

1 H BILL NO. 478
 2 INTRODUCED BY Curtis MULAR TOWER
 3 Strigunille Day Teague Conroy Ellison
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
 5 SELECTION AND ACQUISITION OF OFF-STREAM STORAGE SITES AND
 6 THE CONSTRUCTION OF RESERVOIRS BY CONSERVATION DISTRICTS IN
 7 THE YELLOWSTONE RIVER BASIN AND TO PROVIDE FOR THE SALE OF
 8 WATER FROM SUCH RESERVOIRS IN EXCESS OF THE NEEDS OF PRIOR
 9 APPROPRIATORS ACCORDING TO AN ORDERING OF CERTAIN BENEFICIAL
 10 USES."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Selection and acquisition of water storage
 14 sites in the Yellowstone Basin by conservation districts.
 15 (1) Each conservation district within the Yellowstone River
 16 Basin shall select one off-stream water storage site for the
 17 construction of a reservoir.
 18 (2) If funding is available from the federal
 19 government for a reservoir or other reclamation project, the
 20 conservation district shall acquire the site by purchase.
 21 Section 2. Funding of storage reservoirs. Each
 22 district shall seek federal funding for the construction of
 23 off-stream storage reservoirs, especially funding from the
 24 bureau of reclamation. The department shall provide
 25 assistance, both administrative and technical, in the

1 preparation of grant and funding applications by the
 2 districts.

3 Section 3. Purposes of off-stream storage. The
 4 reservoirs shall provide water storage for appropriators
 5 within the conservation district and shall provide water for
 6 additional beneficial uses within the district. The
 7 reservoir may be part of a federal reclamation project and
 8 may be used to provide flood control in the district.

9 Section 4. Disposition of excess water. (1) The
 10 conservation district may dispose of water in excess of that
 11 needed to meet the requirements of prior appropriators by
 12 selling the excess water to any person who will apply the
 13 water to a beneficial use.

14 (2) In making sales under this section, the district
 15 shall allocate water on the basis of the following order of
 16 priorities of use:

- 17 (a) domestic;
- 18 (b) municipal;
- 19 (c) agricultural;
- 20 (d) industrial;
- 21 (e) recreational.

22 (3) As used in this section, "person" means any
 23 individual, group, firm, partnership, corporation,
 24 cooperative, association, government subdivision, government
 25 agency, local government, or other organization or entity.

-End-

-2-

INTRODUCED BILL

HB 478

Approved by Committee
on Judiciary

1 HOUSE BILL NO. 478
2 INTRODUCED BY CURTISS, HULAR, TOWER,
3 STAIGNILLER, DAY, TEAGUE, CONROY, ELLISON
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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Selection and acquisition of water storage
15 sites in the Yellowstone Basin by conservation districts.

16 (1) Each conservation district within the Yellowstone River
17 Basin shall select AT LEAST one off-stream water storage
18 site for the construction of a reservoir.

19 (2) If funding is available from ~~the federal~~
20 ~~government~~ for a reservoir or other reclamation project, the
21 conservation district shall acquire the site by purchase.

22 ~~(3) SUPERVISORS OF CONSERVATION DISTRICTS SHALL HAVE~~
23 ~~THE POWER TO DESIGNATE SITES FOR FUTURE CONSTRUCTION OF~~
24 ~~RESERVOIRS. THE SUPERVISORS SHALL DESIGNATE SUCH SITE BY~~
25 ~~FILING A LEGAL DESCRIPTION THEREOF IN THE OFFICE OF THE~~

1 ~~CLERK AND RECORDER OF THE COUNTY IN WHICH SUCH SITE IS~~
2 ~~LOCATED OR THE COUNTIES IN WHICH SAID SITE IS LOCATED IF IT~~
3 ~~EXTENDS ACROSS THE BOUNDARIES OF TWO OR MORE COUNTIES. UPON~~
4 ~~FILING OF SUCH DESIGNATION, THE STATE OF MONTANA, ITS~~
5 ~~AGENCIES OR POLITICAL SUBDIVISIONS SHALL NOT ACQUIRE THE~~
6 ~~PROPERTIES SO DESIGNATED FOR PUBLIC PURPOSES OTHER THAN~~
7 ~~RESERVOIR SITES AND SHALL NOT CONSTRUCT ANY PUBLIC~~
8 ~~FACILITIES EXCEPT RESERVOIRS. SUPERVISORS MAY CANCEL SITE~~
9 ~~DESIGNATION BY FILING SUCH NOTICE WITH THE CLERK AND~~
10 ~~RECORDER OF THE COUNTY OR COUNTIES AFFECTED.~~

11 Section 2. Funding of storage reservoirs. Each
12 district shall seek federal funding for the construction of
13 off-stream storage reservoirs, especially funding from the
14 ~~bureau of reclamation~~ RENEWABLE RESOURCE FUND. The
15 department OF NATURAL RESOURCES shall provide assistance,
16 both administrative and technical, in the preparation of
17 grant and funding applications by the districts.

18 Section 3. Purposes of off-stream storage. The
19 reservoirs shall provide water storage for appropriators
20 within the conservation district and shall provide water for
21 additional beneficial uses ~~within the district~~. The
22 reservoir may be part of a federal reclamation project and
23 may be used to provide flood control in the district.

24 Section 4. Disposition of excess water. (1) The
25 conservation district may dispose of water in excess of that

1 needed to meet the requirements of prior appropriators by
2 selling the excess water to any person who will apply the
3 water to a AN AGREED beneficial use WITHIN THE STATE.

4 (2) In making sales under this section, the district
5 shall allocate water on the basis of ~~the following order of~~
6 ~~priorities of use:~~

7 ~~(a) -- domestic;~~

8 ~~(b) -- municipal;~~

9 ~~(c) -- agricultural;~~

10 ~~(d) -- industrial;~~

11 ~~(e) -- recreational; OF PRIORITIES ESTABLISHED BY EACH~~
12 ~~LOCAL DISTRICT, IN ACCORDANCE WITH NEED AND BENEFICIAL USE.~~
13 ~~PRIORITIES SHALL BE ESTABLISHED IN ACCORDANCE WITH 76-109.~~

14 (3) As used in this section, "person" means any
15 individual, group, firm, partnership, corporation,
16 cooperative, association, government subdivision, government
17 agency, local government, or other organization or entity.

18 SECTION 5. SEVERABILITY. IF A PART OF THIS ACT IS
19 INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID
20 PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN
21 ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT
22 IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE
23 INVALID APPLICATIONS.

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