

SB 38 DNRC Amendments

Section 1

(22) "Stream depletion zone" means an area where hydrogeologic modeling concludes that as a result of a ground water withdrawal, the surface waters would be depleted by a TOTAL rate equal to at least 50% of the AVERAGE RATE OF ground water withdrawal within 30120 days after the first day a well or developed spring is pumped at a rate of 35 gallons a minute with an annual volume of 10 acre-feet.

Section 3

NEW SECTION. Section 3. Stream depletion zones -- establishment -- rulemaking. (1) The department may establish a stream depletion zone by rule if:

(a) the stream depletion zone lies within a basin closed pursuant to 85-2-319, 85-2-321, 85-2-330, 85-2-336, 85-2-341, 85-2-343, or 85-2-344; and

(b) there exists a hydrogeologic assessment for the area where the stream depletion zone is proposed that was conducted by either the ground water investigation program established by 85-2-525 or by a hydrogeologist, ~~a qualified scientist,~~ or a qualified licensed professional engineer.

(2) The department shall initiate rulemaking to establish a stream depletion zone upon receipt of a petition signed by at least one-third of the water right holders in a proposed stream depletion zone provided that the provisions of subsections (1)(a) and (1)(b) are met.

(3) In establishing rules related to stream depletion zones, the department shall consult with the ground water investigation program and the ground water assessment steering committee established by 2-15-1523.

(4) A STEAM DEPLETION ZONE MAY BE ADOPTED IN CONJUCTION WITH OR IN ADDITION TO THE DESGINATION OR MODIFICATION OF A CONTROLLED GROUND WATER AREA PURSUANT TO 85-2-506.