

HB 770 INTRODUCED BY MEYERS, ET AL.  
AUTHORIZES COMPACT COMMISSION TO NEGOTIATE WITH  
OTHER GOVERNMENT ENTITIES

2/14 INTRODUCED  
2/14 REFERRED TO NATURAL RESOURCES  
2/16 FISCAL NOTE REQUESTED  
2/18 HEARING  
2/20 TABLED IN COMMITTEE  
2/21 FISCAL NOTE RECEIVED

1 House BILL NO. 770  
 2 INTRODUCED BY W. Douglas, Mark P. Raymond & Stephen  
 3 Raymond, Holliday, Mayell, Ramirez

4 A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE AUTHORITY  
 5 OF THE RESERVED WATER RIGHTS COMPACT COMMISSION TO NEGOTIATE  
 6 WITH OTHER MONTANA GOVERNMENT ENTITIES, INCLUDING POLITICAL  
 7 SUBDIVISIONS AND PUBLIC CORPORATIONS, THAT REPRESENT PERSONS  
 8 CLAIMING RESERVED WATER RIGHTS; AUTHORIZING ORGANIZATIONS  
 9 FORMED PURSUANT TO TITLE 85, CHAPTER 7, PART 16, TO  
 10 NEGOTIATE FOR RESERVED WATER RIGHTS; AND AMENDING SECTIONS  
 11 85-2-703 AND 85-7-1612, MCA."

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

14 Section 1. Section 85-2-703, MCA, is amended to read:  
 15 "85-2-703. Negotiation with federal government and  
 16 other government entities. The compact commission may also  
 17 enter into separate negotiations with the federal government  
 18 and other Montana governmental entities, including political  
 19 subdivisions and public corporations or their operating  
 20 agents that have the authority and power to represent their  
 21 constituents or members in regard to non-Indian reserved  
 22 water rights and those rights that have been approved by the  
 23 United States secretary of the interior or originate from  
 24 federal reserved water rights, for the conclusion of  
 25 compacts concerning the equitable division and apportionment

1 of water between the state, and as representative of its  
 2 people, and the federal government claiming, as claimant of  
 3 non-Indian reserved waters within the state, and between the  
 4 state and other Montana governmental entities that represent  
 5 persons claiming non-Indian reserved water rights or  
 6 claiming rights that originate from federal reserved waters  
 7 within the state. The terms and conditions of such  
 8 negotiations shall be the same as provided in this section  
 9 for negotiations with Indian tribes."

10 Section 2. Section 85-7-1612, MCA, is amended to read:

11 "85-7-1612. Board of control -- powers and duties. (1)  
 12 The board of control established under and by virtue of this  
 13 part shall be the operating agent of the contracting  
 14 districts for the operation and maintenance of irrigation  
 15 and/or drainage works and the delivery of water therefrom.

16 (2) The board shall make and execute all necessary  
 17 contracts; employ and appoint such agents, officers, and  
 18 employees as may be required; and prescribe their duties.

19 (3) The board shall have the authority and power to  
 20 institute and maintain any and all actions and proceedings  
 21 and suits at law or in equity, necessary or proper in order  
 22 to fully carry out the provisions of this chapter or to  
 23 enforce, maintain, protect, or preserve any and all rights,  
 24 privileges, and immunities created by this part or acquired  
 25 in pursuance thereof. In all courts, suits, or proceedings,



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1 the board may sue, appear, and defend in person or by its  
2 attorneys and in the name of such board of control.

3 (4) The board may adopt rules and bylaws governing the  
4 calling and holding of meetings of the board; the manner of  
5 transacting business thereat; and the publishing or posting  
6 of the orders, resolutions, and proceedings of the board. It  
7 shall be the duty of the board to pass or adopt bylaws and  
8 rules for the apportionment and distribution of water to the  
9 lands of the contracting districts and for the protection  
10 and preservation of the works and other property of the  
11 districts. All orders and resolutions shall be passed or  
12 adopted by a majority of the members of the board of control  
13 by a "yea" and "nay" vote, to be entered upon the records of  
14 the board.

15 (5) The board of control shall have the authority and  
16 power to represent the irrigation districts and their  
17 individual members in regard to non-Indian reserved water  
18 rights and those rights that have been approved by the  
19 United States secretary of the interior or originate from  
20 federal reserved waters.

21 ~~(5)~~(6) The board of control shall have power generally  
22 to do and perform all other acts as shall be necessary or  
23 appropriate to fully carry out the purposes of this part."

-End-