

## 1 SENATE BILL NO. 261

2 INTRODUCED BY K. REGIER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING OBJECTIONS TO A WATER RIGHTS APPLICATION;  
5 AND AMENDING SECTION 85-2-308, MCA."

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

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9 **Section 1.** Section 85-2-308, MCA, is amended to read:

10 **"85-2-308. Objections.** (1) (a) An objection to an application under this chapter must be filed by the  
11 date specified by the department under 85-2-307(3).

12 (b) The objection to an application for a permit must state the name and address of the objector  
13 and facts indicating that one or more of the criteria in 85-2-311 are not met.

14 (2) For an application for a change in appropriation rights, the objection must state the name and  
15 address of the objector and facts indicating that one or more of the criteria in 85-2-320, if applicable, 85-2-402,  
16 85-2-407, 85-2-408, and 85-2-436, if applicable, are not met.

17 (3) A person has standing to file an objection under this section if the ~~property, water rights, or~~  
18 ~~interests~~ water rights of the objector would be adversely affected by the proposed appropriation.

19 (4) For an application for a reservation of water, the objection must state the name and address of  
20 the objector and facts indicating that one or more of the criteria in 85-2-316 are not met.

21 (5) An objector to an application under this chapter shall file a correct and complete objection on a  
22 form prescribed by the department within the time period stated on the public notice associated with the  
23 application. In order to assist both applicants and objectors, the department shall adopt rules in accordance  
24 with this chapter delineating the components of a correct and complete objection. For instream flow water rights  
25 for fish, wildlife, and recreation, the rules must require the objector to describe the reach or portion of the reach  
26 of the stream or river subject to the instream flow water right and the beneficial use that is adversely affected  
27 and to identify the point or points where the instream flow water right is measured and monitored. The  
28 department shall notify the objector of any defects in an objection. An objection not corrected or completed

1 within 15 days from the date of notification of the defects is terminated.

2 (6) An objection is valid if the objector has standing pursuant to subsection (3), has filed a correct  
3 and complete objection within the prescribed time period, and has stated the applicable information required  
4 under this section and rules of the department."

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