

HOUSE BILL NO. 935

INTRODUCED BY M. THIEL, B. CARTER, S. MANESS, R. MINER, G. OBLANDER, G. PARRY, J. SCHILLINGER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR DEPARTMENT SUSPENSION OR CLOSURE OF NEW GROUND WATER APPROPRIATIONS IN THE FOX HILLS-HELL CREEK AQUIFER; PROVIDING FOR A FEASIBILITY STUDY OF GROUND WATER AVAILABILITY; PROVIDING REPORTING REQUIREMENTS; APPROPRIATING FUNDS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

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

NEW SECTION. Section 1. **Fox Hills-Hell Creek aquifer -- temporary suspension of action on permits -- ~~groundwater-ground water~~ study.** (1) In order to balance the need for continued development of Montana's water and for protection of existing water rights in the Fox Hills-Hell Creek aquifer, the department ~~may~~SHALL suspend action on a class of applications or may close an aquifer source and refuse to accept a class of applications, or both, for a permit to appropriate ground water from that source pursuant to this part.

(2) Pursuant to subsection (1), the department ~~may~~shall suspend or close permit applications to appropriate ground water from the Fox Hills-Hell Creek aquifer within department administrative boundaries 39E, 39FJ, 39G, 39H, 40D, 40E, 40P, 40Q, 40R, 40S, 42A, 42C, 42J, 42K, 42KJ, 42L, and 42M if the proposed appropriation is ~~3,000 gallons a minute or more~~ EXCEEDS THE PERMIT EXCEPTIONS PROVIDED IN 85-2-306.

(3) The bureau of mines and geology shall complete a feasibility study on ground water availability in the department administrative boundaries listed in subsection (2). THE STUDY MAY INCLUDE:

(A) THE COMPILATION AND UPDATE OF NEW GEOLOGIC AND HYDROGEOLOGIC DATA;

(B) A LIMITED FIELD COLLECTION OF WATER LEVELS AND PRESSURE FOR WELLS WITH HISTORICAL DATA;

(C) A PRELIMINARY WATER BUDGET FOR THE FOX HILLS-HELL CREEK AQUIFER; AND

(D) A PRELIMINARY MODEL TO EVALUATE THE EFFECTS OF PUMPING ON WATER LEVELS AND PRESSURE.

Amendment - 1st Reading/2nd House-blue - Requested by: Morgan Thiel - (S) Natural Resources

- 2025

69th Legislature 2025

Drafter: Jason Mohr,

HB0935.002.003

(4) THE BUREAU SHALL REPORT THE PROGRESS AND RESULTS OF ITS STUDY TO THE WATER POLICY

INTERIM COMMITTEE ESTABLISHED IN 5-5-231, IN ACCORDANCE WITH 5-11-210.

NEW SECTION. Section 2. Transfer. By June 30, 2025, the state treasurer shall transfer \$5,000
\$50,000 FROM THE GENERAL FUND to the ground water assessment account in 85-2-905.

NEW SECTION. Section 3. Appropriation. There is appropriated \$5,000 \$50,000 from the general
fund to the bureau of mines and geology for the biennium beginning July 1, 2025, for a feasibility study
pursuant to subsection (3) of [section 1].

NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an
integral part of Title 85, chapter 2, part 3, and the provisions of Title 85, chapter 2, part 3, apply to [section 1].

NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 6. Termination. [This act] terminates June 30, 2027.

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