



SENATE STANDING COMMITTEE REPORT

April 11, 2007

Page 1 of 1

Mr. President:

We, your committee on **Natural Resources and Energy** recommend that **House Bill 304** (third reading copy -- blue) **be concurred in.**

Signed: _____

A handwritten signature in cursive script that reads "Greg Lind".

Senator Greg Lind, Chair

To be carried by Senator Gary Perry

- END -

Committee Vote:

Yes 9, No 0

Fiscal Note Required — A handwritten mark consisting of a horizontal line followed by a stylized, slanted symbol.

761250SC.spb



SENATE STANDING COMMITTEE REPORT

April 11, 2007

Page 1 of 1

Mr. President:

We, your committee on **Natural Resources and Energy** recommend that **House Bill 569** (third reading copy -- blue) be concurred in.

Signed: _____

A handwritten signature in cursive script, appearing to read "Greg Lind".

Senator Greg Lind, Chair

To be carried by Senator Bill Tash

- END -

Committee Vote:

Yes 7, No 2

Fiscal Note Required —

Handwritten initials "KA" in a stylized, bold font.

761251SC.spb

COMMITTEE FILE COPY

TABLED BILL

The **SENATE NATURAL RESOURCES AND ENERGY COMMITTEE** TABLED **HB 835**, by motion, on **Tuesday, April 10, 2007**.



(For the Committee)



(Secretary of the Senate)

_____, 4-11
(Time) (Date)

April 11, 2007

Cj Johnson, Secretary

Phone: 44-4762

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f), a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator LIND

to vote my proxy on any issue before the Senate NR+E

_____ Committee

held on April 10, 2007.

WANZOWITZ

SENATOR
STATE OF MONTANA

HR 835 — NO (yes Amend)
HR 304 — Yes
HR 569 — Yes

MONTANA STATE SENATE
2007 LEGISLATURE

VISITOR REGISTER
NATURAL RESOURCES

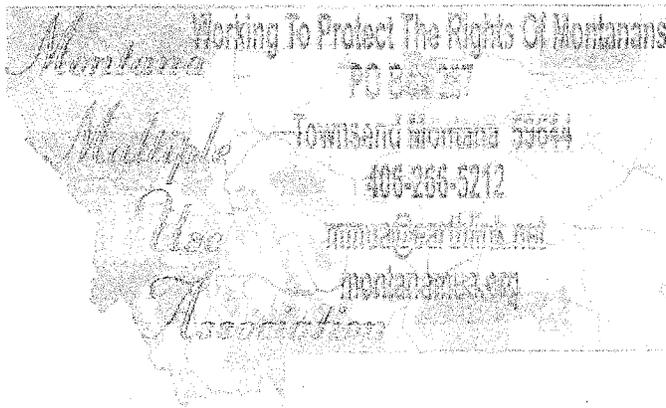
DATE 4-10-07

BILLS BEING HEARD TODAY HB 330, HB 831

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Abigail St. Lawrence	443-2211	MT Assn. of Realtors	831		X
Tom Hall	444-6699	DNR	HB 831	✓	
Mike Murphy	235-4555	MWRA	HB 831	with Amendments	
John Youngberg	570-4102	MTBF	HB 831	w/ amendments	
John Matash	496-4159	MBMG	HB 831	Informational	
Tom Patten	496-4153	NABMG	HB 831	Informational	
Stephen Brown	523-2500	Hollowtop Ranch	HB 831		X
Kathleen Borage	665-5780	Carl Venn, Chairman Crow	HB 330	with amendments	
Timmie Lohmeier	587-7364	Focus Careers Self	831	✓	
DEBRA WAHLBERG	586-3749	SELF	831	✓	
Michael Nicklin	582-0413	SELF	831		✓
PAUL SHELDONUM	586-6408	SELF	831	✓	
GEORGE METCALFE	596-3749	SELF	831	✓	
Hertha Lund	585-5598	Land Landowners in Fox Corner	831	✓	
VAN JAMISON	443-0815	SELF	330 w/ amendments	✓	
Liane Taylor	431-1013	HAR	831		✓
John White	444-5517	Governor	330	✓	
John Fitzgerald	449-9610	No changes	330	with amendments	
Patrick Judge	443-2520	MEIC	HB 330	✓	
Ron Edwards	580-2575	Big Sky Water & Sewer	HB 831		X
Jacqueline Sunmark	2-0230	MT Water Well Willingness	HB 831		X

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY



4-10-2007
~~March 26, 2007~~

House Bill 831
Representative Walter McNutt
Revise Water Use Laws

Dear Natural Resource Committee members,

We attended the hearing on the 23rd of March. As promised, we would like to support the timber industry and submit to you some very important points to consider in this bill. The purpose and intent of this bill is to protect senior water rights, and to create a method to facilitate adjudication of water rights both new and change in a closed basin. ***The public is left out of the process when many amendments are offered to a bill, and only those who offer the amendments know about them.*** Therefore, we cannot comment on those amendments offered at the hearing or any amendments that have been brought forward since.

The sponsor contends that the augmentation and mitigation provisions of the bill will result in a fair and balanced approach to water use in closed basins. We contend that this bill will only create more "***Analysis Paralysis.***" Furthermore, the provisions for mitigation and augmentation of water rights are a direct adverse economic impact to all landowners. The burden of proof put onto water right holders both new and senior are astronomical. As evidenced by testimony at the hearing, we are already seeing costs that exceed the feasibility of putting our water to beneficial use as mandated by the Constitution of Montana. An additional rise in these costs will deprive private property owners of the enjoyment of rights of owning that property. Thence, this will result in "***a taking of private property which is a violation of the United States Constitution.***"

Testimony at the hearing, failed to identify one real issue at hand. Many of the concerns we have over water here in Montana are due to the ***drought cycle*** that we are currently in. Laws that affect resource use and development that are based on potential issues not backed by science cannot be supported and must be dealt with properly.

This bill purports to bring in the science needed to adjudicate water by identifying net depletion through the use of professionals in the "Hydro/Geologist department at the school of mines. We contend that the fiscal note (that was not discussed at the hearing) is not accurate and therefore insufficient to cover the costs of an accurate monitoring or study expense that will be performed by the bureau of Mines. With actual costs and FTE expenses unknown, the people of Montana cannot support an open ended blank check bill. "***This bill is another example of government lobbying government for more government at the expense of the people.***"

It is noted that the TU litigation is in part, the reason for this bill. At the hearing, several attorneys proclaimed that the bill will bring on more litigation. *“Neither the State of Montana nor its people can afford to pass laws that invite more litigation that prevents the legitimate use of our resources.”*

It was stated that the conformity between title 75, chapters 5&6 and this law have been examined thoroughly. We contend that there are other laws under title 75, and current laws under title 76 that this law will create conflicts leaving this legislature to repair damage at this or the next session. For example, the change in the definition of *“ground water”* will have an adverse effect on the use of that term in many laws that deal with the beneficial use of water here in Montana.

Therefore, we would like to go on record in opposition of this bill, and implore upon the natural resource committee members to table this bill. In addition to tabling this bill, we hope the committee will not entertain any interim committee consideration of this piece of legislation, as it is not right for Montanans.

Timothy L. Ravndal
Timothy L. Ravndal, President

FILE COPY**Ron**

To: Senate Natural Resources Committee
Subject: HB 831

DATE: April 4, 2007

TO: Senate Natural Resource Committee Members

FROM: Ron Edwards, General Manager, Big Sky County Water & Sewer District

SUBJECT: HB 831

As the General Manager for the Big Sky County Water & Sewer District I am emailing you to encourage the Committee to amend HB 831. As it is currently drafted, Section 19 on page 38 of the draft bill reads:

"NEW SECTION. Section 19. Water quality of return flows and discharges associated with mitigation plan or aquifer recharge plan -- minimum requirements.

(1) A person who proposes to use sewage FROM A SYSTEM REQUIRING A WATER QUALITY PERMIT for the purposes of aquifer recharge or mitigation pursuant to [section 17 16] or plans to use sewage FROM A SYSTEM REQUIRING A WATER QUALITY PERMIT as a return flow to minimize the amount of water necessary to offset adverse effects resulting from net depletion of surface water through a mitigation plan or aquifer recharge plan pursuant to [section 17 16] must obtain a current permit pursuant to this chapter.

(2) The minimum treatment requirements for sewage systems subject to this section are the federal requirements provided for in 40 CFR 133, and the system must meet the requirements of level two treatment for the removal of nitrogen in the effluent.

(3) In addition to the minimum treatment requirements of subsection (2), sewage systems subject to this section must meet the following requirements:

(a) the drinking water standards provided for in Title 75, chapter 6, at the point of discharge; and

(b) the applicable water quality standards, including the nondegradation requirements of 75-5-301 and 75-5-303 at the point of discharge."

I am asking you to amend HB 831 by deleting subsection 3 in its entirety. Subsections 3 (a) and (b) will place unrealistic standards for wastewater treatment on permitted systems across the Montana. To my knowledge there are no treatment plants in the state that treat wastewater to "drinking water standards" and just a handful that do nationally. Requiring systems to treat to "drinking water standards" without fully understanding the cost implications of this in my opinion will put an undue burden on our community wastewater systems that discharge to groundwater. In addition, making the point where the standard is measured at the "point of discharge" is also flawed and is contrary to how centralized treatment systems are permitted under current MDEQ rules and regulations.

As I understand it this is a water bill for closed basins such as ours in the Gallain River watershed. Section 19 dabbles into wastewater permitting issues that I feel has no place in this bill, and it has the potential for far

4/4/2007

reaching implications for all centralized wastewater treatment systems that discharge to the groundwater.

Please amend this bill in committee and in the Senate. If this language is removed our District can support the rest of the bill.

Respectfully submitted,

Ron Edwards
General Manager
Big Sky County Water & Sewer District
406-580-2575

Ron Edwards, General Manager
Big Sky County Water & Sewer District No. 363
PO Box 160670 • 561 Little Coyote Road

Big Sky MT 59716

Phone: 406-995-2660 • Fax: 406-995-3053 • Mobile: 406-580-2575

www.bigskywatersewer.com

ronwsd@3rivers.net

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- Add CWS to Section 11 of the bill under exceptions.
 - Top 1/3 in pop. if we were to inc.
 - Difficult because we are in 2 counties.

MONTANA STATE SENATE
2007 LEGISLATURE

WITNESS STATEMENT

NAME Ron Edwards

ADDRESS 680 Sycamore Lane

HOME PHONE 406-587-4093 WORK PHONE 406-995-2660

REPRESENTING Big Sky County Water & Sewer District

APPEARING ON WHICH PROPOSAL HB 831

DO YOU: SUPPORT _____ OPPOSE _____ AMEND

COMMENTS:

Delete Section 19 (3) (a) & (b)

- See attached email comments
- Add County Water Districts to Basin Closure Exceptions under Section 11 of the bill.

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

Ron

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