# CHAPTER NO. \_\_\_\_\_.

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## SENATE BILL NO. 185

## INTRODUCED BY DOVER, ROSKIE, GALT

### IN THE SENATE

January 20, 1979	Introduced and referred to Committee on Public Health, Welfare, and Safety.
January 29, 1979	Rereferred to Committee on Natural Resources.
February 8, 1979	Committee recommend bill do pass as amended. Report adopted.
February 9, 1979	Printed and placed on members' desks.
February 10, 1979	Second reading, do pass.
February 12, 1979	Considered correctly engrossed.
February 13, 1979	Third reading, passed. Transmitted to second house.
IN THE P	HOUSE
February 14, 1979	Introduced and referred to Committee on Natural Resources.
March 7, 1979	Committee recommend bill be concurred in. Report adopted.
March 8, 1979	Second reading, concurred in.
March 12, 1979	Third reading, concurred in.
IN THE S	SENATE
March 13, 1979	Returned from second house.

Returned from second house. Concurred in. Sent to enrolling.

Reported correctly enrolled.

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LC 0722/01

INTRODUCED BY 1 2 3

A BILL FOR AN ACT ENTITLED: "AN ACT TO ADD "SEWAGE
EFFLUENT" TO THE DEFINITION OF WATER AS USED IN TITLE 85+
CHAPTER 2, MCA; AND AMENDING SECTION 85-2-102, MCA."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 85-2-102, MCA, is amended to read: 10 #85-2-102. Definitions. Unless the context requires 11 otherwise, in this chapter the following definitions apply: 12 (1) "Appropriate" means to divert, impound, or 13 withdraw (including by stock for stock water) a quantity of 14 water or, in the case of a public agency, to reserve water 15 in accordance with 85-2-316.

16 (2) "Beneficial use" means a use of water for the 17 benefit of the appropriator, other persons, or the public, 18 including but not limited to agricultural (including stock 19 water), domestic, fish and wildlife, industrial, irrigation, 20 mining, municipal, power, and recreational uses. A use of 21 water for slurry to export coal from Montana is not a 22 beneficial use. Slurry is a mixture of water and insoluble 23 matter.

(3) "Board" means the board of natural resources and
 conservation provided for in 2-15-3302.

1 (4) "Certificate" means the certificate of water right 2 issued by the department under 85-2-210, subsections (1) and 3 (2) of 85-2-306, and 85-2-315.

4 (5) "Declaration" means the declaration of an existing
5 right filed with the department under 85-2-203.

6 (6) "Department" means the department of natural
7 resources and conservation provided for in Title 2, chapter
a 15, part 33.

9 (7) "Existing right" means a right to the use of water 10 which would be protected under the law as it existed prior 11 to July 1, 1973.

12 (8) "Groundwater" means any water beneath the land 13 surface or beneath the bed of a stream, lake, reservoir, or 14 other body of surface water, and which is not a part of that 15 surface water.

16 (9) "Permit" means the permit to appropriate issued by
17 the department under 85-2-301 through 85-2-303 and 85-2-306
18 through 35-2-314.

19 {10} "Person" means an individual, association,
20 partnership, corporation, state agency, political
21 subdivision, the United States or any agency thereof, or any
22 other entity.

(11) "Political subdivision" means any county.
incorporated city or town, public corporation, or district
created pursuant to state law or other public body of the

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state empowered to appropriate water but not a private 1 corporation, association, or group. 2 (12) "Waste" means the unreasonable loss of water 3 through the design or negligent operation of an 4 appropriation or water distribution facility or the 5 application of water to anything but a beneficial use. 6 (13) "Water" means all water of the state, surface and 7 8 subsurface, regardless of its character or manner of

water<u>. and sewage effluent</u>. (14) "Well" means any artificial opening or excavation 11 12 in the ground, however made, by which groundwater is sought or can be obtained or through which it flows under natural 13 14 pressures or is artificially withdrawn."

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occurrence, including geothermal waters and diffuse surface

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SB 0185/02

#### Approved by Committee on <u>Natural Resources</u>

2	INTRODUCED BY DOVER, ROSKIE, GALT
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO ADD "SEWAGE
5	EFFLUENT" TO THE DEFINITION OF WATER AS USED IN TITLE 85.
6	CHAPTER 2+ MCA; AND AMENDING SECTION 85-2-102+ MCA+"
т	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	Section 1. Section 85-2-102, MCA, is amended to read:
10	#85-2-102. Definitions. Unless the context requires
11	otherwise, in this chapter the following definitions apply:
12	(1) "Appropriate" means to diverty impoundy or
13	withdraw (including by stock for stock water) a quantity of
14	water or, in the case of a public agency, to reserve water
15	in accordance with 85-2-316.
16	(2) "Beneficial use" means a use of water for the
17	benefit of the appropriator, other persons, or the public,
18	including but not limited to agricultural (including stock
19	water), domestic, fish and wildlife, industrial, irrigation,
20	mining, municipal, power, and recreational uses. A use of
21	water for slurry to export coal from Montana is not a
22	beneficial use. Slurry is a mixture of water and insoluble
23	matter.

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(3) "Board" means the board of natural resources and
conservation provided for in 2-15-3302.

1	(4) "Certificate" means the certificate of water right
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2	issued by the department under 85-2-210+ subsections (1) and
3	(2) of 85-2-306; and 85-2-315.
4	(5) "Declaration" means the declaration of an existing
5	right filed with the department under 85-2-203.
6	(6) "Department" means the department of natural
7	resources and conservation provided for in Title 2+ chapter
8	15, part 33.
9	(7) "Existing right" means a right to the use of water
10	which would be protected under the law as it existed prior
11	to July 1+ 1973.
12	(8) "Groundwater" means any water beneath the land
13	surface or beneath the bed of a stream, lake, reservoir, or
14	other body of surface water, and which is not a part of that
15	surface water.
16	(9) "Permit" means the permit to appropriate issued by
17	the department under 85-2-301 through 85-2-303 and 85-2-306
18	through 85-2-314.
19	(10) "Person" means an individual, association,
20	partnership, corporation, state agency, political
21	subdivision, the United States or any agency thereof, or any
22	other entity.
23	(11) "Political subdivision" means any county.
24	incorporated city or town+ public corporation+ or district
25	created pursuant to state law or other public body of the

1 state empowered to appropriate water but not a private z corporation, association, or group. 3 (12) "Waste" means the unreasonable loss of water 4 through the design or negligent operation of an 5 appropriation or water distribution facility or the 6 application of water to anything but a beneficial use. (13) "Water" means all water of the state, surface and 7 subsurface, regardless of its character or manner of 8 9 occurrence, including BUI\_NOI\_LIMITED\_TO\_geothermal\_waters 10 end diffuse surface waters and sewage effluent. 11 (14) "Well" means any artificial opening or excavation 12 in the ground, however made, by which groundwater is sought 13 or can be obtained or through which it flows under natural 14 pressures or is artificially withdrawn."

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1	SENATE BILL NO. 185	1	(4) "Certificate" means the certificate of water right
2	INTRODUCED BY DOVER, ROSKIE, GALT	2	issued by the department under 85-2-210+ subsections (1) and
3		3	(2) of 85-2-306+ and 85-2-315+
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO ADD "SEWAGE	4	(5) "Declaration" means the declaration of an existing
5	EFFLUENT" TO THE DEFINITION OF WATER AS USED IN TITLE 85,	5	right filed with the department under 85-2-203.
6	CHAPTER 2. MCA; AND AMENDING SECTION 85-2-102. MCA."	6	(6) "Department" means the department of natural
7		7	resources and conservation provided for in Title 2. chapter
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	8	15• part 33•
9	Section 1. Section 85-2-102, MCA, is amended to read:	9	, (7) "Existing right" means a right to the use of water
10	#85-2-102。 Definitions。 Unless the context requires	10	which would be protected under the law as it existed prior
11	otherwise, in this chapter the following definitions apply:	11	to July 1, 1973.
12	(1) "Appropriate" means to diverty impoundy or	12	(8) "Groundwater" means any water beneath the land
13	withdraw (including by stock for stock water) a quantity of	13	surface or beneath the bed of a stream, lake, reservoir, or
14	water or, in the case of a public agency, to reserve water	14	other body of surface water, and which is not a part of that
15	in accordance with 85-2-316.	15	surface water.
16	(2) "Beneficial use" means a use of water for the	16	(9) "Permit" means the permit to appropriate issued by
17	benefit of the appropriator, other persons, or the public,	17	the department under 85-2-301 through 85-2-303 and 85-2-306
18	including but not limited to agricultural (including stock	18	through 85-2-314.
19	water), domestic, fish and wildlife, industrial, irrigation,	19	(10) "Person" means an individual, association,
20	mining, municipal, power, and recreational uses. A use of	20	partnership, corporation, state agency, political
21	water for slurry to export coal from Montana is not a	21	subdivision, the United States or any agency thereof, or any
22	beneficial use. Slurry is a mixture of water and insoluble	22	other entity.
23	matter.	23	{11} "Political subdivision" means any county.
24	(3) "Board" means the board of natural resources and	24	incorporated city or town+ public corporation+ or district
25	conservation provided for in 2-15-3302.	25	created pursuant to state law or other public body of the

-2- SB 185 THIRD READING

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1 state empowered to appropriate water but not a private corporation, association, or group. 2 (12) "Waste" means the unreasonable loss of water 3 through the design or negligent operation of 4 an appropriation or water distribution facility or the 5 application of water to anything but a beneficial use. 6 7 (13) "Water" means all water of the state, surface and 8 subsurface, regardless of its character or manner of occurrence, including <u>BUT\_NOT\_LINITED\_TO</u> geothermal waters 9 end diffuse surface waters and sewage effluent. 10 (14) "Well" means any artificial opening or excavation 11 in the ground, however made, by which groundwater is sought 12 13 or can be obtained or through which it flows under natural

14 pressures or is artificially withdrawn."

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SB 0185/03

1	SENATE BILL ND. 185	1	(4) "Certificate" means the certificate of water right
	INTRODUCED BY DOVER, ROSKIF, GALT	2	issued by the department under 85-2-210, subsections (1) and
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3			
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5	EFFLUENT® TO THE DEFINITION OF WATER AS USED IN TITLE 85.	5	right filed with the department under 85-2-203.
6	CHAPTER 2, MCA; AND AMENDING SECTION 85-2-102, MCA."	6	(6) "Department" means the department of natural
7		7	resources and conservation provided for in Title 2+ chapter
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	8	15+ part 33.
9	Section 1. Section 85-2-102, MCA, is amended to read:	9	(7) "Existing right" means a right to the use of water
10	#85-2-102. Definitions. Unless the context requires	10	which would be protected under the law as it existed prior
11	otherwise, in this chapter the following definitions apply:	11	to July 1, 1973.
12	(1) "Appropriate" means to divert. impound, or	12	(8) "Groundwater" means any water beneath the land
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14	water or, in the case of a public agency, to reserve water	14	other body of surface water, and which is not a part of that
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18	including but not limited to agricultural (including stock	18	through 85-2-314.
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20	mining, municipal, power, and recreational uses. A use of	20	partnership, corporation, state agency, political
21	water for slurry to export coal from Montana is not a	21	subdivision, the United States or any agency thereof, or any
22	beneficial use. Slurry is a mixture of water and insoluble	22	other entity.
23	matter.	23	(11) "Political subdivision" means any county.
24	(3) "Board" means the board of natural resources and	24	incorporated city or town+ public corporation+ or district
25	conservation provided for in 2-15-3302.	25	created pursuant to state law or other public body of the
			-2- SB 185
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14 pressures or is artificially withdrawn."

-End-

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