

WATER PERMITTING IN CLOSED BASINS

WATER POLICY INTERIM COMMITTEE

JANUARY 13-14, 2010

- 2007 Session, HB 831 made major amendments to groundwater permitting process in closed basins
- Basins were closed to new surface water appropriations due to over appropriation
 - 1991 Upper Clark Fork River
 - 1993 Teton, Jefferson/Madison, Upper Missouri River basins
 - 1999 Bitterroot River
 - Exceptions made for domestic, stock, municipal, non-consumptive, storage uses and Groundwater developments
- In some basins groundwater was defined as water beneath the ground surface that was not immediately or directly connected (I&D) to surface water
- DNRC interpreted I&D to mean that groundwater developments that did not induce infiltration from a stream into the groundwater pumped by a well could be granted a permit.
- DNRC granted an irrigation well permit in the upper Smith River basin. TU and senior irrigators filed objections and then appealed the decision.
- In the 2006 Supreme Court Decision in TU v. DNRC the court said that the Dept. failed to consider the pre-stream capture of tributary groundwater in addition to inducing surface water into the groundwater.
- During 2007 Session many people and groups provided input on how groundwater uses should be permitted in closed basins and what the application requirements should be.
- HB831 [MCA § 85-2-360 thru 369] provided a process allowing groundwater developments by requiring applicants to include a hydrogeologic assessment including information on the amount and timing of any net depletion to surface water caused by a pumping well, an analysis of whether net depletion causes an adverse affect on prior water rights and allowed for a mitigation or aquifer recharge plan to reallocate or substitute water to mitigate the adverse affect.
- To date 45 applications have been received
 - 2 – granted
 - 2 – denied
 - 4 – had received objections which withdrew or settled, application remanded to regional office for Decision.
 - 5 – withdrawn
 - 18 – terminated due to lack of response to deficiency letter
 - 2 – returned due to using wrong form
 - Remaining are being reviewed for correct and complete determinations or waiting for a response to a deficiency letter

Basin	App. No	App Type	Applicant Name	Rec'd Date	To Hydrologist	Deff. Letter Sent	Deemed C.C.	EA Completed	P. N. Sent to C.O.	P. N. Sent To Applicant	Published Noticed	Objection Received	Sent to Hearing Unit	Hearing Date	Status	Regional Office
41B	30028374	600	SITZ RANCH MANAGEMENT PARTNERSHIP	6/19/2007	8/16/2008	8/21/2007	9/21/2007	9/19/2007	10/4/2007	9/10/2007	10/24/2007	10/30/2007	12/27/2007	5/27/09	Denied	Helena
41B	30028375	600	SITZ RANCH MANAGEMENT PARTNERSHIP	6/19/2007	8/16/2008	8/21/2007	9/21/2007	9/19/2007	10/4/2007	9/10/2007	10/24/2007	10/30/2007	12/27/2007	5/27/09	Denied	Helena
41I	30028560	600	GLACIER POINT HOME OWNERS	7/2/2007	7/9/2007	8/2/2007	10/19/2007	11/27/2007	11/29/2007	11/30/2007	12/13/2007	12/13/2007	2/7/2007	remanded HRO		Helena
41I	30028566	606	GLACIER POINT HOME OWNERS	7/2/2007	7/9/2007	8/14/2007	10/26/2007	11/28/2007	11/29/2007	11/30/2007	12/13/2007	1/10/2007	2/7/2007	remanded HRO		Helena
76H	30028713	600	HELMER, JIM W & SKERGAN, PATRICIA	7/23/2007	8/14/2007	9/17/2007	11/28/2007	11/28/2007	11/28/2007	11/29/2007	12/6/2007	12/11/2007	2/8/2007	6/12/08	Denied	Missoula
41G	30029173	600	HOLLOWTOP PARTNERS LLC	8/22/2007	9/6/2007	9/26/2007			Terminated							Bozeman
41H	30029944	600	MAUS, RICHARD H	11/1/2007	11/9/2007	2/25/2008	4/28/2008	11/15/2007	5/6/2008	5/7/2008	5/24/2008	**6/16/08	8/1/2008	4/6/09		Bozeman
41H	30029946	606	MAUS, RICHARD H	11/1/2007	11/9/2007	2/25/2008	4/28/2008	11/15/2007	5/6/2008	5/7/2008	5/24/2008	**6/16/08	8/1/2008	4/6/09		Bozeman
76H	30030100	600	MACLAY, TOM	11/14/2007	12/5/2007	3/6/2008			Terminated							Missoula
76H	30030098	606	MACLAY, H BRUCE & MARY B	11/14/2007	12/5/2007	3/6/2008			Terminated							Missoula
76G	30031047	600	NORTHWOODS GROUP, LLC	2/5/2008	2/12/2007	3/12/2008			Terminated							Helena
41I	30041569	600	FRONTIER VILLAGE	3/19/2008	3/21/2008	3/27/2008			Terminated							Helena
41I	30041631	600	SIMMONS, BARRY J & KELLY	3/26/2008	3/31/2008	4/24/2008			Terminated							Helena
41I	30041632	606	SIMMONS, BARRY J & KELLY	3/26/2008	3/31/2008	6/6/2008			Withdrawn							Helena
41G	30041762	600	HOLLOWTOP PARTNERS LLC	4/14/2008	4/15/2008	6/20/2008			Terminated							Bozeman
41H	30042354	600	ROSS PEAK, LLC	6/6/2008	5/2/2008	6/26/2008			Terminated							Bozeman
41H	30042543	600	UTILITY SOLUTIONS LLC	6/20/2008	7/1/2008	12/16/2008			Terminated							Bozeman
41H	30042544	606	UTILITY SOLUTIONS LLC	6/20/2008	7/1/2008	12/16/2008			Terminated							Bozeman
41H	30042545	606	UTILITY SOLUTIONS LLC	6/20/2008	7/1/2008	12/16/2008			Terminated							Bozeman
41H	30042546	606	UTILITY SOLUTIONS LLC	6/20/2008	7/1/2008	12/16/2008			Terminated							Bozeman
41B	30042919	600	SCHUETT FARMS, SCHUETT, DAVID	8/5/2008	8/8/2008	10/17/2008			Terminated							Helena
41B	30042920	600	SCHUETT FARMS, SCHUETT, DAVID	8/5/2008	8/8/2008	10/17/2008			Terminated							Helena
41B	30042921	600	SCHUETT FARMS, SCHUETT, DAVID	8/5/2008	8/8/2008	10/17/2008			Terminated							Helena
41B	30042922	600	SCHUETT PARTNERSHIP	8/5/2008	8/8/2008	10/17/2008			Terminated							Helena
41B	30042923	600	SCHUETT PARTNERSHIP	8/5/2008	8/8/2008	10/17/2008			Terminated							Helena
76H	30043132	600	TOWN OF STEVENSVILLE	8/25/2008	9/23/2008	12/29/2008	4/24/2009	4/22/2009	4/23/2009		4/30/2009	6/1/2009	7/8/2009	remanded MRO		Missoula
76H	30043133	606	TOWN OF STEVENSVILLE	9/3/2008	9/23/2008	12/29/2008	4/24/2009	4/22/2009	4/23/2009		4/30/2009	6/1/2009	7/8/2009	remanded MRO		Missoula
76E	30043968	600	ROCKING J RANCH LLC	11/3/2008	12/2/2008	12/31/2008	4/3/2009	3/26/2009	3/26/2009		4/8/2009				Issued 10/5/09	Missoula
76E	30043966	606	ROCKING J RANCH LLC	11/3/2008	12/2/2008	12/31/2008	4/3/2009	3/26/2009	3/26/2009		4/8/2009				Issued 10/5/09	Missoula
41H	30044530	600	ROSS PEAK, LLC	12/15/2008	1/20/2009	2/20/2009			Terminated							Bozeman
41I	30031012	600	HARRISON, KIM & THOMAS	6/3/2009	6/15/2009	6/23/2009										Helena
41I	30046071	606	CENTENNIAL LIVESSTOCK	6/3/2009	6/15/2009	7/7/2009										Helena
41I	30046084	600	SIMMONS, BARRY J & KELLY	6/4/2009	7/20/2009	11/24/2009										Helena
41I	30046085	606	SIMMONS, BARRY J & KELLY	6/4/2009	7/20/2009	11/24/2009										Helena
76H	30046166	600	MISSOULA FEDERAL CREDIT UNION	6/10/2009	6/25/2009	7/13/2009	9/2/2009	9/2/2009							Issued 11/16/09	Missoula
76H	30046210	606	SKERGAN & HELMER	6/18/2009	6/30/2009	8/21/2009	12/15/2009	12/15/2009	11/25/2009		12/23/2009					Missoula
76H	30046211	600	SKERGAN & HELMER	6/18/2009	6/30/2009	8/21/2009	12/15/2009	12/15/2009	11/25/2009		12/23/2009					Missoula
41B	30046231	600	SCHUETT PARTNERSHIP	6/29/2009	6/30/2009				Withdrawn							Helena
41B	30046232	600	SCHUETT PARTNERSHIP	6/29/2009	6/30/2009				Withdrawn							Helena
41B	30046234	600	SCHUETT, DAVID E	6/29/2009	6/30/2009				Withdrawn							Helena
41H	30046241	600	UTILITY SOLUTIONS LLC	6/29/2009	6/30/2009	8/28/2009										Bozeman
41H	30046242	606	UTILITY SOLUTIONS LLC	6/29/2009	6/30/2009	8/28/2009										Bozeman
41H	30046243	606	UTILITY SOLUTIONS LLC	6/29/2009	6/30/2009	8/28/2009										Bozeman
41K	30047708	600	ELK CREEK COLONY INC	12/16/2009						Returned / wrong form						Helena
41K	30047709	606	ELK CREEK COLONY INC	12/16/2009						Returned / wrong form						Helena