

**Amendment - 2nd Reading/2nd House-tan - Requested by: Willis Curdy - (S) Committee of the Whole**

- 2025

69th Legislature 2025

Drafter: Jason Mohr,

HB0935.003.001

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 ~~A STUDY OF~~ 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 ~~-- 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 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) 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 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 shall suspend or close permit applications to

**Amendment - 2nd Reading/2nd House-tan - Requested by: Willis Curdy - (S) Committee of the Whole**

- 2025

69th Legislature 2025

Drafter: Jason Mohr,

HB0935.003.001

appropriate ground water from the Fox Hills-Hell Creek aquifer within department administrative boundaries 40P, 42M, and the portion of 40S east of the Redwater River if the proposed appropriation exceeds a permit exemption provided by 85-2-306.

(3) The bureau of mines and geology shall complete a feasibility study on ground water availability FROM THE FOX HILLS-HELL CREEK AQUIFER in the department administrative boundaries ~~listed in subsection (2)~~ 39E, 39FJ, 39G, 39H, 40D, 40E, 40P, 40Q, 40R, 40S, 42A, 42C, 42J, 42K, 42KJ, 42L, AND 42M. 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.

~~(4)(2)(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. THE COMMITTEE SHALL CONSIDER THE RESULTS OF THE STUDY AND MAKE RECOMMENDATIONS TO THE LEGISLATURE FOR DEPARTMENT SUSPENSION OR CLOSURE OF NEW GROUND WATER APPROPRIATIONS FROM THE FOX HILLS-HELL CREEK AQUIFER.

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~~ (4)(3)].

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.