

HOUSE APPROPRIATIONS SUBCOMMITTEE ON NATURAL
RESOURCES AND BUSINESS REGULATION - MINUTES
February 1, 1983

The meeting was called to order at 8:15 a.m. in Room 132 of the Capitol Building, Helena, Montana, by CHAIRMAN MANUEL.

Roll Call: MANUEL, BOYLAN, STOBIE, SMITH, LANE, HEMSTAD
- Present
Absent - NONE
Staff Present - DICK GILBERT, LFA; CAROLYN DOERING, OBPP; PATTI SCOTT, SECRETARY.

DEPARTMENT OF NATURAL RESOURCES (Tape #36 Side A-005)

WITNESSES for the Department were LEO BERRY, Director, BOB ROBINSON, Deputy Director, JOHN ARMSTRONG and LAURENCE SIROKY OF DNRC.

WATER RIGHTS HEARINGS

SENATOR SMITH asked the Department to explain why the Department continued to spend money on the state-wide Water Rights Hearings when no one was attending. MR. BERRY explained they were trying to avert the last minute filing of the applications. By getting out into the areas, he had hoped people would respond sooner. As it went, everyone waited until the last minute anyway to file. SENATOR SMITH asked for a detailed breakdown on how much money was spent on these hearings. MR. BERRY said he would get that.

ENERGY DIVISION (Tape #36 Side A-135)

MR. BERRY provided a detailed narrative of his request in EXHIBITS A,B,C.

SENATOR SMITH noted that the State has not had the energy development they have experienced in the past, and wondered why the Department had to keep the same FTE level and why some of the funding can't be eliminated. MR. BERRY stated that the Department is keeping a "core staff" to handle what they already have. As additional projects come up, they hire additional help. BOB ROBINSON listed a number of projects coming up, and stated that they are anticipating a very busy biennium.

PAGE 2

HOUSE APPROPRIATIONS SUBCOMMITTEE ON NATURAL
RESOURCES AND BUSINESS REGULATION - MINUTES
February 1, 1983

FUNDING IMPACT ANALYSIS (Energy Division) (Tape #36 Side
A-268)

Funds spent on Impact Analysis are paid for by siting fees. Any staff that works on a project gets paid for by these fees. MR. BERRY said that the biggest question now is how much they will be getting from these fees for federal projects. Judge Battin's decision requires all federal projects to be reviewed, but without requiring federal funds for state siting fees. These fees are 1/2 of 1% for the first \$100,000, 1/4 of 1% for \$200,000 and so on. A billion dollar project would cost about \$1.9 million in fees.

REPRESENTATIVE STOBIE and SENATOR SMITH questioned the worth of sending people in an area to do impact statements when they have no jurisdiction or influence. They both felt it might be a waste of time and money. BOB ROBINSON responded that the State is trying to minimize impacts on the environmental and social aspects. They are working hard to be sure these power lines are installed with the least amount of environmental damage. SENATOR MOHAR felt the studies are tremendously beneficial, especially in his area (Libby). These studies have helped the community to make some changes early on, before it was too late. MR. BERRY stated that they are required to do this under law.

CONTRACTED SERVICES (Energy Division) (Tape #36 Side
B-001)

MR. BERRY noted the Department is making some changes in the Alternative Renewable Energy Grant and Loan Program, and the federally-funded Conservation and Geothermal Programs. It does award grants, but is now awarding loans to individuals and organizations for projects that research, develop, demonstrate, or commercialize the use of renewable energy sources, such as solar, wind, geothermal, water, and biomass. SENATOR SMITH noted that this was due to criticism from the last session about the Grant Program.

BOB ROBINSON stated that there is a bill in this session to allow the Renewable Energy and Energy Conservation to work together. There have been some problems with granting Renewable Energy Loans. Loans were awarded, only to find that the energy was being wasted because of improper insulation or something of that sort.

PAGE 3

HOUSE APPROPRIATIONS SUBCOMMITTEE ON NATURAL
RESOURCES AND BUSINESS REGULATION - MINUTES
February 1, 1983

RENT (Energy Division)

This includes a Data Processing Lease. The system will tie into the main computer. Administration has approved the system. This will replace an existing service. DNRC is not getting a service directly from the Department of Administration, as they charge too much. The Committee said that they had run across this before, and felt someone should be investigating the Department of Administration Computer Services.

GENERAL FUND REPLACEMENT FOR THE FACILITY SITING BUREAU
(Tape #36 Side B-150)

EXHIBIT A shows the proposed funding. MR. BERRY stated the Bureau operates off of fees collected from projects. As fees come in, they will replace General Fund. General Fund would then revert back. They need the General Funds at this point to secure leases. DNRC anticipates reverting back \$136,041.

SENATOR SMITH felt that all of the General Fund monies should be replaced by these fees. They are requesting over \$500,000 of General Fund.

MR. BERRY noted that they have combined the Energy and Facility Siting Divisions to try to save money. Depending on the number of projects, he could not say exactly how much money they would be reverting back to General Fund.

In the Alternative Energy Account, the difference between the LFA and OBPP was attributed to different estimates of the Coal Tax Monies.

MR. BERRY stated there would be approximately \$1,000,000 left in the account at the end of the fiscal year. They plan to use this for loans, if the Legislature reappropriates it. If the money is not spent, it stays in the account. It is split between the Grants and Loan Program.

SENATOR SMITH asked what percentage of the funding is used for administration. MR. BERRY stated approximately \$400,000. \$2.4 million comes from the Coal Tax. There is no General Fund appropriation. Their request this biennium is \$15,000 more than last biennium.

PAGE 4

HOUSE APPROPRIATIONS SUBCOMMITTEE ON NATURAL
RESOURCES AND BUSINESS REGULATION - MINUTES
February 1, 1983

FACILITY SITING (Tape #36 Side B-346)

When employees are working on a siting project, they are paid from the fees collected, and any General Funds revert back.

REPRESENTATIVE STOBIE asked if there was any way to replace General Fund money in Facility Siting with Renewable Energy Grant monies. BOB ROBINSON stated that is not possible because the law specifies what these funds will be used for.

MODIFICATION (Energy Division) (Tape #36 Side B-505)

FACILITY SITING BUREAU

A recent court decision ruled that federal agencies are not required to pay a siting fee for the Department's analysis. Because of this, the Department is requesting three FTE's to conduct analysis of proposed siting applications as required by MFSA and MEPA. These positions would be General Fund, with the understanding they would replace the General Fund with fees as the projects come in.

SENATOR SMITH asked what would happen if they didn't get the projects. MR. BERRY stated they needed the electrical engineer, but would not "staff up" if no projects were received. They currently have a core staff to handle the present work.

MR. BERRY stated he needed the FTE authorization. He would hire the electrical engineer, but would wait on the other two FTE's until they had the projects.

EXECUTIVE SESSION - Department of Natural Resources
(Tape #37 Side A-305)

CENTRALIZED SERVICES

PERSONAL SERVICES

REPRESENTATIVE STOBIE MOVED TO APPROVE 44 FTE'S IN CENTRALIZED SERVICES. MOTION PASSED UNANIMOUSLY.

OPERATING BUDGET

PAGE 5

HOUSE APPROPRIATIONS SUBCOMMITTEE ON NATURAL
RESOURCES AND BUSINESS REGULATION - MINUTES
February 1, 1983

The Department is requesting \$15,000 in CONTRACTED SERVICES for an attorney. They feel, with the increase in new energy projects, they need this help. \$5,000 of this is to go to continuing education. The Department stated it also needed legal staff to settle differences between the Board of Natural Resources and the Department. There was considerable discussion by the Committee on the real need for another attorney. The Committee also considered the possibility of hiring an attorney as the need arises.

SENATOR BOYLAN MOVED TO APPROVE THE OBPP FIGURES FOR CONTRACTED SERVICES. REPRESENTATIVES HEMSTAD AND STOBIE VOTED NO. SENATOR SMITH VOTED NO. CHAIRMAN MANUEL, SENATOR LANE AND SENATOR BOYLAN VOTED YES. MOTION FAILED.

REPRESENTATIVE STOBIE MOVED TO APPROVE \$124,819 FY84 and \$108,329 FY85 IN CONTRACTED SERVICES. SENATOR BOYLAN, SENATOR LANE, AND REPRESENTATIVE STOBIE VOTED YES. CHAIRMAN MANUEL, SENATOR SMITH AND REPRESENTATIVE HEMSTAD VOTED NO. MOTION FAILED.

REPRESENTATIVE HEMSTAD MOVED TO ADOPT THE LFA FIGURES IN CONTRACTED SERVICES. SENATOR BOYLAN, SENATOR LANE, REPRESENTATIVE HEMSTAD, AND SENATOR SMITH VOTED YES. CHAIRMAN MANUEL VOTED NO. MOTION PASSED.

The Committee could not see a justified need in that many new projects to approve the attorney.

REPRESENTATIVE STOBIE MOVED TO APPROVE THE LFA FIGURES FOR SUPPLIES, COMMUNICATIONS, REPAIRS, AND OTHER EXPENSES. TO APPROVE THE OBPP FIGURES FOR RENT AND UTILITIES. TO APPROVE \$26,038 FY84 AND \$27,166 FY85 IN TRAVEL. MOTION PASSED UNANIMOUSLY.

REPRESENTATIVE HEMSTAD MADE A SUBSTITUTE MOTION TO APPROVE THE LFA FIGURES IN COMMUNICATIONS. MOTION PASSED UNANIMOUSLY.

SENATOR SMITH MOVED TO APPROVE THE OBPP FIGURE FOR EQUIPMENT. MOTION PASSED UNANIMOUSLY.

REPRESENTATIVE HEMSTAD MOVED TO APPROVE A 2% VACANCY SAVINGS FOR CENTRALIZED SERVICES. MOTION PASSED UNANIMOUSLY.

PAGE 6

HOUSE APPROPRIATIONS SUBCOMMITTEE ON NATURAL
RESOURCES AND BUSINESS REGULATION - MINUTES
February 1, 1983

MODIFICATION IN CENTRALIZED SERVICES (Tape #27 Side B-273)

The Department wants to transfer an editor/technical writer from the Facility Siting Bureau to Centralized Services. The position is funded by Facility Siting Application Fees and was established by budget amendment in the 1983 biennium. The Department wants to consolidate all editor/technical writer positions in one Division for better coordination. COST: FY84 - \$20,556 and FY85 - \$20,510.

SENATOR BOYLAN MOVED TO APPROVE THE MODIFICATION REQUEST.
MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 11:55 a.m.



REX MANUEL, Chairman

VISITOR'S REGISTER

HOUSE APPROPRIATIONS COMMITTEE

BILL

SPONSOR

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

FEB 19 1984
DNRC REQUEST - ENERGY DIVISIONFY 84 FY 85

FTE 38.00 38.00 This would allow the division to keep the current social impact specialist for facility siting analysis and the .5 FTE records technician.

Add to LFA

Recommendation for:

Overtime	\$ 1,240	\$ 1,400	Allows funds to pay secretaries for overtime typing. Used only when needed for reports to meet legal or board required deadlines (50% general fund).
Contracted Services	\$ 26,761	(-80,658)	In FY 84 the additional funds would be used for printing; primarily MFSA rules, regulations and monitoring reports to the BNRC (general fund). In FY 85 the department does not need the \$80,000+ in LFA recommendation, OBPP level is sufficient.
Communications	\$ 26,604	\$ 31,478	To cover cost of mailing and shipping for reports, guidelines, handbooks, etc., primarily related to renewable energy program's new directives. Funding should be about \$20,000 renewable funds, \$6,200 federal funds and \$400 general fund for FY 84, same proportions for FY 85.
Rent	\$ 55,985	\$ 45,310	Rent for facility siting staff has not been included in LFA budget - \$26,197 in FY 84 and \$27,993 in '85 (general fund). Remainder (approximately \$30,000) is computer and word processing lease payments as per computer cost breakdown provided earlier.
Repairs	\$ 1,015	\$ 403	LFA apparently did not receive exception report on this category.
Other	\$ 2,809	\$ 2,979	These funds would be spent primarily to notice and record facility siting rules. Secretary of State charges \$25/page to process (approximately 100 pages).
Grants	\$554,320	\$648,540	LFA budget reflects current revenues only. Department requests authority to loan or grant funds anticipated to be available as a balance at the end of FY 83. FY 83 year end balance is anticipated to be \$1,883,000. Department proposes to have approximately \$1,200,000 available in addition to current revenue.

Funding: Recommend funding as proposed by OBPP. Especially the general fund. Table below shows general fund appropriation and OBPP recommendations - 82-85.

	<u>FY 82</u>	<u>FY 83</u>	<u>FY 84</u>	<u>FY 85</u>
Energy	\$ 369,305	\$ 423,616	\$ 599,688	\$ 648,540
Facility	<u>\$ 230,325</u>	<u>\$ 246,952</u>	_____	_____
TOTAL	\$ 599,630	\$ 670,568	\$ 599,688	\$ 648,540
Amount Expended	<u>463,589</u>			
Reversion	\$136,041			

MODIFIED REQUESTS

1) Facility Siting Bureau

Additional impact analysis staff - 3 FTE.

2 FTE - impact analysts - grade 14

1 FTE Electrical System Engineer - grade 15 or 16

Personal services only - general fund.

Total cost of all three is \$82,234 in FY 84 and \$83,072 in FY 85.

Siting impact analysts to conduct analysis for increasing workload due to Battin's decision requiring all federal projects to be reviewed but without requiring federal funds for siting fees. If fees are negotiated general fund will revert.

2) Bonneville Power Administration Conservation Programs

BPA has recently notified us that its mandated conservation programs we presently administer will continue but at an increased level through 1985. We intend to support these programs with present staff that are supported by other federally funded programs with the addition of only 1 FTE.

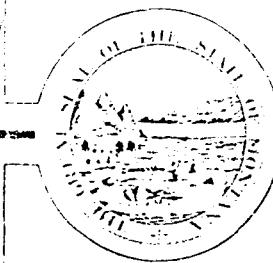
These funds are intended to promote the reduction of electrical energy use by local governments, public buildings and small industrial consumers in Western Montana.

BPA anticipated we will receive \$725,000 per year (see budget amendment information provided earlier).

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Exhibit 11

جعفر



TED SCHWINDEK GOVERNOR

32 SOUTHEWING

STATE OF MONTANA

(406) 449-3712

HELENA, MONTANA 59620

MEMORANDUM

TO: Dave Lewis, Budget Director
FROM: Leo Berry, Director
Department of Natural Resources & Conservation
DATE: January 26, 1983
SUBJECT: Water Rights Adjudication Program Funding

Earmarked fund shortfalls for the Water Rights Adjudication Program created by insufficient fees must be addressed this legislative session. Section 85-2-242, MCA, indicates that if sufficient revenues are not available from the earmarked revenue fund, created with filing fees, expenses shall be paid from the state's general fund. Funding has become the next major hurdle for Montana's Adjudication program. At this time the Montana Water Court and DNRC are continuing their good faith efforts in an expeditious and efficient adjudication program while the Compact Commission continues similar efforts in the negotiation of Federal Reserved Water Rights.

The following table indicates the planned FY-83 expenditures for the adjudication program and includes expenses for the Reserved Water Rights Compact Commission that is staffed by this Department. A detailed breakdown can be found on the attached Operational Plan/Budget Amendment forms (B212).

	FY-83	
	<u>Authorized</u>	<u>Proposed</u>
	(\$)	(\$)
DMRC	1,977,072	1,416,588
Supreme Court	<u>395,000</u>	<u>276,000</u>
Totals	2,372,072	1,692,588
 Farmarked Funds Available		1,117,332
General Fund Balance		575,256

As you can see, the Department's and the Water Court's proposed expenditures are considerably less than our authorized levels. Of course, the earmarked fund is not sufficient to cover FY-83 costs, indicating that the general fund would have to be tapped in accordance with Montana statutes to cover the deficit.

We request that you authorize the necessary steps so that the Water Court and the Department can expend \$575,256 from the general fund as mandated by 85-2-242 (MCA) thereby allowing the Department and Supreme Court to continue the adjudication and quantification of Montana's water rights.

A statewide adjudication is an expensive process even in its most streamlined form. The first fiscal note, prepared in April 1979, projected expenditures from FY-80 to FY-85 to be \$15,763,569. Current expenditure estimates for FY-80 to FY-85 are \$8,301,696. Table 1 identifies the budgeted and actual spending levels since the passage of Senate Bill 76 and indicates that the earmarked fund users have operated in a frugal manner. Approximately 23% of the legislative appropriations made since the inception of Senate Bill 76 programs have been saved. This is due primarily to concerted efforts in managing an efficient cost-effective program whose size coincides with the immediate goal to be met.

Filing fees were set in statute at \$40 per claimant per division. Claims on decreed rights were exempt from filing fees and two or more exempt uses from the same source could be filed for a single \$40 fee (individual domestic use and stockwater use of surface water without a diversion and groundwater were exempted from the adjudication process).

Monies resulting from this fee schedule were far less than anyone projected. For the 201,165 claims received only \$3,713,017 in fees were received for the earmarked revenue fund. This translates into an average of \$18.46 per claim submitted. The potential for revenue shortfall became apparent to DNRC in early 1982. During the last six months 56% of the claims were submitted and it was during this last rush period that the fee deficiencies became apparent. When the shortfall was projected steps were taken to reduce spending while still meeting our minimum mandated goals. Operating expenses were cut, positions were left vacant and within DNRC's adjudication staff some reduction in force actions were taken.

Again we request you authorize the spending of \$575,256 general fund monies for this fiscal year. Without this authorization neither the Court, Department nor Compact Commission can effectively continue pursuit of their mandated goals.

MM/pg

TABLE 1

<u>Fiscal Year</u>	<u>Program</u>	<u>Earmarked Legislative Appropriation</u>	<u>Expenditures</u>
1980*	DNRC-Adjudication Staff -Reserved Water Rights Montana Water Courts	430,000.00**	\$400,845.12 16,211.16 2,327.83
1981*	DNRC-Adjudication Staff -Reserved Water Rights Montana Water Courts	1,100,000.00	663,061.00 52,840.00 59,862.00
1982	DNRC-Adjudication Staff -Reserved Water Rights -Centralized Services Montana Water Courts	1,380,888.00 214,964.00 103,014.00 235,522.00	1,084,327.00 138,506.00 102,984.00 125,000.00
1983***	DNRC-Adjudication Staff -Reserved Water Rights -Centralized Services Montana Water Courts	1,461,158.00 270,036.00 101,841.00 395,023.00	1,131,588.00 215,000.00 101,841.00 288,000.00
	Totals	5,692,446.00	4,382,393.00

*Appropriations in FY-80 and FY-81 were made to a general Adjudication account and all parties charged to that DNRC account. During the next biennum each entity was allocated its own appropriation.

**The FY-80 appropriation of \$430,000.00 contains \$100,000.00 seed money.

***Expenditures for FY-83 are projected figures. Year end totals will differ somewhat.

ENERGY DIVISION

FY 82 Base

Contracted Services

2100 Contracted Services

Data Processing Services	R	1,038
	F	1,757
	GF	<u>3,942</u>
		6,737
Photographic Services	R	108
	F	75
	GF	<u>154</u>
		337
Film Services	R	200
	F	367
	GF	<u>22</u>
		589
Education and Training	R	20
	GF	<u>60</u>
		80
Microfilm Services	R	5
	F	23
	GF	<u>111</u>
		139
Private Legal Counsel Board of Natural Resources	GF	5,489
Total contracted Services		<u>13,371</u>
GF - General Fund 01100		9,778
R - Renewables 02437		1,371
F - Federal 03033		2,222

ENERGY DIVISION
Biennium Budgets
Summary B-22 Items
Adjustments to Base

		Funding Source	1984	1985
2100	Contracted Services			
	Printing - MESA, rules & regs and reports to the Board	GF	23,000	26,000
	Printing - Energy Almanac & Historical Energy Statistics	GF	-	21,000
	Printing - guidelines, Sunpower Series, Renewable Energy Handbooks, to change the direction of program from strictly a grant program to information dissemination as well as a grant/loan program	R	136,200	73,000
	Printing - materials and booklets for dissemination to consumers as specified in the state plan and approved by DOE to further energy conservation in Montana	F	23,000	26,000
	Printing - Low Cost/No Cost brochures and other conservation handouts	F	30,000	33,000
	Printing - to inform potential and current grantees about the program and to train grantees with managing the programmatic and financial aspects of the grant	F	1,382	1,589
	Consultants -			
	- Bikeway and Car Pool		20,000	12,000
	- Solar Construction Workshop		8,000	-
	- Lewis & Clark Library for Energy Information		40,000	40,000
	- Energy Workshops for teachers		5,000	5,000
	- Energy Camp for Junior High students		6,000	6,000
	- Produce and run advertising spots for energy conservation on radio, TV and in newspapers		25,000	10,000
	- Building Codes Workshop		8,000	8,000
	- Energy Audit Workshop		10,000	10,000
	- Boiler Efficiency Workshop		10,000	10,000
		F	112,000	101,000
	Consultants -			
	- Produce and run advertising spots for renewable energy on radio, TV and in newspapers		25,000	25,000
	- Monitor renewable grants that have been previously awarded		30,000	30,000
		R	55,000	55,000
	General - Department is applying for a block grant appropriation authority to conduct facility siting research when requested. If no proposals are made, no funds will be available to spend	MESA	1,000,000	1,000,000
	TOTAL CONTRACTED SERVICES		1,400,582	1,336,589
	GF = General Fund 01100		23,000	47,000
	R = Renewables 02437		191,200	128,000
	F = Federal 03023		186,382	161,589
	MESA = Major Facility Siting Act 02428		1,000,000	1,000,000

ENERGY DIVISION

FY 82 Base

	<u>Funding Source</u>	<u>FY 82</u>
2300 Communications		
Telephone--Local service and equipment	R 2,518 F 5,382 GF 8,034	<u>15,934</u>
Telephone--Long distance use	R 386 F 609 GF 687	<u>1,682</u>
Messenger Service	F 160 GF 534	<u>694</u>
Advertising	R 668 F 1,533 GF 523	<u>2,724</u>
Telephone--STS usage	R 3,255 F 6,054 GF 6,542	<u>15,851</u>
Telephone--One-time charges	R 241 F 568 GF 1,158	<u>1,967</u>
Answering Service	F 128	
Total Communications		<u>38,980</u>
GF - General Fund 01100		17,478
R - Renewables 02437		7,068
F - Federal 03033		14,434

ENERGY DIVISION
 Biennium Budgets
Summary B-22 Forms
 Adjustments to Base

	Funding Source	1984	1985
2300 Communications			
Postage - for Energy Almanac & Historical Energy Statistics (FY85 only), general correspondence & MFAA rules & regs	GF	450	1,400
Postage - for general correspondence, guidelines, handbooks, and other informational materials specified in under 2100 - printing	R	26,250	29,400
	F	11,250	12,600
		37,500	42,000
TOTAL COMMUNICATIONS		37,950	43,400
GF = General Fund 01100		450	1,400
R = Renewable 02437		26,250	29,400
F = Federal 03033		11,250	12,600
2500 Rent			
Building - department leases its office space. A new contract will be negotiated in October 1984 and we anticipate a rent increase.	GF	26,197	27,993
	R	11,643	12,442
	F	20,375	21,773
		58,215	62,208
- The Department requests that the general fund pay 100% of the rent for the Facility Siting Bureau. As facility research projects are submitted they will reimburse the general fund appropriation for their share of the rent.	GF	25,255	28,016
- Date Processing Equipment - FY82 base does not reflect costs to be incurred next biennium. Current lease/buy agreement costs are used for FY84 & FY85. As the system is used to produce facility research documents, the general fund will be reimbursed appropriately.	GF	16,922	10,045
	R	8,461	5,022
	F	8,461	5,022
		33,844	20,089
TOTAL RENT		117,314	110,313
GF = General Fund 01100		68,374	66,054
R = Renewable 02437		20,104	17,464
F = Federal 03033		28,836	26,795

Biennium Budgets
Summary B-22 Forms

	<u>Funding Source</u>	<u>1984</u>	<u>1985</u>
2700 Repair and Maintenance			
Maintenance - regular maintenance of office equipment	GF	1,998	1,998
Maintenance - recondition old typewriters to extend their life instead of purchasing new ones	GF	900	350
		2,898	2,348
TOTAL REPAIR AND MAINTENANCE		2,898	2,348
GF = General Fund 01100		2,898	2,348
2800 Other Expenses			
Administrative costs - to revise Renewable Energy Program Rules & Major Facility Siting Act Rules and Regulations	R GF	125 2,500	- -
		2,625	-
TOTAL OTHER EXPENSES		2,625	-
GF = General Fund 01100 R = Renewable 02437		2,500 125	- -
3100 Equipment			
Office - one calculator for budget computations and one programmable, statistical calculator to compute load flows & energy consumption	GF	500	-
	GF	3,000	-
		3,500	-
TOTAL EQUIPMENT		3,500	-
GF = General Fund 01100		3,500	-
1113 Salaries			
Longevity - FY82 base does not reflect costs to be incurred next biennium	GF	4,901	6,417
Overtime - FY82 base does not reflect costs to be incurred next biennium	GF	1,240	1,400
TOTAL SALARIES		6,141	7,817
GF = General Fund 01100		6,141	7,817
1301 Other Compensation			
Per diem for Renewable Advisory Council meeting	R	525	575
TOTAL OTHER COMPENSATION		525	575
R = Renewable 02437		525	575

BUDGET MODIFICATION

Bonneville Power Administration Programs

Three additional federal programs that were not in operation in 1982 are expected to continue into fiscal years 1984 and 1985, requiring a \$725,000 appropriation for each year. The programs, funded by the Bonneville Power Administration, are:

- 1) Institutional Building Program
- 2) Biomass Utilization and Cogeneration
- 3) Technical Assistance Programs

<u>Budget</u>	<u>1984</u>	<u>1985</u>
1100 Salaries	\$ 12,589	\$ 12,589
1400 Employee benefits	2,518	2,518
2100 Contracted services	382,163	382,163
2200 Supplies and materials	7,845	7,845
2300 Communications and transportation	6,224	6,224
2400 Travel	25,570	25,570
2500 Rent	10,626	10,626
2800 Other expenses	39,015	39,015
3100 Equipment	450	450
6200 Grants from federal sources	<u>238,000</u>	<u>238,000</u>
 Totals	 725,000	 725,000

Funding: Bonneville Power Administration-Federal Funds Account ~~04026~~ ⁰³⁰³³ →

These programs will be continued with current FTE's, plus one additional FTE, described below:

<u>Title</u>	<u>Grade/step</u>	<u>Annual salary</u>	<u>Benefits</u>
Secretary	8/2	\$12,589	\$2,518

The salary and benefits for existing staff are included in the contracted services category.

Summary of Contracted Services:

Contracts for Biomass Projects	\$104,500
Energy Efficiency Rating System	10,000
Building Codes Workshop	13,635
Technical Assistance to Small Consumers	28,306
Technical Assistance to Local Governments	6,133
Contracts for Engineering Services	22,808
Data Processing	500
Energy Audit Workshops	30,000
Printing	11,750
Personal Services and Fringe Benefits (existing staff)	154,531
	<hr/>
	\$382,163

inal decree affirming or modifying the preliminary decree. If a hearing is filed within the time allowed, the preliminary decree becomes final, and the water judge shall enter it as the final decree.

The final decree shall establish the existing rights and priorities of water judge's jurisdiction of persons required by 85-2-221 to file an existing right and of persons required to file a declaration of rights in the Powder River Basin pursuant to an order of the district court issued under sections 8 and 9 of Chapter 452, Law.

The final decree shall state the findings of fact, along with any court of law, upon which the existing rights and priorities of each person the decree are based.

For each person who is found to have an existing right, the first state:

the name and post-office address of the owner of the right; the amount of water, rate, and volume, included in the right; the date of priority of the right; the purpose for which the water included in the right is used; the place of use and a description of the land, if any, to which the appurtenant; the source of the water included in the right; the place and means of diversion; the inclusive dates during which the water is used each year; any other information necessary to fully define the nature and extent of the right.

En. Sec. 24, Ch. 697, L. 1979.

235. Appeals from final decree. A person whose existing rights are determined in the final decree may appeal the determination, if:

he requested a hearing and appeared and entered objections to the decree; or his rights as determined in the preliminary decree were altered as the a hearing requested by another person.

En. Sec. 25, Ch. 697, L. 1979.

236. Certificate of water right. When a final decree is entered, the judge shall send a copy to the department. The department shall basis of the final decree issue a certificate of water right to each decreed an existing right. The original of the certificate shall be sent to the county clerk and recorder of the county where the point of diversion of use is located for recordation. The department shall keep a copy of certificate in its office in Helena. After recordation, the clerk and shall send the certificate to the person to whom the right is decreed.

En. Sec. 26, Ch. 697, L. 1979.

237 through 85-2-240 reserved.

treasury. All fees, costs, and expenses incurred by the state for administering in the account to pay the expenses incurred by the state for administering this part, part 7, and Title 3, chapter 7.

History: En. Sec. 18, Ch. 697, L. 1979.

85-2-242. Expenses to be borne by state. All expenses incurred by the state as a result of this part, part 7, and Title 3, chapter 7, are to be paid from the water right adjudication account in the earmarked revenue fund established in 85-2-241. Expenses include but are not limited to the salaries and expenses of personnel, equipment, office space, and other necessities incurred in administering this part, part 7, and Title 3, chapter 7. If sufficient revenue is not available from the earmarked revenue fund, the expense shall be paid from the state's general fund.

History: En. Sec. 19, Ch. 697, L. 1979.

85-2-243. Department assistance to water judges. The department, subject to the direction of the water judge, shall, without cost to the judicial districts wholly or partly within his water division:

- (1) provide such information and assistance as may be required by the water judge to adjudicate claims of existing rights;
- (2) establish information and assistance programs to aid claimants in the filing of claims for existing rights required by 85-2-221;
- (3) conduct field investigations of claims that the water judge in consultation with the department determines warrant investigation; and
- (4) provide the water judge with all information in its possession bearing upon existing rights, including all declarations filed with and all information gathered by the department with respect to existing rights in the Powder River Basin.

History: En. Sec. 21, Ch. 697, L. 1979.

Part 3 Appropriations, Permits, and Certificates of Water Rights

85-2-301. Right to appropriate. After July 1, 1973, a person may not appropriate water except as provided in this chapter. A person may only appropriate water for a beneficial use. A right to appropriate water may not be acquired by any other method, including by adverse use, adverse possession, prescription, or estoppel. The method prescribed by this chapter is exclusive.

History: En. Sec. 16, Ch. 452, L. 1973; amd. Sec. 2, Ch. 238, L. 1974; and. Sec. 8, Ch. 485, L. 1975; and Sec. 4, Ch. 416, L. 1977; and. Sec. 1, Ch. 470, L. 1977; R.C.M. 1947, 89-880(1).

85-2-302. Application for permit. Except as otherwise provided in (1) and (2) of 85-2-306, a person may not appropriate water or commence construction of diversion, impoundment, withdrawal, or distribution works therefor except by applying for and receiving a permit from the department. The application shall be made on a form prescribed by the department. The