Board of Water Well Contractors
The BWCC web page with links, dates, newsletter, information for drillers and Board members contact information
www.bwcc.mt.gov

Ground-Water Information Center
Provides ground water information and filed well logs
http://mbngwic.mtech.edu

On-Line CE Classes
Internet access to Board approved on line continuing education classes
www.welldrillingschool.com

Administrative Rules of Montana
Provides the Rules for the BWCC
http://www.mtrules.org/gateway/ChapterHome.asp?Chapter=36.21

Well Log Report Forms
Contains the Well Log Report Form 603 for drillers
Well Log Report Forms
http://www.mtrules.org/gateway/ChapterHome.asp?Chapter=36.21

The Internet is a huge information bank and finding what you are looking for can be time consuming and frustrating. Provided below is a list of websites that relate to the BWCC.

Websites to Bookmark
Hay’s Drilling, Livingston MT
406-444-6643
Helena MT 59620-1601
PO Box 201601

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document should contact:
Persons with disabilities who need an alternative, accessible format of this document should contact:
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Spring - 2021
BOARD OF WATER WELL CONTRACTORS

Senate Confirms Pat Byrne’s Appointment
Pat Byrne’s appointment to the Board of Water Well Contractors was confirmed by the Senate, Senate Resolution (SR) 52 which contained Pat’s confirmation was presented to the Senate Natural Resource Committee. Ms. Ronda Wiggers represented the Montana Water Well Drillers Association and spoke in favor of Pat’s confirmation. The Committee and full Senate passed his confirmation by unanimous vote. Pat’s term on the Board will expire July 1, 2021.

Pat was first appointed to the Board in 1992 by then Governor Stephens. Pat has served as the Chairman of the Board since 1997. Pat is one of two licensed Water Well Contractors that are appointed by the Governor’s Office. Pat and son Tyler, own and operate Pat Byrne Drilling Company of Great Falls, Montana. Pat has been in the drilling business since the 1960’s.

How Complaints are Processed
A common question that comes up during my visits with drillers throughout the state regards complaints between well owners and well drillers and how these are handled by the Board of Water Well Contractors (Board). How a complaint is reconciled is determined by the type of complaint and the seriousness of the complaint.

Preference is for the Program Manager to resolve all complaints, if reasonably possible without involving the full Board. The Program Manager must also screen complaints from advancing to the Board on issues that have no grounds for a complaint. Any complaints filed must relate to some violation of the Board’s statutory law or the Board’s administrative rules which are the minimum construction standards.

Typically, the Program Manager will first be made aware of a problem when a well owner calls the Board’s office with a complaint against a well driller. The first item clarified by the Program Manager is if the well owner has talked to the licensed well driller about the problem. The complaint process will not continue until the well owner has talked or attempted to talk to the licensee. If the two parties cannot communicate or reach an agreement, the complaint process will continue. The Board will not accept and will not process any complaint dealing with monetary issues, such as a complaint from a well owner that they were over charged by the contractor, or that a contractor didn’t get paid for their work by the well owner. Monetary issues must be handled and settled by the parties on their own means other than the Board.

There are two types of complaints, a “potential complaint” and a “formal written complaint”. A potential complaint is when a well owner calls the Board with a problem or concern about their well and the licensee. The Program Manager can make recommendations to the well owner; however, the well owner needs to make every attempt possible to talk to the licensee. A large number of potential complaints are resolved as the two parties continue...
communicate. The Program Manager may offer to contact the licensee if the well owner is unable to make contact. If the issue cannot be resolved at this stage and if the facts warrant, the Program Manager will ask the well owner to file a written complaint.

The formal written complaint must identify and address each alleged violation of the Board’s construction standards by the licensee. Documents such as a well log report, drilling contract, invoices, photographs, etc. must be submitted with the written complaint. All correspondence or information submitted to the Board is public information. The Program Manager will make copies of the complaint and all forms, documents, etc. that are submitted. The copies will be sent to the driller. MCA 37-43-309 states that the licensee must be given an opportunity to respond to complaints and demonstrate or prove legal compliance prior to any Board disciplinary action against the licensee. It further provides that the Board may require complainant and licensee to appear before Board to discuss complaints in an attempt to settle their differences.

One of the tools the Program Manager can utilize during the fact finding process of complaint resolution is a field investigation. Not all complaints will require a field investigation, but if a field investigation is performed the findings and conclusion, if possible to be ascertained at that point, are shared with all parties. If it is determined that no violations have occurred, the Program Manager must notify, in writing, all parties of his findings and dismiss the complaint. If the investigation finds there have been violations and a settlement appears impossible or it is a case where disciplinary action apparently should be taken the Program Manager must involve the full Board.

The full Board reviews all information and may question each party. The complaint is discussed and a decision is reached. The decision involves both ensuring the well is constructed to standards and if disciplinary action is needed.

The number of complaints has declined over the last few years. Most of the complaints have been addressed by phone calls. Communication failure between parties is the most common item that causes a complaint.

License Renewals

Soon it will be time to renew your licenses, and it is a good time to review the renewal process. Usually license renewal notices are sent on or before May 10 of each year, giving you time to send in the renewal application and fee before your current license expires on June 30th.

Montana Code Annotated section 37-43-307, provides that any license which is not renewed by June 30th is considered suspended. If the license remains suspended more than 30 days after July 1st, it is considered revoked. However, before revoking the license, the Board will send a notice to the licensee of intent to revoke. This letter is mailed to the licensee on or before July 10th. If the license has not been renewed by August 1st, it will be automatically revoked and cannot be reinstated without filling out application to take a driller’s exam, make the payment of the application fee and successful complete the appropriate exam with a 80% minimum passing score.

Important dates for license renewals:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 10</td>
<td>renewal notices are mailed to the licensees</td>
</tr>
<tr>
<td>June 30</td>
<td>licenses expire</td>
</tr>
<tr>
<td>July 1</td>
<td>licenses are suspended; the licensee is not allowed to drill</td>
</tr>
<tr>
<td>July 10</td>
<td>late fee applied ($150) and letter of intent to revoke license</td>
</tr>
<tr>
<td>August 1</td>
<td>licenses are revoked</td>
</tr>
</tbody>
</table>

When submitting the license renewal application, four things are required:

1. completed renewal form including current address and phone numbers
2. the correct fee
3. proof of bond
4. proof of completion of 4 hours of continuing education

License renewal can be renewed electronically through the use of the links on the Board of Water Well Contractors’ (Board) web page. Drillers must provide their email. Drillers need to fill out all required information, when completed, the licensee will use the submit tab. The form will be sent to a Board’s data base. An acknowledgement email of the renewal form submission will be sent to the licensee and a notification email of the renewal form will be sent to the Board’s office. Proof of continuing education and proof of current bond may be scanned and attached to an email or be mailed to Boards office. Payment of the license renewal fee can be made on line with the use of a credit card.

Montana Driller’s Licenses as of March 15, 2021

<table>
<thead>
<tr>
<th>License Type</th>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Well Contractor</td>
<td>Colton Baerth, Excel Drilling, Bozeman, MT</td>
<td></td>
</tr>
<tr>
<td>Water Well Contractor</td>
<td>Ronald Matheson, Matheson Drilling, Gillette, WY</td>
<td></td>
</tr>
<tr>
<td>Water Well Contractor</td>
<td>Calvin Bowman, Montana Drilling Co, Helena, MT</td>
<td></td>
</tr>
<tr>
<td>Water Well Contractor</td>
<td>Ralph Lewis, S&amp;S Well Drilling, Corvallis, MT</td>
<td></td>
</tr>
<tr>
<td>Water Well Driller’s License</td>
<td>Bradley McKay, Western Montana Drilling Co, Missoula, MT</td>
<td></td>
</tr>
<tr>
<td>Water Well Driller’s License</td>
<td>Tyler Christofferson, Excel Drilling, Bozeman, MT</td>
<td></td>
</tr>
</tbody>
</table>

Monitoring Well Constructor’s License

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Todd Ordahl, American Engineering Testing, Sheridan, WY</td>
<td></td>
</tr>
<tr>
<td>Erik Hollibaugh, SK Geotechnical, Billings, MT</td>
<td></td>
</tr>
<tr>
<td>Michael Pedersen, Inberg-Miller Engineers, Riverton, WY</td>
<td></td>
</tr>
<tr>
<td>Tyler Patton, West Central Environmental Consultants, Missoula, MT</td>
<td></td>
</tr>
<tr>
<td>Andrew Flagan, Anderson Environmental Contracting, Snohomish, WA</td>
<td></td>
</tr>
<tr>
<td>Rodney Lallosse Jr, Anderson Environmental Contracting, Kelso, WA</td>
<td></td>
</tr>
</tbody>
</table>

A processing fee will be added to the license fee. The credit card payment link can be found on the Board’s web site.

The electronic license renewal form link and the credit card payment link can be found on the Board’s web page: bwwc.mt.gov

Send scanned copies to: arabinson@mt.gov

Administrative Rule of Montana 36.21.415 also provides that any licensee who has not renewed a license by July 10th will pay a $150 late fee. Licensees will be charged with a late fee if the documentation for bonding or for continuing education is submitted after July 10th, even if the original renewal form was sent in prior to this date. In past years there have been licensees that have abused the system and took months to submit the proper documentation hence the need to enforce the letter of the law.

Contact the Board of Water Well Contractor’s office if you have questions. (406) 444-6643

Well Log Reports

In the 1950’s, prior to any requirements for licensing or reporting, Well Logs were issued by drillers with information transferred from drilling notes, as a service to their customers. It was standard practice for well owners to provide the Water Resources Board (WRB) with Well Logs for all new wells. By 1965 the Water Resources Board developed a new well log form for well owners and began filing the well logs with the applications for water rights.

The Water Use Act of 1973 required that Well Log Reports be filed out by the driller on a form provided by DNRC within 60 days after well completion.

Well logs must be filed on: completed wells; dry wells; abandoned wells; monitoring wells.

Section 85-2-516, Montana Codes Annotated (MCA), requires that all Well Log Reports be filed by the driller within 60 days after completion of any well. SWBC Rule Administrative Rules of Montana (ARM) 36.21.504(1)(g) provides that disciplinary action may be taken against the licensee for failure to comply with MCA Section 85-2-516.

In 2007, the Legislature amended MCA 85-2-516 to require the driller to “… provide a location for the well using at least two methods specified on the (well log) form”. The accepted method of location must include 2 of the following:

- Well address
- Legal description; section, township, range
- GPS location; latitude, longitude
- Subdivision, lot and tract/block with Certificate of Survey number

Well Logs are a legal document. DO NOT sign a well log for a well you did not drill. This action is committing fraud and you can be sued in civil court. Well Logs must be submitted to the well owner, the Ground Water Information Center (GWIC) and other agencies if required.

The Well Logs are very helpful to the DNRC. Water Rights offices in determining a water right by beneficial use of water. Even though the Well Logs are required to be filed within 60 days, this rule is only a recommendation. A well log is necessary for the well owner to make application for a water right.

This problem has been discussed with some of the contractors, and the comment has been made that some contractors do not consider the well completed until full payment has been received. Once a well has been physically completed, the Well Log Report must be filed with the Montana Bureau of Reclamation. The report must be given to the well owner within 60 days. Continued failure to file the reports promptly may result in action against the licensee.

Continuing Education Requirements

Continuing education hours are still required for this year’s licensing period. Licensed drillers need to obtain 4 hours of continuing education. There have been some in person classes held that were provided by different vendors. There are on-line classes available from different sources. The BWMC does accept MSHA classes as well. Hopefully the world will get back to somewhat of a normal way again. Here are the links to some on-line classes:

- https://www.mwwa.org - Provided by the Montana Water Wells Drillers Association
- https://www.pathlms.com/ngwa - Provided by the National Ground Water Association
- https://goulds.com/e-learning - Provided by Goulds Pump
- https://www.welldrillingschool.com - Provided by the International School of Well Drilling
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- Todd Ordahl, American Engineering Testing, Sheridan, WY
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- Michael Pedersen, Inberg Miller Engineers, Riverton, WY
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In Memory

This last year, the drilling industry has lost drillers that have passed away. To the family and friends, we extend our deepest sympathy.

James Gordon, Gordon Drilling Inc, Roundup, MT
- Thomas Duffy, Excel Drilling, Bozeman, MT
- Bart Tompkins, -10 Drilling Inc, East Helena, MT
- Clay Parsons, Parsons Drilling, Butte, MT
- Ronald Sink, Environmental Oil and Gas Exploration Inc, Spokane, WA

Universal Drilling, Libby, MT

Aqua Drilling, Joliet, MT

Prominent drillers that have passed away. To the family and friends, we extend our deepest sympathy.
Board of Water Well Contractors
PO Box 201601
Helena MT 59620-1601

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COMPLAINTS

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