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1 Williams Sause BILL NO. 83

2 INTRODUCED BY Robbins, Bang/5on

Will A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A CHANGE OF

WILL 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A CHANGE OF

WILL 5 USE FOR A WATER RIGHT FROM AGRICULTURAL TO MONAGRICULTURAL;

AMENDING SECTION 89-892, R.C.M. 1947."

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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:

"83-892. 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.

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-

INTRODUCED BILL

Approved by Committee on Natural Resources

1	HOUSE BILL NO. 83
2	INTRODUCED BY DAY, ROB3INS, BENGTSON, CONROY, MELOY,
3	BRADLEY, STAIGMILLER, SHELDEN, FISHBAUGH, JACOBSEN,
4	HUENNEKENS, WOLFE, PALMER, SLOAN, GERKE, WILLIAMS,
5	HOLMES, KIMBLE, MANUEL, BERTELSEN, JOHNSON,
6 .	LUEBECK, RICHARDS, LESTER, KEMMIS, SOUTH
7	
8	A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A CHANGE OF
9	USE FOR A WATER RIGHT FROM AGRICULTURAL TO NONAGRICULTURAL;
.0	AMENDING SECTION 89-892, R.C.M. 1947."
1	
. 2	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	Section 1. Section 89-892, R.C.M. 1947, is amended to
L 4	read as follows:
L 5	"89-892. Changes in appropriation rights. (1) An
L 6	appropriator may not change the place of diversion, place of
17	use, purpose of use or place of storage without-receiving
18	prior-approval-of-such-change-from-the-department. except as
L9	permitted under this section and approved by the department.
20	(2) The department shall approve the proposed change
21	if it determines that the proposed change will not adversely
22	affect the rights of other persons. If the department
23	determines that the proposed change might adversely affect
24	the rights of other persons, notice of the proposed change
25	shall be given in accordance with section 89-881. If the

1	department determines that an objection filed by a person
2	whose rights may be affected states a valid objection to the
3	proposed change, the department shall hold a hearing thereon
4	prior to its approval or denial of the proposed change.
5	Objections shall meet the requirements of section 89-882
6	(2), and hearings shall be held in accordance with section
7	89-883.
8	(3) An appropriator may not change the purpose of use
9 -	of an appropriation right from an agricultural to a
10	nonagricultural use, PROVIDED, HOWEVER, THAT ANY WATER RIGHT
11	OR WATER USE PERMIT CAN BE CONVERTED TO A RESERVATION OF
12	WATERS CONSISTENT WITH THE PROVISIONS IN SECTIONS 89-892 AND
13	89-893 OF THE MONTANA WATER USE ACT."

-End-

НЗ 83

44th Legislature HB 0083/02 HB 0083/02

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1	HOUSE BILL NO. 83
	INTRODUCED BY DAY, ROBBINS, BENGTSON, CONROY, MELOY,
2	
3	BRADLEY, STAIGMILLER, SHELDEN, FISHBAUGH, JACOBSEN,
4	HUENNEKENS, WOLFE, PALMER, SLOAN, GERKE, WILLIAMS,
5	HOLMES, KIMBLE, MANUEL, BERTELSEN, JOHNSON,
6	LUEBECK, RICHARDS, LESTER, KEMMIS, SOUTH
7	
8	A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A CHANGE OF
9	USE FOR A WATER RIGHT FROM AGRICULTURAL TO NONAGRICULTURAL;
10	AMENDING SECTION 89-892, R.C.M. 1947."
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	Section 1. Section 89-892, R.C.M. 1947, is amended to
14	read as follows:
15	*89-892. Changes in appropriation rights. (1) An
16	appropriator may not change the place of diversion, place of
17	use, purpose of use or place of storage without-receiving
18	prior-approval-of-such-change-from-the-department: except as
19	permitted under this section and approved by the department.
20	(2) The department shall approve the proposed change
21	if it determines that the proposed change will not adversely
22	affect the rights of other persons. If the department
23	determines that the proposed change might adversely affect
24	the rights of other persons, notice of the proposed change
25	shall be given in accordance with section 89-881. If the

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 7 89-883. (3) An appropriator may not change the purpose of use 8 9 of an appropriation right from an agricultural to a 10 nonagricultural use, PROVIDED, HOWEVER, THAT ANY WATER RIGHT OR WATER USE PERMIT CAN BE CONVERTED TO A RESERVATION OF 11 12 WATERS CONSISTENT WITH THE PROVISIONS IN SECTIONS 89-892 AND

-End-

89-893 OF THE MONTANA WATER USE ACT. *

department determines that an objection filed by a person

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"

44th Legislature HB 0083/03

пв 0083/03

1	HOUSE BILL NO. 83
2	INTRODUCED BY DAY, ROBBINS, BENGTSON, CONROY, MELOY,
3	BRADLEY, STAIGMILLER, SHELDEN, FISHBAUGH, JACOBSEN,
4	HUENNEKENS, WOLFE, PALMER, SLOAN, GERKE, WILLIAMS,
5	HOLMES, KIMBLE, MANUEL, BERTELSEN, JOHNSON,
6	LUEBECK, RICHARDS, LESTER, KEMMIS, SOUTH
7	
8	A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A CHANGE OF
9	USE FOR A-WATER-RIGHT CERTAIN WATER RIGHTS FROM AGRICULTURAL
10	TO NONAGRICULTURAL INDUSTRIAL; AMENDING SECTION 89-892,
11	R.C.M. 1947."
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section 1. Section 89-892, R.C.M. 1947, is amended to
15	read as follows:
16	"89-892. Changes in appropriation rights. (1) An
17	appropriator may not change the place of diversion, place of
18	use, purpose of use or place of storage without-receiving
19	prior-approval-of-such-change-from-the-department: except as
20	permitted under this section and approved by the department.
21	(2) The department shall approve the proposed change
22	if it determines that the proposed change will not adversely
23	affect the rights of other persons. If the department
24	determines that the proposed change might adversely affect
25	the rights of other persons, notice of the proposed change

1	shall be given in accordance with section 89-881. If the
2	department determines that an objection filed by a person
3	whose rights may be affected states a valid objection to the
4	proposed change, the department shall hold a hearing thereon
5	prior to its approval or denial of the proposed change.
6	Objections shall meet the requirements of section 89-882
7	(2), and hearings shall be held in accordance with section
8	89-883.
9	(3) An appropriator OF MORE THAN FIFTEEN (15) CUBIC
10	FEET PER SECOND may not change the purpose of use of an
11	appropriation right from an agricultural toa
12	nonagricultural-use,-PROVIDED,-HOWEVER,-THAT-ANY-WATER-RIGHT
13	9RWATERUSE-PERMITCAN-BE-CONVERTED-TO-A-RESERVATION-OF
14	WATERS-CONSISTENT-WITH-THE-PROVISIONS-IN-SECTIONS-69-692-AAD
15	89-893-8F-THE-MONTANA-WATER-USE-ACT USE TO AN INDUSTRIAL
16	

-End-