

1 House BILL NO. 290
2 INTRODUCED BY Spaeth Nelson

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
5 DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO ISSUE
6 TWO PERMITS FOR THE APPROPRIATION OF GROUND WATER IN CARBON
7 COUNTY PURSUANT TO SECTION 85-2-317, MCA; AND PROVIDING AN
8 IMMEDIATE EFFECTIVE DATE."

9
10 WHEREAS, hydropower is a beneficial use of water that
11 provides benefits to many Montana citizens; and

12 WHEREAS, applicants propose to use ground water from an
13 existing well and from a new well located in Carbon County
14 for generating hydropower; and

15 WHEREAS, the source of water for the wells is the
16 Tensleep formation, a major aquifer with commonly reported
17 flows in excess of 8 cubic feet per second; and

18 WHEREAS, the applicants and the Department of Fish,
19 Wildlife, and Parks have agreed to a provisional permit
20 under conditions that ensure adequate flows for the nearby
21 Bluewater Fish Hatchery; and

22 WHEREAS, the Department of Natural Resources and
23 Conservation has reviewed the applications and recommends
24 approval of the applications; and

25 WHEREAS, the ground water applied for exceeds 3,000

1 acre-feet per year for each well and therefore requires
2 legislative approvals pursuant to section 85-2-317, MCA.

3 THEREFORE, the Legislature of the State of Montana
4 finds it appropriate to authorize the Department of Natural
5 Resources and Conservation to issue two permits to the
6 applicants for ground water appropriations in excess of
7 3,000 acre-feet per year.

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

10 Section 1. Authorization to issue permits to
11 appropriate ground water. Pursuant to 85-2-317(1), the
12 department of natural resources and conservation may issue
13 two permits to appropriate ground water exceeding 3,000
14 acre-feet per year according to application numbers
15 54092-g43D and 54124-g43D. The applications are subject to
16 the remaining provisions of Title 85, chapter 2, part 3.

17 Section 2. Coordination instruction. IF [LC 856],
18 including the section repealing 85-2-317, is passed and
19 approved, this act is void.

20 Section 3. Effective date. This act is effective on
21 passage and approval.

-End-

APPROVED BY COMM. ON NATURAL RESOURCES

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