

MINUTES OF THE MEETING OF THE HOUSE AGRICULTURE,  
LIVESTOCK AND IRRIGATION COMMITTEE, MARCH 18, 1983

The meeting was called to order by Chairman Jacobsen on Friday, March 18, 1983 at 12:30pm, in Room 129, State Capitol. All members of the Committee were present with the exception of Representatives Howe and Roush, who were excused and Representatives Bengston and Ellerd, who were absent.

EXECUTIVE SESSION

SENATE BILL 280. REP. HANSON moved the bill Be Concurred In.

REP. SCHULTZ moved "or" be inserted between "district" and "upon" on page 1, line 18 of the bill and "50%" be stricken from line 15. The motion was seconded by Rep. Hanson and unanimously approved by the Committee.

REP. SPAETH told the Committee he would like to amend the bill to state a land owner must own at least 50% of the acreage involved in the voting process to encourage people to participate in elections, since there should be no incentive given for nonparticipation.

CHAIRMAN JACOBSEN said there could be a problem if not all land owners participated in elections.

MR. ROBERT ELLIS, Helena Valley Water District, said he thought Rep. Spaeth's proposal would burden the districts.

REP. HOLLIDAY asked if the problem would be resolved if Senate language were stricken and proposed language inserted. Rep. Spaeth replied such action would correct the situation.

CHAIRMAN JACOBSEN asked if the Committee would agree to delay action on the bill until March 21, to allow time for further study.

Representatives Schultz and Hanson withdrew their motions.

SENATE BILL 401. REP. SPAETH moved the bill Be Concurred In as Amended. Rep. Jensen seconded the motion and Rep. Spaeth provided committee members with copies of proposed changes (exhibit).


REP. SCHULTZ asked if the forgiveness clause were still in the bill. Mr. MacMaster said the original forgiveness clause begins on line 24, page 4 and with the new amendments those rights transferred prior to the effective date must still be approved.

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REP. BACHINI moved the amendments be approved. Rep. Lybeck seconded the motion, which was unanimously approved.

REP. SPAETH'S motion that the bill Be Concurred In as Amended which was seconded by Rep. Jensen was unanimously approved by the Committee.

The meeting was adjourned at 12:45pm.

  
REP. GLENN JACOBSEN, CHAIRMAN

Joann T. Gibson, Secretary



# STANDING COMMITTEE REPORT

MARCH 19 19 83

MR. **SPEAKER:**

We, your committee on **AGRICULTURE**

having had under consideration **SENATE** Bill No. **301**

**THIRD** reading copy ( **BLUE** )  
color

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE  
CENTRAL AND LOCAL RECORDATION OF WATER RIGHT TRANSFERS;  
VALIDATING PREVIOUS TRANSFERS MADE WITHOUT APPROVAL OF THE  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; AMENDING  
SECTION 85-2-403, MCA: AND PROVIDING AN IMMEDIATE EFFECTIVE  
DATE."

Respectfully report as follows: That **SENATE** Bill No. **401**

Be amended as follows: (attached)

XXXXXX

REP. GLENN JACOBSEN

Chairman.

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- 1) Title, line 7.  
Strike: "VALIDATING PREVIOUS"  
Insert: "PROVIDING THAT"
- 2) Title, line 7.  
Following: "WITHOUT"  
Insert: "PRIOR"
- 3) Title, line 8.  
Following: "CONSERVATION"  
Insert: "MUST BE APPROVED AFTER THE TRANSFER"
- 4) Page 2, line 1.  
Following: "form"  
Insert: "and content"
- 5) Page 2, line 5.  
Following: "Recordation."  
Strike: Subsection (1) in its entirety  
Insert: "(1) The parties to a transfer of a water right, or their agents or representatives, shall record with the county clerk and recorder a water right transfer certificate.

(2) Except in the case of a transfer of real property served by a public service water supply, no deed or other instrument evidencing a transfer of real property may be accepted for recordation if water rights are associated with the property until a water right transfer certificate has been received by the county clerk and recorder. If no water rights are associated with the property or if associated water rights are not transferred with the property the realty transfer certificate executed under 15-7-305 must state that fact."

Renumber subsequent subsections.

- 6) Page 3, line 6.  
Following: "The"  
Insert: "board of natural resources and conservation"  
Strike: remainder of line 6
- 7) Page 3, line 7.  
Strike: "judge and the department" at the beginning of line 7  
Following: "shall"  
Insert: "by rule"
- 8) Page 3, line 9.  
Following: "department"  
Insert: "in processing the copy of the transfer certificate"

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9) Page 3, line 20.

Strike: "7-4-2632"

Insert: "7-4-2631"

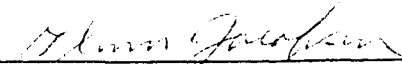
10) Page 4, line 24.

Following: line 23

Strike: line 24 through line 9 on page 5

Insert: "(3) Failure to comply with the provisions of subsection (2) does not render a conveyance or reservation of a water right void, but the right may not be used until the department has approved the change. This subsection applies retroactively, within the meaning of 1-2-109, to a conveyance or reservation made after July 1, 1973."

AND AS AMENDED  
BE CONCURRED IN

  
REP. GLENN JACOBSEN, CHAIRMAN

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