

1 House BILL NO. 812
 2 INTRODUCED BY Judith Ann Kelly, DM

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 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."

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 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 at least one off-stream water storage
 17 site for the construction of a reservoir.

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

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

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

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

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

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

1 selling the excess water to any person who will apply the
2 water to an agreed beneficial use within the state.

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

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

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