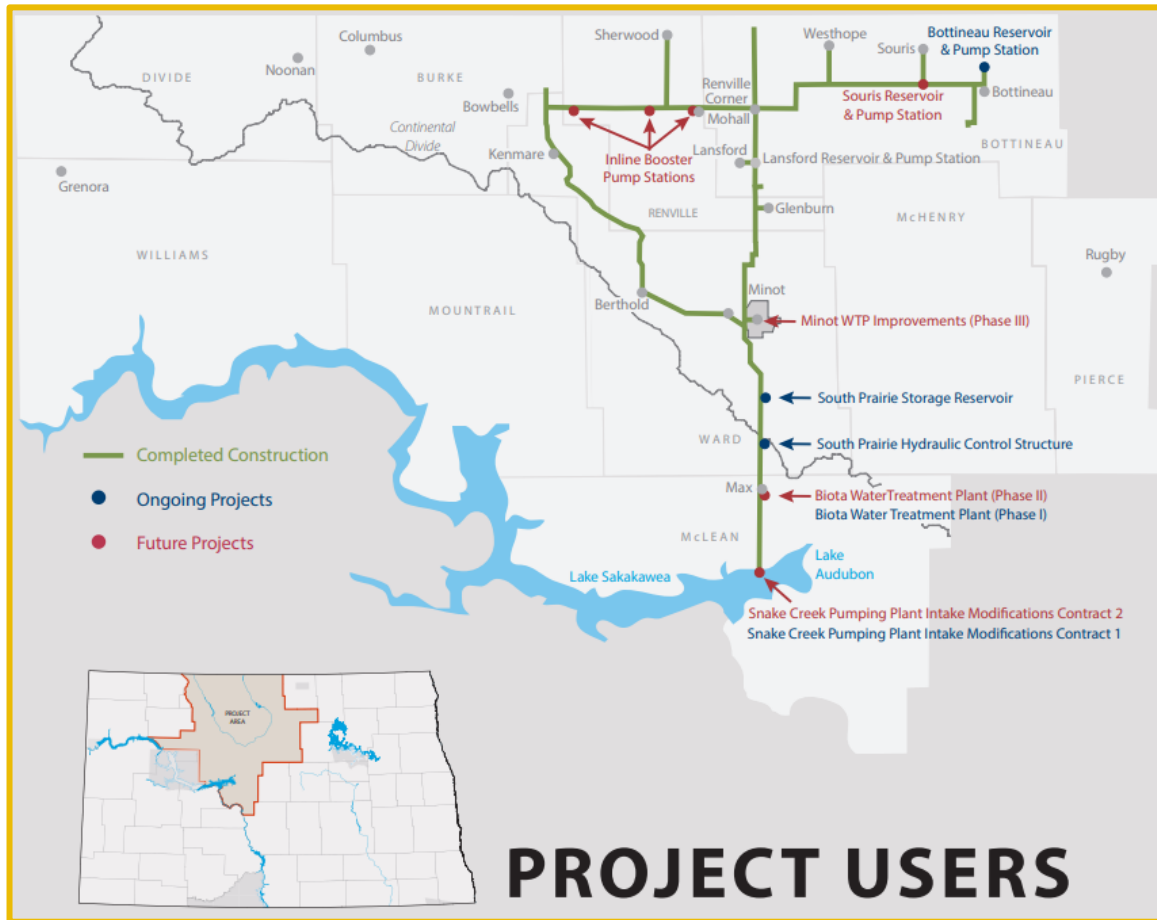
Storage Check	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Mar 15 - Service Level [kcfs]	-6	-6	-6	-6	-6	-6	0	0	0	-6	-3.2	0	0	0	0	0	0	0	-6	-6	-0.5	-4	-5.5
Jul 01 - Service Level [kcfs]	-6	-6	-6	-6	-6	-0.2	0	0	0	-2.7	0	0	0	0	0	0	0	-1.5	-5.5	-1.5	-0.5	-4.5	-6
Jul 01 - Season Length [days]	-47	-48	-44	-35	-30	0	10	10	0	0	10	0	0	10	10	10	0	0	-2	0	0	0	-15

Missouri River Out of Basin Diversions

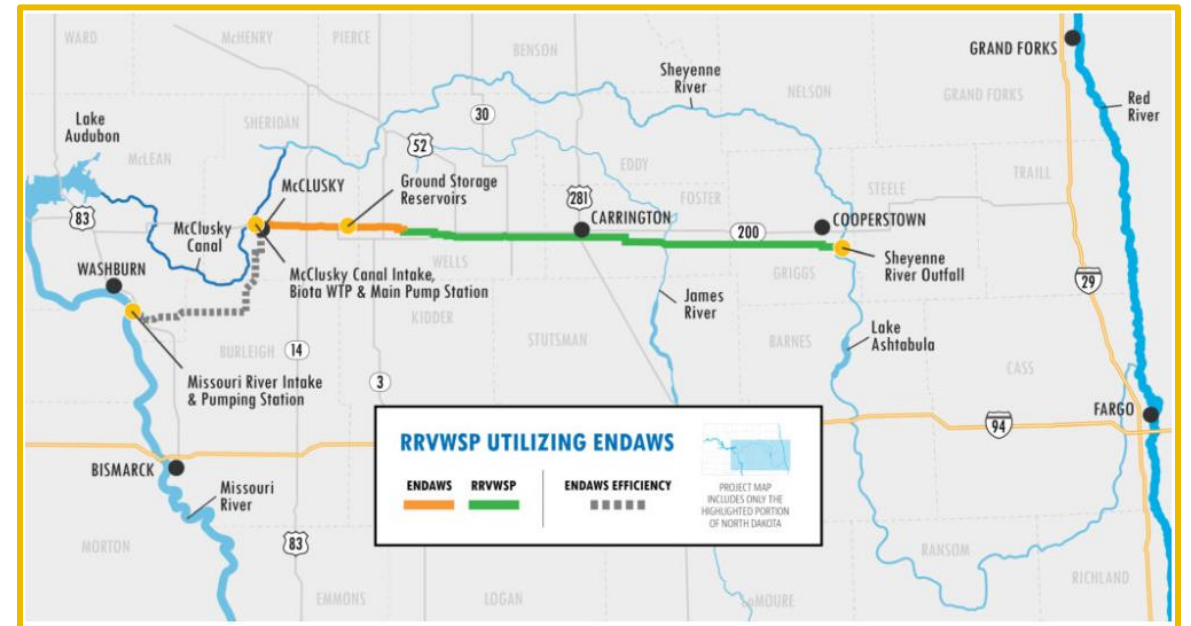
- North Dakota projects that seek federal funding for out of basin diversions through the Dakota Water Resources Act Amendments of 2026
- Northwest Area Water Supply Project (NAWS)
 - Federal Funding: \$120 million proposed
 - Capacity: 0.0136 million acre-feet average annual
- Eastern North Dakota Water Supply Project
 - Complements the state-led Red River Valley Water Supply Project (RRVWS)
 - Previously known as Central ND Water Supply Project and Eastern ND Water Supply project
 - Federal Funding: \$404 million proposed
 - Capacity: 165 cfs or approx. 119,460 acre-feet per year

Missouri River Out of Basin Diversions

NWAS Service Area

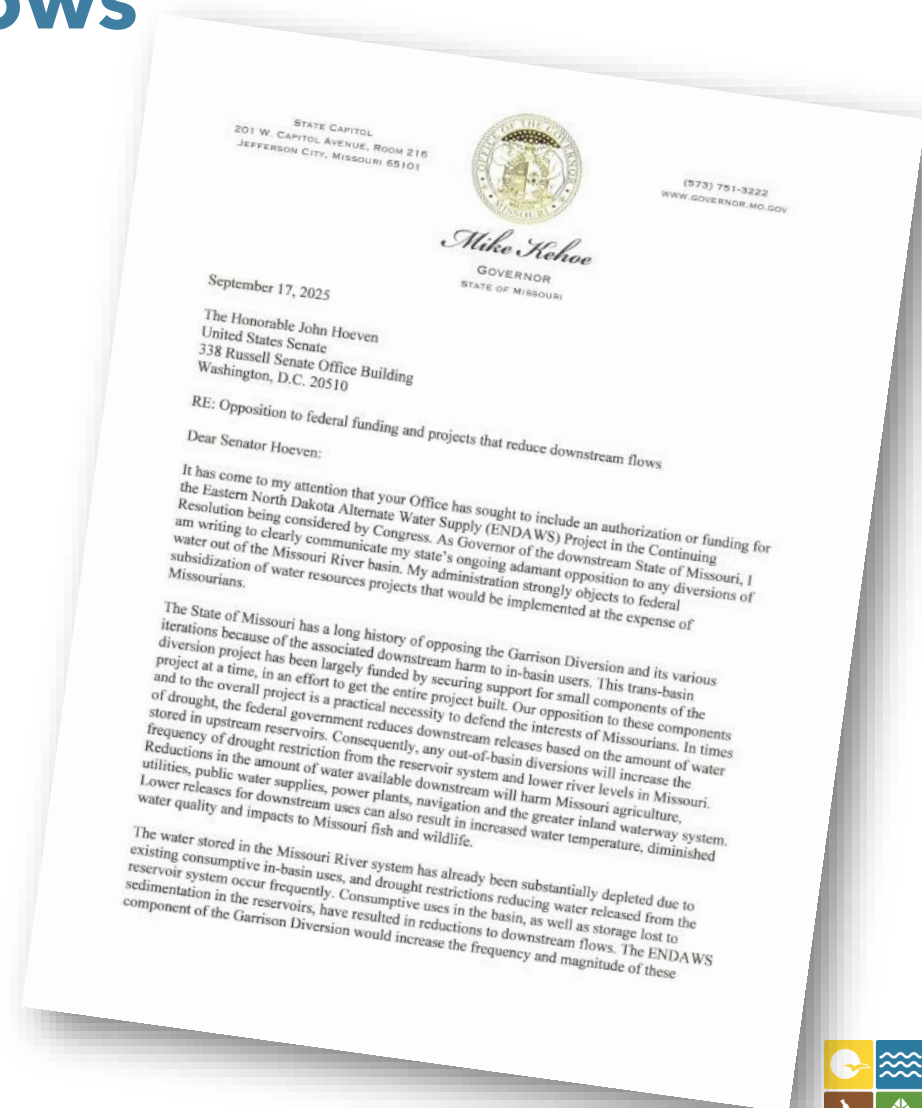


RRVWSP Proposed Buildout



Opposition to Federal Funding and Projects that Reduce Downstream Flows

- Missouri Department of Natural Resources transmitted letters opposing Dakota Waters Resources Act Amendments of 2024 (October 2024)
- Missouri Governor Kehoe sent a letter to North Dakota Senator Hoeven opposing to federal funding of the ENDAWS project (September 2025)
- Letters to the Editor and Opinion Pieces



Opposition to Out of Basin Transfers

- 01/22/26: AgDaily: It is time to take Missouri River water transfers seriously, Shane Kinne, Coalition to Protect the Missouri River
- 02/03/26: The Missouri Times – Opinion: We can't afford to lose Missouri River water, Kurt U. Schaefer, Director, MoDNR
- 02/05/26: AgDaily: Our Missouri River ... concerns in the Basin, Wade Bachmeier and Ken Royse, Missouri River Joint Water Board
- 02/06/26: The Washington Times: Missouri can't afford to lose river water, Kurt U. Schaefer, Director, MoDNR
- 02/08/26: St. Louis Post Dispatch: Federal dollars must not drain water from the Missouri River, Kurt U. Schaefer, Director, MoDNR
- 02/09/26: Columbia Missourian – Guest Commentary: We can't afford to lose MO River water, Kurt U. Schaefer, Director, MoDNR
- 02/25/26: The Bismarck Tribune: The MO River is a Shared Resource, not a Battleground, Reice Haase, Director, ND DWR
- 03/02/26: Kansas City Star: MO River is KC's lifeblood. Don't cut it off upstream | Opinion, Kurt U. Schaefer, Director, MoDNR
- 03/13/26: AgDaily: North Dakota diversion project dials up the discord in Missouri River Basin states
- 03/17/26: KVRR Local News: Hoeven announces federal funding for ENDAWS project



Why it Matters to Missouri: Different Legal Doctrines

- Missouri is a Riparian Water Rights State
 - No state laws specify the quantity of water that any diverter may use
 - Landowners have a right to a reasonable use
 - Cannot adversely impact other users
- Upper basin states are Prior Appropriation Water Rights States
 - The first person to use or divert water for a beneficial use or purpose has priority and can acquire individual rights to the water to the exclusion of those who come later
 - “First in time, first in right”
 - Water allocation (often over allocation)

Why it Matters to Missouri: Avoiding a Bleak Future

- Nothing governing how much water is removed from Missouri River and the Missouri River Basin
- One small project is insignificant but cumulative impacts add up
 - MO river is seen as solution for other western water war issues
- If one project is approved it will be used as road map for other projects
- Without some structural mechanism Missouri will have no voice in the Missouri River's water management no mechanism to protect our right to reasonable use
- Modern examples of western, prior-appropriation approaches to water allocation and management paint a bleak future
 - Over-allocation, prolonged periods of drought, and growing demand
 - The Colorado River



Missouri's Approach

- Oppose federal authorizations or funding for out of basin diversions until all basin states have collaboratively:
 1. Agreed to a basin-wide framework that prevents non-basin states from accessing Missouri River water without consulting basin states.
 2. Outline a coordinated plan to manage this vital resource for the basin states while balancing the needs of upper basin states and ensuring reasonable use of the water in the long term for lower basin states.

A Governance Structure

- Governance structure for both in basin and out of basin transfers
 - Prohibition of out of basin transfers to out of basin states
 - Governance of out of basin transfers to basin states
 - Governance for in basin transfers and uses
 - Require analysis of impacts of proposals on existing and future uses and require congressional authorization

Building a Coalition

- Forming a Missouri River coalition
 - Wide variety of non-governmental stakeholders
 - Missouri River lower basin states
 - Mississippi River middle and lower basin states
 - Missouri state agencies
- Developing a quantitative understanding of Missouri's current and future needs for water use along the Missouri River
 - Navigation/commerce, drinking water, industrial, recreation, etc.
 - Implications for water quality and compliance with CWA and MCWL?

We need you!

- We are all Missouri River stakeholders
- We need more information the better defend our water right
- Are you interested in participating in this issue as a stakeholder?
- Do you think you have information that can help us protect Missouri's water rights?
 - Please provide input on how to describe and quantify potential impacts of changes to Missouri River water levels to you, your organization, industry, community, or the state.

Comments, Questions?

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