

SENATE NATURAL RESOURCES
COMMITTEE NO. 10
DATE 3/16/05
BILL NO. HB 206

FACT SHEET
HB 206

Department of Natural Resources and Conservation
Water Resources Division
March 16, 2005

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE DESIGNATION AND OPERATION OF CONTROLLED GROUND WATER AREAS PROVIDED FOR UNDER THE WATER USE LAWS; CLARIFYING HOW GROUND WATER MAY BE APPROPRIATED IN CONTROLLED GROUND WATER AREAS; PROVIDING FOR AN ADDITIONAL 2 YEARS TO STUDY TEMPORARY CONTROLLED GROUND WATER AREAS; REQUIRING THAT GROUND WATER STUDIES BE PAID FOR BY THE PETITIONERS UNDER DIRECTION AND CONTROL OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; AMENDING SECTIONS 85-2-113, 85-2-306, 85-2-322, 85-2-507, AND 85-2-508, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

The Issue

Current law requires that all water right applications located within a controlled ground water area be considered for issuance of a water right permit. The water right permit requirements do not allow for the flexibility needed to adequately assess ground water use and impacts in some controlled ground water areas. Furthermore, if the controls needed are related to avoiding the spread of pollutants, the water rights permitting process is extraneous and unnecessary, requiring it is wasteful and costly.

Current law needs to clarify the department's role in areas where a temporary controlled ground water may be designated. Currently, the law allows for a 2-year ground water study time period and an additional 2-year extension. Ground water is a difficult resource to monitor and in some areas and during some climatic periods additional time is needed to monitor the ground water.

The Solution

This legislation would allow the agency flexibility to authorize a controlled ground water area subject to the permit requirements or to other requirements set forth in an order so that the controls address only the circumstances in the specific area. Further, the legislation is only applicable to water wells. It does not impact oil or gas wells.

This legislation also clarifies that for any areas that are designated as a temporary controlled ground water area, the department must supervise the studies and fact gathering.

This legislation would allow for up to 6 years of ground water monitoring.

Benefits to Montana

By allowing flexibility, the public can be assured that only the controls necessary to address the specific conditions will be imposed, thereby avoiding unnecessary regulation

CONTROLLED GROUND WATER AREAS

WATER QUANTITY CLOSURES

South Pine Controlled Ground Water Area
 Larson Creek Controlled Ground Water Area
 Hayes Creek Controlled Ground Water Area
 Powder River Basin Controlled Ground Water Area
 Sypes Canyon Controlled Ground Water Area
 North Hills Controlled Ground Water Area – temporary
 Horse Creek Controlled Ground Water Area – temporary

Effective Date

County

11/1/1967

Wibaux

11/14/1988

Ravalli

05/25/1995

Missoula

12/15/1999

Custer

04/26/2002

Gallatin

10/11/2002

Lewis & Cl

02/12/2004

Stillwater

Effective Date

County

WATER QUALITY CLOSURE

US National Park Service-MT Compact Yellowstone CGWA
 Warm Springs Ponds Controlled Ground Water Area
 Rocker Controlled Ground Water Area
 Bozeman Solvent Site Controlled Ground Water Area
 Old Butte Landfill/Clark Tailings Site CGWA
 Idaho Pole Controlled Ground Water Area
 BNSF Paradise Controlled Ground Water Area
 BNSF Somers Site Controlled Ground Water Area
 Bitterroot Valley Sanitary Landfill CGWA

01/31/1994

Park

05/25/1995

Deer Lodge

05/30/1997

Silver Bow

07/20/1998

Gallatin

12/17/1999

Silver Bow

11/30/2001

Gallatin

08/19/2002

Sanders

05/09/2003

Flathead

02/09/2004

Ravalli