

MINUTES OF THE SELECT COMMITTEE ON WATER
February 19, 1981

The Select Committee on Water convened at 1:00 p.m. on February 19, 1981 in Room 436 of the Capitol with Chairman AUDREY ROTH presiding. All members were present.

HB 670.

The hearing on HB 670 was opened by REP. CURTISS, the purpose of the bill being to ensure effective utilization of the potential of the agricultural lands in Montana by reserving limited amounts of ground water necessary for their continued development. She said that millions of dollars are being spent in other states to protect water rights, and she felt that Montana should do the same.

PROPOSERS:

BILL ASHER, representing the Agricultural Preservation Association, the Park County Legislative Association, Sweetgrass County Preservation Association, Stillwater County Agricultural Legislative Association (EXHIBIT I) went on record as supporting this bill.

RAY BECK, representing the Montana Association of Conservation Districts, said that his group supports the concept contained in the bill. (EXHIBIT II)

OPPOSERS:

GARY FRITZ, of the DNRC, presented written testimony in opposition of the bill (EXHIBIT III).

WILLA HALL, representing the League of Women Voters, appeared in opposition of the bill. (EXHIBIT IV)

REP. CURTISS closed the hearing on the bill.

QUESTIONS FROM THE COMMITTEE:

REP. KEMMIS asked for the intent of the bill. REP. CURTISS said that it is to make sure that there will be enough water for agricultural purposes. REP. KEMMIS said he saw no reference to agricultural uses. He wondered if industry wouldn't also be able to get water by this bill. REP. CURTISS said yes, as long as agriculture has enough and so that no aquifer would be depleted.

REP. KEMMIS asked if the permit would have to be for use on a particular piece of land or if it would be transferrable. REP. CURTISS thought it would be restricted for use on a particular piece of land. MR. FRITZ agreed.

REP. HUNNEKENS asked for the DNRC's opinion about sections 1 and 2. GARY FRITZ said the bill would give the DNRC authority to apply for and reserve water, and it (DNRC) has done so in the past. The bill sets the DNRC up as a middle man.

It doesn't set up a permit, he said, but a way to gain a priority date.

REP. ASAY said that "first in time, first in line" seems to be contradicted in this bill.

REP. HUENNEKENS asked if a person wants to drill a well, does he have to apply for a permit or just use the water. MR. FRITZ said he would have to have a permit and would be classified as a junior user.

REP. CUTRISS closed the hearing on HB 670.

Amendments (EXHIBIT V)

HB 667.

CHAIRMAN ROTH opened the hearing on HB 667, a bill to clarify water rights of the adjudication program passed in 1979. She presented possible amendments to the committee and said they had been approved by JUDGE W.W. LESSLEY.

PROPOSERS:

GARY FRITZ, DNRC, said the bill would make five changes. He presented written testimony (EXHIBIT VI).

HENRY LOBLE submitted for the committee's information a copy of a bill entitled "AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FROM THE WATER RIGHT ADJUDICATION ACCOUNT OF THE EARMARKED REVENUE FUND FOR THE OPERATION OF THE RESERVED WATER RIGHTS COMPACT COMMISSION." (EXHIBIT VII). He said there are negotiations with the indian tribes to resolve the questionable water rights. He said the bill is to form an inducement for the indian tribes to negotiate for water rights. They have been exempted from reserving at present. He felt it would be better to establish a deadline of July 1, 1985 to complete these negotiations. He said that, in several states, the problem is being worked on by litigations costing up to \$6 million. He said that Wyoming is currently spending \$100,000 per month in attorneys' fees. He said that the Ute Indians have concurred a compact with the state of Utah, but that it has not yet been ratified.

GORDON MCGOWN said this bill will put Montana on the way to starting a water plan (EXHIBIT VIII).

JOHN SCULLY said he favors the bill and felt the amendments are necessary with regard to the Compact Commission. (EXHIBIT IX).

PAT OSBORN, Northern Plains Resource Council, said that good records are needed and that this bill will help to accomplish that. (EXHIBIT X).

OPPONENTS:

ROD SYGUSA, representing the Inter-Tribal Policy Board, said that tribes have traditionally balked at water rights or water obtained through treaties. Some absolutely refuse, he said. He said a "soft" opposition was voiced by him and told the committee that tribes work slowly and reluctantly. (EXHIBIT XI).

QUESTIONS FROM THE COMMITTEE:

REP. KEMMIS asked about the provision of appointing more than one water master. On page 2 is stated "at least one", he said. Also, he asked if the appointing should be more flexible and not by July 1982, in the case of more than one water master. MR. FRITZ said that the intention is that only one water master be appointed per district in this biennium, but more may be appointed later.

REP. KEMMIS said that on page 10, lines 15 to 17 the tribes are limited to 60 days to file a claim. DAVE LADD, attorney for the Compact Commission, said this is to prevent a tribe from going into a delaying tactic.

REP. ROTH closed the hearing on HB 667.

EXECUTIVE SESSION:

BOB PERSON, distributed amendments to the committee for study. CHAIRMAN ROTH read the amendments proposed by the Sweet Grass Conservation District and also told of the amendments proposed by the DNRC. (EXHIBIT XII). MR. FRITZ commented that he didn't concur with the amended amendments submitted by the CDS, as he felt they returned the bill to its original form.

REP. CONROY moved that the committee accept the DNRC's amendments to HB 529. The motion was seconded and PASSED UNANIMOUSLY.

REP. THOFT asked what was the purpose of DNRC's amendments. MR. BERRY said the DNRC felt the water storage requirement should be made more flexible on a case-by-case basis.

RON WATERMAN, Helena attorney, stated that he appeared as a representative of a specific person, but offered his services to help find a middle ground for those of differing opinions (the Conservation Districts and the DNRC). The Conservation Districts feel that the reservations must be reduced or there should be off-stream storage so they will have more water, said Waterman. More water is reserved than actually flows, he added.

REP. ASAY moved that HB 529 DO PASS AS AMENDED. The motion was seconded and PASSED by a vote of seven to three, with the three NO votes being cast by REPRESENTATIVES HUENNEKENS, NEUMAN and KEMMIS.

HB 551.

REP. KEMMIS moved for a DO PASS AS AMENDED. The motion FAILED by a vote of 5 YES, 3 NO and 2 abstaining.

REP. CONROY MOVED that HB 551 DO NOT PASS AS AMENDED. The motion was seconded and passed by a vote of 8 YES votes and 2 NO votes, the NO votes being cast by REPRESENTATIVES KEMMIS and HUENNEKENS.

HB 670.

REP. CURTISS presented the amendments to the committee. REP. CURTISS moved the AMENDMENTS BE ACCEPTED by the committee. The motion PASSED by a vote of 9 to 1, with REP. HUENNEKENS voting NO.

REP. KEMMIS MOVED that BOB PERSON be allowed to correct minor problems in the amendments. The motion PASSED UNANIMOUSLY.

REP. CURTISS MOVED HB 670 DO PASS AS AMENDED. The MOTION FAILED by a vote of 5 to 5, with REPRESENTATIVES THOFT, ASAY, KEMMIS, NEUMAN and HUENNEKENS voting NO.

REP. KEMMIS moved to INDEFINITELY POSTPONE the bill.

REP. CURTISS made a SUBSTITUTE MOTION that HB 670 be TABLED. The motion was seconded and PASSED UNANIMOUSLY.

HB 667.

REP. CONROY MOVED that HB 667 DO PASS. The motion was seconded and PASSED UNANIMOUSLY.

The meeting was adjourned at 2:45 p.m.



AUDREY ROTH, Chairman

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WITNESS STATEMENT

NAME Bill Asher BILL No. HB 670
ADDRESS MANHATTAN, ILL. DATE FEB. 19, 1981
WHOM DO YOU REPRESENT SUE BELOO
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

REPRESENTING: AGRICULTURAL PRESERVATION ASSOCIATION

PARK COUNTY LEGISLATIVE ASSOCIATION

SWEETGRASS COUNTY PRESERVATION ASSOCIATION

STILLWATER COUNTY AGRICULTURAL LEGISLATIVE ASSOCIATION

WITNESS STATEMENT

NAME

Ray B. Bule

BILL

H/B

No: 670

ADDRESS

7 Edwards Helena

DATE

2/19/81

WHOM DO YOU REPRESENT

Mt. Assoc. of Cons. Dist.

SUPPORT

X

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The Mt. Association of Conservation Districts
do support H.B. 670

Thank you

HOUSE BILL 670

TESTIMONY OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

AN ACT TO ENSURE EFFECTIVE UTILIZATION OF POTENTIAL OF THE AGRICULTURAL
LANDS IN MONTANA BY RESERVING LIMITED AMOUNTS OF GROUND WATER NECESSARY
FOR THEIR CONTINUED DEVELOPMENT.

The Department of Natural Resources and Conservation has been and will remain committed to the continued development of irrigation in Montana. The Department assisted conservation districts in applying for water reservations in the Yellowstone River Basin and is now attacking the problem of funding so that those reservations can be developed. The Department owns water projects that are used primarily for irrigation. Through the years the Department has participated in water planning efforts that have identified and recommended irrigation projects. The Department has supported federal irrigation project planning and construction efforts.

The Department believes that the agricultural sector must continue to grow in Montana but its doubtful that House Bill 670 would promote that development.

The Department opposes HB 670 for the following reasons:

1. House Bill 670 may retard the use of groundwater for agriculture because it violates the first-in-time, first-in-right principle which ensures that those who develop first have a more reliable and therefore valuable right than those who develop later. This bill gives all agricultural users of groundwater the same priority date. In the event that an aquifer cannot supply all desired agricultural uses those who have developed first must share shortages with those who develop later.

If, however, the water was distributed by "first-in-time, first-in right" the earliest development would have a senior right over subsequent uses.

This concept encourages early development of groundwater by ensuring that earlier users are provided a more reliable and valuable right.

2. Although preference systems for allocating water were considered and rejected by the legislature's subcommittee on Water Rights (1977-78) and the governor's Water Policy Review Advisory Council this bill proposes a preference system for agriculture. Preference systems prioritize water rights by the type of use rather than by priority date. This concept was rejected because the most highly valued use may not be the same in all regions and a statewide preference system cannot flexibly recognize regional values and changes in values. If a regional aquifer would be inadequate to supply water to all the economically feasible acreage no new permits could be issued for municipal, domestic or industrial uses. This bill could preclude the use of groundwater for new agriculture-related industries such as sugar beet processing, gasohol and meat packing.

3. The Department estimates that it would cost at least \$500,000 to inventory each of the irrigable acres of land in Montana and assess economic feasibility. The depth to groundwater would significantly affect feasibility of irrigating these lands and in many cases little is known about the local aquifers.

4. This bill imposes an excessive burden on current surface and groundwater right holders by requiring objectors (senior users) to a proposed use of reserved water to establish that the proposed use would adversely affect their right. Studies to evaluate the impacts of each proposed well can take several months and are likely to cost more than \$5,000. In order to protect existing water rights the burden

of proof is usually placed on the applicant rather than the objector to a proposed new use.

The Department is committed to the continued development of agriculture but believes that the existing water permit and reservation system provides adequately for that expansion.

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WITNESS STATEMENT

NAME Milla Hall BILL No. HB 610
ADDRESS 1502 16th St, Helena DATE 2-19
WHOM DO YOU REPRESENT League of Women Voters
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: We oppose a preference system,
which seems to be the intent of the bill

AMENDMENTS TO HB 670

1. Page 1, line 12.

Following: "3"

Insert: "1/2"

2. Page 1, line 14.

Following: "that"

Insert: "have *agricultural potential.*"

3. Page 1, line 15.

Strike: "susceptible to the pursuit of
agriculture and economically feasible
to irrigate"

4. Page 1, line 16.

Following: "is"

Strike: "granted to"

Insert: "vested in"

5. Page 2, line ~~3~~.

Following: "establishes"

Strike: "any of the following"

Insert: "clear and convincing evidence that"

6. Page 2.

Strike: line 9 through 11

7. Page 2, line 17.

Following: "shall"

Strike: "timely"

Insert: "proceed to"

HOUSE BILL 667

TESTIMONY OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

AN ACT GENERALLY REVISING AND CLARIFYING THE ADJUDICATION OF WATER RIGHTS

The Department of Natural Resources and Conservation supports House Bill 667. The bill makes five changes.

1. The amendment provides for the supreme court instead of the DNRC to administer the budget of the water judges. The supreme court would supervise the water judges in the same manner it supervises the district judges.
2. The amended language clarifies the ability of the water court to appoint more than one water master per water division. Having more than one water master in each division will expedite the preparation of preliminary and final decrees. The water courts intend to utilize no more than one water master per division for the 1982-83 biennium.
3. Currently a fee of \$40 is required by court order to accompany a voluntary claim made for exempted uses. The exempted uses are existing water rights for stock and domestic groundwater or instream use. The proposed amendment will ease the financial impact on the well owner having domestic and stock uses from a single well, since the cost of adjudication for that water right will generally be less than for other water rights. Under current law and court order the fee would be \$80.00, \$40 for each use claimed. With the proposed amendment the fee would be \$40 if both claims are filed simultaneously.
4. Currently a 90 day period with a 30 day extension is provided for objections to be filed to a preliminary decree. This bill proposes to extend the initial 30 day period to 90 days since some preliminary decrees may be the size of a Sears and Roebuck catalog. This will give other water users more time to review the findings of the water court.

5. The resolution of federal and Indian reserved water rights is crucial to the successful adjudication of water rights in the state. The Reserved Water Rights Compact Commission, established by the 1979 Legislature, is working to resolve those reserved rights through negotiations with the Indian tribes and federal agencies. House Bill 667 is needed to integrate the state adjudication process and the reserved water rights negotiations to achieve a comprehensive resolution of water rights.

With these amendments the compact negotiating process would have a deadline. The tribes and federal agencies would have until July 1, 1985, to negotiate a compact with the Compact Commission. Compacts completed by that date would be included in the preliminary decree. If, however, the compacts were not negotiated and approved by July 1, 1985, then the negotiation process would be terminated. Any reserved rights left unresolved at that time would be adjudicated through the water courts.

WITNESS STATEMENT

FEB 16 1981

NAME Henry Loble BILL No. 667
ADDRESS Box 176 Helena 59604 DATE 2-19-81
WHOM DO YOU REPRESENT Cherokee-Reserved Water Rights ^{comptrol} commission
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FROM THE WATER RIGHT ADJUDICATION ACCOUNT OF THE EARMARKED REVENUE FUND FOR THE OPERATION OF THE RESERVED WATER RIGHTS COMPACT COMMISSION.

WHEREAS, the Reserved Water Rights Compact Commission is authorized to negotiate with the Indian tribes and federal agencies in the state of Montana to conclude compacts for the equitable division and apportionment of waters between the state and its people and the Indian tribes and federal agencies claiming reserved water rights within the state (MCA 85-2-701, 703) and,

WHEREAS, negotiation of the federal and Indian reserved water rights is an important and integral part of the state-wide adjudication process begun by Senate Bill 76 (Ch. 697 Laws of Montana 1979) and,

WHEREAS, the Reserved Water Rights Compact Commission is currently negotiating with the tribes of the Northern Cheyenne, Flathead and Fort Peck Reservations and with the federal departments of Agriculture and Interior, and,

WHEREAS, Senate Bill 76 directs that the costs of the Reserved Water Rights Compact Commission be paid from the water right adjudication account (MCA 2-15-212(4)).

THEREFORE, be it enacted by the Legislature of the State of Montana:

Section 1. Appropriation. There is appropriated to the Department of Natural Resources and Conservation \$485,000 from the water rights adjudication account of the earmarked revenue fund for the operation of the Reserved Water Rights Compact Commission for the biennium ending June 30, 1983.

WITNESS STATEMENT

NAME Gordon Mc Gowan BILL No. 667
ADDRESS Highwood Court 59450 DATE 2/18/81
WHOM DO YOU REPRESENT Self
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME John P. Sully BILL No. H.B. 667
ADDRESS Bogerman DATE 2/19/71
WHOM DO YOU REPRESENT Self
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME Patrick E. Brown BILL No. HB 667
ADDRESS Box 850 DATE 2/17/81
WHOM DO YOU REPRESENT N/A
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

FEB 19 1981

WITNESS STATEMENT

NAME ROD SAYEGUSA. BILL No. 667
ADDRESS CLANCY, MT. DATE 2/19/81
WHOM DO YOU REPRESENT MONTANA INTER-TRIBAL POLICY BOARD
SUPPORT _____ OPPOSE (SOFT) AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

HOUSE BILL NO. 529

INTRODUCED BY

Robert Conway
RITA CARTISS KING
Theresa

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE APPLICANTS

FOR AND HOLDERS OF RESERVATIONS OF WATER TO MAINTAIN MINIMUM

FLOW OR QUALITY TO PROVE THAT SUFFICIENT UNAPPROPRIATED

WATER IS OR WILL BE MADE AVAILABLE TO SATISFY THE

TO ALLOW THE BOARD OF NATURAL RESOURCES AND CONSERVATION TO REQUIRE THAT
 RESERVATION; AMENDING SECTION 85-2-316, MCA; AND PROVIDING

AN IMMEDIATE EFFECTIVE DATE."

STORAGE BE
 CONSTRUCTED TO
 SATISFY WATERSHED
 RIGHTS;

WHEREAS, the Legislature finds that certain

reservations of water have been made, under the provisions

of section 85-2-316, MCA, to maintain a minimum flow, level,

or quality of water, whereby the applicant has established

the purpose of the reservation, the need for the

reservation, and the amount of water necessary for the

purpose of the reservation but without establishing that

there is either sufficient unappropriated water to satisfy

the reservation or providing a means whereby there would be

sufficient unappropriated water to satisfy the reservation;

and

WHEREAS, in order to provide for the orderly

administration of the waters of this state and to facilitate

and preserve the purpose of allowing reservation of waters

to maintain a minimum flow or quality of waters to the

detriment of future consumptive uses of water in the state,
 the Legislature finds it necessary that the applicant or
 holder of a reservation of water to maintain a minimum flow,
 level, or quality be required, as a condition of either
 receiving or continuing to hold such reservation, to either
 establish that there is sufficient unappropriated water to
 satisfy such reservation or to provide a means whereby there
 will be sufficient unappropriated water to satisfy such
 reservation.

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

Section 1. Section 85-2-316, MCA, is amended to read:
 "85-2-316. Reservation of waters. (1) The state or any
 political subdivision or agency thereof or the United States
 or any agency thereof may apply to the board to reserve
 waters for existing or future beneficial uses or to maintain
 a minimum flow, level, or quality of water throughout the
 year or at such periods or for such length of time as the
 board designates.

(2) Upon receiving an application, the department
 shall proceed in accordance with 85-2-307 through 85-2-309.
 After the hearing provided in 85-2-309, the board shall
 decide whether to reserve the water for the applicant. The
 department's costs of giving notice, holding the hearing,
 conducting investigations, and making records incurred in

the following factors in determining the need to require offstream storage for the purpose of low-flow infusion to maintain an instream reserved right:

- (a) water shortages that currently exist in a stream;
- (b) frequency of low-flow occurrences in a stream;
- (c) the cost of the offstream storage;
- (c) the need to augment stream flows to maintain water quality and aquatic ecosystems;

1 acting upon the application to reserve water, except the cost of salaries of the department's personnel, shall be paid by the applicant.

(3) The board may not adopt an order reserving water unless the applicant establishes to the satisfaction of the board:

- (a) the purpose of the reservation;
- (b) the need for the reservation;
- (c) the amount of water necessary for the purpose of the reservation;

(d) that the reservation is in the public interest; (e) that, in the case of reservation of waters to maintain a minimum flow, level, or quality of water, there is or will be made available sufficient unappropriated water to satisfy the reservation during the period or length of time during which the reservation is sought or designated by the board.

(4) In the case of all reservations, regardless of when granted, of water to maintain a minimum flow, level, or quality of water, the board shall require, as a condition of granting such reservation or the continuance thereof, that the entity holding such reservation either prove to the board that there is sufficient unappropriated water to fully satisfy such reservation or make provision for the development and maintenance of off-stream storage facilities

he of the team (e) whether funds are available or will become available to construct the storage facility;

- (f) the economic land base displaced or inundated by the offstream storage; and
- (g) any other factors the board considers pertinent.

1 for the purpose of low flow infusion sufficient to maintain 2 the minimum flow, level, or quality of water to the extent 3 granted in the reservations after prior existing water 4 rights have been satisfied. ~~For purposes of this subsection, a reserve of water reserved for minimum flow may be designated and stored for the purpose of such low flow infusion when practicable, such storage sites and the waters stored therein shall be utilized as multiple-use facilities, including but not limited to fish and wildlife, stockwaters, recreation, irrigation, and industrial uses, and municipal water supply augmentation.~~ If the purpose of the reservation requires construction of a storage or diversion facility, the applicant or holder shall establish to the satisfaction of the board that there will be progress toward completion of the facility and accomplishment of the purpose with reasonable diligence in accordance with an established plan.

(5) The board, in addition to the provisions of subsection (4), shall limit any reservations after May 9, 1979, for maintenance of minimum flow, level, or quality of water that it awards at any point on a stream or river to a maximum of 50% of the average annual flow of record on gauged streams. Ungauged streams can be allocated at the discretion of the board, subject to the provisions of subsection (4).

(6) After the adoption of an order reserving waters,

1 reservation.
 2 (10) The board may modify an existing or future order
 3 originally adopted to reserve water for the purpose of
 4 maintaining minimum flow, level, or quality of water, so as
 5 to reallocate such reservation or portion thereof to an
 6 applicant who is a qualified reservant under this section.
 7 Reallocation of reserved water may be made by the board
 8 following notice and hearing wherein the board finds that
 9 all or part of the reservation is not required for its
 10 purpose and that the need for the reallocation has been
 11 shown by the applicant to outweigh the need shown by the
 12 ~~original reservant.~~ ^{When approved by the board, water reserved for minimum flow may be diverted and the flow of low flow water} Reallocation of reserved water shall not
 13 adversely affect the priority date of the reservation, and
 14 the reservation shall retain its priority date despite
 15 reallocation to a different entity for a different use. The
 16 board may not reallocate water reserved under this section
 17 on any stream or river more frequently than once every 5
 18 years.
 19 (11) Nothing in this section vests the board with the
 20 authority to alter a water right that is not a reservation.
 21 Section 2. Effective date. This act is effective on
 22 passage and approval.

-End-

HB 529

1 the department may reject an application and refuse a permit
 2 for the appropriation of reserved waters or may, with the
 3 approval of the board, issue the permit subject to such
 4 terms and conditions it considers necessary for the
 5 protection of the objectives of the reservation.
 6 (7) Any person desiring to use water reserved to a
 7 conservation district for agricultural purposes shall make
 8 application for such use with the district, and the district
 9 upon approval of the application must inform the department
 10 of the approved use. The department shall maintain records
 11 of all uses of water reserved to conservation districts and
 12 be responsible for rendering technical and administrative
 13 assistance within the department's staffing and budgeting
 14 limitations in the processing of such applications for the
 15 conservation districts.

16 (8) A reservation under this section shall date from
 17 the date the order reserving the water is adopted by the
 18 board and shall not adversely affect any rights in existence
 19 at that time.

20 (9) The board shall, periodically but at least once
 21 every 10 years, review existing reservations to ensure that
 22 the objectives of the reservation and the conditions of
 23 subsection 14 are being met. Where the objectives of the
 24 reservation or the conditions of subsection 14 are not
 25 being met, the board may extend, revoke, or modify the