

SENATE BILL NO. 439

2/15 Introduced
2/16 Referred to Judiciary
2/22 Hearing
2/22 Tabled in Committee

1 ~~Senate~~ BILL NO. 439
 2 INTRODUCED BY Scott Magrath
 3 BY REQUEST OF THE RESERVED
 4 WATER RIGHTS COMPACT COMMISSION

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 6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING, AS AN
 7 ALTERNATIVE TO THE STATEMENT OF CLAIM FOR WATER RIGHTS
 8 ARISING UNDER STATE LAW, A STATEMENT OF CLAIM FOR FEDERAL
 9 RESERVED WATER RIGHTS CLAIMS; AMENDING SECTION 85-2-224,
 10 MCA."

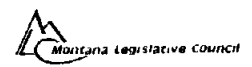
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 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 85-2-224, MCA, is amended to read:

14 "85-2-224. Statement of claim. (1) The statement of
 15 claim for each right arising under the laws of the state
 16 shall include substantially the following:

- 17 (a) the name and mailing address of the claimant;
- 18 (b) the name of the watercourse or water source from
 19 which the right to divert or make use of water is claimed,
 20 if available;
- 21 (c) the quantities of water and times of use claimed;
- 22 (d) the legal description, with reasonable certainty,
 23 of the point or points of diversion and places of use of
 24 waters;
- 25 (e) the purpose of use, including, if for irrigation,

- 1 the number of acres irrigated;
- 2 (f) the approximate dates of first putting water to
 3 beneficial use for the various amounts and times claimed in
 4 subsection (c); and
- 5 (g) the sworn statement that the claim set forth is
 6 true and correct to the best of claimant's knowledge and
 7 belief.
- 8 (2) ~~The claimant.~~ Any person filing a claim under
 9 subsection (1) shall submit maps, plats, aerial photographs,
 10 decrees, or pertinent portions thereof, or other evidence in
 11 support of his claim. All maps, plats, or aerial
 12 photographs should show as nearly as possible to scale the
 13 point of diversion, place of use, place of storage, and
 14 other pertinent conveyance facilities.
- 15 (3) The statement of claim for each right reserved
 16 under the laws of the United States shall include
 17 substantially the following:
- 18 (a) the name and mailing address of the claimant;
- 19 (b) the name of the watercourse or water source from
 20 which the right to divert or make use of water is claimed,
 21 if available;
- 22 (c) the quantities of water claimed;
- 23 (d) the priority date claimed;
- 24 (e) the laws of the United States on which the claim
 25 is based; and



LC 1365/01

1 (f) the sworn statement that the claim set forth is
2 true and correct to the best of the claimant's knowledge and
3 belief."

-End-