: notice at the post office, postage prepaid,
ıde. Mailing of the notice, when completed,
ng to all persons directly affected. The
by its own affidavit. The hearing must be
st hearing, and the department shall make
ıue an order according to the provisions set
ıat the department does not complete the
ıe period, the temporary controlled ground
the 2-year period or extension.
ring an action for an injunction in a district
ffected is located, in addition to all other

hed and mailed by the department in the
5-2-506 for the publication and mailing of
findings and order of the department must
t further, that a copy of the order, together
ed to each petitioner at the petitioner's
of the order with the county clerk of each
l water area lies, and the county clerk shall
le in its records proof of service by its own
the order as prescribed in this section, the
he order is taken.
y, or revoke any order made as provided in
is reasonable under the circumstances. A
must be served or filed and recorded as

may restrict further development of the

2, L. 1973; amd. Sec. 169, Ch. 253, L. 1974; R.C.M.
370, L. 1987; amd. Sec. 461, Ch. 418, L. 1995; amd.

l notice, 2-4-612.
, 7-4-2611.

- permits to appropriate. (1) A person
l water area by:
department in accordance with part 3 of

l pursuant to 85-2-507.
withdrawal would be beyond the capacity
yield ground water within a reasonable or
ments, or within a reasonable or feasible
nents.

the ground water in the ground area or subarea involved. The department shall produce at the hearing a map showing and describing all the lands included in the ground water area or subarea and copies of all data upon which any prior designation or modification order was based. The waiving or assignment of rights by mutual agreement for either temporary or extended periods shall not modify or cancel the relative priorities of the rights.

(2) After January 1, 1962, in a hearing for the ascertainment and finding of priorities involving rights to the use of ground water, all appropriators of ground water or of surface water in the particular controlled area or subarea shall be included as parties and notified in the manner provided in 85-2-506.

History: En. Sec. 6, Ch. 237, L. 1961; amd. Sec. 170, Ch. 253, L. 1974; R.C.M. 1947, 89-2916(1), (3).

Cross-References

Informal disposition and hearings — waiver of administrative proceedings, 2-4-603.
Priority, 85-2-401.
Transfer of appropriation right, 85-2-403.

85-2-510. Production of water from oil and gas wells — hearings — jurisdiction of board of oil and gas conservation. Within any designated or modified controlled ground water area or subarea wherein oil and/or gas wells produce either fresh, brackish, or saline water associated with oil and gas, the volume of production of which is dependent entirely on the oil and/or gas withdrawals, such production of water shall be under the prior jurisdiction of the board of oil and gas conservation. Hearings pertaining to the production, use, or disposal of water from those wells shall be held by that board in accordance with the procedures established by that board. The department may petition the board of oil and gas conservation for hearings in regard to those operations, and it shall be notified by the board of oil and gas conservation of those hearings instigated by other parties when those hearings involve operations within a controlled ground water area or subarea.

History: En. Sec. 6, Ch. 237, L. 1961; amd. Sec. 170, Ch. 253, L. 1974; R.C.M. 1947, 89-2916(2).

Cross-References

Abandoned oil and gas wells — reclamation, Title 82, ch. 10, part 4.
Regulation by Board of Oil and Gas Conservation, Title 82, ch. 11, part 1.
Permit for conversion of nonproductive oil or gas well, 85-2-303.

85-2-511. Scope of administrative hearing. (1) In a hearing for the ascertainment and finding of priorities to the use of ground water, the department in its finding and order shall confirm, modify, alter, or amend any prior order designating and modifying the boundaries of the ground water area or subarea involved, as the evidence justifies; shall determine the priority of rights and the quantity of ground water to which each appropriator who is a party to the proceedings is entitled in the particular ground water area or subarea; and shall find and determine any other matter necessary to the ascertainment of priorities of such existing rights to ground water. It may also determine the level below which the ground water may not be drawn by appropriators. The department shall act in administering and enforcing the order, as provided in 85-2-507.

(2) A copy of the order shall be recorded in the office of the clerk and recorder of each county in which the particular ground water area or subarea is located. If the order is not appealed, the order of the department shall be final and conclusive when it is published and mailed as provided for orders issued under 85-2-507.

History: En. Sec. 7, Ch. 237, L. 1961; amd. Sec. 42, Ch. 452, L. 1973; amd. Sec. 171, Ch. 253, L. 1974; R.C.M. 1947, 89-2917.

Cross-References

Informal disposition and hearings — waiver of administrative proceedings, 2-4-603.
Hearing — rules of evidence, cross-examination, and judicial notice, 2-4-612.
Role and duties of County Clerk and Election Administrator, 7-4-2611.

SENATE FINANCE & CLAIMS
Exhibit No. 6
Date 3-18-09
Bill No. SB 505