

_____ BILL NO. _____

1
2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT INJUNCTIVE RELIEF IS AVAILABLE FOR A
5 PERSON TRYING TO ENFORCE A WATER RIGHT; PROVIDING THAT A PERSON TRYING TO ENFORCE
6 A WATER RIGHT MAY BE AWARDED REASONABLE COSTS AND ATTORNEY FEES; AMENDING
7 SECTIONS 27-19-201 AND 85-2-125, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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11 **Section 1.** Section 27-19-201, MCA, is amended to read:

12 **"27-19-201. When preliminary injunction may be granted.** An injunction order may be granted in the
13 following cases:

14 (1) when it appears that the applicant is entitled to the relief demanded and the relief or any part of the
15 relief consists in restraining the commission or continuance of the act complained of, either for a limited period
16 or perpetually;

17 (2) when it appears that the commission or continuance of some act during the litigation would produce
18 a great or irreparable injury to the applicant;

19 (3) when it appears during the litigation that the adverse party is doing or threatens or is about to do or
20 is procuring or suffering to be done some act in violation of the applicant's rights, respecting the subject of the
21 action, and tending to render the judgment ineffectual;

22 (4) when it appears that the adverse party, during the pendency of the action, threatens or is about to
23 remove or to dispose of the adverse party's property with intent to defraud the applicant, an injunction order may
24 be granted to restrain the removal or disposition;

25 (5) when it appears that the applicant has applied for an order under the provisions of 40-4-121 or an
26 order of protection under Title 40, chapter 15;

27 (6) when it appears that a person is illegally using water and an affected person is trying to enforce a
28 water right as provided in 85-2-125."

29
30 **Section 2.** Section 85-2-125, MCA, is amended to read:



