EXHIBIT 5
DATE 1.19.05
HB 206

January 19, 2005

Montana House of Representatives
Natural Resources Committee

Subject: Comments on House Bill 206

Dear Legislators:

On behalf of the Sypes Canyon Homeowners' Coalition in Bozeman, I am writing to express our serious concerns about the changes proposed by DNRC introduced in House Bill 206 for controlled ground water areas (CGWA). In particular, we are strongly opposed to the change in 85-2-507 (5)(b) that states ". . .studies necessary to obtain the facts needed to assist in the designation or modification of a permanent controlled ground water area must be commenced under the supervision and control of the department. The petitioners are responsible for the costs of the study. Our experience over the last four years in getting a CGWA established in the larger Sypes Canyon area has been expensive, difficult, and, in many ways, an unfair burden on the petitioners.

The Sypes Canyon Homeowners' Coalition (SCHC) formed in 2000 in response to serious issues related to both our water quantity and quality. Several homeowners were experiencing problems with declining well levels; some had to haul water from town to their homes. As people in our area came together and communicated about these issues, we became aware that water problems were much more pervasive than we originally suspected. In fact, we discovered that there were twenty years' worth of data that homeowners' throughout this area had collected and presented to the state (both DNRC and DEQ) in an attempt to seek help to address what appeared to be declining water levels. In every case, the burden of defining and researching the problem was placed on the homeowners. When the SCHC formed, we were fortunate to have an experienced, well-respected hydrogeologist in our group who could provide the expertise we needed to meet this task. Our attempts, however, to obtain help from the state agencies were frustrating encounters. Though individuals in these agencies acknowledged problems existed, they also told us that they did not have the staff or the funding to do anything for us and that until serious problems emerged (the absence of water), there was nothing they could do. We argued consistently that it made much more sense to address groundwater issues before an extreme situation occurred. Everything we did in our area was a citizen-driven initiative—we worked hard over four years to raise enough money to hire lawyers to represent us in DNRC hearings and to prepare evidence for presentations before the Gallatin County Commissioners. I donated four years' worth of time, our hydrogeologist, Kathy Gallagher, donated thousands of dollars of time, and many volunteers donated both time and money. We had to pay thousands of dollars to force state and county agencies to do what we understood to be their jobs. The only avenue we had to provide the time to conduct more studies in this area was the controlled

groundwater area designation. That DNRC would still supervise and control this study but not pay for it is completely inappropriate. Homeowners who get to the point of being able to establish CGWAs already have invested significant money in getting there—DNRC must contribute to these studies in order to meet its obligation—and to do its job—in the state. That DNRC needs to have additional funding in order to do so is a case that needs to be made. But asking homeowners to carry this burden—to finance the job DNRC is supposed to do—is wrong.

I appreciate the opportunity to comment on this bill and appeal to you to consider the needs—and the burdens—already imposed on homeowners in CGWAs.

Sincerely,

Ann Bertagnolli

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Sypes Canyon Homeowners' Coalition