

EXHIBIT

DATE

3-15-13

HB

5B19

36.12.101 DEFINITIONS

Unless the context requires otherwise, to aid in the implementation of the Montana Water Use Act and as used in these rules:

- (1) "Act" means the Montana Water Use Act, Title 85, chapter 2, parts, 1 through 4, MCA.
- (2) "Amount" refers to both a flow rate in gallons per minute (gpm), or cubic feet per second (cfs), and a volume of water in acre-feet (af).
- (3) "Animal unit month (AUM)" means a measurement of livestock numbers:
 - (a) one beef cow = 1 AUM
 - (b) one dairy cow = 1.5 AUM
 - (c) one horse = 1.5 AUM
 - (d) three pigs = 1 AUM
 - (e) five sheep = 1 AUM
 - (f) 300 chickens = 1 AUM
- (4) "Applicant" means the "person", as defined in 85-2-102, MCA, who files a permit or change application with the department.
- (5) "Application" for purposes of ARM 36.12.120 through 36.12.122, 36.12.1301, 36.12.1401, 36.12.1501, and 36.12.1601 means an application for beneficial water use permit, Form No. 600, or an application to change a water right, Form No. 606.
 - (a) For the purposes of ARM 36.12.117 "application" means an application filed under 85-2-302, 85-2-316, 85-2-402, 85-2-407, and 85-2-408, MCA.
- (6) "Appropriation right" means any right to the use of water which would be protected under the law as it existed prior to July 1, 1973, and any right to the use of water obtained in compliance with the provisions and requirements of the act.
- (7) "Associated right" means multiple water rights filed by the same or different appropriators that share the same point of diversion, place of use, or place of storage.
- (8) "Basin closure area" means a hydrologic drainage basin area within which applications for certain water use permits cannot be accepted. Basin closure areas can be designated by statute, administrative rule, or in compacts.
- (9) "Certificate of survey number" means the official number given a parcel of land created by a registered land survey as filed with the county clerk and recorder.
- (10) "Cfs" means a flow rate of water in cubic feet per second and is equivalent to 448.8 gallons per minute. Applications for a flow rate of less than one cfs will be converted to gallons per minute.
- (11) "Change authorization" or "change" means an approval by the department to make a change in appropriation right as defined by 85-2-102, MCA, and allowed by 85-2-402, MCA.
- (12) "Claim" means a statement of claim filed pursuant to 85-2-221, MCA, for a water right established prior to July 1, 1973.
- (13) "Combined appropriation" means an appropriation of water from the same source aquifer by two or more groundwater developments, that are physically manifold into the same system.

85-2-102. Definitions is amended to add:

"Combined appropriation" means two or more wells or developed springs under 85-2-306 from the same source aquifer that are:

- _____ (a) physically manifolded together; or
- _____ (b) diverting or discharging water to a single system; or
- _____ (c) located within 1,320 feet of one another and on the same parcel; or
- _____ (d) within a subdivision, as defined under 76-4-103, located within a basin closed pursuant to 85-2-330, 85-2-336, 85-2-341, 85-2-343, 85-2-344, or 85-2-319. The total combined appropriation for a subdivision, including any subsequent subdivision thereof, cannot exceed 10 acre feet.

76-4-104. Rules for administration and enforcement.

...

(6) The rules must further provide for:

...

(m) If the proposed water supply includes one or more wells or developed springs pursuant to 85-2-306 (3)(a)(i)(A), preapproval from the department of natural resources and conservation that the total water appropriated by the subdivision as planned should not exceed 10 acre-feet per year.

SB 19

No impact of wells, no
new regulation

COLLUVIAL
SANDS

$T = 1,000 \text{ ft}^2/\text{d}$
 $S_y = 0.1$

SB 346

Impact of wells
found, new regulation

ALLUVIAL
GRAVELS

$T = 10,000 \text{ ft}^2/\text{d}$
 $S_y = 0.1$

SB 19

No impact of wells, no
new regulation

FRACTURED
GRANITE

$T = 100 \text{ ft}^2/\text{d}$
 $S_y = 0.01$

Example Stream Depletion Zone

stream depletion is equal to 50% of
groundwater withdrawal after 120 days

