

1 *Senate* BILL NO. *316*
 2 INTRODUCED BY *McDonnell Etchart Boylan*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE USE
 5 OF WATER THAT IS NOW UNAPPROPRIATED BUT MAY NOT BE AVAILABLE
 6 AT ALL TIMES AND FOR ALL USES; AMENDING SECTION 89-885,
 7 R.C.M. 1947."

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

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

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

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

16 ~~(a) at times when the water can be put to the use~~
 17 ~~proposed by the applicant;~~

18 ~~(b) in the amount the applicant seeks to appropriate;~~
 19 and

20 ~~(c) throughout the period during which the applicant~~
 21 ~~seeks to appropriate, the amount requested is available;~~

22 (2) the rights of a prior appropriator will not be
 23 adversely affected;

24 (3) the proposed means of diversion or construction
 25 are adequate;

1 (4) the proposed use of water is a beneficial use;
 2 (5) the proposed use will not interfere unreasonably
 3 with other planned uses or developments for which a permit
 4 has been issued or for which water has been reserved;
 5 (6) an applicant for an appropriation of fifteen (15)
 6 cubic feet per second or more proves by clear and convincing
 7 evidence that the rights of a prior appropriator will not be
 8 adversely affected."

-End-

INTRODUCED BILL

SB316

Approved by Committee
on Agriculture Livestock
& Irrigation

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Mcomber Etchert Boylan

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SECOND READING

SB 316

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1 SENATE BILL NO. 316

2 INTRODUCED BY McOMBER, ETCHART, BOYLAN

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