

MINUTES OF THE MEETING
SENATE NATURAL RESOURCES COMMITTEE
MONTANA STATE SENATE
January 30, 1985

The second meeting of the Senate Natural Resources Committee was called to order at 1:01 p.m., January 30, 1985, by Chairman Dorothy Eck in Room 405, State Capitol Building.

ROLL CALL: All members were present except Senators Daniels and Stimatz, who were absent, and Senator Manning, who was excused.

CONSIDERATION OF HB6: Representative Marks, sponsor of HB6, stated he was sponsoring this bill at the request of the Code Commissioner. Representative Marks introduced John McMaster, a staff expert on codification, and asked to be excused to return to the House.

Mr. McMaster explained that Section 1 of HB6 was only to clarify the Legislature's intent. The word "not" was inadvertently omitted from the original language. Section 2 of the bill was deleted by the House of Representatives, so subsequent sections were renumbered. Also, "impact account" was substituted for "impact fund" in Section 4.

There being no proponents and no opponents, the hearing was opened to questions from the committee.

Senator Halligan inquired as to why Section 2 was deleted by the House of Representatives. Mr. McMaster explained that the word "repeal" was used instead of "suspend." Since it was the Legislature's intent to permanently repeal the entire act after two years, the use of "repeal" was improper, and the potential interpretation that this part of the act was not intended for permanent repeal on July 1, 1985, was in question.

There being no further questions from the committee, the hearing on HB6 was closed.

CONSIDERATION OF SB166: Senator McCallum, sponsor of SB166, is sponsoring the bill at the request of the Department of State Lands. When an exchange of public and private land is contemplated, the Board of Land Commissioners holds a hearing where the public can voice its opinion. Often, before

the exchange can take place, an investigation needs to be held. Section 77-2-216, MCA, currently requires that the Board of Land Commissioners issue a final order within 10 days of the hearing. The Board of Commissioners feels it is not possible for them to hold a hearing, conduct an investigation and prepare the results within this 10-day period. SB166 would eliminate the 10-day deadline.

PROPOSERS: Dennis Hemmer, Commissioner for the Department of State Lands, submitted written testimony (Exhibit 1). Mr. Hemmer feels that a major problem with meeting this 10-day deadline is the fact that the Board of Land Commissioners only meets once a month.

There being no further proponents and no opponents, the hearing on SB166 was opened to questions from the committee.

Senator Harding asked whether a deadline should be set up that would not be a hardship to the Board of Land Commissioners, rather than eliminating the deadline completely. Mr. Hemmer feels that since problems with mineral rights or problems obtaining clear title can take up to a year, any type of deadline would be virtually impossible for the Board of Land Commissioners to adhere to.

Senator Gage asked Mr. Hemmer if the Board of Land Commissioners was complying with the 10-day deadline at all. Mr. Hemmer stated it was not.

Senator McCallum stated that because the exchange involves public and private land of equal value, many times an appraisal of the land is needed. Through personal experience, Senator McCallum knows this appraisal can also take up to one year.

Senator Gage asked if there were many people who opposed exchanges of public and private land. Mr. Hemmer responded that although people often have questions concerning the exchange, there usually is no opposition involved.

There being no further questions from the committee, the hearing on SB166 was closed.

CONSIDERATION OF SB223: Senator Neuman opened the discussion by informing the committee that SB223 would provide for the filing of Water Right Transfer Certificates with the Department of Natural Resources (hereafter DNRC) rather than with the local Clerk and Recorder. Currently, when a party records a contract for the sale of real property with the Clerk and Recorder, they receive a Water Right Transfer Certificate which is to be completed and returned. Many times, these

certificates are not returned. SB223 would take the Clerk and Recorder out of this process and give the responsibility to the DNRC. The DNRC would forward a copy of the certificate to the Clerk and Recorder. Under DNRC's proposed system, if a Water Right Transfer Certificate is not filed within 60 days, the party will be contacted and, if necessary, a penalty will be assessed. An annual report, along with quarterly updates, would be provided to the Clerk and Recorder by the Department.

PROPONENTS: Mr. K. M. Kelly, representing the Montana Water Development Association, Montana Irrigators and Women in Farm Economics, supports SB223 with two amendments (Exhibit 2). Mr. Kelly feels there must be some record of water right transfers on the local level.

Gary Fritz, representing the DNRC, believes giving the responsibility to DNRC will enhance the quality of the water right transfer records throughout the state. Mr. Fritz feels that, at this time, neither the records of the DNRC nor of the Clerk and Recorders are accurate. Some water right transfers are filed without the correct owners, some sales of real property involve the transfer of only a portion of the water rights, and sometimes none of the water rights are to be sold with the land. DNRC feels it can more accurately monitor water rights transfers, because they have the original applications for water rights that were filed. Mr. Fritz stated that it is the intention of DNRC to send a copy of the Water Right Transfer Certificate to the Clerk and Recorder. Mr Fritz supports Mr. Kelly's amendments. Mr. Fritz also stated the Department would be available to assist landowners in completing Water Right Transfer Certificates.

Mike Stephens, representing the Montana Association of Clerk and Recorders, reinforced the fact that the Clerk and Recorders need to have an updated copy of all water right transfers. Mr. Zimmerman feels that since the Clerk and Recorders have always dealt with water rights, the public will continue to go to that office when they require information. Mr. Zimmerman stated that an annual report with quarterly updates would be sufficient to provide information to the general public. Mr. Zimmerman questioned why the penalties described on page 3, line 19, refer only to the Clerk and Recorder's office. Mr. Zimmerman proposed that the Clerk and Recorder's office not be subject to any penalties.

Ms. Sue Bartlett, Lewis and Clark County Clerk and Recorder, representing the Legislative Committee of Clerks Association, testified that the Water Rights Transfer Certificates have created many problems for Clerk and Recorders. Ms. Bartlett submitted a Water Rights Transfer Certificate (Exhibit 3) and the instructions for completing a Water Right Transfer Certificate (Exhibit 4). Ms. Bartlett testified that the collection of state and county fees for filing the certificates is also causing accounting problems. Ms. Bartlett told the committee that if the Clerk and Recorders were to receive a copy of every Water Right Transfer Certificate filed, this copy would only be used as a reference copy until the quarterly updates were issued. Ms. Bartlett believes that SB223 will increase the accuracy of water right transfers. She reminded the committee that it is vital the county offices receive accurate information on a regular basis from the DNRC.

There being no opponents to SB223, the hearing was opened to questions from the committee.

Upon questions from Senator Halligan, Senator McCallum stated he supports the amendments proposed by K. M. Kelly and Sue Bartlett.

Senator Fuller questioned Senator McCallum as to why the Clerk's office would need to receive updated information more often than quaterly. Senator McCallum replied that the public would need current information more often that quarterly.

Senator Harding questioned whether the list referred to on page 2, line 17, referred to the Realty Transfer Certificate or to a separate list. Mr. Fritz replied that the Department was willing to do whichever was easiest for the Clerk and Recorders. Senator Harding informed the committee that because purchase price information is on the Realty Transfer Certificate, the certificate in its entirety could not be sent to the Department. Senator Harding feels the Realty Transfer Certificate could be used only if the form is revised, such that the purchase price information is not available to the DNRC.

Senator Gage questioned Gary Fritz as to whether he was aware of any instances where water rights would be transferred without the exchange of real property. Mr. Fritz stated that case would involve a completely different process.

Chairman Eck questioned Ms. Bartlett as to what would be involved in preparing a list rather than relying on the Realty

Transfer Certificate. Ms. Bartlett explained that it would involve the names of the parties, the rights being transferred and the legal description of the land involved. It was agreed it would be better to revise the Realty Transfer Certificate.

There being no further questions from the committee, the hearing on SB223 was closed.

CONSIDERATION OF HJR5: Representative Asay opened the hearing by informing the committee HJR5 is the result of a meeting held in November 1984 in Bismark, North Dakota. At this meeting, the states of Montana, North Dakota, South Dakota and Nebraska agreed the responsibility of stabilizing the streambanks of rivers above Sioux City, Iowa, belongs to the Army Corps of Engineers as provided for in the Pick-Sloan Plan. Representative Asay feels the upstream states need to be compensated for lost lands. Representative Asay informed the committee that the House of Representatives amended the language to include the Montana Department of Fish, Wildlife and Parks as a supervisor of the stabilization process. Representative Asay stated that an amendment would be proposed to make certain that the stabilization process would utilize either rock or grass rather than cement walls as a means of stabilization (Exhibit 5). Representative Asay feels this stabilization was part of the original agreement in the Pick-Sloan Plan, and Montanans have a right to expect the Army Corps of Engineers to solve the problem of eroding streambanks.

PROPONENTS: Mr. K. M. Kelly, representing Montana Water Development and Montana Irrigators, testified that Montanans need the Army Corps of Engineers to fulfill its part of the Pick-Sloan Plan. He supports HJR5.

Dan Heinz, representing the Montana Wildlife Federation, submitted information to the committee (Exhibit 6) and stated he supports HJR5 with the proposed amendments.

Gary Fritz, representing the Department of Natural Resources and Conservation, supports the Resolution and proposed amendments. Mr. Fritz stated that Montana has never received any of the benefits promised by the Pick-Sloan Plan.

There being no further proponents and no opponents, the hearing on HJR5 was opened to questions from the committee.

Senator Fuller questioned why the DNRC would assist in the streambank stabilization program. Representative Asay replied that the DNRC has the criteria for approving any proposed

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January 30, 1985
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plans. Gary Fritz also informed the committee that the Department works with the Corps on a daily basis in coordinating activities.

There being no further questions from the committee, the hearing on HJR5 was closed.

ACTION ON SB166: Senator Halligan moved that SB166 DO PASS. The motion carried.

ACTION ON HB6: Senator Mohar moved that HB6 BE CONCURRED IN. The motion carried.

FURTHER CONSIDERATION OF SB112: Bob Thompson submitted proposed amendments to the committee (Exhibit 7). These amendments provide for agreements between the districts and other federal agencies and would include streams with an average flow below 5 cubic feet per second (CFS).

ACTION ON SB112: Senator Fuller moved that the amendments to SB112 BE ADOPTED. The motion carried. Senator Fuller moved that SB112 DO PASS AS AMENDED. The motion carried.

There being no further business to come before the committee, the meeting was adjourned at 2:30.



Senator Dorothy Eck, Chairman

ROLL CALL

Natural Resources

COMMITTEE

48th LEGISLATIVE SESSION -- 1985

Date 013085

SENATE
SEAT
#

NAME	PRESENT	ABSENT	EXCUSED
ECK, Dorothy (Chairman)	✓		
HALLIGAN, Mike (Vice Chairman)	✓		
MANNING, Dave			✓
MOHAR, John	✓		
DANIELS, M. K.		✓	
FULLER, David	✓		
STIMATZ, Larry		✓	
TVEIT, Larry	✓		
GAGE, Delwyn	✓		
ANDERSON, John	✓		
SHAW, James	✓		
HARDING, Ethel	✓		

Each day attach to minutes.

DATE 0130 85

COMMITTEE ON Natural Resources

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

DATE _____

013085

COMMITTEE ON

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

TESTIMONY ON SENATE BILL 166

FROM DENNIS HEMMER, COMMISSIONER, DEPARTMENT OF STATE LANDS

The Department of State Lands supports House Bill 166. Currently the Board of Land Commissioners has the authority to exchange timbered state lands for other lands. The procedures for accomplishing this are set forth in statutes and Board policy. There must be a hearing where the public may voice objections to or concerns with the exchange. As it now stands, by statute, the Board, within 10 days of the hearing, must dismiss the exchange or proceed to complete the exchange. The problem arises that it is impossible to have a decision from the Board within 10 days of the hearing. First, there may be concerns expressed at the hearing that would take more than 10 days to investigate. Secondly, the Land Board only meets once a month. It is virtually impossible to hold a hearing, perform any additional investigation, and prepare the material for the Board and notice the meeting within 10 days. Likewise, the date of hearing is then dictated by the date of the Board meeting which may force the hearing to be held at an inopportune time for those who wish to attend. For these reasons Section 77-2-216 MCA, should be amended by eliminating the 10 day requirement.

SENATE NATURAL RESOURCES COMMITTEE

EXHIBIT NO. 1

DATE 013085

BILL NO. HB 166

NAME K.M. Kelly BILL NO. SB223
ADDRESS 4605 Glass - Helena DATE 1/30/85
WHOM DO YOU REPRESENT Mont. Water Development Assn.
Mont. Irrigators
SUPPORT ☒ Amend. OPPOSE AMEND Amend

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: *The above organizations support this legislation with the following amendments:*

1. *85-2-421 after "the" on line 14 add "the appropriate County Clerk and Recorder and"*
2. *85-2-424 (4) on page 3 after "Judge" add "and the County Clerk and Recorder."*

K.M. Kelly

SENATE NATURAL RESOURCES COMMITTEE
EXHIBIT NO. 2
DATE 013085
BILL NO. SB223

WATER RIGHT TRANSFER CERTIFICATE**DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
AND WATER COURTS OF MONTANA****INSTRUCTIONS**

You are encouraged to contact your area Water Rights Bureau field office listed on the back page of the Department Copy of this form or on page 2 of Form 608-I, Instructions for Water Right Transfer Certificate, for assistance in completing this form. This form is used to indicate a change in water right owners. **Do not use this form if you are a user of a municipal or irrigation district water system.** If more than one water right is transferred, list all the water right numbers on the appropriate lines in Item 1 or attach a list. Return the completed Water Right Transfer Certificate with the proper filing fee to your county clerk and recorder for recording.

FOR DEPARTMENT USE

Fee received: _____ By: _____
 Transmittal No.: _____
 Date: _____
 Reviewed By: _____
 Filmed: _____
 Coded: _____
 BASIN: _____

(type or print in ballpoint ink)

1. WATER RIGHT(S) TO BE TRANSFERRED:

- ☐ Permit to Appropriate Water Number(s) _____
☐ Certificate of Water Right Number(s) _____
☐ Statement of Claim Number(s) _____
☐ Powder River Decree Number(s) _____
☐ _____

2. MEANS OF TRANSFER:

- ☐ Deed recorded in: County _____
☐ Contract for Deed/Notice of Purchasers Interest recorded in: County _____
☐ Court Decree recorded in: County _____
☐ Other, explain: _____

3. IS THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)?

- ☐ Yes. If yes, complete the Addendum for Portional Transfers on the reverse side of the Department Copy of the Water Right Transfer Certificate. If a portion of more than one right is being received, complete an Addendum for each right being transferred.
☐ No. **Do not** complete the Addendum if you received the whole right(s).

4. OWNERS' NAMES: List the complete names (please print) and addresses of all persons who are to appear as owner of the water right(s). Include buyer's name(s), and seller's name(s) if they retain an interest in the water right(s).

Name _____ Mailing Address _____
 Name _____ Mailing Address _____
 Name _____ Mailing Address _____
 Name _____ Mailing Address _____

5. SELLER'S NAME(S): List the seller's name and address if not listed in Item 4 above.

NAME: _____ MAILING ADDRESS: _____

6. OTHER INTERESTED PARTIES: List the names and addresses other than the above persons who are to receive notice of adjudication proceedings concerning the water right(s).

Name _____ Mailing Address _____
 Name _____ Mailing Address _____

7. CERTIFICATE OF ACKNOWLEDGMENT: The Seller and Buyer must sign the back page of the Water Right Owners copy, and have it notarized. The clerk and recorder must complete the recording information at the bottom of the same page.**NOTE TO COUNTY CLERK AND RECORDER:**

Record only the Water Right Owners copy. (DO NOT RECORD the Department's copy or Water Courts copy.) Please answer the question below.

Has the Water Right Owners copy been recorded? ☐ Yes, ☐ No.By _____ or _____
Deputy Clerk and Recorder

MAIL THE Department Copy, to: Department of Natural Resources and Conservation, 32 S. Ewing, Helena, Montana 59620; and
 the Water Court Copy to: Chief Water Judge, Box 1568, Bozeman, Montana 59715. **SENATE NATURAL RESOURCES COMMITTEE**

EXHIBIT NO. 3

DEPARTMENT'S COPY

DATE 013085
50723

A. SELLER:

STATE OF MONTANA

SS

County of _____

SELLER SIGNATURE: _____

Signed this _____ day of _____, 19____

On this _____ day of _____, 19____, before
me _____, a Notary Public for the State of
Montana, personally appeared _____

known to me to be the person _____ whose name _____ subscribed to the within instrument and acknowledges to
me that _____ executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above
written.

Notary Public for the State of Montana

Residing at _____

My Commission expires _____

B. BUYER:

STATE OF MONTANA

SS

County of _____

BUYER SIGNATURE: _____

Signed this _____ day of _____, 19____

On this _____ day of _____, 19____, before
me _____, a Notary Public for the State of
Montana, personally appeared _____

known to me to be the person _____ whose name _____ subscribed to the within instrument and acknowledges to
me that _____ executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above
written.

Notary Public for the State of Montana

Residing at _____

My Commission expires _____

STATE OF MONTANA

(For County Use Only)

SS

County of _____

Filed for record this _____ day of _____,
19____, at _____, and Recorded in _____
of the Records of _____ County, state of Montana.

By _____

Deputy

Clerk and Recorder

INSTRUCTIONS FOR WATER RIGHT TRANSFER CERTIFICATE

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND WATER COURTS OF MONTANA

The purpose of documenting the buyer's ownership of the water right(s) is to ensure that the buyer will receive notice of any new water right applications the Department receives which may affect his right, or notice of adjudication proceedings on any claims of existing water rights he received. The Water Right Transfer Certificate required by Senate Bill No. 401 (passed in the 48th Legislative Session) is to be completed, signed by both the buyer and seller and recorded at the county clerk and recorders office.

Once recorded, copies of the Water Right Transfer Certificate will be sent by the county to the new owner, the Department of Natural Resources and Conservation, and to the Chief Water Judge of Montana. If any information on the certificate is deficient, the Department will be in contact with the buyer before the state centralized water record system is changed. Once the record is changed, the buyer will receive an Acknowledgement of Transfer from the Department.

If the buyer receives an interest in an Exempt Existing Water Right and wishes to be entered into the Department's central water right record system as the current owner of the right, the Water Right Transfer Certificate may be filed directly with the Department. In doing so, the buyer will be notified of any new water right applications which may affect his water right. An Exempt Existing Water Right is a right to groundwater or instream flow for domestic or stockwatering purposes which originated prior to July 1, 1973.

WHO MUST FILE:

Any individual, corporation, partnership, business organization or trust who is receiving an interest in: a Claim of Existing Water Right, Permit to Appropriate Water, Certificate of Water Right or a Powder River Decreed Right, must file the Water Right Transfer Certificate. Any person who uses water from a municipal water system or has shares in a water district is not to file this form. The water right is held by the municipality or water district.

WHERE TO FILE:

The Water Right Transfer Certificate must be recorded in the county in which your Realty Transfer Certificate is filed.

WHEN TO FILE:

The Water Right Transfer Certificate should be recorded within 30 days of completion of the Realty Transfer Certificate. The sooner the buyer's name is in the Department's record as owner of the right, the sooner he will be included on any notices concerning his right.

HOW TO FILE:

When completing the Water Right Transfer Certificate, you are encouraged to use the available assistance and records at the Water Rights Bureau field offices listed on the back page of these instructions. Complete each item as follows and return the Water Right Transfer Certificate with the proper filing fee to the county clerk and recorder's office for recording.

- Item 1: Identify the type of water right(s) being transferred and its number(s). If more than one right is being transferred and if you can not list all of the rights on the Transfer Certificate, attach a list. Your area Water Rights Bureau field office can provide this information.
- Item 2: Identify by what means the buyer received interest in this water right(s). Indicate what type of instrument or deed evidenced a real estate transfer and where it is recorded.

SENATE NATURAL RESOURCES COMMITTEE

EXHIBIT NO. 4

DATE 013085

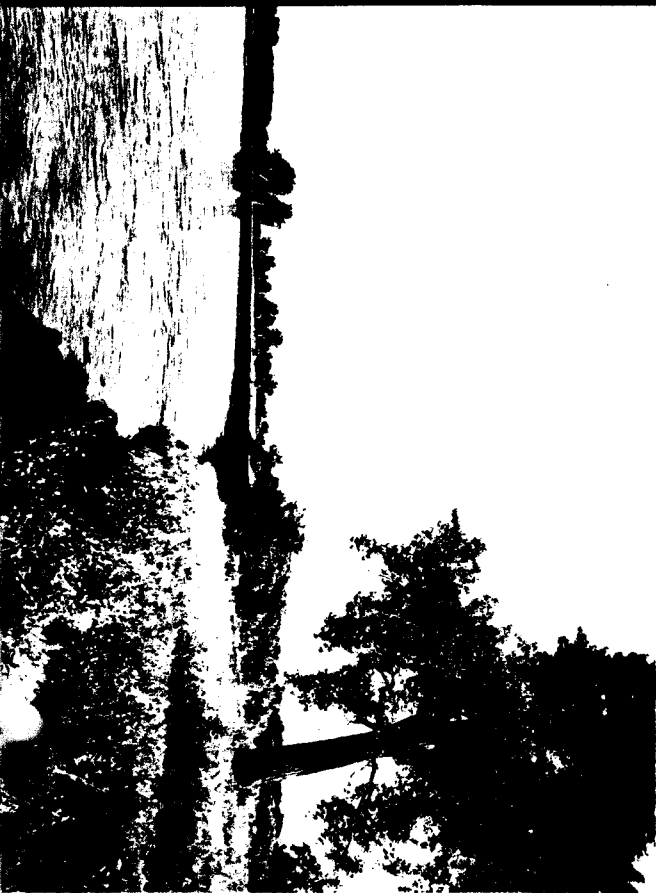
Mt-P440-4



Mt-P377-16



Mt-P440-3



KODAK SAFETY FILM
Mt-P384-2



THE NATURAL RESOURCES COMMITTEE

BY NO. 5

DATE 013085

BILL NO. HJR 5

"Natural processes in alluvial stream channels interact to provide a diversity of aquatic and terrestrial wildlife habitats and to establish and maintain ecosystems in a quasi-equilibrium condition. It cannot be overemphasized that natural bank erosion is an integral and important part of this overall process."

"Terrestrial wildlife along the river is highly dependent on the amount and diversity of riparian vegetation..."

"...As erosion of the opposite bank progresses and the river channel moves laterally, the bar becomes less and less subject to inundation. This provides for sequential development of vegetative types over time...a simplified but typical sequence in soil and vegetative development along the river."

"The maintenance and well-being of existing fish populations are dependent on the quantity, quality, and diversity of the existing habitat. In a braided river, this habitat includes side channels, backwaters, shoal areas, submerged gravel bars and deep water main channel areas. This diversity of habitat provides spawning, rearing, feeding, and refuge areas for fish populations and their prey organisms."

"Associated with the braided channels is the extensive amount of "edge effect" afforded by the water-land interface and the large quantity of water surface. "Edge effect" is one of the most important ecological concepts functioning in the system for the maintenance of diverse wildlife populations. The braided section of river in the project area provides a quantity and diversity of both aquatic and riparian wildlife habitat seldom encountered in this region."

(under streambank modifications as proposed by the Corps for the demonstration project) "islands will probably be diminished or eliminated, new island formation or development could be slowed considerably, the amount of land-water interface will be restricted, diversity of riparian vegetation will be reduced by the elimination or reduction in successional phases, and

SENATE NATURAL RESOURCES COMMITTEE

EXHIBIT NO. 6

DATE 013085

BILL NO. HJR 5

water surface acreage will be reduced."

"...it is our view that no large scale federal construction of erosion control measures should be considered prior to completion of detailed studies including analysis of (a) economic efficiency, (b) environmental impacts, (c) careful consideration of non-structural alternatives, and (d) a documented finding that such erosion control work on the Yellowstone River is in the public interest."

Proposed Amendments to SB 112

1. Title, line 6.

Following: "TC"

Insert: "CERTAIN ENTITIES OF"

Following: "GOVERNMENT"

Strike: "AND ITS ENTITIES"

Insert: "; AND AUTHORIZING AGREEMENTS TO PROVIDE FOR NOTICE TO
CONSERVATION DISTRICTS OF FEDERALLY APPROVED PROJECTS WITHIN
DISTRICTS" ..

2. Page 1, line 11.

Following: "government."

Strike: "This"

Insert: "Except as provided in 75-7-103(4)"

3. Page 2, line 3.

Following: "agencies"

Insert: "engaging in a project on a stream whose natural flow is less
than 5 cubic feet per second."

4. Page 2, following line 16.

Insert: NEW SECTION. Section 3. Department authorized to make agreements. The department may enter into agreements with the U.S. army corps of engineers providing for notification to the district of each permit applied for or granted pursuant to 33 USC 403 or 1334. The department may also enter into agreements with the U.S. army corps of engineers or any other federal agency providing for notification to the district of projects undertaken by that agency within the district that affect rivers or streams or land immediately adjacent to them, whether or not the project requires a permit pursuant to 33 USC 403 or 1334. If the project is located outside a district, the agreements may provide notification to the county where the project is located.

Renumber: subsequent sections.

SENATE NATURAL RESOURCES COMMITTEE

EXHIBIT NO. 7

DATE 01/30/85

BILL NO. SB 112

Item 3: If a water right(s) and the land to which it belongs is divided or split, the buyer must identify which portion of the water right and land he received. Complete the Addendum for Portional Water Right Transfer on the reverse side of the "Department Copy" of the Water Right Transfer Certificate. If a portion of more than one water right is being transferred, complete an Addendum for each water right being transferred.

The buyer can not change the point of diversion, place of use, place of storage, or the purpose of use of the original water right without prior approval from the Department. An Application for Change of Appropriation Water Right is available at the county clerk and recorder's office or your area Water Rights Bureau field office.

Item 4: Print the names and addresses of all parties who are to be listed as owners of the water right(s). Include the buyer(s), and if the real estate transfer is not complete (contract for deed, mortgage), you may include the seller's.

Item 5: List the seller's name here if it is not listed and included in Item 4.

Item 6: Print the names and addresses of parties other than those listed in Item 4, who are to receive notice of adjudication proceedings concerning this water right(s), but are not listed as owners. For example; attorneys, consultants or sellers who do not wish to be listed as co-owners.

Item 7: Both seller(s) and buyer(s) must complete the back page of the "Water Right Owner's" copy and have it notarized. The clerk and recorder must complete the recording information at the bottom of the same page. Record only the "Water Right Owner's" copy.

You are encouraged to contact one of the Water Rights Bureau field offices below for assistance in completing any part of the Water Right Transfer Certificate or Addendum. When the form is complete, return it with the proper filing fee to the county clerk and recorder's office. The fee schedule is available from field offices and the clerk and recorder's offices.

Montana Water Rights Bureau Area Field Offices

HAVRE

Old Highway 2
P.O. Box 1828
Havre, Montana 59501
Phone: 265-5516
Serving: Blaine, Chouteau, Glacier,
Hill, Liberty, Pondera, Teton and
Toole Counties.

MISSOULA

2101 Bow Street
P.O. Box 5004
Missoula, Montana 59806
Phone: 721-4284
Serving: Missoula, Granite, Ravalli,
and Mineral Counties.

GLASGOW

110 5th Street South, Room 106
P.O. Box 894
Glasgow, Montana 59230
Phone: 228-2561
Serving: Daniels, Dawson, Garfield,
McCone, Phillips, Richland,
Roosevelt, Sheridan and Valley
Counties.

HELENA—Office Location

28 So. Rodney
Mailing Address:
32 South Ewing
Helena, Montana 59620
Phone: 449-3634
Serving: Deer Lodge, Powell,
Lewis and Clark, Broadwater,
Silver Bow, Jefferson and Beaverhead
Counties.

BOZEMAN

1201 East Main
Bozeman, Montana 59715
Phone: 586-3136
Serving: Gallatin, Park and Madison
Counties

BILLINGS

1537 Avenue D, Suite 352
Billings, Montana 59102
Phone: 657-2105
Serving: Big Horn, Carbon, Stillwater,
Treasure, Yellowstone and Sweet Grass
Counties.

KALISPELL

3220 Highway 93 South
P.O. Box 860
Kalispell, Montana 59903-0860
Phone: 752-2288
Serving: Flathead, Lake, Lincoln and
Sanders Counties.

LEWISTOWN

613 NE Main Street
P.O. Box 438
Lewistown, Montana 59457
Phone: 538-7459
Serving: Cascade, Fergus, Golden
Valley, Judith Basin, Meagher,
Musselshell, Petroleum and
Wheatland Counties.

MILES CITY

5 North Prairie
P.O. Box 276
Miles City, Montana 59301
Phone: 232-6359
Serving: Carter, Custer, Fallon,
Powder River, Prairie, Rosebud and
Wibaux Counties.

STANDING COMMITTEE REPORT

JANUARY 30, 1995

MR. PRESIDENT

We, your committee on **NATURAL RESOURCES**
having had under consideration **SENATE BILL** No. **166**
FIRST reading copy (**WHITE**)
color

TO ELIMINATE 10-DAY DEADLINE FOR TIMBERED STATE LAND EXCHANGES

Respectfully report as follows: That **SENATE BILL** No. **166**

~~DO PASS~~

~~DO NOT PASS~~

Senator Dorothy Eck,

Chairman.

STANDING COMMITTEE REPORT

JANUARY 30, 1985

MR. PRESIDENT

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE BILL No. 6

THIRD reading copy (BLUE)
(Halligan) color

GENERALLY CLARIFY MINING AND WATER LAW

Respectfully report as follows: That HOUSE BILL No. 6

BE CONCURRED IN

XXXXX

XXXXXXXXXX

Senator Dorothy Eck

Chairman.

STANDING COMMITTEE REPORT

January 30

19 85

MR. PRESIDENT

We, your committee on **NATURAL RESOURCES**

having had under consideration **SENATE BILL** No. **112**

FIRST reading copy (**WHITE**)
color

CLARIFY THAT STREAMBED PROTECTION ACT APPLIES TO FEDERAL GOVERNMENT

Respectfully report as follows: That **SENATE BILL** No. **112**

be amended as follows:

1. Title, line 6.

Following: "TO"

Insert: "CERTAIN ENTITIES OF"

Following: "GOVERNMENT"

Strike: "AND ITS ENTITIES"

Following: "ENTITIES;"

Insert: "AND AUTHORIZING AGREEMENTS TO PROVIDE FOR NOTICE TO
CONSERVATION DISTRICTS OF FEDERALLY APPROVED PROJECTS WITHIN
DISTRICTS;"

~~XXXXXX~~

~~XXXXXXXXXX~~

Continued

Chairman.

2. Page 1, line 11.

Following: "government."

Strike: "This"

Insert: "Except as provided in 75-7-103(4), this"

3. Page 2, line 3.

Following: "agencies"

Insert: "engaging in a project on a stream whose natural flow is less than 5 cubic feet per second"

4. Page 2, following line 16.

Insert: NEW SECTION. Section 3. Department authorized to make agreements. The department may enter into agreements with the U.S. army corps of engineers providing for notification to the district of each permit applied for or granted pursuant to 33 USC 403 or 1334. The department may also enter into agreements with the U.S. army corps of engineers or any other federal agency providing for notification to the district of projects undertaken by that agency within the district that affect rivers or streams or land immediately adjacent to them, whether or not the project requires a permit pursuant to 33 USC 403 or 1334. If the project is located outside a district, the agreements may provide notification to the county where the project is located.

Renumber: subsequent section.

DO PASS AS AMENDED