



ADMINISTRATIVE RULES OF MONTANA



36.16.105C APPLICATION CONTENT - PUBLIC INTEREST

- (1) In making a showing that the reservation is in the public interest, the application shall contain the following:
 - (a) An analysis of the direct benefits and costs associated with applying reserved water to the proposed beneficial use.
 - (b) A discussion of the indirect benefits and costs associated with applying water to beneficial use that considers the following:
 - (i) effects on future economic activity;
 - (ii) effects on the environment;
 - (iii) effects on public health and safety; and
 - (iv) the economic opportunity costs that the requested flow may have to parties other than the reservant.
 - (c) A discussion of the effects of not granting the reservation, including a description of reasonable alternative actions that could be taken if the reservation is not granted.
 - (d) Where the reservation would require withdrawal and transport for use outside the state, a discussion of:
 - (i) whether the reserved water could otherwise be transported to alleviate water shortages within Montana;
 - (ii) the demand on the available water supply in the state where the water will be applied to use; and
 - (iii) the effect of the proposed out-of-state water use on the welfare of Montana citizens.

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.