

1 H BILL NO. 310
 2 INTRODUCED BY Day, Bengtson, Wassinger
 3 Curless, McDaniel, Smith, Ellison, Nathan
 4 Hewitt, Bradley, Sawyer, Thrush
 5 BY REQUEST OF
 6 THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

7 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 8 89-8-105, R.C.M. 1947, TO PROVIDE FOR AN EXTENSION OF THE
 9 SUSPENSION OF ACTION ON CERTAIN APPLICATIONS FOR PERMITS TO
 10 APPROPRIATE SURFACE WATER OR FOR CHANGES IN PURPOSE OF USE
 11 IN THE YELLOWSTONE RIVER BASIN AND PROVIDING AN IMMEDIATE
 12 EFFECTIVE DATE."

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

14 Section 1. Section 89-8-105, R.C.M. 1947, is amended
 15 to read as follows:

16 "89-8-105. Suspension of action. (1) The department
 17 may not grant or otherwise take any action on an application
 18 until either one of the following first occurs:

19 (a) ~~three--(3)--years--have--elapsed--from--the--effective~~
 20 ~~date--of--this--act--or--the--board--of--natural--resources--and~~
 21 ~~conservation--makes--a--final--determination--on--the--applications~~
 22 ~~for--reservations--of--water--in--the--basin--filed--before--January~~
 23 ~~1, 1977, in accordance with 89-890;~~

24 (b) a final determination of existing rights has been
 25 made in the source of supply in accordance with the Montana

1 Water Use Act: or
 2 (c) January 1, 1978; provided that this date may be
 3 extended by the board by the length of delay incurred if any
 4 civil action is commenced which would prevent or unduly
 5 delay the board from making a final determination before
 6 January 1, 1978, on any pending application for a
 7 reservation of water in the basin filed before January 1,
 8 1977.

9 (2) A reservation established before such application
 10 for permit is granted is a preferred use over the right to
 11 appropriate water pursuant to the permit, and the permit, if
 12 granted, shall be issued subject to that preferred use."

13 Section 2. Effective date. This act is effective on
 14 its passage and approval.

-End-

HB310

Approved by Committee
on Judiciary

HOUSE BILL NO. 310

INTRODUCED BY DAY, BENGTSON, DASSINGER
CURTISS, McLANE, SCULLY, ELLISON, NATHE,
HUENNEKENS, BRADLEY, SOUTH, HIRSCH

BY REQUEST OF

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
89-8-105, R.C.M. 1947, TO PROVIDE FOR AN EXTENSION OF THE
SUSPENSION OF ACTION ON CERTAIN APPLICATIONS FOR PERMITS TO
APPROPRIATE SURFACE WATER OR FOR CHANGES IN PURPOSE OF USE
IN THE YELLOWSTONE RIVER BASIN AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE."

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

Section 1. Section 89-8-105, R.C.M. 1947, is amended
to read as follows:

"89-8-105. Suspension of action. (1) The department
may not grant or otherwise take any action on an application
until either one of the following first occurs:

(a) ~~three--(3)--years--have--elapsed--from--the--effective
date--of--this--act--or~~ the board of natural resources and
conservation makes a final determination on the applications
for reservations of water in the basin filed before January
1, 1977, in accordance with 89-8-90;

(b) a final determination of existing rights has been
made in the source of supply in accordance with the Montana
Water Use Act; or

~~(c) January 1, 1978; provided that this date may be
extended by the board by the length of delay incurred if any
civil action is commenced which would prevent or unduly
delay the board from making a final determination before
January 1, 1978, on any pending application for a
reservation of water in the basin filed before January 1,
1977. HOWEVER, THE BOARD MAY NOT EXTEND ITS DATE BEYOND
MARCH 1, 1979.~~

(2) A reservation established before such application
for permit is granted is a preferred use over the right to
appropriate water pursuant to the permit, and the permit, if
granted, shall be issued subject to that preferred use."

Section 2. Effective date. This act is effective on
its passage and approval.

-End-

1 HOUSE BILL NO. 310
 2 INTRODUCED BY DAY, BENGTSON, DASSINGER
 3 CURTISS, McLANE, SCULLY, ELLISON, NATHE,
 4 HUENNEKENS, BRADLEY, SOUTH, HIRSCH
 5 BY REQUEST OF
 6 THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
 7
 8 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 9 89-8-105, R.C.M. 1947, TO PROVIDE FOR AN EXTENSION OF THE
 10 SUSPENSION OF ACTION ON CERTAIN APPLICATIONS FOR PERMITS TO
 11 APPROPRIATE SURFACE WATER OR FOR CHANGES IN PURPOSE OF USE
 12 IN THE YELLOWSTONE RIVER BASIN AND PROVIDING AN IMMEDIATE
 13 EFFECTIVE DATE."
 14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 16 Section 1. Section 89-8-105, R.C.M. 1947, is amended
 17 to read as follows:
 18 "89-8-105. Suspension of action. (1) The department
 19 may not grant or otherwise take any action on an application
 20 until either one of the following first occurs:
 21 (a) ~~three--(3)--years--have--elapsed--from--the--effective~~
 22 ~~date--of--this--act--or~~ the board of natural resources and
 23 conservation makes a final determination on the applications
 24 for reservations of water in the basin filed before January
 25 1, 1977, in accordance with 89-890;

1 (b) a final determination of existing rights has been
 2 made in the source of supply in accordance with the Montana
 3 Water Use Act; or
 4 (c) January 1, 1978; provided that this date may be
 5 extended by the board by the length of delay incurred if any
 6 civil action is commenced which would prevent or unduly
 7 delay the board from making a final determination before
 8 January 1, 1978, on any pending application for a
 9 reservation of water in the basin filed before January 1,
 10 1977. HOWEVER, THE BOARD MAY NOT EXTEND ITS DATE BEYOND
 11 MARCH 1, 1979.
 12 (2) A reservation established before such application
 13 for permit is granted is a preferred use over the right to
 14 appropriate water pursuant to the permit, and the permit, if
 15 granted, shall be issued subject to that preferred use."
 16 Section 2. Effective date. This act is effective on
 17 its passage and approval.

-End-

THIRD READING

1 HOUSE BILL NO. 310
 2 INTRODUCED BY DAY, BENGTSON, DASSINGER
 3 CURTISS, McLANE, SCULLY, ELLISON, NATHE,
 4 HUENNEKENS, BRADLEY, SOUTH, HIRSCH
 5 BY REQUEST OF
 6 THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
 7
 8 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 9 89-8-105, R.C.M. 1947, TO PROVIDE FOR AN EXTENSION OF THE
 10 SUSPENSION OF ACTION ON CERTAIN APPLICATIONS FOR PERMITS TO
 11 APPROPRIATE SURFACE WATER OR FOR CHANGES IN PURPOSE OF USE
 12 IN THE YELLOWSTONE RIVER BASIN AND PROVIDING AN IMMEDIATE
 13 EFFECTIVE DATE."

14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 16 Section 1. Section 89-8-105, R.C.M. 1947, is amended
 17 to read as follows:

18 "89-8-105. Suspension of action. (1) The department
 19 may not grant or otherwise take any action on an application
 20 until ~~either one~~ one of the following first occurs:

21 (a) ~~three (3) years have elapsed from the effective~~
 22 ~~date of this act, or the board of natural resources and~~
 23 ~~conservation makes a final determination on the applications~~
 24 ~~for reservations of water in the basin filed before January~~
 25 ~~1, 1977, in accordance with 89-890;~~

1 (b) a final determination of existing rights has been
 2 made in the source of supply in accordance with the Montana
 3 Water Use Act ~~of~~

4 ~~(c) January 1, 1978, provided that this date may be~~
 5 ~~extended by the board by the length of delay incurred if any~~
 6 ~~civil action is commenced which would prevent or unduly~~
 7 ~~delay the board from making a final determination before~~
 8 ~~January 1, 1978, on any pending application for a~~
 9 ~~reservation of water in the basin filed before January 1,~~
 10 ~~1977. HOWEVER, THE BOARD MAY NOT EXTEND THIS DATE BEYOND~~
 11 ~~MARCH 1, 1979 JANUARY 1, 1978.~~

12 (2) A reservation established before such application
 13 for permit is granted is a preferred use over the right to
 14 appropriate water pursuant to the permit, and the permit, if
 15 granted, shall be issued subject to that preferred use."

16 Section 2. Effective date. This act is effective on
 17 its passage and approval.

-End-

HOUSE BILL NO. 310

INTRODUCED BY DAY, BENGTSON, DASSINGER
CURTISS, McLANE, SCULLY, ELLISON, NATHE,
HUENNEKENS, BRADLEY, SOUTH, HIRSCH

BY REQUEST OF

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
89-8-105, R.C.M. 1947, TO PROVIDE FOR AN EXTENSION OF THE
SUSPENSION OF ACTION ON CERTAIN APPLICATIONS FOR PERMITS TO
APPROPRIATE SURFACE WATER OR FOR CHANGES IN PURPOSE OF USE
IN THE YELLOWSTONE RIVER BASIN AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE."

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

Section 1. Section 89-8-105, R.C.M. 1947, is amended
to read as follows:

"89-8-105. Suspension of action. (1) The department
may not grant or otherwise take any action on an application
until either one of the following first occurs:

(a) ~~three--(3)--years--have--elapsed--from--the--effective
date--of--this--act,--or--the--board--of--natural--resources--and
conservation--makes--a--final--determination--on--the--applications
for--reservations--of--water--in--the--basin--filed--before--January
1, 1977, in accordance with 89-890;~~

FINAL PRINTING

ADOPTED BY
HOUSE OF REPRESENTATIVES
AND SENATE

(b) a final determination of existing rights has been
made in the source of supply in accordance with the Montana
Water Use Act; or

~~(c) January 1, 1978; provided that this date may be
extended by the board by the length of delay incurred if any
civil action is commenced which would prevent or unduly
delay the board from making a final determination before
January 1, 1978, on any pending application for a
reservation of water in the basin filed before January 1,
1977. HOWEVER, THE BOARD MAY NOT EXTEND THIS DATE BEYOND
MARCH 1, 1979. JANUARY 1, 1978. MARCH 1, 1979. JANUARY 1,
1978; HOWEVER, IF A COURT STAYS OR ENJOINS THE CONTINUANCE
OF PROCEEDINGS ON ANY PENDING APPLICATION FOR RESERVATION OF
WATER IN THE BASIN FILED BEFORE JANUARY 1, 1977, AND SUCH
STAY OR INJUNCTION PREVENTS THE BOARD FROM MAKING A FINAL
DETERMINATION ON SUCH APPLICATION BEFORE JANUARY 1, 1978,
THE COURT SHALL EXTEND THIS DATE BY THE LENGTH OF DELAY
INCURRED. THE COURT MAY NOT EXTEND THIS DATE BEYOND JANUARY
15, 1979.~~

(2) A reservation established before such application
for permit is granted is a preferred use over the right to
appropriate water pursuant to the permit, and the permit, if
granted, shall be issued subject to that preferred use."

Section 2. Effective date. This act is effective on
its passage and approval.

-End-
-2-