



ADMINISTRATIVE RULES OF MONTANA



36.12.105 TEMPORARY EMERGENCY APPROPRIATIONS

- (1) A person may use water for a temporary emergency appropriation necessary to protect lives or property without prior approval from the department, but the appropriation must cease immediately when the water is no longer required to meet the emergency.
- (2) A person may use water for temporary emergency fire training without prior approval of the department. A person who uses water for temporary emergency fire training must publish notice of the proposed use of water once in a newspaper of general circulation in the area of the diversion or mail notice to each potentially affected appropriator in the area of the proposed point of diversion 30 days prior to the planned appropriation.
 - (a) The notice must include:
 - (i) the name and address of the person conducting the training;
 - (ii) the purpose for which the water is being used;
 - (iii) the source of water being appropriated;
 - (iv) the starting and ending date of the proposed use of water;
 - (v) the point of diversion;
 - (vi) the proposed place of use; and
 - (vii) the diversion flow rate and volume of water to be used during the period of use.
 - (b) A copy of the published notice or the individual notice must be provided to the department at least two days prior to the use of water.
 - (c) The duration of a temporary emergency appropriation for fire training may not exceed seven consecutive or nonconsecutive days per year.
- (3) A temporary emergency appropriation does not include the use of water for the ordinary operation and maintenance of any trade or business.

Authorizing statute(s): 85-2-113, MCA

Implementing statute(s): 85-2-113, 85-2-306, 85-2-330, 85-2-341, 85-2-343, 85-2-344, MCA

History: NEW, Eff. 7/5/73; AMD, Eff. 2/4/75; AMD, 2003 MAR p. 1535, Eff. 7/18/03; AMD, 2018 MAR p. 451, Eff. 2/24/18.