

1 HOUSE BILL NO. 120

2 INTRODUCED BY ROSE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AN ADDITIONAL EXCEPTION TO THE UPPER
5 MISSOURI RIVER BASIN CLOSURE; AND AMENDING SECTION 85-2-343, MCA."6
7 STATEMENT OF INTENT8 This bill is intended to allow an applicant to apply for a water permit on the Muddy Creek drainage
9 to use excess water to prevent significant impacts on adjoining lands. This conservation measure will be
10 allowed only if the permit will not adversely impact other water right holders on the Muddy Creek drainage
11 and if the applicant can demonstrate that the use of the water will help control erosion on the Muddy Creek
12 drainage.13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:15
16 **Section 1.** Section 85-2-343, MCA, is amended to read:17 "**85-2-343. Basin closure -- exceptions.** (1) As provided in 85-2-319 and subject to the provisions
18 of subsection (2) of this section, the department may not process or grant an application for a permit to
19 appropriate water or for a reservation to reserve water within the upper Missouri River basin ~~during the~~
20 ~~period from April 16, 1993,~~ until the final decrees have been issued in accordance with part 2 of this
21 chapter for all of the subbasins of the upper Missouri River basin.

22 (2) The provisions of subsection (1) do not apply to:

23 (a) an application for a permit to appropriate ground water;

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26 (d) an application to store water during high spring flows; ~~or~~27 (e) an application for a permit to use water from the Muddy Creek drainage if the application shows28 that:29 (i) the proposed use of water will help control erosion in the Muddy Creek drainage; and30 (ii) the proposed use of water will not adversely affect the water rights of other persons or planned

1 uses or developments for which a permit has been issued or for which water has been reserved; or

2 ~~(e)~~(f) temporary emergency appropriations as provided for in 85-2-113(3)."

3 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0120, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing for an additional exception to the Upper Missouri River Basin closure.

ASSUMPTIONS:

1. The results of this legislation will not significantly increase the workload or expenses in processing applications for new water use permits.
2. There is potential for some water development in the upper reaches of the Muddy Creek drainage. The number of new projects, probably less than six, however, would not require additional funding.
3. Existing staff would process the applications. No increase in personal services is anticipated.

FISCAL IMPACT:

No fiscal impact anticipated.

EFFECT ON COUNTY OR LOCAL REVENUES OR EXPENDITURES:

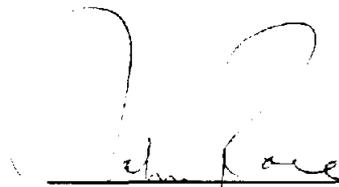
None.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

1. Due to the limited potential for development in the drainage, no long-range effects are anticipated. Development of possibly one to two projects a year would extend new development over a period of three or more years.

 1-9-97

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


JOHN ROSE, PRIMARY SPONSOR DATE

Fiscal Note for HB0120, as introduced

HB 120

APPROVED BY COM ON
NATURAL RESOURCES

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- 27 (e) an application for a permit to use water from the Muddy Creek drainage, WHICH DRAINS TO

28 THE SUN RIVER, if the application shows that:

- 29 (i) the proposed use of water will help control erosion in the Muddy Creek drainage; and
- 30 (ii) the proposed use of water will not adversely affect the water rights of other persons or planned

1 uses or developments for which a permit OR A STATE WATER RESERVATION has been issued or for which
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