

EXHIBIT 6
DATE 1.19.05
HB 206

January 18, 2005

Montana House of Representatives
Natural Resources Committee

Subject: Comments on House Bill 206

Dear Legislators:

I have reviewed the changes proposed by DNRC introduced in House Bill 206 for controlled ground water areas (CGWA). I am opposed to the changes proposed in 85-2-507 (5)(b) that would place the cost of conducting any studies needed for DNRC to make an informed decision on designation of a permanent CGWA on the petitioners. The current law already requires that petitioners for a proposed CGWA compile and provide enough information to convince DNRC that a temporary CGWA is warranted. In effect, the petition process provides a way for citizens in Montana to express concerns with management of ground-water resources, and request that DNRC evaluate the problem and take action if necessary. If DNRC does not agree, they can deny the petition.

Homeowners in the Sypes Canyon area, north of Bozeman, used the CGWA petition process to express concerns with declining ground-water levels. The residents asked for DNRC's help since they are the primary state agency responsible for management of ground-water resources. DNRC agreed and established a temporary CGWA. It would be unfair and inappropriate for DNRC to then require that the petitioners pay the costs to complete any studies DNRC feels are necessary to determine if the temporary CGWA should be made permanent. Not only does DNRC propose to require the petitioners to pay the costs of any studies, they also propose that any studies be conducted under the supervision and control of DNRC. They don't want to pay for the study but they want to have control over it.

I understand it costs DNRC money to hold hearings, review facts, and manage controlled ground water areas. However, once DNRC establishes a temporary or permanent controlled ground water area, they already charge a \$400 fee to obtain a permit to drill a well. Currently the money collected for these permits goes back into the general fund. I would propose that rather than requiring petitioners to pay for any needed studies, that all fees collected within controlled ground water areas be used to help cover the costs of administration and any studies conducted by or under the supervision of DNRC.

Sincerely,

Alan English
Manager, Gallatin Local Water Quality District