



ADMINISTRATIVE RULES OF MONTANA



36.16.101 POLICY AND PURPOSE OF RULES

- (1) As provided by 85-2-101, MCA: "It is the policy of this state... to provide for the wise utilization, development, and conservation of the waters of the state for the maximum benefit of its people with the least possible degradation of the natural aquatic ecosystems." While it is the policy of this state to recognize and confirm all existing rights to the beneficial use of any waters of the state, Montana must be responsive to the need for establishing options for future diversionary uses of Montana's water resource and for maintaining stream flows for the protection of existing water rights, aquatic life, and water quality.
- (2) The water reservation process, as provided by 85-2-316 and 85-2-331, MCA, is a means by which this policy can be implemented. The statute provides for the establishment of reservations of water by governmental entities for beneficial uses that are necessary and shown to be in the public interest.
- (3) The purpose of these rules is to provide guidelines and procedures for the preparation and processing of correct and complete water reservation applications and for the adoption and implementation of water reservations in order to ensure, to the fullest extent possible, that the proposed use of reserved water is not speculative.
- (4) The water reservations are intended to be administered in accordance with the above policy and as provided in 85-2-316 and 85-2-331, MCA. These rules are intended to be implemented to provide reservants reasonable time for compliance with department orders.

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

Implementing statute(s): 85-2-101, 85-2-316, 85-2-331, 85-2-605, MCA

History: NEW, Eff. 3/7/76; AMD, 1986 MAR p. 1584, Eff. 9/26/86; AMD, 1988 MAR p. 2396, Eff. 11/11/88; AMD, 1994 MAR p. 1297, Eff. 5/13/94; AMD, 2015 MAR p. 1909, Eff. 10/30/15.