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HOUSE BILL NO. 935

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

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SCHILLINGER

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

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

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

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(2) Pursuant to subsection (1), the department may suspend or close permit applications to

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appropriate ground water from the Fox Hills-Hell Creek aquifer within department administrative boundaries

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39E, 39FJ, 39G, 39H, 40D, 40E, 40P, 40Q, 40R, 40S, 42A, 42C, 42J, 42K, 42KJ, 42L, and 42M if the proposed

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appropriation is 3,000 gallons a minute or more EXCEEDS THE PERMIT EXCEPTIONS PROVIDED IN 85-2-306.

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(3) The bureau of mines and geology shall complete a feasibility study on ground water availability

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FROM THE FOX HILLS-HELL CREEK AQUIFER in the department administrative boundaries listed in subsection (2)

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39E, 39FJ, 39G, 39H, 40D, 40E, 40P, 40Q, 40R, 40S, 42A, 42C, 42J, 42K, 42KJ, 42L, AND 42M. THE STUDY MAY

25 INCLUDE:

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

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

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

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

2                   (4)(2) THE BUREAU SHALL REPORT THE PROGRESS AND RESULTS OF ITS STUDY TO THE WATER POLICY

3                   INTERIM COMMITTEE ESTABLISHED IN 5-5-231, IN ACCORDANCE WITH 5-11-210. THE COMMITTEE SHALL CONSIDER THE

4                   RESULTS OF THE STUDY AND MAKE RECOMMENDATIONS TO THE LEGISLATURE FOR DEPARTMENT SUSPENSION OR

5                   CLOSURE OF NEW GROUND WATER APPROPRIATIONS FROM THE FOX HILLS-HELL CREEK AQUIFER.

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7                   ~~NEW SECTION. Section 2. Transfer.~~ By June 30, 2025, the state treasurer shall transfer \$5,000

8                   \$50,000 FROM THE GENERAL FUND to the ground water assessment account in 85-2-905.

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10                   ~~NEW SECTION. Section 3. Appropriation.~~ There is appropriated \$ 5,000 \$50,000 from the general

11                   fund to the bureau of mines and geology for the biennium beginning July 1, 2025, for a feasibility study

12                   pursuant to subsection (3) of [section 1(1)].

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14                   ~~NEW SECTION. Section 2. Codification instruction.~~ [Section 1] is intended to be codified as an

15                   integral part of Title 85, chapter 2, part 3, and the provisions of Title 85, chapter 2, part 3, apply to [section 1].

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17                   ~~NEW SECTION. Section 3. Effective date.~~ [This act] is effective on passage and approval.

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19                   ~~NEW SECTION. Section 4. Termination.~~ [This act] terminates June 30, 2027.

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