

Summary of WPIC work group meeting - May 12, 2008

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DRAFT

In April, the WPIC asked that a work group meet to discuss several issues being debated by the WPIC. The agenda included a prioritization of issues, DNRC revisions to HB831 statutes and permitting, funding sources, exempt wells and local and state issues.

Work group attendees were encouraged to bring copies of proposals.

Twenty-one people met for about five hours and discussed a wide range of issues. A list of attendees is attached.

The group was encouraged to find areas where there may be consensus. Toward that end, the group generally endorsed these bolded statements. Some of the discussion follows some statements.

*** More study of groundwater resources is necessary, but work group members wanted detailed information about what sort of analysis the MBMG would be able to provide.**

*** There is a need to increase the number of wells in the groundwater monitoring network as well as improve access to existing wells.**

It was suggested that easements be required for new wells in subdivisions as well as giving the MBMG specific authority to access existing wells.

*** Exempt wells have a place in Montana, however there are concerns in some areas about their effect on water quality and quantity. Incentives are needed to encourage public water and sewer systems.**

It was suggested that there needs to be more study of exempt wells before policy is changed. Others disagreed and said exempt wells must be addressed now.

One proposal would require subdivisions with exempt wells to undergo the HB831 process.

Another suggestion was to limit the use of exempt wells for ponds.

*** Controlled Groundwater Area statutes need revision. The petitions for CGWA could help guide MBMG studies.**

*** Water right permitting needs to be easier to understand and faster. Revisions to HB831 statutes may be needed.**

It was acknowledged that DNRC is not always trusted to implement rules in line with the intent of the law. DNRC contends that the rule-level language in HB831 is too complex and in the

case of the hydrogeologic assessment, the language pertains more to aquifer storage and recovery projects than it does to hydrogeologic assessments.

Don MacIntyre submitted a proposal to give decision-making priority to permit or change applications from parties that agree to pay for the outsourcing of agency procured reviewers and hearing examiners. The bill draft it attached.

OTHER ISSUES

Adverse effect

Don MacIntyre submitted a definition for adverse effect. The proposal would define adverse effect as the lack of the legal availability of water. Currently, adverse effect is not specifically defined, rather it is determined "based on a consideration of an applicant's plan for the exercise of the permit that demonstrates that the applicant's use of the water will be controlled so the water right of a prior appropriator will be satisfied."

The proposal is attached.

Enforcement

Don MacIntyre submitted a proposal that would allow a person to direct the DNRC to pursue enforcement actions in district court, as long as the person pays legal fees. If the DNRC prevails and wins legal fees, the person would be reimbursed.

The proposal is attached.

