

October 29, 2015

Water Policy Interim Committee  
64<sup>th</sup> Montana Legislature  
c/o Jason Mohr, Legislative Staff

Chairman Hamlett and Honorable Committee Members,

Through a request from Mr. Mohr, we understand that the WPIC requested input on the proposed study of water availability and supply, specifically as it relates to growing communities. The Montana Water Well Drillers Association appreciates the opportunity to offer testimony and suggests that the committee look at a variety of information.

In order to determine availability and supply, look first to where water is being used. We often hear that more water leaves the state of Montana than is consumed. As a headwaters state, this is probably true, but not very relevant in determining if that water is where and when it is needed. A water expert from New Mexico, when discussing the Bounds case, once commented, "We have the same water fights here, but Montana is fighting over a tea cup full of water and we are fighting over a drop in that cup." It is worth noting that Montana is blessed with an abundance of the resource we are discussing. Fair distribution of that resource is what needs to be determined.

Of the total water consumed in Montana, 3.51% is taken from the ground. Of that percentage, 52.9% is used for agriculture, while 7.91% is used for individual domestic purposes. This discussion is focusing on 3/10 of 1% of all water consumed in Montana. (National Groundwater Association; Groundwater Use in Montana)

As Montana cities grow they must address the additional water required to serve annexation. One of the larger cities in Montana recently discussed this concern during a work session while looking at the possibility of over 470 new sub-division lots. Another city is reported to be allowing new homes to be hooked into the city system, but requiring the homeowner to drill a well for lawn and garden use. The WPIC may want to ask city leaders to discuss the options and obstacles they face as their communities grow beyond their 1973 boundaries. However, it would be good to keep in mind that no city official wants to publicly declare their city off limits to growth and economic development.

Regardless of growth plans or well-intentioned planners, there will always be those that prefer to live out of city limits. For the water options available to these developments, MWWDA suggests that you visit with the developers and the attorneys and hydrologists that they have employed to work thru the water permitting process. A few names that you may consider are Donny Ramer of Stevensville and Ryan Casne of Helena (WPIC September 13, 2011 testimony) and Matthew Williams, Esq. Williams & Jent PLLP of Bozeman (Water Systems Council Workshop, Helena, MT October 14, 2010) These people have proven to be very knowledgeable about the process in previous testimony.

It often seems a simple solution to install a community well and water system in these rural developments. While this may allow access to water, it also opens the door to over 195 pages of community water system regulations at both the state and Federal level. (Public Water Supply Act MCA

75-6-101 and ARM 17.38.101 thru 607; Federal Safe Drinking Water Act Title 42, Chapter 6A, Subchapter 12, Part B) The process of obtaining the water right for the system is an upfront cost; however, the ongoing and changing requirements of managing the system can be even more costly. MWWDA suggests that the WPIC visit with Jon Dilliard, Bureau Chief of Public Water and Subdivision at the DEQ about these systems, their regulation and costs currently being faced by small systems in order to maintain compliance.

Finally, if the 3/10 of 1% of water taken from the ground and used for domestic purposes is taking water from a senior water right, there is no logical argument that the city limits, cost of permitting or maintenance of a public system should prevail. MWWDA suggests that the best source of information about the actual availability of groundwater is the Montana Bureau of Mines located at Montana Tech in Butte. They have produced a number of hydrological studies that demonstrate negligible effects on surface water – even when calculating out 100 years and adjusting for possible climate change. These reports can be found at <http://www.mbm.mtech.edu/gwip/gwip.asp> on the Bureau website or at the Montana Legislative website under the 2009, 2011 and 2013 WPIC meeting minutes. Specifically, the “Preliminary Draft Case Study Report to the 60<sup>th</sup> Legislature Water Policy Interim Committee” by the MBMG from June 10, 2008 may be a good resource for information. The committee may also find the Nicklin Study, “An Evaluation of Montana’s Water Resources” completed by Michael Nicklin Ph.D., P.E. Principal of Nicklin Earth & Water, to be a good source. An abbreviated summary of his report can be found in a publication by the Montana Association of Realtors, titled “Evaluation of Montana’s Water Resources, Using a Water Budget Approach”. All of these materials are also available in the WPIC archives.

The Montana Water Well Driller’s Association appreciates the opportunity to offer input and information into the conversation on water supply.

Sincerely,

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*On behalf of the Montana Water Well Driller’s Association*

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