

HOUSE OF REPRESENTATIVES  
**NATURAL RESOURCES  
 COMMITTEE  
 ROLL CALL**

DATE: 2.4.05

| NAME                        | PRESENT | ABSENT | EXCUSED |
|-----------------------------|---------|--------|---------|
| Chairman, Jim Peterson      | ✓       |        |         |
| Vice Chair, Rep. Jack Ross  | ✓       |        |         |
| Vice Chair, Chris... Harris | ✓       |        |         |
| Rep. Debby Barrett          | ✓       |        |         |
| Rep. Norma Bixby            |         | ✓      |         |
| Rep. Dee Brown              | ✓       |        |         |
| Rep. Paul Clark             | ✓       |        |         |
| Rep. Sue Dickenson          | ✓       |        |         |
| Rep. George Everett         | ✓       |        |         |
| Rep. Gail Gutsche           | ✓       |        |         |
| Rep. Ralph Heinert          | ✓       |        |         |
| Rep. Kevin Furey            | ✓       |        |         |
| Rep. Llew Jones             | ✓       |        |         |
| Rep. Mike Jopek             | ✓       |        |         |
| Rep. Carol Lambert          | ✓       |        |         |
| Rep. Rick Maedje            |         | ✓      |         |
| Rep. V. Small-Eastman       |         | ✓      |         |
| Rep. Dave Wanzenried        |         | ✓      |         |



## HOUSE STANDING COMMITTEE REPORT

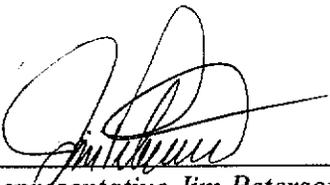
February 7, 2005

Page 1 of 6

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **House Bill 22** (first reading copy -- white) do pass as amended.

Signed:

  
Representative Jim Peterson, Chair

**And, that such amendments read:**

1. Title, page 1, line 8.

**Following:** "CONSERVATION;"

**Strike:** "REQUIRING"

**Insert:** "ALLOWING"

**Following:** "REEXAMINATION"

**Insert:** ", PRIOR TO THE ISSUANCE OF A FINAL DECREE,"

**Strike:** "IRRIGATION"

2. Title, page 1, line 17.

**Following:** "ESTABLISHING"

**Strike:** "A STATUTORY APPROPRIATION"

**Insert:** "THE AMOUNT OF REVENUE ALLOCATED EACH YEAR FROM THE  
ACCOUNT"

3. Title, page 1, line 21.

**Following:** "PROVIDING THE"

**Strike:** "BASIS"

**Insert:** "PROCESS"

**Following:** "FOR"

**Strike:** "REQUIRING"

**Following:** "EXAMINATION OF"

**Strike:** "IRRIGATION"

4. Title, page 1, line 22.

**Committee Vote:**

Yes 18, No 0.

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jpr

**Following:** "BASINS"

**Insert:** "PRIOR TO THE ISSUANCE OF A FINAL DECREE"

**Strike:** "17-7-502,"

5. Page 1, line 27 through page 2, line 9.

**Strike:** subsections (1) through (4) in their entirety

**ReNUMBER:** subsequent subsections

6. Page 2, line 13.

**Strike:** "all irrigation"

7. Page 2, line 14.

**Following:** "rules"

**Insert:** "when the water court has received a petition and issued an order pursuant to [section 9] or the water court has issued an order on its own initiative"

8. Page 2, line 15.

**Strike:** "accurate"

**Insert:** "enforceable"

9. Page 2, line 17.

**Following:** "basins"

**Insert:** "for which the water court has received a petition and issued an order pursuant to [section 9] or the water court has issued an order on its own initiative"

10. Page 2, line 28.

**Strike:** "18,800 irrigation"

**Insert:** "98,000"

**Strike:** "must"

**Insert:** "may"

11. Page 2, line 29.

**Following:** "rules"

**Insert:** "if the water court receives a petition and issues an order as provided in [section 9] or the water court issues an order on its own initiative"

12. Page 3, line 11.

**Strike:** the second "Total Number of"

13. Page 3, line 12.  
**Strike:** "Claims Reexamined"

14. Page 3, line 13.  
**Strike:** "10,000"  
**Insert:** "8,000"  
**Strike:** "0"

15. Page 3, line 14.  
**Strike:** "30,650"  
**Insert:** "19,000"  
**Strike:** "0"

16. Page 3, line 15.  
**Strike:** "51,300"  
**Insert:** "31,000"  
**Strike:** "0"

17. Page 3, line 16.  
**Strike:** "57,000"  
**Insert:** "44,000"  
**Strike:** "7,140"

18. Page 3, line 17.  
**Following:** "June 30, 2015"  
**Insert:** "57,000"  
**Strike:** "18,800"

19. Page 3, line 25.  
**Following:** "provisional permit,"  
**Insert:** "or"

20. Page 3, line 26.  
**Following:** "department"  
**Strike:** ", "

**Strike:** "water reservation"  
**Insert:** "that portion of a water reservation that has been put to  
beneficial use. This definition applies only to the use of  
the term for the purposes of assessing the fee and [sections

1 through 10]"

21. Page 5, line 11.

**Following:** "used for"

**Insert:** "irrigation purposes or for"

22. Page 5, line 24.

**Following:** "withdrawn"

**Strike:** ", "

**Insert:** "or"

**Following:** "terminated"

**Strike:** "; or otherwise abandoned"

23. Page 6, line 4.

**Following:** "beneficial use"

**Insert:** "after notifying each entity enumerated on the water right"

24. Page 6, line 8 through line 9.

**Strike:** "statutorily" on line 8 through "17-7-502," on line 9

**Insert:** "allocated"

25. Page 6, line 11.

**Following:** "program."

**Insert:** "These funds may not be used for the purposes of updating or maintaining a computer database."

26. Page 6, line 12 through line 13.

**Strike:** "statutorily" on line 12 through "17-7-502," on line 13

**Insert:** "allocated"

27. Page 6.

**Following:** line 15

**Insert:** "(c) The allocations in subsection (2)(a) and (2)(b) are subject to appropriation by the legislature."

28. Page 7, line 4.

**Strike:** "statutorily appropriated"

**Insert:** "allocated"

29. Page 7, line 6.

**Following:** "Examination of"

**Strike:** "irrigation"

30. Page 7, lines 6 through 12.

**Following:** "(1)"

**Strike:** "The" on line 6 through "basin." on line 12

**Insert:** "At any time prior to the issuance of a final decree, in basins that were evaluated using the verification process rather than the examination process, the owners of water rights in the basin or a specified area in the basin may petition the water court to examine claims in the basin or an area in the basin pursuant to the supreme court rules.

(2) The owners of at least 15% of the number of water rights affected by the proposed reexamination shall sign the petition.

(3) At a minimum, the petition must provide:

(a) the specific water right purpose or water right purposes to be examined; and

(b) the elements to be examined.

(4) (a) The water judge shall evaluate each petition and determine if reexamination is necessary to provide greater accuracy to the adjudication.

(b) The water judge may request public comment on the petition.

(5) If the water judge determines reexamination should be conducted, the water judge shall issue an order that provides:

(a) what water right purpose or water right purposes must be examined by the department;

(b) the elements to be examined;

(c) final disposition of the reexamination information developed by the department; and

(d) the timeframe in which the reexamination must be completed.

(6) The water court may issue an order requiring reexamination on its own initiative. The order must provide the information contained in subsection (5).

(7) Upon receipt of the reexamination information from the department, the water court shall notify the users in the basin or the specified area in the basin identified in the petition of the final results of the reexamination and shall notify them regarding further steps or actions being taken as a result of the reexamination.

(8) Any actions taken as a result of the reexamination must be conducted in accordance with this part."

31. Page 8, line 9 through page 9, line 9.

**Strike:** section 12 in its entirety

**Renumber:** subsequent sections

32. Page 10, line 5.

**Strike:** "all irrigation"

**Following:** "examined"

**Insert:** "as ordered by the water court"

33. Page 10, line 14.

**Following:** "examined"

**Insert:** "for which the water court has received a petition and has determined that examination is necessary as provided in [section 9] or the water court has issued an order for reexamination on its own initiative"

34. Page 11, line 26.

**Strike:** "only"

35. Page 11, line 27.

**Strike:** "irrigation"

**Insert:** "types of"

**Following:** "basin"

**Insert:** "that were identified in the petition as provided in [section 9] or the types of claims identified in an order that the water court issued on its own initiative"

- END -







HOUSE OF REPRESENTATIVES  
 NATURAL RESOURCES COMMITTEE  
**ROLL CALL VOTE**

DATE: 2.4.05 BILL NUMBER: HB 22  
 MOTION/MOTION NUMBER: DO PASS AS AMENDED

| NAME                          | AYE | NO | PROXY |
|-------------------------------|-----|----|-------|
| Vice Chair, Rep. Jack Ross    | ✓   |    |       |
| Vice Chair, Rep. Chris Harris | ✓   |    |       |
| Rep. Debby Barrett            | ✓   |    |       |
| Rep. Rick Maedje              | ✓   |    | ✓     |
| Rep. Kevin Furey              | ✓   |    |       |
| Rep. Mike Jopek               | ✓   |    |       |
| Rep. George Everett           | ✓   |    |       |
| Rep. Norma Bixby              | ✓   |    | ✓     |
| Rep. Sue Dickenson            | ✓   |    |       |
| Rep. Dave Wanzonried          | ✓   |    |       |
| Rep. Carol Lambert            | ✓   |    |       |
| Rep. Llew Jones               | ✓   |    |       |
| Rep. Gail Gutsche             | ✓   |    |       |
| Rep. V. Small-Eastman         | ✓   |    | ✓     |
| Rep. Ralph Heinert            | ✓   |    |       |
| Rep. Dee Brown                | ✓   |    |       |
| Rep. Paul Clark               | ✓   |    |       |
| Chair, Rep. Jim Peterson      | ✓   |    |       |

VOTE TOTAL: 18.0 Pass (3 proxy)

# VISITORS REGISTER

Montana

House of Representatives

## NATURAL RESOURCES COMMITTEE

Date: February 4, 2005 Bill Number: **HB 473**

Sponsor: Rep. J. Parker

Please print ~ Please print ~ Please print ~ Please print

| Name                         | Representing           | Support | Oppose | Informational |
|------------------------------|------------------------|---------|--------|---------------|
| John Semple                  | MT Fire Alliance       | X       |        |               |
| LEONARD LUNDBY               | VAUGHN FD              | X       |        |               |
| Butch Weeden                 | Goose Hill Fire        | X       |        |               |
| Paul Brady                   | Dearborn VFC           | ✓       |        |               |
| Nancy Jena                   | Dearborn VFC           | ✓       |        |               |
| Karen How                    | Dearborn VFC           | ✓       |        |               |
| Roy Stock                    | Dearborn VFC           | ✓       |        |               |
| W. Halls                     | Dearborn VFC           | ✓       |        |               |
| Ross H. FITZGERALD           | Power VFC              | X       |        |               |
| Tony Steiner                 | Dearborn               |         |        |               |
| <del>Clayton McCracken</del> | <del>Sierra Club</del> | ✓       |        |               |
|                              |                        |         |        |               |
|                              |                        |         |        |               |
|                              |                        |         |        |               |
|                              |                        |         |        |               |
|                              |                        |         |        |               |

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

Katie Craig Scherbig self support  
 David Ellenberger self

# VISITORS REGISTER

Montana

House of Representatives

## NATURAL RESOURCES COMMITTEE

Date: February 4, 2005 Bill Number: **HB 455**

Sponsor: Rep. P. Clark

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| Name                 | Representing                     | Support | Oppose | Informational |
|----------------------|----------------------------------|---------|--------|---------------|
| Robert P. Walker     | Beartooth Electric Corp          |         | X      |               |
| Dave Kelsey          | Yellowstone Valley Electric      |         | X      |               |
| Brandon J Wittman    | Yellowstone Valley Electric Corp |         | X      |               |
| TIM GREGORY          | SOUTHERN MONTANA ELECTRIC CO     |         | X      |               |
| Joe Lewis            | Bison Engineering                |         | X      |               |
| Tom Tweeddale        | MT-CHEER                         | X       |        |               |
| Melanie Proulx       | Thompson Falls                   | X       |        |               |
| Margaret Haskin Gray | DPHHS                            |         |        | X             |
| Anne Hedgoc          | MEIC                             | X       |        |               |
| Alexandra Gorman     | WVE                              | X       |        |               |
| JAN HOEN             | Missoula                         | X       |        |               |
| Rich Southwick       | Great Northern Power Co          |         | X      |               |
| Joe M. Pickett       | MT Coal Council                  |         | X      |               |
| Matt Leow            | Mont PIRE                        | X       |        |               |
| NATHAN BERKELEY      | MT Wildlife                      | X       |        |               |
| Jon W. ...           | WETA                             |         | X      |               |

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

Tom Ebzery Puget, Avista  
 Clayton McCracken PG&E, Pacific Corp  
 Sierra Club X support

(over)

# VISITORS REGISTER

Montana

House of Representatives

## NATURAL RESOURCES COMMITTEE

Date: February 4, 2005 Bill Number: HJ 10

Sponsor: Rep. H. Jacobson

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| Name                     | Representing        | Support | Oppose | Informational |
|--------------------------|---------------------|---------|--------|---------------|
| John Semple              | MT Fire Alliance    | X       |        |               |
| LEONARD LUNDBY           | VAUGHN FD           | X       |        |               |
| Brenton Weeden           | Coon Hell Fire      | X       |        |               |
| Paul BRADY               | Dearborn VFC        | X       |        |               |
| Mary Flora               | Dearborn VO Co      | X       |        |               |
| Karen K. Stock           | Dearborn VFDC       | X       |        |               |
| Roy Stock                | Dearborn VFD        | X       |        |               |
| David Wick               | Dearborn VFC        | X       |        |               |
| Boss H. Fitzgerald       | Power VFC           | X       |        |               |
| Tommy Steiner            | Dearborn            | X       |        |               |
| <del>Shirley Lange</del> | <del>Dearborn</del> | X       |        |               |
| Bob Harrington           | DNR                 | X       |        |               |
| Janet Ellis              | MT Audubon          | X       |        |               |
| Mary Sexton              | DNR                 | X       |        |               |
|                          |                     |         |        |               |
|                          |                     |         |        |               |

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

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# VISITORS REGISTER

Montana

House of Representatives

## NATURAL RESOURCES COMMITTEE

Date: February 4, 2005 Bill Number: **HB 470**

Sponsor: Rep. P. Clark

Please print ~ Please print ~ Please print ~ Please print

| Name             | Representing      | Support | Oppose | Informational |
|------------------|-------------------|---------|--------|---------------|
| Anne Hedges      | MEIC              | X       |        |               |
| Marianne Jougis  | Thompson Falls    | X       |        |               |
| JAN HOEM         | MSLA              | X       |        |               |
| Ed BARTLETT      | GOLDEN SUNLIGHT   |         | X      |               |
| JEFF FENDERSON   | LABORERS UNION    | X       |        |               |
| Don Allen        | WETA              |         | X      |               |
| John Youngberg   | Mont. Fair Bureau |         | X      |               |
| Gail Abercrombie | MT Petroleum Assn |         | X      |               |
| JACK STULTS      | DARC/INTER        | X       |        |               |
| John Bloomquist  | MT Steepness      |         | X      |               |
| Mike Murphy      | MWRA              |         | X      |               |
| DON QUANDER      | <del>_____</del>  |         | X      |               |
| Cary Hegreberg   | Contractors       |         | X      |               |
|                  |                   |         |        |               |
|                  |                   |         |        |               |

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.