

HOUSE BILL NO. 859
INTRODUCED BY RAMIREZ, HAND

IN THE HOUSE

February 16, 1985	Introduced and referred to Committee on Natural Resources.
February 25, 1985	Committee recommend bill do pass as amended. Report adopted. Bill printed and placed on members' desks.
February 26, 1985	Second reading, do pass. Considered correctly engrossed.
February 27, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 6, 1985	Introduced and referred to Committee on Natural Resources.
March 26, 1985	Committee recommend bill be concurred in as amended. Report adopted.
March 29, 1985	Second reading, concurred in.
March 30, 1985	Third reading, concurred in. Ayes, 49; Noes, 0. Returned to House with amendments.

IN THE HOUSE

March 30, 1985

Received from Senate.

April 8, 1985

Second reading, amendments
concurrent in.

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

Third reading, amendments
concurrent in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 859
2 INTRODUCED BY Ramsey Hand
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW IN CERTAIN
5 CASES THE TRANSFER OF RESPONSIBILITY FOR THE CONDUCT OF
6 HEARINGS FOR WATER APPROPRIATION PERMITS FROM THE DEPARTMENT
7 OF NATURAL RESOURCES TO A DISTRICT COURT; AMENDING SECTIONS
8 3-7-101, 3-7-223, 3-7-224, 3-7-501, 3-7-502, 85-2-309, AND
9 85-2-402, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 3-7-101, MCA, is amended to read:
13 "3-7-101. Water divisions. To adjudicate existing
14 water rights and to conduct hearings in cases certified
15 under 85-2-309, water divisions are established as defined
16 in 3-7-102. A water division shall be presided over by a
17 water judge."

18 Section 2. Section 3-7-223, MCA, is amended to read:
19 "3-7-223. Duties of the chief water judge. The chief
20 water judge shall:

21 (1) administer the adjudication of existing water
22 rights by:

23 (1)(a) coordinate coordinating with the department of
24 natural resources and conservation in compiling information
25 submitted on water claim forms under Title 85, chapter 2,

1 part 2, to assure that the information is expeditiously and
2 properly compiled and transferred to the water judge in each
3 water division;

4 (2)(b) assure assuring that the water judge in each
5 water division moves without unreasonable delay to enter the
6 required preliminary decree;

7 (3)(c) assure assuring that any contested or
8 conflicting claims are tried and adjudicated as
9 expeditiously as possible;

10 (2) administer hearings in cases certified to the
11 district court under 85-2-309;

12 (4)(3) assign court personnel to divisions and duties
13 as needed; and

14 (5)(4) request and secure the transfer of water judges
15 between divisions as needed."

16 Section 3. Section 3-7-224, MCA, is amended to read:

17 "3-7-224. Jurisdiction of chief water judge. (1) The
18 chief water judge may, at the discretion of the chief
19 justice of the Montana supreme court, also serve as water
20 judge for one of the water divisions.

21 (2) The chief water judge has jurisdiction over cases
22 certified to the district court under 85-2-309 and all
23 matters relating to the determination of existing water
24 rights within the boundaries of the state of Montana.

25 (3) With regard to the determination-of-existing-water

1 rights consideration of a matter within his jurisdiction,
 2 the chief water judge has the same powers as a district
 3 judge. He may issue such orders, on the motion of an
 4 interested party or on his own motion, as may reasonably be
 5 required to allow him to fulfill his responsibilities."

6 Section 4. Section 3-7-501, MCA, is amended to read:

7 "3-7-501. Jurisdiction. (1) The jurisdiction of each
 8 judicial district concerning the determination and
 9 interpretation of cases certified to the court under
 10 85-2-309 concerning existing water rights is exercised
 11 exclusively by it through the water division or water
 12 divisions that contain the judicial district wholly or
 13 partly.

14 (2) No water judge may preside over matters concerning
 15 the determination and interpretation of cases certified to
 16 the court under 85-2-309 or of existing water rights beyond
 17 the boundaries specified in 3-7-102 for his division except
 18 as provided in 3-7-201 and 3-7-213.

19 (3) The water judge for each division shall exercise
 20 jurisdiction over all matters concerning cases certified to
 21 the court under 85-2-309 concerning the determination and
 22 interpretation of existing water rights within his division
 23 as specified in 3-7-102 that are considered filed in or
 24 transferred to a judicial district wholly or partly within
 25 the division."

1 Section 5. Section 3-7-502, MCA, is amended to read:

2 "3-7-502. Jurisdictional disputes. Whenever a question
 3 arises concerning which water judge shall preside over
 4 adjudication of a matter concerning a case certified to the
 5 court under 85-2-309 or the determination and interpretation
 6 of existing water rights, the question shall be settled by
 7 the water judges involved."

8 Section 6. Section 85-2-309, MCA, is amended to read:

9 "85-2-309. Hearings on objections -- jurisdiction. (1)
 10 If the department determines that an objection to an
 11 application for a permit or change approval under 85-2-402
 12 states a valid objection ~~to the issuance of the permit~~, it
 13 shall hold a public hearing on the objection within 60 days
 14 from the date set by the department for the filing of
 15 objections, after serving notice of the hearing by certified
 16 mail upon the applicant and the objector, unless the
 17 department certifies an issue to the district court for
 18 determination by a water judge under subsection (2). The
 19 department may consolidate hearings if more than one
 20 objection is filed to an application. The department shall
 21 file in its records proof of the service by affidavit of the
 22 department.

23 (2) (a) Upon request of a party, at any time prior to
 24 commencement and before the conclusion of a hearing as
 25 provided in subsection (1), the department shall certify to

1 the district court all factual and legal issues involving
 2 the adjudication or determination of the water rights of the
 3 parties to the hearing, including but not limited to issues
 4 of abandonment, quantification, or relative priority dates.
 5 If the department fails to certify an issue as provided in
 6 this section after a timely request by a party to the
 7 hearing, the department shall include its denial to certify
 8 as part of the record of the hearing.

9 (b) Upon determination of the issues certified to it
 10 by the department, the court shall remand the matter to the
 11 department for further processing of the application under
 12 this chapter.

13 (3) Subsection (2) does not apply in the case of a
 14 matter considered at a hearing under this section pursuant
 15 to 85-2-316 or 85-2-322."

16 Section 7. Section 85-2-402, MCA, is amended to read:

17 "85-2-402. Changes in appropriation rights. (1) An
 18 appropriator may not change the place of diversion, place of
 19 use, purpose of use, or place of storage except as permitted
 20 under this section and approved by the department.

21 (2) The department shall approve the proposed change
 22 if it determines that the proposed change will not adversely
 23 affect the rights of other persons. If the department
 24 determines that the proposed change might adversely affect
 25 the rights of other persons, notice of the proposed change

1 shall be given in accordance with 85-2-307. If the
 2 department determines that an objection filed by a person
 3 whose rights may be affected states a valid objection to the
 4 proposed change, the department shall hold a hearing thereon
 5 prior to its approval or denial of the proposed change.
 6 Objections shall meet the requirements of 85-2-308(2), and
 7 hearings shall be held in accordance with 85-2-309.

8 (3) An appropriator of more than 15 cubic feet per
 9 second may not change the purpose of use of an appropriation
 10 right from an agricultural or irrigation use to an
 11 industrial use.

12 (4) The department may approve a change subject to
 13 such terms, conditions, restrictions, and limitations it
 14 considers necessary to protect the rights of other
 15 appropriators, including limitations on the time for
 16 completion of the change.

17 (5) If a change is not completed as approved by the
 18 department or if the terms, conditions, restrictions, and
 19 limitations of the change approval are not complied with,
 20 the department may, after notice and opportunity for
 21 hearing, require the appropriator to show cause why the
 22 change approval should not be modified or revoked. If the
 23 appropriator fails to show sufficient cause, the department
 24 may modify or revoke the change approval.

25 (6) Without obtaining prior approval from the

1 department, an appropriator may not sever all or any part of
2 an appropriation right from the land to which it is
3 appurtenant, sell the appropriation right for other purposes
4 or to other lands, or make the appropriation right
5 appurtenant to other lands. The department shall approve the
6 proposed change if it determines that the proposed change
7 will not adversely affect the water rights of other persons.
8 If the department determines that the proposed change might
9 adversely affect the water rights of other persons, notice
10 of the proposed change must be given in accordance with
11 85-2-307. If the department then determines that an
12 objection filed by a person whose water rights may be
13 affected states a valid objection to the proposed change,
14 the department shall hold a hearing thereon prior to its
15 approval or denial of the proposed change. Objections must
16 meet the requirements of 85-2-308, and hearings must be held
17 or the matter certified to the district court in accordance
18 with 85-2-309.

19 (7) The original of a change approval issued by the
20 department must be sent to the applicant, and a duplicate
21 must be kept in the office of the department in Helena.

22 (8) A person holding an issued permit or change
23 approval that has not been perfected may change the place of
24 diversion, place of use, purpose of use, or place of storage
25 by filing an application for change pursuant to this

1 section."

-End-

APPROVED BY COMM. ON
NATURAL RESOURCES

HOUSE BILL NO. 859

INTRODUCED BY RAMIREZ, HAND

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW IN CERTAIN CASES THE TRANSFER OF RESPONSIBILITY FOR THE CONDUCT OF HEARINGS FOR WATER APPROPRIATION PERMITS FROM THE DEPARTMENT OF NATURAL RESOURCES TO A DISTRICT COURT; AMENDING SECTIONS 3-7-101, 3-7-223, 3-7-224, 3-7-501, 3-7-502, AND 85-2-309, AND ~~85-2-402~~ MCA; AND PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 3-7-101, MCA, is amended to read:

"3-7-101. Water divisions. To adjudicate existing water rights and to conduct hearings in cases certified under 85-2-309, water divisions are established as defined in 3-7-102. A water division shall be presided over by a water judge."

Section 2. Section 3-7-223, MCA, is amended to read:

"3-7-223. Duties of the chief water judge. The chief water judge shall:

(1) administer the adjudication of existing water rights by:

(a) coordinate coordinating with the department of natural resources and conservation in compiling information

submitted on water claim forms under Title 85, chapter 2, part 2, to assure that the information is expeditiously and properly compiled and transferred to the water judge in each water division;

(b) assure assuring that the water judge in each water division moves without unreasonable delay to enter the required preliminary decree;

(c) assure assuring that any contested or conflicting claims are tried and adjudicated as expeditiously as possible;

(2) administer CONDUCT hearings in cases certified to the district court under 85-2-309;

(3) assign court personnel to divisions and duties as needed; and

(4) request and secure the transfer of water judges between divisions as needed."

Section 3. Section 3-7-224, MCA, is amended to read:

"3-7-224. Jurisdiction of chief water judge. (1) The chief water judge may, at the discretion of the chief justice of the Montana supreme court, also serve as water judge for one of the water divisions.

(2) The chief water judge has jurisdiction over cases certified to the district court under 85-2-309 and all matters relating to the determination of existing water rights within the boundaries of the state of Montana.

1 (3) With regard to the determination-of-existing-water
 2 rights consideration of a matter within his jurisdiction,
 3 the chief water judge has the same powers as a district
 4 judge. He may issue such orders, on the motion of an
 5 interested party or on his own motion, as may reasonably be
 6 required to allow him to fulfill his responsibilities
 7 INCLUDING, BUT NOT LIMITED TO, REQUIRING THE JOINDER OF
 8 PERSONS NOT PARTIES TO THE ADMINISTRATIVE HEARING BEING
 9 CONDUCTED BY THE DEPARTMENT PURSUANT TO 85-2-309 OR 85-2-402
 10 AS DEEMED NECESSARY TO RESOLVE ANY FACTUAL OR LEGAL ISSUE
 11 CERTIFIED PURSUANT TO 85-2-309(2)."

12 Section 4. Section 3-7-501, MCA, is amended to read:

13 "3-7-501. Jurisdiction. (1) The jurisdiction of each
 14 judicial district concerning the determination and
 15 interpretation of cases certified to the court under
 16 85-2-309 concerning OR OF existing water rights is exercised
 17 exclusively by it through the water division or water
 18 divisions that contain the judicial district wholly or
 19 partly.

20 (2) No water judge may preside over matters concerning
 21 the determination and interpretation of cases certified to
 22 the court under 85-2-309 or of existing water rights beyond
 23 the boundaries specified in 3-7-102 for his division except
 24 as provided in 3-7-201 and 3-7-213.

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1 jurisdiction over all matters concerning cases certified to
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1 objection is filed to an application. The department shall
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 8 the adjudication or determination of the water rights of the
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 10 limited to issues of abandonment, quantification, or
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 12 an issue as provided in this section after a timely request
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 14 denial to certify as part of the record of the hearing.

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 25 ~~use, purpose of use, or place of storage except as permitted~~

1 ~~under this section and approved by the department;~~

2 ~~(2) The department shall approve the proposed change~~
 3 ~~if it determines that the proposed change will not adversely~~
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 8 ~~department determines that an objection filed by a person~~
 9 ~~whose rights may be affected states a valid objection to the~~
 10 ~~proposed change, the department shall hold a hearing thereon~~
 11 ~~prior to its approval or denial of the proposed change.~~
 12 ~~Objections shall meet the requirements of 85-2-308(2), and~~
 13 ~~hearings shall be held in accordance with 85-2-309.~~

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 4 approval that has not been perfected may change the place of
 5 diversion, place of use, purpose of use, or place of storage
 6 by filing an application for change pursuant to this
 7 section."

8 NEW SECTION. SECTION 7. APPLICABILITY. THIS ACT
 9 APPLIES TO ALL PERMIT APPLICATIONS AND CHANGES IN
 10 APPROPRIATION RIGHT APPLICATIONS FILED AND PENDING WITH THE
 11 DEPARTMENT ON THE EFFECTIVE DATE OF THIS ACT AND UPON WHICH
 12 A PROPOSAL FOR A DECISION HAS NOT BEEN ISSUED BY THE
 13 DEPARTMENT.

14 NEW SECTION. SECTION 8. EFFECTIVE DATE. THIS ACT IS
 15 EFFECTIVE ON PASSAGE AND APPROVAL.

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-End-

SENATE

STANDING COMMITTEE REPORT

MARCH 26 19 85

MR. PRESIDENT

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE BILL No. 859

THIRD reading copy (BLUE) (FULLER) color

ALLOWS TRANSFER OF CERTAIN WATER USE PERMIT CASES TO THE DISTRICT COURT

Respectfully report as follows: That HOUSE BILL No. 859

be amended as follows:

- 1. Page 5, line 6. Following: "department" Strike: "shall" Insert: "may in its discretion"

AND, AS AMENDED BE CONCURRED IN

XXXXXX

XXXXXXXXXX

Handwritten signature of Dorothy Eck, SENATOR DOROTHY ECK Chairman.

1 HOUSE BILL NO. 859

2 INTRODUCED BY RAMIREZ, HAND

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW IN CERTAIN
5 CASES THE TRANSFER OF RESPONSIBILITY FOR THE CONDUCT OF
6 HEARINGS FOR WATER APPROPRIATION PERMITS FROM THE DEPARTMENT
7 OF NATURAL RESOURCES TO A DISTRICT COURT; AMENDING SECTIONS
8 3-7-101, 3-7-223, 3-7-224, 3-7-501, 3-7-502, AND 85-2-309,
9 AND-85-2-402, MCA; AND PROVIDING AN APPLICABILITY DATE AND
10 AN IMMEDIATE EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 3-7-101, MCA, is amended to read:

14 "3-7-101. Water divisions. To adjudicate existing
15 water rights and to conduct hearings in cases certified
16 under 85-2-309, water divisions are established as defined
17 in 3-7-102. A water division shall be presided over by a
18 water judge."

19 Section 2. Section 3-7-223, MCA, is amended to read:

20 "3-7-223. Duties of the chief water judge. The chief
21 water judge shall:

22 (1) administer the adjudication of existing water
23 rights by:

24 (1)(a) coordinate coordinating with the department of
25 natural resources and conservation in compiling information

1 submitted on water claim forms under Title 85, chapter 2,
2 part 2, to assure that the information is expeditiously and
3 properly compiled and transferred to the water judge in each
4 water division;

5 (2)(b) assure assuring that the water judge in each
6 water division moves without unreasonable delay to enter the
7 required preliminary decree;

8 (3)(c) assure assuring that any contested or
9 conflicting claims are tried and adjudicated as
10 expeditiously as possible;

11 (2) administer CONDUCT hearings in cases certified to
12 the district court under 85-2-309;

13 (4)(3) assign court personnel to divisions and duties
14 as needed; and

15 (5)(4) request and secure the transfer of water judges
16 between divisions as needed."

17 Section 3. Section 3-7-224, MCA, is amended to read:

18 "3-7-224. Jurisdiction of chief water judge. (1) The
19 chief water judge may, at the discretion of the chief
20 justice of the Montana supreme court, also serve as water
21 judge for one of the water divisions.

22 (2) The chief water judge has jurisdiction over cases
23 certified to the district court under 85-2-309 and all
24 matters relating to the determination of existing water
25 rights within the boundaries of the state of Montana.

1 (3) With regard to the determination-of-existing-water
 2 rights consideration of a matter within his jurisdiction,
 3 the chief water judge has the same powers as a district
 4 judge. He may issue such orders, on the motion of an
 5 interested party or on his own motion, as may reasonably be
 6 required to allow him to fulfill his responsibilities
 7 INCLUDING, BUT NOT LIMITED TO, REQUIRING THE JOINDER OF
 8 PERSONS NOT PARTIES TO THE ADMINISTRATIVE HEARING BEING
 9 CONDUCTED BY THE DEPARTMENT PURSUANT TO 85-2-309 OR 85-2-402
 10 AS DEEMED NECESSARY TO RESOLVE ANY FACTUAL OR LEGAL ISSUE
 11 CERTIFIED PURSUANT TO 85-2-309(2)."

12 Section 4. Section 3-7-501, MCA, is amended to read:

13 "3-7-501. Jurisdiction. (1) The jurisdiction of each
 14 judicial district concerning the determination and
 15 interpretation of cases certified to the court under
 16 85-2-309 concerning OR OF existing water rights is exercised
 17 exclusively by it through the water division or water
 18 divisions that contain the judicial district wholly or
 19 partly.

20 (2) No water judge may preside over matters concerning
 21 the determination and interpretation of cases certified to
 22 the court under 85-2-309 or of existing water rights beyond
 23 the boundaries specified in 3-7-102 for his division except
 24 as provided in 3-7-201 and 3-7-213.

25 (3) The water judge for each division shall exercise

1 jurisdiction over all matters concerning cases certified to
 2 the court under 85-2-309 OR concerning the determination and
 3 interpretation of existing water rights within his division
 4 as specified in 3-7-102 that are considered filed in or
 5 transferred to a judicial district wholly or partly within
 6 the division."

7 Section 5. Section 3-7-502, MCA, is amended to read:

8 "3-7-502. Jurisdictional disputes. Whenever a question
 9 arises concerning which water judge shall preside over
 10 adjudication of a matter concerning a case certified to the
 11 court under 85-2-309 or the determination and interpretation
 12 of existing water rights, the question shall be settled by
 13 the water judges involved."

14 Section 6. Section 85-2-309, MCA, is amended to read:

15 "85-2-309. Hearings on objections -- jurisdiction. (1)
 16 If the department determines that an objection to an
 17 application for a permit or change approval under 85-2-402
 18 states a valid objection ~~to the issuance of the permit,~~ it
 19 shall hold a public hearing on the objection within 60 days
 20 from the date set by the department for the filing of
 21 objections, after serving notice of the hearing by certified
 22 mail upon the applicant and the objector, unless the
 23 department certifies an issue to the district court for
 24 determination by a water judge under subsection (2). The
 25 department may consolidate hearings if more than one

1 objection is filed to an application. The department shall
2 file in its records proof of the service by affidavit of the
3 department.

4 (2) (a) Upon request of a party, at AT any time prior
5 to commencement and OR before the conclusion of a hearing as
6 provided in subsection (1), the department shall MAY IN ITS
7 DISCRETION certify to the district court all factual and
8 legal issues involving the adjudication or determination of
9 the water rights of the parties to AT ISSUE IN the hearing,
10 including but not limited to issues of abandonment,
11 quantification, or relative priority dates. If the
12 department fails to certify an issue as provided in this
13 section after a timely request by a party to the hearing,
14 the department shall include its denial to certify as part
15 of the record of the hearing.

16 (b) Upon determination of the issues certified to it
17 by the department, the court shall remand the matter to the
18 department for further processing of the application under
19 this chapter.

20 (3) Subsection (2) does not apply in the case of a
21 matter considered at a hearing under this section pursuant
22 to 85-2-316 or 85-2-322."

23 ~~Section 7. Section 85-2-402, MCA, is amended to read:~~

24 ~~"85-2-402. Changes in appropriation rights. (1) An~~
25 ~~appropriator may not change the place of diversion, place of~~

1 ~~use, purpose of use, or place of storage except as permitted~~
2 ~~under this section and approved by the department.~~

3 ~~(2) The department shall approve the proposed change~~
4 ~~if it determines that the proposed change will not adversely~~
5 ~~affect the rights of other persons. If the department~~
6 ~~determines that the proposed change might adversely affect~~
7 ~~the rights of other persons, notice of the proposed change~~
8 ~~shall be given in accordance with 85-2-307. If the~~
9 ~~department determines that an objection filed by a person~~
10 ~~whose rights may be affected states a valid objection to the~~
11 ~~proposed change, the department shall hold a hearing thereon~~
12 ~~prior to its approval or denial of the proposed change.~~
13 ~~Objections shall meet the requirements of 85-2-308(2), and~~
14 ~~hearings shall be held in accordance with 85-2-309.~~

15 ~~(3) An appropriator of more than 15 cubic feet per~~
16 ~~second may not change the purpose of use of an appropriation~~
17 ~~right from an agricultural or irrigation use to an~~
18 ~~industrial use.~~

19 ~~(4) The department may approve a change subject to~~
20 ~~such terms, conditions, restrictions, and limitations it~~
21 ~~considers necessary to protect the rights of other~~
22 ~~appropriators, including limitations on the time for~~
23 ~~completion of the change.~~

24 ~~(5) If a change is not completed as approved by the~~
25 ~~department or if the terms, conditions, restrictions, and~~

1 limitations of the change approval are not complied with,
 2 the department may, after notice and opportunity for
 3 hearing, require the appropriator to show cause why the
 4 change approval should not be modified or revoked. If the
 5 appropriator fails to show sufficient cause, the department
 6 may modify or revoke the change approval.

7 (6) Without obtaining prior approval from the
 8 department, an appropriator may not sever all or any part of
 9 an appropriation right from the land to which it is
 10 appurtenant, sell the appropriation right for other purposes
 11 or to other lands, or make the appropriation right
 12 appurtenant to other lands. The department shall approve the
 13 proposed change if it determines that the proposed change
 14 will not adversely affect the water rights of other persons.
 15 If the department determines that the proposed change might
 16 adversely affect the water rights of other persons, notice
 17 of the proposed change must be given in accordance with
 18 85-2-307. If the department then determines that an
 19 objection filed by a person whose water rights may be
 20 affected states a valid objection to the proposed change,
 21 the department shall hold a hearing thereon prior to its
 22 approval or denial of the proposed change. Objections must
 23 meet the requirements of 85-2-308, and hearings must be held
 24 ~~or the matter certified to the district court in accordance~~
 25 with 85-2-309.

1 (7) The original of a change approval issued by the
 2 department must be sent to the applicant, and a duplicate
 3 must be kept in the office of the department in Helena.

4 (8) A person holding an issued permit or change
 5 approval that has not been perfected may change the place of
 6 diversion, place of use, purpose of use, or place of storage
 7 by filing an application for change pursuant to this
 8 section.

9 NEW SECTION. SECTION 7. APPLICABILITY. THIS ACT
 10 APPLIES TO ALL PERMIT APPLICATIONS AND CHANGES IN
 11 APPROPRIATION RIGHT APPLICATIONS FILED AND PENDING WITH THE
 12 DEPARTMENT ON THE EFFECTIVE DATE OF THIS ACT AND UPON WHICH
 13 A PROPOSAL FOR A DECISION HAS NOT BEEN ISSUED BY THE
 14 DEPARTMENT.

15 NEW SECTION. SECTION 8. EFFECTIVE DATE. THIS ACT IS
 16 EFFECTIVE ON PASSAGE AND APPROVAL.

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