

Montana Code Annotated 2021

TITLE 77. STATE LANDS

CHAPTER 1. ADMINISTRATION OF STATE LANDS

Part 11. Use of Beds of Navigable Rivers

Navigable Riverbed Uses -- Lease, License, Or Easement Required -- Challenges

77-1-1115. Navigable riverbed uses -- lease, license, or easement required -- challenges. (1) (a) After October 1, 2011, the department shall require a person who proposes to use the bed of a navigable river up to the low-water mark to obtain a lease, license, or easement pursuant to the provisions of this title.

(b) The requirements of subsection (1)(a) do not apply to footprints related to hunting, fishing, or trapping.

(2) An applicant for authorization to use the bed of a navigable river pursuant to **77-1-1112** or for a lease, license, or easement under this section may challenge the requirement of the authorization based on the navigability of the river, the location of the footprint related to the low-water mark, or other factors. There is no presumption of navigability because an entity has applied for or received a lease, license, or easement.

History: En. Sec. 7, Ch. 359, L. 2011.