

1 *House* BILL NO. *810*
 2 INTRODUCED BY *Judiciary Comm Willis Day*
 3

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 AND
 7 TO PROVIDE FOR THE SALE OF WATER FROM SUCH RESERVOIRS IN
 8 EXCESS OF THE NEEDS OF PRIOR APPROPRIATORS ACCORDING TO AN
 9 ORDERING OF CERTAIN BENEFICIAL USES."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Selection and acquisition of water storage
 13 sites by conservation districts. (1) Each conservation
 14 district within the state shall select at least one
 15 off-stream water storage site for the construction of a
 16 reservoir.

17 (2) If funding is available for a reservoir or other
 18 reclamation project, the conservation district shall acquire
 19 the site by purchase.

20 (3) Supervisors of conservation districts may
 21 designate sites for future construction of reservoirs. The
 22 supervisors shall designate such site by filing a legal
 23 description thereof in the office of the clerk and recorder
 24 of the county in which the site is located or the counties
 25 in which the site is located if it extends across the

1 boundaries of two or more counties. Upon filing of such
 2 designation, the state of Montana, its agencies, or
 3 political subdivisions may not acquire the properties so
 4 designated for public purposes other than reservoir sites
 5 and may not construct any public facilities except
 6 reservoirs. Supervisors may cancel a site designation by
 7 filing notice with the clerk and recorder of the county or
 8 counties affected.

9 Section 2. Funding of storage reservoirs. Each
 10 district shall seek funding for the construction of
 11 off-stream storage reservoirs, especially funding from the
 12 renewable resource fund. The department of natural resources
 13 and conservation shall provide assistance, both
 14 administrative and technical, in the preparation of grant
 15 and funding applications by the districts.

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

22 Section 4. Disposition of excess water. (1) The
 23 conservation district may dispose of water in excess of that
 24 needed to meet the requirements of prior appropriators by
 25 selling the excess water to any person who will comply the

1 water to an agreed beneficial use within the state.

2 (2) In making sales under this section, the district
3 shall allocate water on the basis of priorities established
4 by each local district in accordance with 76-109 according
5 to need and beneficial use.

6 Section 5. Severability. If a part of this act is
7 invalid, all valid parts that are severable from the invalid
8 part remain in effect. If a part of this act is invalid in
9 one or more of its applications, the part remains in effect
10 in all valid applications that are severable from the
11 invalid applications.

-End-

Approved by Committee
on Judiciary

HOUSE BILL NO. 810

INTRODUCED BY JUDICIARY COMMITTEE, DAY

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE SELECTION AND ACQUISITION OF OFF-STREAM STORAGE SITES AND THE CONSTRUCTION OF RESERVOIRS BY CONSERVATION DISTRICTS AND TO PROVIDE FOR THE SALE OF WATER FROM SUCH RESERVOIRS IN EXCESS OF THE NEEDS OF PRIOR APPROPRIATORS ACCORDING TO AN ORDERING OF CERTAIN BENEFICIAL USES."

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

Section 1. Selection and acquisition of water storage sites by conservation districts. (1) Each conservation district within the state shall select at least one off-stream water storage site for the construction of a reservoir.

(2) If funding is available for a reservoir or other reclamation project, the conservation district shall acquire the site by purchase ~~OR BY CONDEMNATION UNDER 93-9902.~~

(3) Supervisors of conservation districts may designate sites for future construction of reservoirs. The supervisors shall designate such site by filing a legal description thereof in the office of the clerk and recorder of the county in which the site is located or the counties in which the site is located if it extends across the

boundaries of two or more counties. Upon filing of such designation, the state of Montana, its agencies, or political subdivisions may not acquire the properties so designated for public purposes other than reservoir sites and may not construct any public facilities except reservoirs. Supervisors may cancel a site designation by filing notice with the clerk and recorder of the county or counties affected.

Section 2. Funding of storage reservoirs. Each district shall seek funding for the construction of off-stream storage reservoirs, especially funding from the renewable resource fund. The department of natural resources and conservation shall provide assistance, both administrative and technical, in the preparation of grant and funding applications by the districts.

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

Section 4. Disposition of excess water. (1) The conservation district may dispose of water in excess of that needed to meet the requirements of prior appropriators by selling the excess water to any person who will apply the

1 water to an agreed beneficial use within the state.

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(2) If funding is available for a reservoir or other reclamation project, the conservation district shall acquire the site by purchase OR BY CONDEMNATION UNDER 93-9902.

(3) Supervisors of conservation districts may designate sites for future construction of reservoirs. The supervisors shall designate such site by filing a legal description thereof in the office of the clerk and recorder of the county in which the site is located or the counties in which the site is located if it extends across the

boundaries of two or more counties. Upon filing of such designation, the state of Montana, its agencies, or political subdivisions may not acquire the properties so designated for public purposes other than reservoir sites and may not construct any public facilities except reservoirs. Supervisors may cancel a site designation by filing notice with the clerk and recorder of the county or counties affected.

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-End-

March 9, 1977

STANDING COMMITTEE REPORT
Senate Committee on Agriculture, Livestock & Irrigation

That House Bill No. 810 be amended as follows:

1. Amend page 1, section 1, line 19.
Following: "purchase"
Strike: "OR BY CONDEMNATION UNDER 93-9902"

March 25, 1977

STANDING COMMITTEE REPORT
Senate Committee on Natural Resources

That House Bill No. 810 be amended as follows:

1. Amend page 1, section 1, line 14.
Following: "shall"
Insert: "seek and may"

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