

CHAPTER NO. 631

SENATE BILL NO. 524

INTRODUCED BY BLAYLOCK, JERGESON, STEPHENS, GRAHAM,
DUSSAULT, B. BROWN, KOLSTAD, HAZELBAKER, E. SMITH,
TOWE, REGAN, FASBENDER, CONOVER, NORMAN, MATHERS,
RASMUSSEN, THIESSEN, WATT, RYAN, PALMER, HAGER,
HIMSL, THOMAS, HEALY, M. ANDERSON, IVERSON,
SEVERSON, HAFFERMAN, R. SMITH, PETERSON,
BOYLAN, S. BROWN, STIMATZ, LENSINK,
CONROY, LOCKREM, VAN VALKENBURG,
O'HARA, McCALLUM, DOZIER,
WALDRON, FABREGA, HOLMES

IN THE SENATE

April 9, 1979 By motion and consent,
Senate Bill 524 allowed to
be introduced and considered
this session.

April 11, 1979 Introduced and referred to
Committee on Agriculture,
Livestock, and Irrigation.

April 17, 1979 Committee recommend bill do
pass as amended. Report
adopted.

 On motion rules suspended.
Bill referred to second
reading for consideration
this day.

 Second reading, do pass
as amended.

 On motion rules suspended.
Bill placed on Calendar
for third reading this day.

 Third reading, passed.
Transmitted to second house.

IN THE HOUSE

April 18, 1979 On motion rules suspended
and bill allowed to be
accepted, introduced and
considered this session.

April 18, 1979

Introduced and referred to
Committee on Water.

April 19, 1979

Committee recommend bill be
concurrent in. Report adopted.

On motion rules suspended and
bill placed on second reading
this day.

Second reading, concurred in.

Third reading, concurred in.

IN THE SENATE

April 20, 1979

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

Reported correctly enrolled.

1 INTRODUCTION BY *Bob Brown* BILL NO. *524*
 2 *Blaylock Jerguson STEPHENS*
 3 *Wolstead Hilliker E. Smith Tows* *Robbender Conover*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO RESTRICT AND *Alan*
 5 REGULATE THE APPROPRIATION AND SALE OF GROUND WATER IN *Rasmussen*
 6 MONTANA; AMENDING SECTIONS 69-3-101 AND 85-1-101, MCA; AND *Watt*
 7 PROVIDING AN IMMEDIATE EFFECTIVE DATE." *Timothy*
 8 *Mike Anderson Juwerson Samson* *Ryan*
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: *Hoffman*
 10 Section 1. Section 85-1-101, MCA, is amended to read: *S. Smith*
 11 "85-1-101. Policy considerations. It is hereby *Conroy*
 12 declared as follows: *Conroy*
 13 (1) The general welfare of the people of Montana, in *O'Hara*
 14 view of the state's population growth and expanding economy, *McBride*
 15 requires that water resources of the state be put to optimum *Dyer*
 16 beneficial use and not wasted. *Hoyt*
 17 (2) The public policy of the state is to promote the *Klusman*
 18 conservation, development, and beneficial use of the state's
 19 water resources to secure maximum economic and social
 20 prosperity for its citizens.
 21 (3) The state, in the exercise of its sovereign power,
 22 acting through the department of natural resources and
 23 conservation, shall coordinate the development and use of
 24 the water resources of the state so as to effect full
 25 utilization, conservation, and protection of its water

1 resources.
 2 (4) The development and utilization of water resources
 3 and the efficient, economic distribution thereof are vital
 4 to the people in order to protect existing uses and to
 5 assure adequate future supplies for domestic, industrial,
 6 agricultural, and other beneficial uses.
 7 (5) The water resources of the state must be protected
 8 and conserved to assure adequate supplies for public
 9 recreational purposes and for the conservation of wildlife
 10 and aquatic life.
 11 (6) The public interest requires the construction,
 12 operation, and maintenance of a system of works for the
 13 conservation, development, storage, distribution, and
 14 utilization of water, which construction, operation, and
 15 maintenance is a single object and is in all respects for
 16 the welfare and benefit of the people of the state.
 17 (7) It is necessary to coordinate local, state, and
 18 federal water resource development and utilization plans and
 19 projects through a single agency of state government, the
 20 department of natural resources and conservation.
 21 (8) The greatest economic benefit to the people of
 22 Montana can be secured only by the sound coordination of
 23 development and utilization of water resources with the
 24 development and utilization of all other resources of the
 25 state.

1 ~~(9) Any attempt to gain control of or speculate on~~
 2 ~~large quantities of the water of the state of Montana is not~~
 3 ~~in the interest of the people and is to be restricted.~~

4 (9)(10) To achieve these objectives and to protect the
 5 waters of Montana from diversion to other areas of the
 6 nation, it is essential that a comprehensive, coordinated
 7 multiple-use water resource plan be progressively
 8 formulated, to be known as the "state water plan."

9 **NEW SECTION.** Section 2. Limitation on appropriation
 10 of ground water. (1) After [the effective date of this act]
 11 no application for a permit to appropriate ground water in
 12 excess of either 5 c.f.s. or 3,000 acre feet per year may be
 13 granted, except pursuant to an act of the legislature
 14 permitting the specific appropriation.

15 (2) Subsection (1) applies to any permit to
 16 appropriate ground water for which application has been made
 17 but which has not been granted as of the effective date of
 18 this act.

19 (3) This section does not apply to appropriations by
 20 municipalities for municipal use.

21 Section 3. Section 69-3-101, MCA, is amended to read:

22 "69-3-101. Meaning of term public utility. The term
 23 "public utility", within the meaning of this chapter, shall
 24 embrace every corporation, both public and private, company,
 25 individual, association of individuals, their lessees,

1 trustees, or receivers appointed by any court whatsoever,
 2 that now or hereafter may own, operate, or control any plant
 3 or equipment, or any part of a plant or equipment, or any
 4 water right within the state for the production, delivery,
 5 or furnishing for or to other persons, firms, associations,
 6 or corporations, private or municipal:

7 (1) heat;

8 (2) street-railway service;

9 (3) light;

10 (4) power in any form or by any agency;

11 (5) water for business, manufacturing, household use,
 12 or sewerage service, whether within the limits of
 13 municipalities, towns, and villages or elsewhere;

14 (6) telegraph or telephone service."

15 **NEW SECTION.** Section 4. Penalty. Any person,
 16 association, corporation, or other entity that applies for a
 17 permit to appropriate ground water, singularly or
 18 collectively, for the purpose of circumventing [section 2]
 19 is punishable by a fine not exceeding \$5,000.

20 Section 5. Effective date. This act is effective on
 21 passage and approval.

-End-

Approved by Committee
on Agriculture Livestock
& Irrigation

SENATE BILL NO. 524

INTRODUCED BY BLAYLOCK, JERGSON, STEPHENS, GRAHAM,
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CONROY, LOCKREM, VAN VALKENBURG,

O'HARA, McCALLUM, DOZIER,

WALDRON, FABREGA, HOLMES

A BILL FOR AN ACT ENTITLED: "AN ACT TO RESTRICT AND
REGULATE THE APPROPRIATION AND SALE OF GROUND WATER IN
MONTANA; AMENDING SECTIONS 69-3-101 AND 85-1-101, MCA; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 85-1-101, MCA, is amended to read:

"85-1-101. Policy considerations. It is hereby
declared as follows:

(1) The general welfare of the people of Montana, in
view of the state's population growth and expanding economy,
requires that water resources of the state be put to optimum
beneficial use and not wasted.

(2) The public policy of the state is to promote the

conservation, development, and beneficial use of the state's
water resources to secure maximum economic and social
prosperity for its citizens.

(3) The state, in the exercise of its sovereign power,
acting through the department of natural resources and
conservation, shall coordinate the development and use of
the water resources of the state so as to effect full
utilization, conservation, and protection of its water
resources.

(4) The development and utilization of water resources
and the efficient, economic distribution thereof are vital
to the people in order to protect existing uses and to
assure adequate future supplies for domestic, industrial,
agricultural, and other beneficial uses.

(5) The water resources of the state must be protected
and conserved to assure adequate supplies for public
recreational purposes and for the conservation of wildlife
and aquatic life.

(6) The public interest requires the construction,
operation, and maintenance of a system of works for the
conservation, development, storage, distribution, and
utilization of water, which construction, operation, and
maintenance is a single object and is in all respects for
the welfare and benefit of the people of the state.

(7) It is necessary to coordinate local, state, and

1 federal water resource development and utilization plans and
2 projects through a single agency of state government, the
3 department of natural resources and conservation.

4 (8) The greatest economic benefit to the people of
5 Montana can be secured only by the sound coordination of
6 development and utilization of water resources with the
7 development and utilization of all other resources of the
8 state.

9 ~~(9) Any attempt to gain control of or speculate on~~
10 ~~large quantities of the GROUND water of the state of Montana~~
11 ~~is not in the interest of the people and is to be~~
12 ~~restricted.~~

13 ~~(9)(10)~~ To achieve these objectives and to protect the
14 waters of Montana from diversion to other areas of the
15 nation, it is essential that a comprehensive, coordinated
16 multiple-use water resource plan be progressively
17 formulated, to be known as the "state water plan."

18 **NEW SECTION.** Section 2. Limitation on appropriation
19 of ground water. (1) After [the effective date of this act]
20 no application for a permit to appropriate ground water in
21 excess of ~~either 5 cfs or~~ 3,000 acre feet per year may be
22 granted, except pursuant to an act of the legislature
23 permitting the specific appropriation.

24 (2) Subsection (1) applies to any permit to
25 appropriate ground water for which application has been made

1 but which has not been granted as of the effective date of
2 this act.

3 (3) This section does not apply to appropriations by
4 municipalities for municipal use.

5 Section 3. Section 69-3-101, MCA, is amended to read:
6 "69-3-101. Meaning of term public utility. The term
7 "public utility", within the meaning of this chapter, shall
8 embrace every corporation, both public and private, company,
9 individual, association of individuals, their lessees,
10 trustees, or receivers appointed by any court whatsoever,
11 that now or hereafter may own, operate, or control any plant
12 or equipment, or any part of a plant or equipment, or any
13 water right within the state for the production, delivery,
14 or furnishing for or to other persons, firms, associations,
15 or corporations, private or municipal:

- 16 (1) heat;
- 17 (2) street-railway service;
- 18 (3) light;
- 19 (4) power in any form or by any agency;
- 20 (5) water for business, manufacturing, household use,
21 or sewerage service, whether within the limits of
22 municipalities, towns, and villages or elsewhere;
- 23 (6) telegraph or telephone service."

24 **NEW SECTION.** Section 4. Penalty. Any person,
25 association, corporation, or other entity that applies for a

SB 0524/02

1 permit to appropriate ground water, singularly or
2 collectively, for the purpose of circumventing [section 2]
3 is punishable by a fine not exceeding \$5,000.

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

-End-

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 13 REGULATE THE APPROPRIATION AND SALE OF GROUND WATER IN
 14 MONTANA; AMENDING SECTIONS 69-3-101 AND 85-1-101, MCA; AND
 15 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 Section 1. Section 85-1-101, MCA, is amended to read:

19 "85-1-101. Policy considerations. It is hereby
 20 declared as follows:

21 (1) The general welfare of the people of Montana, in
 22 view of the state's population growth and expanding economy,
 23 requires that water resources of the state be put to optimum
 24 beneficial use and not wasted.

25 (2) The public policy of the state is to promote the

1 conservation, development, and beneficial use of the state's
 2 water resources to secure maximum economic and social
 3 prosperity for its citizens.

4 (3) The state, in the exercise of its sovereign power,
 5 acting through the department of natural resources and
 6 conservation, shall coordinate the development and use of
 7 the water resources of the state so as to effect full
 8 utilization, conservation, and protection of its water
 9 resources.

10 (4) The development and utilization of water resources
 11 and the efficient, economic distribution thereof are vital
 12 to the people in order to protect existing uses and to
 13 assure adequate future supplies for domestic, industrial,
 14 agricultural, and other beneficial uses.

15 (5) The water resources of the state must be protected
 16 and conserved to assure adequate supplies for public
 17 recreational purposes and for the conservation of wildlife
 18 and aquatic life.

19 (6) The public interest requires the construction,
 20 operation, and maintenance of a system of works for the
 21 conservation, development, storage, distribution, and
 22 utilization of water, which construction, operation, and
 23 maintenance is a single object and is in all respects for
 24 the welfare and benefit of the people of the state.

25 (7) It is necessary to coordinate local, state, and

1 federal water resource development and utilization plans and
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10 large quantities of the GROUND water of the state of Montana
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13 ~~(9)(10)~~ To achieve these objectives and to protect the
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25 appropriate ground water for which application has been made

1 but which has not been granted as of the effective date of
2 this act.

3 (3) This section does not apply to appropriations by
4 municipalities for municipal use OR TO APPROPRIATIONS FOR
5 PUBLIC WATER SUPPLIES AS DEFINED IN SECTION 75-4-102, MCA;
6 OR TO APPROPRIATIONS FOR THE IRRIGATION OF CROPLAND OWNED
7 AND OPERATED BY THE APPLICANT.

8 Section 3. Section 69-3-101, MCA, is amended to read:
9 "69-3-101. Meaning of term public utility. The term
10 "public utility", within the meaning of this chapter, shall
11 embrace every corporation, both public and private, company,
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15 or equipment, or any part of a plant or equipment, or any
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