

# BOARD OF WATER WELL CONTRACTORS

Spring - 2021

## BWWC

1424 9th Avenue  
PO Box 201601  
Helena MT 59620-1601  
406-444-6643

## BOARD MEMBERS

James Madison, MBMG Member  
Pat Byrne, Industry Member  
Kevin Haggerty, Industry Member  
Brian Hogenson, DEQ Member  
Steve Story, DNRC Member  
Art Robinson, Program Manager

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## Next Board Meeting

April 16, 2021  
9 am  
DNRC Water Resources Building - 1st Floor  
Fred Buck Conf-Room,  
9th and Roberts  
Helena MT

For Zoom meeting information contact the Board's office.

## 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 serve on the Board of 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

### Art Robinson, Program Manager, Board of Water Well Contractors

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



Hi-line Drilling, Havre MT

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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 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 achieve 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 Manger 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 Manger 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 significantly 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 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:

- May 10 renewal notices are mailed to the licensees
- June 30 licenses expire
- July 1 licenses are suspended; the licensee is not allowed to drill
- July 10 late fee applied (\$150) and letter of intent to revoke license mailed
- August 1 licenses are revoked

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 site and 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 July 1, 2020

#### Water Well Contractor's License:

Colton Baertsch, Excel Drilling, Bozeman, MT

Ronald Matheson, Matheson Drilling, Gillette, WY

Cahln Bowman, Montana Drilling Co, Helena, MT

Ralph Lewis, S&S Well Drilling, Corvallis, MT

#### Water Well Driller's License:

Bradley McKay, Western Montana Drilling Co, Missoula, MT

Tyler Christofferson, Excel Drilling, Bozeman, MT

#### Monitoring Well Constructor's License:

Todd Ordahl, American Engineering Testing, Sheridan, WY

Erik Hollibaugh, SK Geotechnical, Billings, MT

Michael Pedersen, Inberg-Miller Engineers, Riverton, WY

Tyler Patton, West Central Environmental Consultants, Missoula, MT

Andrew Flagan, Anderson Environmental Contracting, Snohomish, WA

Rodney LaBrosse Jr, Anderson Environmental Contracting, Kelso, WA

### Montana Driller's Licenses as of March 15, 2021

There are currently 222 licenses compared with 221 licenses in January 2019:

Water Well Contractors.....	117
Water Well Drillers .....	26
Monitoring Well Constructors.	57
Water Well Driller/Monitoring Well Constructor.....	6
Inactive Status.....	16



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](http://bwwc.mt.gov)

Send scanned copies to: [arobinson@mt.gov](mailto:arobinson@mt.gov)

Administrative Rule of Montana 36.21.415 also provides that any licensee who has not renewed his license by July 10th will pay a \$150 late fee. Licensees will be charge 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 Well Logs to the Department of Health to facilitate filing a water right. In the early 1960s, the Water Resources Board developed 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 filled 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. BWWC 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 Legislator amended MCA 85-2-516 to require the driller to "...provide a location for the well using at least two methods as

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, there is no requirement that 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 Mines and Geology and a copy 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 BWWC does accept MSHA classes and HAZWOPER classes. Hopefully the world will get back to somewhat of a normal way again. Here are the links to some on line classes:

<https://www.mwwda.org> Provided by the Montana Water Well Drillers Association

<https://www.pathlms.com/ngwa> Provided by the National Ground Water Association

<https://goulds.com/e-learning> [goulds.com] Provided by Goulds Pump

<https://www.welldrillingschool.com> Provided by the International School of Well Drilling



Universal Drilling, Libby, MT

### 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 Toney, A-10 Drilling Inc, East Helena, MT

Clay Parsons, Parsons Drilling, Butte, MT

Ronald Sink, Environmental West Exploration Inc, Spokane, WA



Aaqua Drilling, Joliet, MT

## Websites to Bookmark

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 BWWC.

### **Board of Water Well Contractors**

The BWWC web page with links, dates, newsletter, information for drillers and Board members contact information  
[www.bwwc.mt.gov](http://www.bwwc.mt.gov)

### **Ground-Water Information Center**

Provides ground water information and filed well logs  
<http://mbmgwic.mtech.edu>

### **On-Line CE Classes**

Internet access to Board approved on line continuing education classes  
[www.welldrillingschool.com](http://www.welldrillingschool.com)

### **Administrative Rules of Montana**

Provides the Rules for the BWWC  
<http://www.mtrules.org/gateway/ChapterHome.asp?Chapter=36.21>

### **Well Log Report Forms**

Contains the Well Log Report Form 603 for drillers  
<http://dnrc.mt.gov/divisions/water/operations/board-of-water-well-contractors/divisions/water/operations/docs/bwwc/603-r2-04-1.pdf>

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