

HOUSE BILL NO. 676

INTRODUCED BY B. LER, W. GALT, R. GREGG

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO STATE LANDS AND WATER RIGHTS; ELIMINATING THE WATER COURT DUTY TO ADJUDICATE WATER RIGHTS ON JULY 1, ~~2030~~ 2031; PROHIBITING THE BOARD OF LAND COMMISSIONERS FROM OBTAINING A PRIVATE WATER RIGHT USED ON STATE LANDS; REQUIRING THE SALE OF ISOLATED PARCELS WITH WATER RIGHTS TO LESSEES; REPEALING SECTIONS RELATED TO THE ADJUDICATION OF WATER RIGHTS; AMENDING SECTIONS 3-7-101, 3-7-211, 3-7-212, 3-7-223, 3-7-311, 3-7-401, 77-1-134, 77-6-301, 77-6-302, 85-2-102, 85-2-141, 85-2-234, 85-2-235, 85-2-236, 85-2-306, 85-2-406, 85-2-701, 85-2-702, AND 85-2-704, MCA; REPEALING SECTIONS 85-2-212, 85-2-213, 85-2-214, 85-2-215, 85-2-216, 85-2-217, 85-2-218, 85-2-221, 85-2-222, 85-2-223, 85-2-224, 85-2-225, 85-2-226, 85-2-227, 85-2-228, 85-2-231, 85-2-232, 85-2-233, 85-2-237, 85-2-243, 85-2-247, 85-2-248, 85-2-249, 85-2-250, 85-2-270, 85-2-271, 85-2-280, 85-2-281, AND 85-2-282, MCA; AND PROVIDING EFFECTIVE DATES."

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

**Section 1.** Section 3-7-101, MCA, is amended to read:

**"3-7-101. Water divisions.** To adjudicate existing water rights and to conduct hearings in cases certified under 85-2-309, water divisions are established as defined in 3-7-102. A water division ~~shall~~ must be presided over by a water judge."

**Section 2.** Section 3-7-211, MCA, is amended to read:

**"3-7-211. Appointment of water commissioners.** Except as provided in 85-20-1902, the district court having jurisdiction over the hydrologically interrelated portion of a water division, ~~as described in 85-2-234(3),~~ in which the controversy arises may appoint and supervise a water commissioner as provided for in Title 85, chapter 5."

**Amendment - 1st Reading-white - Requested by: Brandon Ler - (H) Judiciary**

- 2025

69th Legislature 2025

Drafter: Rachel Weiss,

HB0676.001.001

- 1 85-2-280. (Temporary) Water adjudication account.  
2 85-2-281. (Temporary) Reporting requirements.  
3 85-2-282. (Temporary) Examination of claims in verified basins.

4  
5 **NEW SECTION. Section 23. Notification to tribal governments.** The secretary of state shall send a  
6 copy of [this act] to each federally recognized tribal government in Montana.

7  
8 **NEW SECTION. Section 24. Codification instruction.** [Sections 10 and 11] are intended to be  
9 codified as an integral part of Title 77, chapter 6, part 3, and the provisions of Title 77, chapter 6, part 3, apply  
10 to [sections 10 and 11].

11  
12 **NEW SECTION. Section 25. Effective dates.** (1) Except as provided in subsection (2), [this act] is  
13 effective July 1, ~~2030~~ 2031.

14 (2) [Sections 7 through 11] and this section are effective on passage and approval.

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