

EXHIBIT 18  
DATE 3/17/09  
SB 437

15 March 2009

Dear Member of the House Fish, Wildlife and Parks Committee:

My name is William Kleindl. I own and operate a natural resources consulting firm called Naiad Aquatic Consultants, LLC. I have been a consultant in 15 years, specializing in restoration of streams and wetlands. I am a certified professional wetland ecologist through the Society of Wetland Scientist. Besides restoring streams and wetlands, I have also been contracted to construct private fish ponds.

As a professional aquatic consultant with 20 years of experience in restoring aquatic habitats, I am lending my support SB 437. And I urge you to do the same. SB 437 is a modest, common-sense bill that prohibits applicants for new fish ponds from using exempt groundwater well. This merely requires prospective pond owners to instead get groundwater permits. This will help ensure that the potential effects of new ponds is examined, thereby adding protection to senior water right holders and existing uses that can be effected by the consumptive use of fish ponds.

SB 437 will not result in any new fish ponds in Montana. It will result instead in a better understanding of how they can individually and collectively affect local water sources and senior water rights. There are more than 5,000 permitted fish ponds in Montana, and probably hundreds more without permits. Ponds consume water through evaporation. Vegetation around ponds transpires water, and ponds can interrupt the timing of local ground and surface water discharges. They have an effect, and it's reasonable and fair to require those that need a groundwater well to get a groundwater permit so effects can be examined.

Opponents say this bill will adversely affect existing ponds permitted by Montana FWP. It does not. It has no effect on currently permitted ponds that are in compliance. It affects only new applications for new ponds. Opponents say this bill will require FWP to nullify the use of existing wells for existing ponds through the pond-license renewal process. That is not true. Renewals don't require a new license. Opponents say if somebody forgets to renew their license at the end of the 10-year period, this bill will result in the loss of the use of their well. That, too, is incorrect. And any nervousness about a license expiring can easily be remedied by renewing on time.

This is a good bill, and it only requires that the water use for new private trout ponds, which are much less a necessity and more a luxury than, say, stockwater ponds, be evaluated. This will help protect senior water users, streams and the public's trout.

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