



ADMINISTRATIVE RULES OF MONTANA



36.16.105A APPLICATION CONTENT - ANALYSIS OF NEED

- (1) The application shall present an analysis of why the reservation is needed. The analysis shall include the following, where appropriate:
 - (a) a description of potential competing water uses that could consume, degrade, or otherwise affect the water available for the proposed reservation; or
 - (b) where information regarding the effect of potential competing water uses on a proposed reservation is not available, or where the applicant may not be eligible to apply for a water right permit, a description of the water resource values associated with the reservation that warrant protection; or
 - (c) where the applicant is otherwise eligible to obtain a water right permit, an explanation of constraints to project development that restrict the applicant from perfecting a permit for the proposed reservation purpose. These constraints may include the inability to finance a project in the near-term, lack of increased demand for water until some time in the future, or the need for additional project planning before water can be applied to beneficial use; or
 - (d) where the water reserved in a basin designated in 85-2-316(2) (a) , MCA would be diverted for beneficial use in another designated basin, a discussion of why stored water for leasing under 85-2-141, MCA would not be considered reasonably available for the proposed use.

Authorizing statute(s): Sec. 85-2-113 MCA

Implementing statute(s): Sec. 85-2-316, 85-2-331, 85-2-605 MCA

History: NEW, 1986 MAR p. 1584, Eff. 9/26/86; AMD, 1988 MAR p. 2396, Eff. 11/11/88.