

1 House BILL NO. 631
 2 INTRODUCED BY Ray Jantz Julliano
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4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
 5 89-885, R.C.M. 1947, TO PLACE AN AFFIRMATIVE BURDEN OF PROOF
 6 ON APPLICANTS FOR WATER RIGHTS."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 89-885, R.C.M. 1947, is amended to
 10 read as follows:

11 "89-885. Criteria for issuance of permit. The
 12 department shall issue a permit if:

13 (1) there are unappropriated waters in the source of
 14 supply;

15 (2) the rights of a prior appropriator will not be
 16 adversely affected;

17 (3) the proposed means of diversion or construction are
 18 adequate;

19 (4) the proposed use of water is a beneficial use;

20 (5) the proposed use will not interfere unreasonably
 21 with other planned uses or developments for which a permit
 22 has been issued or for which water has been reserved; ;

23 (6) an applicant for an appropriation of fifteen (15)
 24 cubic feet per second or more proves by clear and convincing
 25 evidence that the rights of a prior appropriator will not be

1 adversely affected."

-End-

Approved by Committee
on Natural Resources

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INTRODUCED BY *Ray* *Santer* *Smalls*

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HB 631

1 HOUSE BILL NO. 631

2 INTRODUCED BY DAY, SOUTH, JIM MOORE

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