

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 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 SENATE

March 13, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 *Spate* BILL NO. 185
 2 INTRODUCED BY *Spate*
 3 *Rodie Holt*

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."

7
 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.

24 (3) "Board" means the board of natural resources and
 25 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
 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
2 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.

7 (13) "Water" means all water of the state, surface and
8 subsurface, regardless of its character or manner of
9 occurrence, including geothermal water, and diffuse surface
10 water, 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."

-End-

Approved by Committee
on Natural Resources

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