

HOUSE BILL NO. 431

INTRODUCED BY DAY, BENGTSON, RAMIREZ, SIVERTSEN, SCULLY

IN THE HOUSE

January 27, 1979	Introduced and referred to Committee on Natural Resources.
February 10, 1979	Committee recommend bill do pass as amended. Report adopted.
February 13, 1979	Printed and placed on members' desks.
February 14, 1979	Second reading, do pass. Segregated from Committee of the Whole report.
February 15, 1979	Second reading, do pass as amended.
February 17, 1979	Correctly engrossed.
February 19, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 20, 1979	Introduced and referred to Committee on Natural Resources.
March 1, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 3, 1979	Second reading, concurred in.
March 6, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 7, 1979	Returned from second house. Concurred in as amended.
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March 8, 1979

Second reading, amendments
adopted.

March 15, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

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Howe E. BILL NO. *431*
INTRODUCED BY *Don, Bongton Ramirez & Switzer*
Sully

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 85-2-502, MCA, TO PROVIDE THAT THE BOARD OF NATURAL RESOURCES AND CONSERVATION MAY REQUIRE METERS ON ONLY THOSE WELLS IN CONTROLLED GROUNDWATER AREAS."

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

Section 1. Section 85-2-502, MCA, is amended to read:
"85-2-502. Administrative rules. The board may prescribe and the department shall enforce reasonable rules concerning and providing for inspection and entry for that purpose by the department, the circumstances under which the construction of weirs or other measuring devices may be required, and such other similar matters as are required by and consistent with the administration of this part. However, the board may require meters or other measuring devices on only those wells located in controlled groundwater areas."

-End-

HB 431
INTRODUCED BILL

Approved by Committee
on Natural Resources

HOUSE BILL NO. 431

INTRODUCED BY DAY, BENGTSON, RAMIREZ, SIVERTSEN, SCULLY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 85-2-502, MCA, TO PROVIDE THAT THE BOARD OF NATURAL RESOURCES AND CONSERVATION MAY REQUIRE METERS ON ONLY THOSE CERTAIN WELLS IN CONTROLLED-GROUNDWATER-AREAS TO MODIFY THE EXCEPTIONS TO PERMIT REQUIREMENTS; AMENDING SECTIONS 85-2-306 AND 85-2-502, MCA."

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

Section 1. Section 85-2-502, MCA, is amended to read:

"85-2-502. Administrative rules. The board may prescribe and the department shall enforce reasonable rules concerning and providing for inspection and entry for that purpose by the department, the circumstances under which the construction of weirs or other measuring devices may be required, and such other similar matters as are required by and consistent with the administration of this part. ~~However, the board may require meters or other measuring devices on only those WELLS FROM WHICH OVER 100 GALLONS OF WATER A MINUTE ARE USED AND wells located in controlled groundwater areas OR AREAS PROPOSED TO BE CONTROLLED UNDER 85-2-506.~~"

SECTION 2. SECTION 85-2-306, MCA, IS AMENDED TO READ:

"85-2-306. Exceptions to permit requirements. (1) Outside the boundaries of a controlled groundwater area, a permit is not required before appropriating groundwater by means of a well with a maximum yield of ~~from which~~ less than 100 gallons a minute ~~are used~~. Within 60 days of completion of the well and appropriation of the groundwater for beneficial use, the appropriator shall file notice of completion on a form provided by the department at its offices and at the offices of the county clerk and recorders. Upon receipt of the notice, the department shall automatically issue a certificate of water right. The original of the certificate shall be sent to the county clerk and recorder in the county where the point of diversion or place of use is located for recordation. The department shall keep a copy of the certificate in its office in Helena. After recordation, the clerk and recorder shall send the certificate to the appropriator. The date of filing of the notice of completion is the date of priority of the right.

(2) A permit is not required before constructing an impoundment or pit and appropriating water for use by livestock if the maximum capacity of the impoundment or pit is less than 15 acre-feet and the appropriation is from a source other than a perennial flowing stream. As used in this subsection, a perennial flowing stream means a stream

1 which historically has flowed continuously at all seasons of
2 the year, during dry as well as wet years. However, before
3 constructing the impoundment or pit, the appropriator shall
4 apply for a permit as prescribed by this part. If the
5 department determines after processing the application that
6 the rights of other appropriators have been or will be
7 adversely affected, it may require the applicant to modify
8 the construction of the impoundment or pit and issue the
9 permit subject to such terms, conditions, restrictions, or
10 limitations it considers necessary to protect the rights of
11 other appropriators.

12 (3) A person may also appropriate water without
13 applying for or prior to receiving a permit under rules
14 adopted by the board under 85-2-113.*

-End-

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3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO AMEND SECTION~~
5 ~~85-2-502, MCA, TO PROVIDE THAT THE BOARD OF NATURAL~~
6 ~~RESOURCES AND CONSERVAION MAY REQUIRE METERS ON ONLY THOSE~~
7 ~~CERTAIN WELLS IN CONTROLLED GROUNDWATER AREAS TO MEET THE~~
8 ~~IN CONTROLLED GROUNDWATER AREAS AND PROPOSED GROUNDWATER~~
9 ~~AREAS AND WELLS WITH A MAXIMUM YIELD OF 100 GALLONS PER~~
10 ~~MINUTE OUTSIDE SUCH AREAS; AND EXCEPTIONS TO PERMIT~~
11 ~~REQUIREMENTS; AMENDING SECTIONS 85-2-306 AND 85-2-502~~
12 ~~SECTION 85-2-113, MCA."~~

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

15 Refer to Introduced Bill

16 (Strike everything after the enacting clause and insert:)

17 Section 1. Section 85-2-113, MCA, is amended to read:

18 "85-2-113. Board powers and duties. (1) The board may
19 prescribe fees or service charges for any public service
20 rendered by the department under this chapter, including
21 fees for the filing of applications or for the issuance of
22 permits and certificates. There shall be no fees for the
23 filing of declarations or for the issuance of certificates
24 of existing rights.

25 (2) The board may adopt rules necessary to implement

1 and carry out the purposes and provisions of this chapter.

2 These rules may include but are not limited to rules to:

3 (a) govern the issuance and terms of interim permits
4 authorizing an applicant for a regular permit under this
5 chapter to begin appropriating water immediately, pending
6 final approval or denial by the department of the
7 application for a regular permit;

8 (b) require the owner or operator of appropriation
9 facilities to install and maintain suitable controlling and
10 measuring devices, except that the board may not require a
11 meter on a water well outside of a controlled groundwater
12 area or proposed controlled groundwater area unless the
13 maximum yield of the well is in excess of 100 gallons a
14 minute;

15 (c) require the owner or operator of appropriation
16 facilities to report to the department the readings of
17 measuring devices at reasonable intervals and to file
18 reports on appropriations; and

19 (d) regulate the construction, use, and sealing of
20 wells to prevent the waste, contamination, or pollution of
21 groundwater.

22 (3) The board shall adopt rules providing for and
23 governing temporary emergency appropriations, without prior
24 application for a permit, necessary to protect lives or
25 property."

-End-
-2-

HB
THIRD READING 431

1 HOUSE BILL NO. 431

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3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO AMEND SECTION~~
5 ~~85-2-502, MCA,~~ TO PROVIDE THAT THE BOARD OF NATURAL
6 RESOURCES AND CONSERVATION MAY REQUIRE METERS ON ~~ONLY THOSE~~
7 ~~CERTAIN WELLS IN CONTROLLED GROUNDWATER AREAS TO MODIFY THE~~
8 IN CONTROLLED GROUNDWATER AREAS AND PROPOSED CONTROLLED
9 GROUNDWATER AREAS AND WELLS WITH A MAXIMUM YIELD IN EXCESS
10 OF 100 GALLONS PER MINUTE OUTSIDE SUCH AREAS; AND EXCEPTIONS
11 TO PERMIT REQUIREMENTS; AMENDING SECTIONS ~~85-2-306 AND~~
12 ~~85-2-502~~ SECTION 85-2-113, MCA."

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

15 Refer to Second Reading

16 (Strike everything after the enacting clause and insert:)

17 Section 1. Section 85-2-113, MCA, is amended to read:

18 "85-2-113. Board powers and duties. (1) The board may
19 prescribe fees or service charges for any public service
20 rendered by the department under this chapter, including
21 fees for the filing of applications or for the issuance of
22 permits and certificates. There shall be no fees for the
23 filing of declarations or for the issuance of certificates
24 of existing rights.

25 (2) The board may adopt rules necessary to implement

1 and carry out the purposes and provisions of this chapter.

2 These rules may include but are not limited to rules to:

3 (a) govern the issuance and terms of interim permits
4 authorizing an applicant for a regular permit under this
5 chapter to begin appropriating water immediately, pending
6 final approval or denial by the department of the
7 application for a regular permit;

8 (b) require the owner or operator of appropriation
9 facilities to install and maintain suitable controlling and
10 measuring devices, except that the board may not require a
11 meter on a water well outside of a controlled groundwater
12 area or proposed controlled groundwater area unless the
13 maximum yield of the well is in excess of 100 gallons a
14 minute;

15 (c) require the owner or operator of appropriation
16 facilities to report to the department the readings of
17 measuring devices at reasonable intervals and to file
18 reports on appropriations; and

19 (d) regulate the construction, use, and sealing of
20 wells to prevent the waste, contamination, or pollution of
21 groundwater.

22 (3) The board shall adopt rules providing for and
23 governing temporary emergency appropriations, without prior
24 application for a permit, necessary to protect lives or
25 property."

-End-

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HB 431

REFERENCE BILL

March 1, 1979

SENATE STANDING COMMITTEE REPORT
(Natural Resources)

That House Bill No. 431 be amended as follows:

1. Title, line 8.
Following: "PROPOSED"
Insert: "CONTROLLED"

2. Title, line 9.
Following: "YIELD"
Insert: "IN EXCESS"