

1 *Senate* BILL NO. *132*
 2 INTRODUCED BY *McDermott, Chapman, Etchart*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 89-1607, R.C.M. 1947, BY DELETING THE PROVISION WHICH
 6 PERMITS SALE BY A WATER OWNER OF WATER IN EXCESS OF HIS
 7 NEEDS; PROVIDING AN EFFECTIVE DATE."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 89-1607, R.C.M. 1947, is amended to
 11 read as follows:

12 "89-1607. Board to apportion water. The board of
 13 commissioners shall apportion the water for irrigation among
 14 the lands in the district in a just and equitable manner,
 15 and the maximum amount apportioned to any land shall be the
 16 amount that can be beneficially used on said land, and such
 17 amount of water shall become and shall be appurtenant to the
 18 land and inseparable from the same, but subject to reduction
 19 as hereinafter provided; ~~provided; however, that any water~~
 20 ~~owner of the district shall have the right to sell or assign~~
 21 ~~for one season any of the water apportioned to him, and not~~
 22 ~~required for use upon the land to which such water belongs;~~
 23 ~~provided that~~ All water, the right to the use of which is
 24 acquired by the district under any contract with the United
 25 States, shall be distributed and apportioned by the district

1 in accordance with the acts of Congress, and rules and
 2 regulations of the secretary of the interior, and the
 3 provisions of said contract in relation thereto."

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

-End-

SB 132

Approved by Committee
on Agriculture Livestock
& Irrigation

1 *Senate* BILL NO. *132*
2 INTRODUCED BY *McDade, Hayslett, Eckhart*

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25 States, shall be distributed and apportioned by the district

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3 provisions of said contract in relation thereto."
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-End-

SB 132

SENATE BILL NO. 132

INTRODUCED BY McOMBER, HAZELBAKER, ETCHART

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 89-1607, R.C.M. 1947, BY DELETING THE PROVISION WHICH PERMITS SALE BY A WATER OWNER OF WATER IN EXCESS OF HIS NEEDS; PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 89-1607, R.C.M. 1947, is amended to read as follows:

"89-1607. Board to apportion water. The board of commissioners shall apportion the water for irrigation among the lands in the district in a just and equitable manner, and the maximum amount apportioned to any land shall be the amount that can be beneficially used on said land, and such amount of water shall become and shall be appurtenant to the land and inseparable from the same, but subject to reduction as hereinafter provided; ~~provided; however, that any water owner of the district shall have the right to sell or assign for one season any of the water apportioned to him, and not required for use upon the land to which such water belongs;~~ provided that All water, the right to the use of which is acquired by the district under any contract with the United States, shall be distributed and apportioned by the district

THIRD READING

in accordance with the acts of Congress, and rules and regulations of the secretary of the interior, and the provisions of said contract in relation thereto."

SECTION 2. EXCLUSIONARY CLAUSE. THE PROHIBITION UPON SALE OR ASSIGNMENT OF WATER IN 89-1607 APPLIES ONLY TO IRRIGATION DISTRICTS ESTABLISHED UNDER TITLE 89, CHAPTER 12.

Section 3. Effective date. This act is effective on its passage and approval.

-End-

HOUSE OF REPRESENTATIVES

March 9, 1977

HOUSE COMMITTEE ON JUDICIARY AMENDMENTS TO SENATE BILL 132

1. Amend title, lines 6 and 7.

Following: "SALE"

Insert: "OR ASSIGNMENT OF EXCESS WATER"

Following: "BY"

Strike: "A WATER"

Insert: "AN"

Following: "OF WATER"

Strike: "IN EXCESS OF HIS NEEDS"

Insert: "IN AN IRRIGATION DISTRICT"

2. Amend page 2, section 2, lines 4 through 6.

Following: line 3

Strike: section 2 in its entirety

Renumber: subsequent section

AS AMENDED BE CONCURRED IN

SENATE BILL NO. 132

INTRODUCED BY MCOMBER, HAZELBAKER, ETCHART

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 89-1607, R.C.M. 1947, BY DELETING THE PROVISION WHICH PERMITS SALE OR ASSIGNMENT OF EXCESS WATER BY A WATER AN OWNER OF WATER IN EXCESS OF HIS NEEDS IN AN IRRIGATION DISTRICT; PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 89-1607, R.C.M. 1947, is amended to read as follows:

"89-1607. Board to apportion water. The board of commissioners shall apportion the water for irrigation among the lands in the district in a just and equitable manner, and the maximum amount apportioned to any land shall be the amount that can be beneficially used on said land, and such amount of water shall become and shall be appurtenant to the land and inseparable from the same, but subject to reduction as hereinafter provided; provided, however, that any water owner of the district shall have the right to sell or assign for one season any of the water apportioned to him, and not required for use upon the land to which such water belongs; provided, all, NO WATER OWNER OF THE DISTRICT MAY SELL OR ASSIGN FOR ANY LENGTH OF TIME ANY WATER APPORTIONED TO HIM,

All water, the right to the use of which is acquired by the district under any contract with the United States, shall be distributed and apportioned by the district in accordance with the acts of Congress, and rules and regulations of the secretary of the interior, and the provisions of said contract in relation thereto."

~~SECTION 2. EXCLUSIONARY CLAUSE. THE PROHIBITION UPON SALE OR ASSIGNMENT OF WATER IN 89-1607 DOES NOT APPLY TO ANY WATER USER NOT IN AN IRRIGATION DISTRICT TO WHICH TITLE 89, CHAPTER 16,2 APPLIES~~

~~SECTION 2. EXCLUSIONARY CLAUSE. THE PROHIBITION UPON SALE OR ASSIGNMENT OF WATER IN 89-1607 APPLIES ONLY TO IRRIGATION DISTRICTS ESTABLISHED UNDER TITLE 89, CHAPTER 12.~~

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

-End-