

**ASSOCIATION OF GALLATIN AGRICULTURAL IRRIGATORS
2009 WEEKLY LEGISLATIVE HIGHLIGHTS
February 15, 2009**

The committees have this week to finish their work – both hearings and executive action – in order to meet the transmittal deadline for general bills. It is by this date that House bills must be reported to the Senate and Senate bills must be reported to the House. The committee workload will be extreme this week and the willingness and ability to allow time for amendments will be much more limited. We continue to work with other interested parties to try to come to agreement on bills and amendments. Please do not hesitate to let either Krista or Walt know about issues of concern, comments, and thoughts.

Reports on Hearings Held February 9-February 13

SB 324 – (Jackson, Kalispell) – Provided that an appropriation of water after January 25, 1951, in the Clark Fork watershed in the State of Montana for irrigation and domestic use above a dam located within 25 miles of the Montana – Idaho boundary has priority over water power use at a dam. This bill, like others this session, is prioritizing the type of use. In this instance it is irrigation and domestic.

SB 343 – (Jackson, Kalispell) – Created the Montana Aquatic Invasive Species Act. As the bill was initially drafted it was not limited to aquatics. AGAI worked with other interested parties to amend the bill to limit it to aquatic species. It provides for public education, joint management and identification of management areas by FWP and Dept. of Agriculture.

SB 303 – (Wanzenried, Missoula) – SB 303 provides requirements for updating the state water plan. As originally drafted the DNRC and the council that is created in the bill are required to prioritize instream flow in the planning process. AGAI supported the concept of the bill but suggested that amendments be drafted that place all beneficial uses on equal footing with regard to planning for future use of Montana's water. The sponsor has requested 5 sets of amendments. Executive action has not taken place.

HB 379 – (Hendrick, Florence) – This bill provides an exemption for municipalities and water and sewer districts for the development of their water rights. There are amendments to the bill that remove the exemption. However, the removal of the term exemption does not remove the ability of the municipalities and water and sewer districts to incrementally develop their water rights. It appears that with the amendments municipalities and the water and sewer districts would still not be required to go through the consumptive use analysis required for other beneficial uses and users in the water right change process.

Reports on Bills Heard but still in Committee – February 9-February 13

SB 94 – (Sen. Jent, D – Bozeman) DNRC Bill -- Revise closed water basin permitting laws was heard on 1/14/09 in Senate Natural Resources. A majority of those testifying



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were in opposition. Prior to amendments, the bill removes the statutory requirements for hydrogeologic assessments for new permit applications in closed basins. A number of entities offered to work with the DNRC on the development of amendments to make the bill work. AGAI has drafted amendments to ensure that the hydrogeologic provisions enacted in HB 831 stay intact. After the bill was initially passed out of committee it was rereferred to committee on the Senate Floor and reheard on Friday, February 13th. Executive Action on the rereferred bill has not taken place.

HB 52 – (McNutt, R – Sidney) – Fund hydrogeologic Study was heard by House Appropriations on January 12. All those who testified were proponents. AGAI supported the legislation stating it is critical to provide sound, unbiased science so that informed decisions may be made with regard to water allocation in Montana. Estimated cost per basin for the ground water study is \$600,000. MT Bureau of Mines and Geology has determined that approximately 7 basins could be studied per biennium. It would take approximately 5 bienniums to complete all of the basins in MT. Rep. McNutt requested that the legislation be held until the budget picture was better understood. The bill requests \$4.2 million per biennium. Executive Action has not been scheduled.

Reports on Floor Action Held February 9-February 13

Hearings for the week of February 16th – 20th:

(Note: A hearing only requires a two day notice so this list may change)

Monday 2/16/09

HB 575	LC1549	Bill McChesney	(H) Hearing -- (H) Agriculture	02/17/2009; 3:00 PM, Rm 472	Revise water laws relating to coal bed methane
HB 321	LC0815	Jill Cohenour	(H) Scheduled for 2nd Reading	02/16/2009	Clarify local government authority regarding public water and sewer
SB 396	LC1949	Bob Story	(S) Hearing -- (S) Natural Resources	02/16/2009; 3:00 PM, Rm 303	Alter criteria for permitting certain changes to points of diversion
SB 437	LC1684	Gary L Perry	(S) Hearing -- (S) Natural Resources	02/16/2009; 3:00 PM, Rm 303	Clarify fish pond licensure

Tuesday 2/17/09

Wednesday 2/18/09

HB	LC0812	Jill Cohenour	(H) Hearing --	02/18/2009;	Clarify court cost
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470			(H) Judiciary	8:00 AM, Rm 137	awards for water proceedings
SB 420	LC0188	Verdell Jackson	(S) Hearing -- (S) Natural Resources	02/18/2009; 3:00 PM, Rm 422	Challenge of certain water rights during adjudication
SB 421	LC0186	Verdell Jackson	(S) Hearing -- (S) Natural Resources	02/18/2009; 3:00 PM, Rm 422	Clarify adverse affect in water law
SB 422	LC0187	Verdell Jackson	(S) Hearing -- (S) Natural Resources	02/18/2009; 3:00 PM, Rm 422	Generally revise water use act
SB 461	LC0160	John Brueggeman	(S) Hearing -- (S) Natural Resources	02/18/2009; 3:00 PM, Rm 422	Change of use for certain water users

Thursday 2/19/09:

Friday 2/20/09:

Bills Assigned to Committee but not yet Scheduled for Hearing:

SB 465	LC1635	Bradley Hamlett	(S) Referred to Committee -- (S) Taxation	02/13/2009	Clarify ownership of streambeds concerning property taxation
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Bill Drafts of Concern

LC0046	02/08/2008	Bob Story	(C) Draft On Hold	10/08/2008	Criteria for determination of market value for state land occupied by dams
LC0185	06/26/2008	Verdell Jackson	(C) Draft On Hold	11/10/2008	Prohibit sale of water rights upstream by hydroelectric generators
LC0189	06/26/2008	Verdell Jackson	(C) Draft On Hold	11/10/2008	Subordinate power generation water rights
LC0587	10/15/2008	Jim Shockley	(C) Draft	01/05/2009	Emergency use of surface water



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			On Hold		
LC0692	11/05/2008	Jerry W Black	(C) Draft On Hold	11/18/2008	Irrigation sustainability and development act
LC1396	12/04/2008	Kelly Gebhardt	(C) Draft On Hold	01/14/2009	Revise water rights permitting process
LC2077	01/07/2009	Mike Menahan	(C) Draft On Hold	01/31/2009	Limit exempt wells in high growth counties

