

HOUSE BILL NO. 189
INTRODUCED BY THOFT, HARPER

IN THE HOUSE

JANUARY 15, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

JANUARY 16, 1991 FIRST READING.

JANUARY 26, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 28, 1991 PRINTING REPORT.

JANUARY 30, 1991 SECOND READING, DO PASS AS AMENDED.

JANUARY 31, 1991 ENGROSSING REPORT.

FEBRUARY 1, 1991 THIRD READING, PASSED.
AYES, 98; NOES, 1.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 1, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

FEBRUARY 2, 1991 FIRST READING.

MARCH 7, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 11, 1991 SECOND READING, CONCURRED IN.

MARCH 12, 1991 THIRD READING, CONCURRED IN.
AYES, 49; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 13, 1991 RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 189
 2 INTRODUCED BY Thott Hagen
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE USE OF
 5 WATER MEDIATORS IN DECREED AND NONDECREED BASINS; AND
 6 AMENDING SECTION 85-5-110, MCA."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 **Section 1.** Section 85-5-110, MCA, is amended to read:

10 **"85-5-110. Appointment of water mediators -- duties.**

11 (1) The judge of the district court may appoint a water
 12 mediator to mediate a water controversy in a decreed or
 13 nondecreed basin under the following circumstances:

- 14 (a) upon request of the governor; or
- 15 (b) upon petition by at least 15% of the owners of
- 16 water rights in a nondecreed basin.
- 17 (2) A water mediator appointed under this section may:
- 18 (a) discuss proposed solutions to a water controversy
- 19 with affected water right holders;
- 20 (b) review options related to scheduling and
- 21 coordinating water use with affected water right holders;
- 22 (c) discuss water use and water needs with persons and
- 23 entities affected by the existing water use;
- 24 (d) meet with principal parties to mediate differences
- 25 over the use of water; and

1 (e) hold public meetings and conferences to discuss and
 2 negotiate potential solutions to controversies over use of
 3 water.

4 (3) If the governor requests or a state agency
 5 petitions for a water mediator, the governor or agency shall
 6 pay all or a majority of the costs of the water mediator, as
 7 determined equitable by the district court having
 8 jurisdiction.

9 (4) The governor may use funds appropriated under
 10 75-1-1101 to pay the costs of a water mediator.

11 (5) Nothing in this section allows a water mediator to
 12 require any valid water right holder to compromise or reduce
 13 any of his existing water rights.

14 (6) If an appropriator voluntarily ceases to use all or
 15 part of his appropriation right or voluntarily ceases to use
 16 his appropriation right according to its terms and
 17 conditions as a result of the efforts of a mediator
 18 appointed under this section, the appropriator may not be
 19 considered to have abandoned all or any portion of his
 20 appropriation right."

-End-



-2- INTRODUCED BILL
 HB 189

APPROVED BY COMM. ON
NATURAL RESOURCES

HOUSE BILL NO. 189

INTRODUCED BY THOFT, HARPER

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE USE OF
WATER MEDIATORS IN DECREED AND NONDECREED BASINS; AND
AMENDING SECTION 85-5-110, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 85-5-110, MCA, is amended to read:

***85-5-110. Appointment of water mediators -- duties.**

(1) The judge of the district court may appoint a water mediator to mediate a water controversy in a decreed or nondecreed basin under the following circumstances:

(a) upon request of the governor; or

(b) upon petition by at least 15% of the owners of water rights in a nondecreed basin; OR

(C) IN THE DISCRETION OF THE DISTRICT COURT HAVING JURISDICTION.

(2) A water mediator appointed under this section may:

(a) discuss proposed solutions to a water controversy with affected water right holders;

(b) review options related to scheduling and coordinating water use with affected water right holders;

(c) discuss water use and water needs with persons and entities affected by the existing water use;

(d) meet with principal parties to mediate differences over the use of water; and

(e) hold public meetings and conferences to discuss and negotiate potential solutions to controversies over use of water.

(3) If the governor requests or a state agency petitions for a water mediator, the governor or agency shall pay all or a majority of the costs of the water mediator, as determined equitable by the district court having jurisdiction.

(4) The governor may use funds appropriated under 75-1-1101 to pay the costs of a water mediator.

(5) Nothing in this section allows a water mediator to require any valid water right holder to compromise or reduce any of his existing water rights.

(6) If an appropriator voluntarily ceases to use all or part of his appropriation right or voluntarily ceases to use his appropriation right according to its terms and conditions as a result of the efforts of a mediator appointed under this section, the appropriator may not be considered to have abandoned all or any portion of his appropriation right."

-End-

SECOND READING



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3 (e) hold public meetings and conferences to discuss and
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5 water.

6 (3) If the governor requests or a state agency
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8 pay all or a majority of the costs of the water mediator, as
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-End-

THIRD READING

HB 189

-2-

AS AMENDED

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