

**ASSOCIATION OF GALLATIN AGRICULTURAL IRRIGATORS  
2009 WEEKLY LEGISLATIVE HIGHLIGHTS  
January 22, 2009**

The session is starting to pick up steam and budget issues will become the main focus this session. Water issues continue to be a focus in Senate and House Natural Resources Committees as well as Senate and House Local Government Committees. Please do not hesitate to let either Krista or Walt know about issues of concern, comments, and thoughts.

**Reports on Hearings Held January 5-21**

**SB 4 – (Wanzenried, D-Missoula)** Standing Water Policy subcommittee of EQC hearing was held on January 13 in Senate Natural Resources. This bill and SB 22 were in conflict with each other and the committee was forced to pick between the two. The committee chose to table SB 4. Subcommittee of Sen. Natural Resources was created to look at both bills and chose to recommend to the full committee that they support SB 22.

**SB 22 – (Murphy, R- Cardwell)** Create Water Policy Interim Committee hearing was held in Senate Natural Resources on January 13. This bill was chosen over SB 4 as the best option for moving forward with interim water policy analysis. A subcommittee of Sen. Natural Resources was created to look at both bills. The subcommittee chose to recommend to the full Senate Natural Resources that they support SB 22 and table SB 4. The bill was amended to make it clear that at least 2 of the members of the committee must hold a water right and must have experience in agriculture. Passed 2<sup>nd</sup> Reading 44-6 and was rereferred to Senate Finance and Claims.

**HB 25 – (McChesney, D – Miles City)** Department of Transportation water rights for wetland projects was heard in House Natural Resources on 1/9/09. The proponents to the bill were the DOT and the DFWP. All others that testified were opponents. Opposition was based primarily on no new exemptions and if private citizens have to go through the application process then so should government entities. Executive Action in the committee 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. Support for the legislation stated 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.

**HB 41 – (Rep Cohenour, D – E. Helena) WPIC Bill** -- Revise water quality laws for aquifer recharge or mitigation was heard on 1/14/09. Requires that treated effluent that will be used for mitigation or aquifer recharge be treated to either primary drinking water or nondegradation standards. The bill was amended in committee to make it clear that

the requirement only applies to treated effluent and not other discharges. Bill passed 2<sup>nd</sup> reading and was rereferred to House Appropriations.

**HB 39 – (Rep. Cohenour, D – E. Helena) WPIC Bill** -- Revise water right enforcement laws was heard on 1/14/09 as well. Majority of entities supported the bill. Allows the Attorney General to be involved in enforcement actions as requested by the county attorney. Provides for appointment of water masters as special masters in the district court. The bill also removes the requirement that DNRC first try to achieve voluntary compliance. Passed 2<sup>nd</sup> and 3<sup>rd</sup> reading in the house and is awaiting transmittal to the Senate.

**SB 93 – (Sen. Jent, D – Bozeman) DNRC Bill** -- Clarify groundwater utilization laws in closed basins was heard on 1/14/09. This bill provided that all net depletion results in adverse affect. Proponents were DNRC, DFWP, and Tongue River Water Users Association. Opposition was based on the concern that adverse affect is a site and fact specific determination and that it is not a good idea to create a predetermined outcome to a scientific analysis. Executive Action has not yet occurred.

**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 were in opposition. 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. Executive Action has not taken place and no amendments had been requested as of 1/23/09.

**SB 17 – (Sen. Perry, R – Manhattan) WPIC Bill** -- Require public water and sewer systems for certain subdivisions was heard in Senate Local Government on 1/21/09. This bill required that subdivisions that have 30 or more lots with lots sizes less than 3 acres must have public water and sewer. Senator Perry requested that the bill be tabled prior to testimony. Opposition to this bill appeared to be centered on concerns that the bill did not go far enough to address concerns with the use of exempt wells in subdivisions. Support for this bill stated that it was a good start at addressing the use of exempt wells in subdivisions. The bill was tabled in committee.

**HB 40 – (Rep. Cohenour, D – E. Helena) WPIC Bill** -- Revise water right permit process was heard in House Natural Resources on 1/21/09. This bill was brought to WPIC by DNRC as a way of streamlining the permitting process for applicants and objectors. It provides an opportunity for informal meetings with the department by applicants and objectors. The bill also provides for a preliminary determination by the DNRC. This will help provide applicants and objectors with the information that they need to determine whether or not they need to be involved in further action with the bill. If the department is proposing to deny the application it may not be necessary for an objector to spend the money on legal counsel to object to the application. The bill was amended and stakeholders were involved in crafting the amendments. There were no opponents to the bill.

**Hearings for the week of January 26-30<sup>th</sup>:**

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

**Monday 1/26/09**

**Tuesday 1/27/09**

**Wednesday 1/28/09**

<a href="#">SB 120</a>	LC0287	Ryan Zinke	(S) Hearing -- (S) Natural Resources	01/28/2009; 3:00 PM, Rm 422	Revise the controlled groundwater area petition laws
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<a href="#">SB 149</a>	LC0285	John Brueggeman	(S) Hearing -- (S) Natural Resources	01/28/2009; 3:00 PM, Rm 422	Change of use for municipal or county water and sewer districts
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**Thursday 1/29/09:**

**Friday 1/30/09:**

**Bills Assigned to Committee but not yet Scheduled for Hearing:**

<a href="#">HB 275</a>	LC0191	Robin Hamilton	(H) Referred to Committee -- (H) Natural Resources	01/16/2009	Emergency streamflow for fisheries
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**Bill Drafts to Watch**

<a href="#">LC0184</a>	06/26/2008	Verdell Jackson	(C) Draft On Hold	01/17/2009	Regulation of zebra mussel and other invasive species
<a href="#">LC0185</a>	06/26/2008	Verdell Jackson	(C) Draft On Hold	11/10/2008	Prohibit sale of water rights upstream by hydroelectric generators
<a href="#">LC0186</a>	06/26/2008	Verdell Jackson	(C) Draft On Hold	01/19/2009	Clarify adverse affect in water law
<a href="#">LC0187</a>	06/26/2008	Verdell	(C) Draft	01/19/2009	Generally revise

		Jackson	On Hold		water use act
<a href="#">LC0188</a>	06/26/2008	Verdell Jackson	(C) Draft Ready for Delivery	01/13/2009	Challenge of certain water rights during adjudication
<a href="#">LC0189</a>	06/26/2008	Verdell Jackson	(C) Draft On Hold	11/10/2008	Subordinate power generation water rights
<a href="#">LC0190</a>	06/26/2008	Verdell Jackson	(C) Draft Ready for Delivery	01/13/2009	Revise laws related to power generation water rights
<a href="#">LC0463</a>	09/17/2008	David E Wanzenried	(C) Draft Ready for Delivery	01/21/2009	Update state water plan

<a href="#">LC0046</a>	02/08/2008	Bob Story	(C) Draft On Hold	10/08/2008	Criteria for determination of market value for state land occupied by dams
<a href="#">LC1635</a>	12/05/2008	Bradley Hamlett	(C) Draft Ready for Delivery	01/09/2009	Clarify ownership of streambeds concerning property taxation

<a href="#">LC2077</a>	01/07/2009	Mike Menahan	(C) Draft Request Received	01/07/2009	Limit exempt wells in high growth counties
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<a href="#">LC2110</a>	01/12/2009	Gordon R Hendrick	(C) Draft in Assembly/Executive Director Review	01/21/2009	Revise water law for changes
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