

HOUSE BILL NO. 520

INTRODUCED BY GRADY, COBB, SCHYE, BACHINI, HANSON,
HAND, KOEHNKE, CAMPBELL, HOLLIDAY, THOFT,
JENKINS, COMPTON, SWITZER

IN THE HOUSE

January 28, 1985	Introduced and referred to Committee on Judiciary.
February 23, 1985	Committee recommend bill do pass as amended. Report adopted.
February 25, 1985	Bill printed and placed on members' desks.
February 26, 1985	Second reading, do pass. Considered correctly engrossed.
February 27, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 5, 1985	Introduced and referred to Committee on Judiciary.
March 28, 1985	Committee recommend bill be concurrent in. Report adopted.
March 30, 1985	Second reading, concurred in.
April 1, 1985	Third reading, concurred in. Ayes, 48; Noes, 0. Returned to House.

IN THE HOUSE

April 2, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 520

INTRODUCED BY

Mandy Cobb
M. Hansam Campbell
David Frenkel
Staff
Compton Switzer

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE PUBLIC DOES NOT HAVE THE RIGHT TO MAKE RECREATIONAL USE OF WATERS THAT HAVE BEEN DIVERTED FOR PURPOSES OF APPROPRIATION."

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

Section 1. Recreational use of diverted surface waters prohibited. The right of the public to make recreational use of surface waters does not include the right to make recreational use of the following surface waters:

- (1) irrigation and drainage canals and ditches;
- (2) flood control channels;
- (3) municipal, industrial, and domestic water systems;
- (4) hydroelectric power supply and discharge facilities; or

(5) any other waters while they are diverted away from a natural water body for beneficial use pursuant to Title 85, chapter 2, part 2 or 3.

-End-

INTRODUCED BILL
HB 520



APPROVED BY COMMITTEE
ON JUDICIARY

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4 JENKINS, COMPTON, SWITZER
5

1 85, chapter 2, part 2 or 3, EXCEPT FOR IMPOUNDMENTS OR
2 DIVERTED WATERS TO WHICH THE OWNER HAS PROVIDED PUBLIC
3 ACCESS.

-End-

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7 PUBLIC DOES NOT HAVE THE RIGHT TO MAKE RECREATIONAL USE OF
8 WATERS THAT HAVE BEEN DIVERTED FOR PURPOSES OF
9 APPROPRIATION."

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12 Section 1. Recreational use of diverted surface waters
13 prohibited. The right of the public to make recreational use
14 of surface waters does not include the right to make
15 recreational use of the following surface waters WITHOUT
16 PERMISSION OR CONTRACTUAL ARRANGEMENT WITH THE OWNER:

- 17 (1) irrigation and drainage canals and ditches;
- 18 (2) MANMADE flood control channels;
- 19 (3) municipal, industrial, and domestic water systems,
20 EXCLUDING THE LAKES, STREAMS, AND RESERVOIRS FROM WHICH THE
21 SYSTEMS OBTAIN WATER;
- 22 (4) hydroelectric power supply INLET and discharge
23 facilities; or
- 24 (5) any other waters while they are diverted away from
25 a natural water body for beneficial use pursuant to Title



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