

HOUSE BILL NO. 476

INTRODUCED BY N. MCCONNELL

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING WATER REMOVED FROM A MINE TO BE RETURNED
 5 TO THE AQUIFER WITHOUT DEGRADING WATER QUALITY AND IN A MANNER THAT PREVENTS
 6 SURFACE WATER DEPLETIONS; AND AMENDING SECTION 85-2-505, MCA."

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 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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 10 **Section 1.** Section 85-2-505, MCA, is amended to read:

11 **"85-2-505. Waste and contamination of ground water prohibited.** (1) No ground water may be
 12 wasted. The department shall require all wells producing waters that contaminate other waters to be plugged or
 13 capped. It shall also require all flowing wells to be so capped or equipped with valves that the flow of water can
 14 be stopped when the water is not being put to beneficial use. Likewise, both flowing and nonflowing wells must
 15 be so constructed and maintained as to prevent the waste, contamination, or pollution of ground water through
 16 leaky casings, pipes, fittings, valves, or pumps either above or below the land surface. However, in the following
 17 cases the withdrawal or use of ground water may not be construed as waste under this part:

18 (a) the withdrawal of reasonable quantities of ground water in connection with the construction,
 19 development, testing, or repair of a well or other means of withdrawal of ground water;

20 (b) the inadvertent loss of ground water owing to breakage of a pump, valve, pipe, or fitting, if reasonable
 21 diligence is shown by the person in effecting the necessary repair;

22 (c) the disposal of ground water without further beneficial use that must be withdrawn for the sole
 23 purpose of improving or preserving the utility of land by draining the ~~same or~~ land;

24 (d) the withdrawal of ground water without further beneficial use that must be removed from a mine to
 25 permit mining operations or to preserve the mine in good condition provided that the ground water removed is
 26 returned to the source aquifer:

27 (i) without degradation, as defined in 75-5-103; and

28 (ii) at a location and time to prevent surface water depletions that would otherwise result from the
 29 withdrawal of the ground water;

30 ~~(d)~~(e) the disposal of ground water used in connection with producing, reducing, smelting, and milling

1 metallic ores and industrial minerals or that displaced from an aquifer by the storage of other mineral resources;
2 and

3 ~~(e)~~(f) the management, discharge, or reinjection of ground water produced in association with a coal bed
4 methane well in accordance with 82-11-175(2)(b) through (2)(d).

5 (2) The department at any time may hold a hearing on its own motion or upon petition signed by a
6 representative body of users of ground water in any area or subarea to determine whether the water supply within
7 that area or subarea is used in compliance with this part."

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