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1 *Williams* *House* BILL NO. *83* *Conroy*  
 2 INTRODUCED BY *Ray Robbins, Bengtson*  
 3 *Neloy Bradley, Neumann, Skilden, Fishbaugh*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A CHANGE OF  
 5 USE FOR A WATER RIGHT FROM AGRICULTURAL TO *Nonagricultural*  
 6 AMENDING SECTION 89-892, R.C.M. 1947." *Primer John Wolf*  
 7 *Stainville, Johnson, Luebeck, Richard, Lester, Kemmer*  
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 89-892, R.C.M. 1947, is amended to  
 10 read as follows:  
 11 "89-892. Changes in appropriation rights. (1) An  
 12 appropriator may not change the place of diversion, place of  
 13 use, purpose of use or place of storage ~~without-receiving~~  
 14 ~~prior-approval-of-such-change-from-the-department.~~ except as  
 15 permitted under this section and approved by the department.  
 16 (2) The department shall approve the proposed change  
 17 if it determines that the proposed change will not adversely  
 18 affect the rights of other persons. If the department  
 19 determines that the proposed change might adversely affect  
 20 the rights of other persons, notice of the proposed change  
 21 shall be given in accordance with section 89-881. If the  
 22 department determines that an objection filed by a person  
 23 whose rights may be affected states a valid objection to the  
 24 proposed change, the department shall hold a hearing thereon  
 25 prior to its approval or denial of the proposed change.

1 Objections shall meet the requirements of section 89-882  
 2 (2), and hearings shall be held in accordance with section  
 3 89-883.  
 4 (3) An appropriator may not change the purpose of use  
 5 of an appropriation right from an agricultural to a  
 6 nonagricultural use."

-End-

HB 83

Approved by Committee  
on Natural Resources

HOUSE BILL NO. 83

INTRODUCED BY DAY, ROBBINS, BENGTSON, CONROY, MELOY,  
BRADLEY, STAIGMILLER, SHELDEN, FISHBAUGH, JACOBSEN,  
HUENNEKENS, WOLFE, PALMER, SLOAN, GERKE, WILLIAMS,  
HOLMES, KIMBLE, MANUEL, BERTELSEN, JOHNSON,  
LUEBECK, RICHARDS, LESTER, KEMMIS, SOUTH

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A CHANGE OF  
USE FOR A WATER RIGHT FROM AGRICULTURAL TO NONAGRICULTURAL;  
AMENDING SECTION 89-892, R.C.M. 1947."

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

Section 1. Section 89-892, R.C.M. 1947, is amended to  
read as follows:

"89-892. Changes in appropriation rights. (1) An  
appropriator may not change the place of diversion, place of  
use, purpose of use or place of storage ~~without-receiving~~  
~~prior-approval-of-such-change-from-the-department;~~ except as  
permitted under this section and approved by the department.

(2) The department shall approve the proposed change  
if it determines that the proposed change will not adversely  
affect the rights of other persons. If the department  
determines that the proposed change might adversely affect  
the rights of other persons, notice of the proposed change  
shall be given in accordance with section 89-881. If the

department determines that an objection filed by a person  
whose rights may be affected states a valid objection to the  
proposed change, the department shall hold a hearing thereon  
prior to its approval or denial of the proposed change.  
Objections shall meet the requirements of section 89-882  
(2), and hearings shall be held in accordance with section  
89-883.

(3) An appropriator may not change the purpose of use  
of an appropriation right from an agricultural to a  
nonagricultural use, PROVIDED, HOWEVER, THAT ANY WATER RIGHT  
OR WATER USE PERMIT CAN BE CONVERTED TO A RESERVATION OF  
WATERS CONSISTENT WITH THE PROVISIONS IN SECTIONS 89-892 AND  
89-893 OF THE MONTANA WATER USE ACT."

-End-

HOUSE BILL NO. 83

INTRODUCED BY DAY, ROBBINS, BENGTON, CONROY, MELOY,  
BRADLEY, STAIGMILLER, SHELDEN, FISHBAUGH, JACOBSEN,  
HUENNEKENS, WOLFE, PALMER, SLOAN, GERKE, WILLIAMS,  
HOLMES, KIMBLE, MANUEL, BERTELSEN, JOHNSON,  
LUEBECK, RICHARDS, LESTER, KEMMIS, SOUTH

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A CHANGE OF  
USE FOR A WATER RIGHT FROM AGRICULTURAL TO NONAGRICULTURAL;  
AMENDING SECTION 89-892, R.C.M. 1947."

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

Section 1. Section 89-892, R.C.M. 1947, is amended to  
read as follows:

"89-892. Changes in appropriation rights. (1) An  
appropriator may not change the place of diversion, place of  
use, purpose of use or place of storage ~~without-receiving~~  
~~prior-approval-of-such-change-from-the-department.~~ except as  
permitted under this section and approved by the department.

(2) The department shall approve the proposed change  
if it determines that the proposed change will not adversely  
affect the rights of other persons. If the department  
determines that the proposed change might adversely affect  
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department determines that an objection filed by a person  
whose rights may be affected states a valid objection to the  
proposed change, the department shall hold a hearing thereon  
prior to its approval or denial of the proposed change.  
Objections shall meet the requirements of section 89-882  
(2), and hearings shall be held in accordance with section  
89-883.

(3) An appropriator may not change the purpose of use  
of an appropriation right from an agricultural to a  
nonagricultural use, PROVIDED, HOWEVER, THAT ANY WATER RIGHT  
OR WATER USE PERMIT CAN BE CONVERTED TO A RESERVATION OF  
WATERS CONSISTENT WITH THE PROVISIONS IN SECTIONS 89-892 AND  
89-893 OF THE MONTANA WATER USE ACT."

-End-

March 15, 1975

SENATE COMMITTEE ON NATURAL RESOURCES AND FISH AND GAME  
AMENDMENTS TO HOUSE BILL NO. 83

That House Bill No. 83, third reading, be amended as follows:

1. Amend title, line 9.  
Following: "USE FOR"  
Strike: "A WATER RIGHT"  
Insert: "certain water rights"
2. Amend title, line 9.  
Following: "AGRICULTURAL TO"  
Strike: "NONAGRICULTURAL"  
Insert: "industrial"
3. Amend page 2, section 1, line 8.  
Following: "appropriator"  
Insert: "of more than fifteen (15) cubic feet per second"
4. Amend page 2, section 1, line 9.  
Following: "agricultural"  
Strike: The remainder of the section in its entirety  
Insert: "use to an industrial use"

HOUSE BILL NO. 83

INTRODUCED BY DAY, ROBBINS, BENGTSON, CONROY, MELOY, BRADLEY, STAIGMILLER, SHELDEN, FISHBAUGH, JACOBSEN, HUENNEKENS, WOLFE, PALMER, SLOAN, GERKE, WILLIAMS, HOLMES, KIMBLE, MANUEL, BERTELSEN, JOHNSON, LUEBECK, RICHARDS, LESTER, KEMMIS, SOUTH

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A CHANGE OF USE FOR ~~A-WATER-RIGHT~~ CERTAIN WATER RIGHTS FROM AGRICULTURAL TO ~~NONAGRICULTURAL~~ INDUSTRIAL; AMENDING SECTION 89-892, R.C.M. 1947."

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

Section 1. Section 89-892, R.C.M. 1947, is amended to read as follows:

"89-892. Changes in appropriation rights. (1) An appropriator may not change the place of diversion, place of use, purpose of use or place of storage ~~without-receiving prior-approval-of-such-change-from-the-department.~~ except as permitted under this section and approved by the department.

(2) The department shall approve the proposed change if it determines that the proposed change will not adversely affect the rights of other persons. If the department determines that the proposed change might adversely affect the rights of other persons, notice of the proposed change

shall be given in accordance with section 89-881. If the department determines that an objection filed by a person whose rights may be affected states a valid objection to the proposed change, the department shall hold a hearing thereon prior to its approval or denial of the proposed change. Objections shall meet the requirements of section 89-882 (2), and hearings shall be held in accordance with section 89-883.

(3) An appropriator OF MORE THAN FIFTEEN (15) CUBIC FEET PER SECOND may not change the purpose of use of an appropriation right from an agricultural ~~to~~ ~~nonagricultural-use,~~ ~~PROVIDED,~~ ~~HOWEVER,~~ ~~THAT~~ ~~ANY~~ ~~WATER~~ ~~RIGHT~~ ~~OR~~ ~~WATER~~ ~~USE~~ ~~PERMIT~~ ~~CAN~~ ~~BE~~ ~~CONVERTED~~ ~~TO~~ ~~A~~ ~~RESERVATION~~ ~~OF~~ ~~WATERS~~ ~~CONSISTENT~~ ~~WITH~~ ~~THE~~ ~~PROVISIONS~~ ~~IN~~ ~~SECTIONS~~ ~~89-892~~ ~~AND~~ ~~89-893~~ ~~OF~~ ~~THE~~ ~~MONTANA~~ ~~WATER~~ ~~USE~~ ~~ACT~~ USE TO AN INDUSTRIAL USE."

-End-