

Walt Sales
3900 Stagecoach Trail
Manhattan, MT 59741
September 10, 2012

Water Policy Interim Committee

Dear Committee Members:

Thank you for continuing the task of vetting and finding a solution to the "exempt well" saga. Your work is to be commended, as much time has gone into getting where you are today. I am sorry that I cannot attend, but must be here at homeour weather this summer has kept me close to home with rationed water and frequent pipe moving when water is available.

As you know the Association of Agricultural Irrigators (AGAI) has supported LC 8012. AGAI has not been able to meet to discuss the new proposals but will be doing so soon. The comments here are mine on a personal level for your consideration, thank you for allowing them. I am sure that many of these will be clarified at your meeting and will end up mute, but again please accept my apology for not attending.

Senator Vincent's proposal.....

- Stream Depletion Zone name and definition is hard to grasp, is the intent to limit to Streams?
- List of qualifiers need explanation and leave open for increased litigation. Justification of percentages and distance also leave questions regarding the connection to surface and ground water. Adverse effect is being allowed by statute with proposed equation.
- Lower g.p.m. will place further burden on fire protections systems and others.
- How will these areas be enforced and who will shoulder the burden?
- Will not address the cumulative effects, looking at larger subdivisions with wells being placed as single projects while total consumed volumes may equal a permit on the other side of the fence. Equality of permits without regard to consumed amounts still being overlooked. I don't understand why 40 acres of subdivided lawn differs from 40 acres of agriculture ground, maybe you could explain if I were there?
- Great potential to place the Bureau of Mines and Geology into an unforeseen regulatory position and putting the funding at risk. Funding to complete future work that may be needed on this issue may not follow the areas need, not protecting the resource or prior appropriation in the meantime.

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September 9, 2012

Page 2

- Application date is open, leaving the Department to stream depletion zone rulemaking at their discretion, (New section 3....Dept. may establish...).

Senator Hamlett's proposal.....

- Why would we want to codify a litigious Department rule?

Thank you for your consideration in this process, I wish I could offer a great solution. I do hope that you continue to respect the prior appropriation doctrine and existing property rights associated to our water rights as you move this State forward with your work.

Sincerely,

Walt Sales