

SENATE BILL NO. 365

INTRODUCED BY ECK, HOLLIDAY, GALT, IVERSON

BY REQUEST OF THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION

IN THE SENATE

February 9, 1985	Introduced and referred to Committee on Natural Resources.
February 22, 1985	Committee recommend bill do pass as amended. Report adopted.
February 23, 1985	Bill printed and placed on members' desks.
February 25, 1985	Second reading, do pass.
February 26, 1985	Considered correctly engrossed.
February 27, 1985	Third reading, passed. Ayes, 48; Noes, 2.
	Transmitted to House.

IN THE HOUSE

March 7, 1985	Introduced and referred to Committee on Natural Resources.
March 14, 1985	Committee recommend bill be concurred in. Report adopted.
March 16, 1985	Second reading, concurred in.
March 19, 1985	Third reading, concurred in. Returned to Senate.

IN THE SENATE

March 19, 1985

Received from House.

Sent to enrolling.

Reported correctly enrolled.

1 *Spade* BILL NO. *365*
 2 INTRODUCED BY *Rep. [Signature]*
 3 BY REQUEST OF THE DEPARTMENT OF
 4 NATURAL RESOURCES AND CONSERVATION

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT ADDING TO THE FACTS
 7 THAT MAY BE ALLEGED TO SEEK DESIGNATION OR MODIFICATION OF A
 8 CONTROLLED GROUND WATER AREA; AMENDING SECTION 85-2-506,
 9 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

12 Section 1. Section 85-2-506, MCA, is amended to read:

13 "85-2-506. Controlled groundwater areas -- designation
 14 or modification. (1) The board may designate or modify
 15 controlled groundwater areas as provided in this part.

16 (2) Designation or modification of an area of
 17 controlled groundwater use may be proposed to the board by
 18 the department on its own motion or by petition signed by at
 19 least 20 or one-fourth of the users (whichever is the lesser
 20 number) of groundwater in a groundwater area wherein there
 21 are alleged to be facts showing:

22 (a) that groundwater withdrawals are in excess of
 23 recharge to the aquifer or aquifers within such groundwater
 24 area;

25 (b) that excessive groundwater withdrawals are very

1 likely to occur in the near future because of consistent and
 2 significant increases in withdrawals from within the
 3 groundwater area;

4 (c) that significant disputes regarding priority of
 5 rights, amounts of groundwater in use by appropriators, or
 6 priority of type of use are in progress within the
 7 groundwater area; or

8 (d) that groundwater levels or pressures in the area
 9 in question are declining or have declined excessively; or

10 (e) that excessive groundwater withdrawals would cause
 11 contaminant migration and a degradation of groundwater
 12 quality within the groundwater area.

13 (3) When such a proposal is thus made, the board shall
 14 fix a time and place for a hearing, which time shall not be
 15 less than 90 days from the making of the proposal. The place
 16 for the hearing shall be within or as close as practical to
 17 the controlled groundwater area.

18 (4) The department shall publish a notice of the
 19 hearing, setting forth therein:

20 (a) the names of the petitioners;

21 (b) the description by legal subdivisions (section,
 22 township, range) of all lands included in or proposed to be
 23 included in the groundwater area or subarea;

24 (c) the purpose of the hearing; and

25 (d) the time and place of the hearing where any



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 SB 365

1 interested person may appear, either in person or by
 2 attorney, file written objections to the granting of the
 3 proposal, and be fully heard.

4 (5) Such notice of hearing shall be published at least
 5 once in each week for 3 successive weeks not less than 30
 6 days before the date of the hearing in a newspaper of
 7 general circulation in the county or counties in which the
 8 groundwater area or subarea is located. The department shall
 9 also cause a copy of the notice, together with a copy of the
 10 petition, to be served by mail, not less than 30 days before
 11 the hearing, upon each well driller licensed in Montana
 12 whose address is within any county in which any part of the
 13 area in question is located; upon each person or public
 14 agency known from an examination of the records in the
 15 department's office to be a claimant or appropriator of
 16 groundwater in the area in question (claimant or
 17 appropriator meaning one who diverts, impounds, or withdraws
 18 groundwater and not merely one who uses or obtains
 19 groundwater from another who diverts, impounds, or withdraws
 20 groundwater); upon the bureau; and upon the mayor or
 21 chairman of the governing body of each incorporated
 22 municipality located in whole or in part within the proposed
 23 groundwater area. The department may also serve notice upon
 24 any other person or state or federal agency that the
 25 department feels may be interested in or affected by the

1 proposed designation or modification of a controlled
 2 groundwater area. The petition need not be served on any
 3 petitioner. A copy of the notice, together with a copy of
 4 the proposal, shall be mailed to each person at his
 5 last-known address, and such service shall be complete upon
 6 depositing it in the post office, postage prepaid, addressed
 7 to each person on whom it is to be served. Publication and
 8 mailing of such notice as prescribed herein, when completed,
 9 shall be deemed to be sufficient notice of such hearing to
 10 all interested persons."

11 NEW SECTION. Section 2. Extension of authority. Any
 12 existing authority of the board of natural resources and
 13 conservation to make rules on the subject of the provisions
 14 of this act is extended to the provisions of this act.

15 NEW SECTION. Section 3. Effective date. This act is
 16 effective on passage and approval.

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APPROVED BY COMM. ON
NATURAL RESOURCES

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