

HOUSE BILL NO. 320
INTRODUCED BY J. ROSS

A BILL FOR AN ACT ENTITLED: "AN ACT CLOSING THE FIDDLER CREEK SUBBASIN TO NEW WATER APPROPRIATIONS OR STATE WATER RESERVATIONS; PROVIDING EXCEPTIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Fiddler Creek subbasin closure -- definitions -- exceptions. (1) Unless the context requires otherwise, in this section, the following definitions apply:

(a) "Application" means an application for a beneficial water use permit pursuant to 85-2-302 or a state water reservation pursuant to 85-2-316.

(b) "Fiddler Creek subbasin" means the tributary of West Rosebud Creek that joins with East Rosebud Creek to form Rosebud Creek, which flows into the Stillwater River in the Stillwater River basin;

(c) "Stillwater River basin" means the drainage area of the Stillwater River and its tributaries that is above the confluence of the Yellowstone River and that is designated as "Basin 43C".

(2) As provided in 85-2-319, the department may not process or grant an application for a permit to appropriate water or for a state water reservation within the Fiddler Creek subbasin until the closure for the basin is terminated pursuant to subsection (3) of this section, except for:

- (a) an application for a permit to appropriate ground water;
- (b) an application for a permit to appropriate water for a municipal water supply;
- (c) temporary emergency appropriations pursuant to 85-2-113(3); or
- (d) an application to store water during high spring flow in an impoundment with a capacity of 50 acre-feet or more.

(3) The Fiddler Creek subbasin is closed to new appropriations and new state water reservations until 2 years after all water rights in the subbasin arising under the laws of the state are subject to a final decree as provided in 85-2-234.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 85, chapter 2, part 3, and the provisions of Title 85, chapter 2, part 3, apply to [section 1].

NEW SECTION. **Section 3. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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