

SENATE BILL NO. 183

INTRODUCED BY ABRAMS

BY REQUEST OF THE DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION

IN THE SENATE

JANUARY 18, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION.
	FIRST READING.
JANUARY 26, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 27, 1989	PRINTING REPORT.
JANUARY 28, 1989	SECOND READING, DO PASS.
JANUARY 30, 1989	ENGROSSING REPORT.
JANUARY 31, 1989	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 31, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
FEBRUARY 20, 1989	FIRST READING.
MARCH 7, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 8, 1989	SECOND READING, CONCURRED IN.
MARCH 9, 1989	THIRD READING, CONCURRED IN. AYES, 90; NOES, 3.
	RETURNED TO SENATE.

MARCH 10, 1989

IN THE SENATE

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 183
2 INTRODUCED BY C. Brown
3 BY REQUEST OF THE DEPARTMENT OF NATURAL
4 RESOURCES AND CONSERVATION

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING THE LITTLE
7 MISSOURI RIVER BASIN IN THE WATER RESERVATION PROCESS;
8 ESTABLISHING A JULY 1, 1989, PRIORITY DATE FOR RESERVATIONS
9 IN THE LITTLE MISSOURI RIVER BASIN; ESTABLISHING A JULY 1,
10 1992, DEADLINE FOR RESERVATION DETERMINATIONS IN THE
11 MISSOURI RIVER BASIN ABOVE FORT PECK DAM AND A DECEMBER 31,
12 1993, DEADLINE FOR RESERVATION DETERMINATIONS IN THE LITTLE
13 MISSOURI RIVER BASIN; AMENDING SECTION 85-2-331, MCA; AND
14 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 **Section 1.** Section 85-2-331, MCA, is amended to read:

18 "85-2-331. Reservations within Missouri River basin
19 and Little Missouri River basin. (1) The state or any agency
20 or political subdivision thereof or the United States or any
21 agency thereof that desires to apply for a reservation of
22 water in the Missouri River basin or in the Little Missouri
23 River basin shall file an application pursuant to 85-2-316
24 no later than:

25 (a) July 1, 1989, except--that--applications for

1 reservation of water below above Fort Peck dam; ~~must--be~~
2 ~~filed-no-later-than~~ or

3 (b) July 1, 1991, for reservation of water below Fort
4 Peck dam and in the Little Missouri River basin.

5 (2) Subject to legislative appropriation, the
6 department shall provide technical and financial assistance
7 to other state agencies and political subdivisions in
8 applying for reservations within the Missouri River basin
9 and the Little Missouri River basin.

10 (3) (a) Before ~~December-31-1991~~ July 1, 1992, the
11 board shall make a final determination in accordance with
12 85-2-316 on all applications filed before July 1, 1989, for
13 reservations of water in the Missouri River basin above Fort
14 Peck dam.

15 (b) Before December 31, 1993, the board shall make a
16 final determination in accordance with 85-2-316 on all
17 applications filed before July 1, 1991, for reservations of
18 water in the Missouri River basin below Fort Peck dam and in
19 the Little Missouri River basin.

20 (c) The board shall determine which applications or
21 portions of applications are considered to be above or below
22 Fort Peck dam.

23 (4) Water reservations approved by the board under
24 this section have a priority date of July 1, 1985, in the
25 Missouri River basin and a priority date of July 1, 1989, in

LC 0225/01

1 the Little Missouri River basin. If the department issues a
2 permit under Title 85, chapter 2, part 3, prior to the
3 granting of a reservation under this section, the board may
4 subordinate the reservation to the permit if it finds that
5 the subordination does not interfere substantially with the
6 purpose of any reservation. The board shall by order
7 establish the relative priority of applications approved
8 under this section."

9 NEW SECTION. **Section 2.** Extension of authority. Any
10 existing authority to make rules on the subject of the
11 provisions of [this act] is extended to the provisions of
12 [this act].

13 NEW SECTION. **Section 3.** Effective date. [This act] is
14 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
AND IRRIGATION

1 *Senate* BILL NO. 183
2 INTRODUCED BY *Brannan*
3 BY REQUEST OF THE DEPARTMENT OF NATURAL
4 RESOURCES AND CONSERVATION
5
6 A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING THE LITTLE
7 MISSOURI RIVER BASIN IN THE WATER RESERVATION PROCESS;
8 ESTABLISHING A JULY 1, 1989, PRIORITY DATE FOR RESERVATIONS
9 IN THE LITTLE MISSOURI RIVER BASIN; ESTABLISHING A JULY 1,
10 1992, DEADLINE FOR RESERVATION DETERMINATIONS IN THE
11 MISSOURI RIVER BASIN ABOVE FORT PECK DAM AND A DECEMBER 31,
12 1993, DEADLINE FOR RESERVATION DETERMINATIONS IN THE LITTLE
13 MISSOURI RIVER BASIN; AMENDING SECTION 85-2-331, MCA; AND
14 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
17 **Section 1.** Section 85-2-331, MCA, is amended to read:
18 "85-2-331. Reservations within Missouri River basin
19 and Little Missouri River basin. (1) The state or any agency
20 or political subdivision thereof or the United States or any
21 agency thereof that desires to apply for a reservation of
22 water in the Missouri River basin or in the Little Missouri
23 River basin shall file an application pursuant to 85-2-316
24 no later than:
25 (a) July 1, 1989, except--that--applications for

1 reservation of water ~~below~~ above Fort Peck dam; ~~must--be~~
2 ~~filed-no-later-than~~ or
3 (b) July 1, 1991, for reservation of water below Fort
4 Peck dam and in the Little Missouri River basin.
5 (2) Subject to legislative appropriation, the
6 department shall provide technical and financial assistance
7 to other state agencies and political subdivisions in
8 applying for reservations within the Missouri River basin
9 and the Little Missouri River basin.
10 (3) (a) Before ~~December-31, 1991~~ July 1, 1992, the
11 board shall make a final determination in accordance with
12 85-2-316 on all applications filed before July 1, 1989, for
13 reservations of water in the Missouri River basin above Fort
14 Peck dam.
15 (b) Before December 31, 1993, the board shall make a
16 final determination in accordance with 85-2-316 on all
17 applications filed before July 1, 1991, for reservations of
18 water in the Missouri River basin below Fort Peck dam and in
19 the Little Missouri River basin.
20 (c) The board shall determine which applications or
21 portions of applications are considered to be above or below
22 Fort Peck dam.
23 (4) Water reservations approved by the board under
24 this section have a priority date of July 1, 1985, in the
25 Missouri River basin and a priority date of July 1, 1989, in

LC 0225/01

1 the Little Missouri River basin. If the department issues a
2 permit under Title 85, chapter 2, part 3, prior to the
3 granting of a reservation under this section, the board may
4 subordinate the reservation to the permit if it finds that
5 the subordination does not interfere substantially with the
6 purpose of any reservation. The board shall by order
7 establish the relative priority of applications approved
8 under this section."

9 NEW SECTION. Section 2. Extension of authority. Any
10 existing authority to make rules on the subject of the
11 provisions of [this act] is extended to the provisions of
12 [this act].

13 NEW SECTION. Section 3. Effective date. [This act] is
14 effective on passage and approval.

-End-

1 Sen. 183 BILL NO. 183
2 INTRODUCED BY Chapman
3 BY REQUEST OF THE DEPARTMENT OF NATURAL
4 RESOURCES AND CONSERVATION
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6 A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING THE LITTLE
7 MISSOURI RIVER BASIN IN THE WATER RESERVATION PROCESS;
8 ESTABLISHING A JULY 1, 1989, PRIORITY DATE FOR RESERVATIONS
9 IN THE LITTLE MISSOURI RIVER BASIN; ESTABLISHING A JULY 1,
10 1992, DEADLINE FOR RESERVATION DETERMINATIONS IN THE
11 MISSOURI RIVER BASIN ABOVE FORT PECK DAM AND A DECEMBER 31,
12 1993, DEADLINE FOR RESERVATION DETERMINATIONS IN THE LITTLE
13 MISSOURI RIVER BASIN; AMENDING SECTION 85-2-331, MCA; AND
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20 or political subdivision thereof or the United States or any
21 agency thereof that desires to apply for a reservation of
22 water in the Missouri River basin or in the Little Missouri
23 River basin shall file an application pursuant to 85-2-316
24 no later than:
25 (a) July 1, 1989, except--that--applications for

1 reservation of water below above Fort Peck dam; ~~must--be~~
2 ~~filed--no-later-than~~ or
3 (b) July 1, 1991, for reservation of water below Fort
4 Peck dam and in the Little Missouri River basin.
5 (2) Subject to legislative appropriation, the
6 department shall provide technical and financial assistance
7 to other state agencies and political subdivisions in
8 applying for reservations within the Missouri River basin
9 and the Little Missouri River basin.
10 (3) (a) Before ~~December 31, 1991~~ July 1, 1992, the
11 board shall make a final determination in accordance with
12 85-2-316 on all applications filed before July 1, 1989, for
13 reservations of water in the Missouri River basin above Fort
14 Peck dam.
15 (b) Before December 31, 1993, the board shall make a
16 final determination in accordance with 85-2-316 on all
17 applications filed before July 1, 1991, for reservations of
18 water in the Missouri River basin below Fort Peck dam and in
19 the Little Missouri River basin.
20 (c) The board shall determine which applications or
21 portions of applications are considered to be above or below
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24 this section have a priority date of July 1, 1985, in the
25 Missouri River basin and a priority date of July 1, 1989, in

LC 0225/01

1 the Little Missouri River basin. If the department issues a
2 permit under Title 85, chapter 2, part 3, prior to the
3 granting of a reservation under this section, the board may
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BY REQUEST OF THE DEPARTMENT OF NATURAL

RESOURCES AND CONSERVATION

A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING THE LITTLE MISSOURI RIVER BASIN IN THE WATER RESERVATION PROCESS; ESTABLISHING A JULY 1, 1989, PRIORITY DATE FOR RESERVATIONS IN THE LITTLE MISSOURI RIVER BASIN; ESTABLISHING A JULY 1, 1992, DEADLINE FOR RESERVATION DETERMINATIONS IN THE MISSOURI RIVER BASIN ABOVE FORT PECK DAM AND A DECEMBER 31, 1993, DEADLINE FOR RESERVATION DETERMINATIONS IN THE LITTLE MISSOURI RIVER BASIN; AMENDING SECTION 85-2-331, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 85-2-331, MCA, is amended to read:

"85-2-331. Reservations within Missouri River basin and Little Missouri River basin. (1) The state or any agency or political subdivision thereof or the United States or any agency thereof that desires to apply for a reservation of water in the Missouri River basin or in the Little Missouri River basin shall file an application pursuant to 85-2-316 no later than:

(a) July 1, 1989, except--that--applications for

reservation of water below above Fort Peck dam; ~~must--be~~
~~filed-no-later-than or~~

(b) July 1, 1991, for reservation of water below Fort Peck dam and in the Little Missouri River basin.

(2) Subject to legislative appropriation, the department shall provide technical and financial assistance to other state agencies and political subdivisions in applying for reservations within the Missouri River basin and the Little Missouri River basin.

(3) (a) Before ~~December-31-1991~~ July 1, 1992, the board shall make a final determination in accordance with 85-2-316 on all applications filed before July 1, 1989, for reservations of water in the Missouri River basin above Fort Peck dam.

(b) Before December 31, 1993, the board shall make a final determination in accordance with 85-2-316 on all applications filed before July 1, 1991, for reservations of water in the Missouri River basin below Fort Peck dam and in the Little Missouri River basin.

(c) The board shall determine which applications or portions of applications are considered to be above or below Fort Peck dam.

(4) Water reservations approved by the board under this section have a priority date of July 1, 1985, in the Missouri River basin and a priority date of July 1, 1989, in

1 the Little Missouri River basin. If the department issues a
2 permit under Title 85, chapter 2, part 3, prior to the
3 granting of a reservation under this section, the board may
4 subordinate the reservation to the permit if it finds that
5 the subordination does not interfere substantially with the
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