

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



MIKE COONEY
LT. GOVERNOR

May 11, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill 339 (HB 339), "AN ACT REVISING LAWS RELATED TO CERTAIN EXEMPT APPROPRIATIONS OF WATER; PROVIDING A DEFINITION FOR A "COMBINED APPROPRIATION"; CLARIFYING CONDITIONS FOR EXEMPT APPROPRIATIONS OF WATER; LIMITING THE PHYSICAL LOCATION OF CERTAIN EXEMPT APPROPRIATIONS OF WATER; PROVIDING THAT A COMBINED APPROPRIATION REQUIRES A WATER RIGHT PERMIT; AND AMENDING SECTIONS 85-2-102, 85-2-306, AND 85-2-381, MCA."

HB 339 would reinstate a loophole recently closed by a recent Montana Supreme Court ruling and fails to protect senior water right holders from the impacts of groundwater development.

A broad range of people with diverse interests, including conservationists, local governments, anglers, ranchers, and even a former very conservative Republican lawmaker and realtor oppose this legislation. Senior right holders understand that HB 339 does not protect them from the impacts of future development. Conservative ranchers and conservation groups share these concerns. Our cities and towns are concerned about HB 339's direct impacts to municipal water supplies as well as indirect impacts on streams that bring economic value to their communities.

"First in time, first in right" is a bedrock principle of water law, but any right is only as good as one's ability to protect it. HB 339 would perpetuate a system where many water wells could be developed in close proximity to one another, collectively pump substantial amounts of water, and the holder of an adjacent senior water right would be powerless to protect that right.

It is appropriate and necessary to provide Montanans with the ability to develop small ground water uses without the rigors of permitting. Ultimately, this requires striking a balance between the threshold for exempt well development and protection of senior water users.

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Unfortunately, HB 339 fails to strike that balance. Furthermore, because HB 339 continues to allow for the development of large water uses outside the permitting process, I am concerned this legislation will fuel renewed litigation resulting in significant expense to all those involved.

For these reasons, I veto HB 339.

Sincerely,



STEVE BULLOCK

Governor

cc: Legislative Services Division
Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House