

Senate Local Govt. Comm.  
 Exhibit No. 2  
 Date 1-6-05  
 Bill No. 20

Testimony for City of Cut Bank  
 Proponent of SB 20

The City of Cut Bank respectfully submits this testimony in support of SB 20 by Senator Roush.

There are several regional water authorities in Montana: Cut Bank is currently a member of the North Central Montana Regional Water Authority. Like other regional systems, the system contemplates that its treated water will be the sole source of treated water supply for the members. Cut Bank has been vigilant in maintaining and updating its current treatment works and water rights. We have just finished treatment plan upgrades, and are now finishing work on our small storage reservoir. The North Central Water has an uncertain delivery date, and we will certainly need to use our current rights for at least another ten years. We may want to maintain the diversion and treatment works for use in emergencies, unusual demand situations, or off-line times of the regional supply.

This minor amendment will give Cut Bank greater flexibility in providing its citizens adequate drinking water supplies. We understand that once we get North Central water, we can go through the change proceedings to change our existing rights to another use, but we may want to maintain our treatment facilities as a back up. This just allows us that option if the other uses are not available or turn out to not make sense for us.

Membership in regional water authorities is a sound means for us to share the increasing cost of delivery and treatment of drinking water with other users. This bill allows us to do that without risking strict application of abandonment rules for our old rights if finding another use for them proves difficult and we keep up our treatment works. The City believes that municipalities joining such regional water authorities should be allowed to maintain their preexisting water rights and works for use s drinking water in times when the regional system must be taken off-line for maintenance and repair or in emergencies.

Existing Montana law, specifically MCA Section 85-2-227(4) establishes a presumption of nonabandonment for municipalities in certain very specific and limited circumstances. With minor amendments, the existing law can and should be updated to accommodate the newer sections of Montana law establishing the regional authorities, as appropriate and needed vehicles for local governments to work together to supply critically needed rural drinking water.

Thank you for your consideration of this bill, which Senator Roush has agreed to sponsor on behalf of our City. We urge the members of the Committee to pass this bill with a favorable vote.

Mayor Marion Culleton

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