



HB433 - proponent
 Abigail J. St. Lawrence, on behalf of
 Montana Association of REALTORS®

EXHIBIT 3
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DNRC declaratory ruling addresses combined water appropriations

Helena, Mont. – Responding to a 2009 petition by senior water right owners and other interested parties, the Montana Department of Natural Resources and Conservation (DNRC) today issued a two-part declaratory ruling on combined water appropriations in Montana.

DNRC ruled that while the current definition of a "combined appropriation" is not in conflict with applicable law under the Water Use Act, increasing demands on water resources in the state warrant a new definition to guide water management decisions into the future.

"This important ruling sets in motion the process for repealing and replacing the existing definition of a combined appropriation," said DNRC Water Resources Division Administrator Tom Schultz. "It protects senior water right holders while also recognizing that we face increasing demands for water in Montana."

DNRC will commence the administrative rule-making process for the new definition of 'combined appropriation' within eight months. "We want to give the Department as well as legislators time to analyze the issues and provide input as we go forward," said Schultz.

"The new definition will take into account the original intent of the statute, along with the fact that we have a number of basins closed to new appropriations where we've seen an increase in groundwater development," Schultz said. "The Department is evaluating a rule that would allow an exempt well to serve to up twelve residential lots with a maximum appropriation of 35 gallons per minute and not to exceed ten acre-feet per year."

A copy of the declaratory ruling, along with all other documents related to the case, is available on the DNRC [Web site](#).

The DNRC was petitioned in November of 2009 for a declaratory ruling and request to amend the existing definition of a "combined appropriation." In January of 2010, DNRC released an order that split the issues raised in the petition, granting the request for a declaratory ruling and deferring the request for a new definition until after the declaratory ruling had been considered.

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The petition was supported by senior water right holders, Missoula County, Mountain Water Company, Trout Unlimited, and the Clark Fork Coalition. Opposing the petition were the Montana Association of Realtors and Montana Building Industry Association, and the Montana Water Well Drillers Association.

###DNRC###

John Grassy

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