45th Legislature

LC 1551/01

te BILL NO. 3/6 1 INTRODUCED BY 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE USE 4 5 OF WATER THAT IS NOW UNAPPROPRIATED BUT MAY NOT BE AVAILABLE AT ALL TIMES AND FOR ALL USES; AMENDING SECTION 89-885, 6 7 R.C.M. 1947." 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 10 Section 1. Section 89-885; R.C.M. 1947; is amended to read as follows: 11 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 supply+: 15 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 adversely affected; 23 (3) the proposed means of diversion or construction 24 25 are adequate;

(4) the proposed use of water is a beneficial use;
(5) the proposed use will not interfere unreasonably
with other planned uses or developments for which a permit
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-

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INTRODUCED BILL

SR.3/

LC 1551/01

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45th	Legislature LC 1551/01
	Approved by Committee on Agrigulture Livestock & Irrigation
1	Senate BILL NO. 316
2	INTRODUCED BY WCOmber Etchart Sonfan
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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."
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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	supplyt:
16	<u>(a) at times when the water can be put to the usa</u>
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	<u>seeks to appropriate. the amount requested is available:</u>
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;

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i (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) cubic feet per second or more proves by clear and convincing 6 7 evidence that the rights of a prior appropriator will not be adversely affected." 8

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-End-

SECOND READING

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SB 316

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LC 1551/01

LC 1551/01

_ BILL ND. 316 ì z INTRODUCED BY 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE USE 4 OF WATER THAT IS NOW UNAPPROPRIATED BUT MAY NOT BE AVAILABLE 5 AT ALL TIMES AND FOR ALL USES; AMENDING SECTION 89-885. 6 7 R.C.M. 1947.* 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NONTANA: 10 Section 1. Section 89-885; R.C.N. 1947; is amended to 11 read as follows: #89-885. Criteria for issuance of 12 permit. The 13 department shall issue a permit if: 14 (1) there are unappropriated waters in the source of 15 supply+1 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-



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1	SENATE BILL NO. 316	1	{4} the proposed use of water is a beneficial	l use;
2	INTRODUCED BY MCOMBER, ETCHART, BOYLAN	2	(5) the proposed use will not interfere un	
3		Э	with other planned uses or developments for which	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE USE	4	has been issued or for which water has been reserve	•
5	OF WATER THAT IS NOW UNAPPROPRIATED BUT MAY NOT BE AVAILABLE	5	(6) an applicant for an appropriation of fift	
ь	AT ALL TIMES AND FOR ALL USES; AMENDING SECTION 89-885,	6	cubic feet per second or more proves by clear and c	
7	R. C. M. 1947	7	evidence that the rights of a prior appropriator wi	-
8		8	adversely affected."	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:		-End-	
lu	Section 1. Section 39-885, 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	supplyt:			
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:			
14	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;			
			-2-	SB 316

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REFERENCE BILL

SB 316