

Senate Bill 108

In The Senate

January 13, 1981

Introduced and referred
to Committee on Agriculture,
Livestock and Irrigation.

Fiscal note requested.

January 19, 1981

Fiscal note returned.

January 21, 1981

Committee recommend bill
do not pass.

1 *Senate* BILL NO. *108*
 2 INTRODUCED BY *Stuy*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
 5 APPLICATION OF THE FILING FEE FOR A STATEMENT OF CLAIM FOR
 6 AN EXISTING WATER RIGHT BY SPECIFICALLY INCLUDING MULTIPLE
 7 USES; AMENDING SECTION 85-2-224, MCA."

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

10 Section 1. Section 85-2-224, MCA, is amended to read:

11 "85-2-224. Statement of claim. (1) The statement of
 12 claim for each right shall include substantially the
 13 following:

14 (a) the name and mailing address of the claimant;

15 (b) the name of the watercourse or water source from
 16 which the right to divert or make use of water is claimed,
 17 if available;

18 (c) the quantities of water and times of use claimed;

19 (d) the legal description, with reasonable certainty,
 20 of the point or points of diversion and places of use of
 21 waters;

22 (e) the purpose or purposes of use, including, if for
 23 irrigation, the number of acres irrigated;

24 (f) the approximate dates of first putting water to
 25 beneficial use for the various amounts and times claimed in

1 subsection (c); and

2 (g) the sworn statement that the claim set forth is
 3 true and correct to the best of claimant's knowledge and
 4 belief.

5 ~~(2) A claim for a right may include several and~~
 6 ~~separate uses of water if the uses have in common:~~

7 ~~(a) source;~~

8 ~~(b) point of diversion; and~~

9 ~~(c) date of appropriation.~~

10 ~~(2)(3)~~ The claimant shall submit maps, plats, aerial
 11 photographs, decrees, or pertinent portions thereof, or
 12 other evidence in support of his claim. All maps, plats, or
 13 aerial photographs should show as nearly as possible to
 14 scale the point of diversion, place of use, place of
 15 storage, and other pertinent conveyance facilities."

-End-

STATE OF MONTANA

REQUEST NO. 93-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 14, , 19 81 , there is hereby submitted a Fiscal Note for Senate Bill 108 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation:

Senate Bill 108 amends Section 85-2-224, M.C.A., to provide for the application of the filing fee for a statement of claim for an existing water right by specifically including multiple uses.

Assumptions:

There will be 300,000 claims received during the entire filing period. Of these, 225,000 will be received during FY 1982. No claims will be filed beyond the current deadline of January 1, 1982.

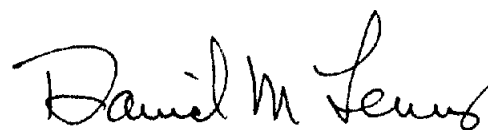
If the proposed legislation is retroactive to the beginning of the claim filing period, the total reduction in expected revenue will be approximately \$3,780,000. This figure reflects \$2,520,000 lost in FY 1982 and an estimated \$1,260,000 reduction in expected revenue for FY 1981.

Public re-education will be necessary. Claim forms will need to be redesigned, printed and distributed. Refunds totaling \$100,000 will be made on already filed claims.

Revenue and Expenditure Impact:

Revenue*	<u>FY 82</u>	<u>FY 83</u>
Estimated filing fees under current law	\$6,300,000	0
Estimated filing fees under proposed law	<u>3,780,000</u>	<u>0</u>
Decrease in fees revenue	<u>2,520,000</u>	<u>0</u>

*If the proposed law were made retroactive to the beginning of the claim filing period, it would result in an estimated \$1,260,000 reduction in FY 81 revenue.



BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 1-19-81