

1 *HOUSE* BILL NO. *745*
 2 INTRODUCED BY *Supposed Barbano*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PARTIAL
 5 BASIN CLOSURE IN THE BEAVERHEAD RIVER BASIN AND THE RED ROCK
 6 RIVER BASIN; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, AN
 7 APPLICABILITY DATE, AND A TERMINATION DATE."
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 NEW SECTION. Section 1. Definitions. Unless the
 11 context requires otherwise, in [sections 1 and 2], the
 12 following definitions apply:

13 (1) "Application" means an application for a beneficial
 14 water use permit, using form number 600.

15 (2) "Beaverhead River basin" means the Beaverhead River
 16 drainage area located in hydrologic basin 41B in Beaverhead
 17 and Madison Counties, Montana. The Beaverhead River basin
 18 designated as the closure area is all that drainage and head
 19 waters originating at the Clark Canyon dam, approximately 12
 20 miles south-southwest of Dillon, Montana, and terminating at
 21 the confluence of the Big Hole River and the Beaverhead
 22 River, which then forms the Jefferson River near Twin
 23 Bridges, Montana.

24 (3) "Infiltration gallery" means a collection system
 25 that consists of one or more perforated pipes, culverts, or

1 screens, placed horizontally beneath the streambed or
 2 vertically adjacent to the streambed, by which water is
 3 appropriated.

4 (4) "Red Rock River basin" means the Red Rock River
 5 drainage area located in hydrologic basin 41A in Beaverhead
 6 and Madison Counties, Montana. The Red Rock River basin
 7 designated as the closure area is all that drainage and head
 8 waters originating at the border of Montana and Idaho
 9 approximately 10 miles east of the Red Rock Lakes wildlife
 10 refuge and terminating at the Clark Canyon dam,
 11 approximately 12 miles south-southwest of Dillon, Montana.

12 NEW SECTION. Section 2. Basin closure -- exception.

13 (1) As provided in 85-2-319 and subject to the provisions of
 14 subsection (2) of this section, the department shall reject
 15 applications for permits to appropriate ground water by any
 16 means, including infiltration galleries, within the
 17 Beaverhead River and Red Rock River basins during the period
 18 from [the effective date of this act] through June 30, 1996.

19 (2) The provisions of subsection (1) do not apply to
 20 the appropriation of ground water by means of a well or
 21 developed spring with a maximum appropriation of ground
 22 water of less than 100 gallons per minute or to the
 23 appropriation of ground water for domestic use, stock use,
 24 municipal use, industrial use, or for temporary emergency
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-2- INTRODUCED BILL
 HB 745

LC 1683/01

1 NEW SECTION. **Section 3.** Codification instruction.
2 [Sections 1 and 2] are intended to be codified as an
3 integral part of Title 85, chapter 2, part 3, and the
4 provisions of Title 85, chapter 2, part 3, apply to
5 [sections 1 and 2].

6 NEW SECTION. **Section 4.** Effective date. [This act] is
7 effective on passage and approval.

8 NEW SECTION. **Section 5.** Applicability date. [This act]
9 applies to all applications received by the department after
10 [the effective date of this act].

11 NEW SECTION. **Section 6.** Termination date. [This act]
12 terminates June 30, 1996.

-End-

APPROVED BY COMM. ON NATURAL RESOURCES

1 INTRODUCTION BY *House* BILL NO. *745*
2 *Swygard, Barbano, Jeff Anderson*

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20 miles south-southwest of Dillon, Montana, and terminating at
21 the confluence of the Big Hole River and the Beaverhead
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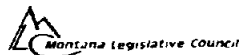
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6 and Madison Counties, Montana. The Red Rock River basin
7 designated as the closure area is all that drainage and head
8 waters originating at the border of Montana and Idaho
9 approximately 10 miles east of the Red Rock Lakes wildlife
10 refuge and terminating at the Clark Canyon dam,
11 approximately 12 miles south-southwest of Dillon, Montana.

12 NEW SECTION. **Section 2.** Basin closure -- exception.

13 (1) As provided in 85-2-319 and subject to the provisions of
14 subsection (2) of this section, the department shall reject
15 applications for permits to appropriate ground water by any
16 means, including infiltration galleries, within the
17 Beaverhead River and Red Rock River basins during the period
18 from [the effective date of this act] through June 30, 1996.

19 (2) The provisions of subsection (1) do not apply to
20 the appropriation of ground water by means of a well or
21 developed spring with a maximum appropriation of ground
22 water of less than 100 gallons per minute or to the
23 appropriation of ground water for domestic use, stock use,
24 municipal use, industrial use, or for temporary emergency
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(2) "Beaverhead River basin" means the Beaverhead River drainage area located in hydrologic basin 41B in Beaverhead and Madison Counties, Montana. The Beaverhead River basin designated as the closure area is all that drainage and head waters originating at the Clark Canyon dam, approximately 12 miles south-southwest of Dillon, Montana, and terminating at the confluence of the Big Hole River and the Beaverhead River, which then forms the Jefferson River near Twin Bridges, Montana.

(3) "Infiltration gallery" means a collection system that consists of one or more perforated pipes, culverts, or

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screens, placed horizontally beneath the streambed or vertically adjacent to the streambed, by which water is appropriated.

(4) "Red Rock River basin" means the Red Rock River drainage area located in hydrologic basin 41A in Beaverhead and Madison Counties, Montana. The Red Rock River basin designated as the closure area is all that drainage and head waters originating at the border of Montana and Idaho approximately 10 miles east of the Red Rock Lakes wildlife refuge and terminating at the Clark Canyon dam, approximately 12 miles south-southwest of Dillon, Montana.

NEW SECTION. **Section 2. Basin closure -- exception.**

(1) As provided in 85-2-319 and subject to the provisions of subsection (2) of this section, the department shall reject applications for permits to appropriate ground water by any means, including infiltration galleries, within the Beaverhead River and Red Rock River basins during the period from [the effective date of this act] through June 30, 1996.

(2) The provisions of subsection (1) do not apply to the appropriation of ground water by means of a well or developed spring with a maximum appropriation of ground water of less than 100 gallons per minute or to the appropriation of ground water for domestic use, stock use, municipal use, industrial use, or for temporary emergency appropriations.

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