

BUSINESS REPORT

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

SENATE NATURAL RESOURCES COMMITTEE

Date: Wednesday, February 18, 2009
Place: Capitol

Time: 3:00 pm
Room: 422

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SB 420, SB 421, SB 422, SB 461

SB 420 - SB 421 - Not to be heard, requested by sponsor
SB 422 SB 461

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

SB 24 P
SB 376 DPAA
SB 417 DPAA

COMMENTS:

Kelly Gebhardt

SEN. Kelly Gebhardt, Chairman

MONTANA STATE SENATE
Roll Call
NATURAL RESOURCES COMMITTEE

DATE: February 16, 2009

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR KELLY GEBHARDT, CHAIR	✓	
SENATOR DEBBY BARRETT, VICE CHAIR	✓	
SENATOR AUBYN CURTISS		E
SENATOR KEN HANSEN	✓	
SENATOR CHRISTINE KAUFMANN		E
SENATOR JIM KEANE		E
SENATOR GARY PERRY	✓	
SENATOR JIM PETERSON	✓	
SENATOR DONALD STEINBEISSER	✓	
SENATOR MITCH TROPILA	✓	
SENATOR DAVID WANZENRIED		E



SENATE STANDING COMMITTEE REPORT

February 19, 2009

Page 1 of 1

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 94** (second reading copy -- yellow) **do pass**.

Signed: *Kelby Gebhardt*
Senator Kelly Gebhardt, Chair

- END -

Committee Vote:

Yes 6, No 5

Fiscal Note Required

SB0094002SC.sdr

DR



SENATE STANDING COMMITTEE REPORT

February 19, 2009

Page 1 of 1

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 417** (first reading copy -- white) **do pass as amended.**

Signed: *Kelly Gebhardt*
Senator Kelly Gebhardt, Chair

And, that such amendments read:

1. Page 2, line 8.

Following: "decisionmaking"

Insert: "and in decisionmaking not related to the issuance, denial, modification, or conditioning of a permit or an authority to act"

2. Page 2, line 14.

Following: "decisionmaking"

Insert: "in decisionmaking not related to the issuance, denial, modification, or conditioning of a permit or an authority to act"

3. Page 7, line 20.

Strike: "if"

Insert: "(a) Except as provided in subsection (7)(b), if"

4. Page 7.

Following: line 23

Insert: "(b) Subsection (7)(a) does not apply to a permit granted under Title 75, chapter 2, or under Title 82, chapter 4, parts 1 and 2."

- END -

Committee Vote:

Yes 7, No 4

Fiscal Note Required

SB0417001SC.sdr

OR



SENATE STANDING COMMITTEE REPORT

February 19, 2009

Page 1 of 2

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 396** (first reading copy -- white) **do pass as amended.**

Signed: *Kelly Gebhardt*
Senator Kelly Gebhardt, Chair

And, that such amendments read:

1. Page 1, line 10 through line 22.

Strike: subsection (1) in its entirety

Insert: "(1) An appropriator may change the point of diversion or combine points of diversion of surface water appropriation rights without the prior approval of the department for the purpose of replacing a point of diversion if:

(a) there are no other changes to the water right;

(b) the amount of water diverted is not increased;

(c) there are not points of diversion or intervening water rights between the existing point of diversion and the new point of diversion or the appropriator obtains written waivers from all intervening water right holders;

(d) the new point of diversion is on the same source and within the same reach of stream owned by or under the control of the appropriator; and

(e) the appropriator can show that the existing point of diversion has been used in the 10 years prior to the notice for the change in point of diversion."

2. Page 1, line 23.

Following: "if"

Insert: "the department determines that"

3. Page 1, line 24.

Following: "met"

Strike: "."

Insert: "and the appropriator has submitted a notice in

Committee Vote:

Yes 11, No 0

Fiscal Note Required

SB0396001SC.sdr

DR

accordance with 85-2-402(18). The department may inspect the diversion to confirm the criteria under subsection (1) of this section."

4. Page 1, line 25 through line 26.

Strike: subsection (3) in its entirety

Insert: "(3) (a) An appropriator may file a complaint with the department alleging that the change in point of diversion will adversely affect the use of the existing water rights of other persons or other perfected or planned uses or developments for which a permit or certificate has been issued or for which a state water reservation has been issued under Title 85, chapter 2, part 3.

(b) If the department determines after a hearing that the rights of other appropriators have been or will be adversely affected, it may revoke the change or make the change subject to terms, conditions, restrictions, or limitations that it considers necessary to protect the rights of other appropriators.

(c) The burden of proof at the hearing is on the appropriator changing the point of diversion."

5. Page 8.

Following: line 4

Insert: "(18) (a) For a change in a point of diversion in accordance with [section 1], after the change in the point of diversion for an appropriation right is made, the appropriator shall file a change of appropriation right notice on a form provided by the department.

(b) The department shall review the notice to determine if the notice is correct and complete.

(c) The department may not issue an authorization of a change in appropriation right for the point of diversion until a correct and complete notice has been filed with the department and the department determines that the criteria under [section 1] are met.

(d) The department shall return a defective notice to the appropriator, along with a description of defects in the notice. The appropriator shall refile a corrected and complete notice within 30 days of notification of defects or within a further timeframe determined by the department, not to exceed 6 months."

- END -

MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE Feb. 16 2009 BILL NO 5894 MOTION NO. 1
 MOTION: Amendment to SB 594

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DEBBY BARRETT, VICE CHAIR	✓		
SENATOR JIM KEANE		✓	✓
SENATOR JIM PETERSON	✓		
SENATOR MITCH TROPILA		✓	
SENATOR AUBYN CURTISS	✓		✓
SENATOR KEN HANSEN		✓	
SENATOR DONALD STEINBEISSER	✓		
SENATOR CHRISTINE KAUFMANN		✓	✓
SENATOR GARY PERRY		✓	
SENATOR DAVID WANZENRIED		✓	✓
SENATOR KELLY GEBHARDT, CHAIR	✓		

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MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE Feb. 18, 2009 BILL NO. SB 94 MOTION NO. 2
 MOTION: To Pass

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>If Proxy Vote, check here & include signed Proxy Form with minutes</u>
SENATOR DEBBY BARRETT, VICE CHAIR		✓	
SENATOR JIM KEANE	✓		✓
SENATOR JIM PETERSON		✓	
SENATOR MITCH TROPILA	✓		
SENATOR AUBYN CURTISS		✓	✓
SENATOR KEN HANSEN	✓		
SENATOR DONALD STEINBEISSER		✓	
SENATOR CHRISTINE KAUFMANN	✓		✓
SENATOR GARY PERRY	✓		
SENATOR DAVID WANZENRIED	✓		✓
SENATOR KELLY GEBHARDT, CHAIR		✓	

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MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE Feb 17, 2009 BILL NO 55-57 MOTION NO. _____

MOTION: Do pass as amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DEBBY BARRETT, VICE CHAIR	✓		
SENATOR JIM KEANE	✓		
SENATOR JIM PETERSON	✓		
SENATOR MITCH TROPILA		✓	
SENATOR AUBYN CURTISS	✓		
SENATOR KEN HANSEN		✓	
SENATOR DONALD STEINBEISSER	✓		
SENATOR CHRISTINE KAUFMANN		✓	
SENATOR GARY PERRY	✓		
SENATOR DAVID WANZENRIED		✓	✓
SENATOR KELLY GEBHARDT, CHAIR	✓		

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AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Sen. Resources Committee because of other commitments. I desire to leave my proxy vote with:

Sen. Tropia

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT	AYE	NO
SEN 94 AM.	X	✓
SEN 94	X	
SEN 396 AM.	X	
SEN 396	X	
SEN 417 AM		X
SEN 417		X

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT	AYE	NO

Sen. KAFMAN *Chuter*
(Signature) *Kafman*

Date 2/18/09

**MONTANA STATE SENATE
Visitors Register**

Natural Resources Committee

Date 2/18

Bill No. 421 Sponsor(s) Jackson

PLEASE PRINT PLEASE PRINT PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
John Tubbs	DNRC		X	
Kristalle Evans	AGAI/Sr. WR Coal			
Brianna Randall	CFC		X	
Mark Paulson	Acurek Consulting	X		
Tom Ebzery	Avista		X	
Rynda Wigger	Mt Water Well Drillers			
Mike Murphy	MWRA		X	

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

MONTANA STATE SENATE
Visitors Register

Natural Resources Committee

Date 2/18

Bill No. 422 Sponsor(s) Jackson

PLEASE PRINT PLEASE PRINT PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
John Tubbs	DNRC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Brianna Randall	Clark Fork Coalition		<input checked="" type="checkbox"/>	
Krista Lee Evans	AGAI/Sr. WR Coal		<input checked="" type="checkbox"/>	
John Youngberg	MEBS		<input checked="" type="checkbox"/>	
MARK Paulson	Adventer Consulting	<input checked="" type="checkbox"/>		
MARK Fix	NPRC & JFLF		<input checked="" type="checkbox"/>	
Tom Ebzery	Avista		<input checked="" type="checkbox"/>	
Ronda Wiggers	Water Well Drillers Assoc	<input checked="" type="checkbox"/>		
Rebecca Fischer	NPRC		<input checked="" type="checkbox"/>	
Art Hayes	Brownsville Co		<input checked="" type="checkbox"/>	
Brenda Lindieff Hall	Tongue River Water Users' Assn		<input checked="" type="checkbox"/>	
Roger Maggali	T#2/ Irrigation		<input checked="" type="checkbox"/>	
Mike Murphy	MWRA		<input checked="" type="checkbox"/>	
Abigail St. Lawrence	Mont. Assn. of Ranchers		<input checked="" type="checkbox"/>	

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

**MONTANA STATE SENATE
Visitors Register**

Natural Resources Committee

Date 2/18

Bill No. 461 Sponsor(s) B. Bruggeman

PLEASE PRINT PLEASE PRINT PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
CLINT JACOBS PO BOX 577 CURBERTSON	DEY PRAIRIE	✓		
Jann Tielbs	DWRA	✓		
Krista Lee Evans	AGAI / Sr. WR Coal.		X	
Brianna Randall	Montana Smart + Growth Coalition Clark Fork Coalition	X		
John Youngberg	MEBE		X	
Steve Wade	North Central RWA	X		
MARK PATTERSON	AQUATIC CONSULTING	X		
DON McINTYRE	MOUNTAIN WATER CO	✓		
Mike Murphy	MWRA		X	

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