



BASIN CLOSURE AREAS

GROUND WATER PERMIT APPLICATION INFORMATION

August 15, 2007

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Water right permit applications in basin closure areas are subject to statutes passed by the 2007 Legislature. The statutes enacted under House Bill 831 (HB 831) were effective on May 3, 2007. The general information identified here should help water right applicants, applying to appropriate ground water in closed basins, understand what is required under the new statutes, the existing water right rules, and proposed draft rules that may be adopted by the Department specific to HB 831.

APPLICATION ACCEPTANCE: The Department of Natural Resources & Conservation (Department) enters a received date on all applications it receives. For ground water applications received in closed basins, the application must include:

1. a hydrogeologic assessment that predicts whether the proposed appropriation will result in net depletion of surface water, and
2. an aquifer recharge or mitigation plan, if required. See §85-2-360(1), MCA

The Department will return a copy of an application for ground water use from a closed basin if the required information shown above is not included with the application. The filing fee will be refunded. The applicant must submit a new application with the required information.

CONTROLLED GROUND WATER AREA INFORMATION: Some controlled ground water areas are located within a basin closure area. If the controlled ground water area final order requires a permit application be filed for a proposed ground water use, the applicant is subject to the requirements of HB 831.

IMPORTANT NOTE: Information required by the Hydrogeologic Assessment may not be sufficient to meet applicable criteria under §85-2-311, MCA, including but not limited to adverse effect to a prior appropriator. The Applicant for a beneficial water use permit pursuant to §85-2-311, MCA is responsible for providing sufficient evidence to meet all applicable criteria.

PREPARING THE HYDROGEOLOGIC ASSESSMENT REPORT

The following format is suggested, but not required, for the hydrogeologic assessment report (report) submitted in support of a permit application for a ground water appropriation in a basin closure area. In whatever format you use, it is your responsibility to ensure as the applicant that information you present is legible, understandable, and easily identifiable with the applicable criteria and requirements. The Department will not guess as to what information pertains to what criterion or requirement. Your report must include all of the information required in House Bill 831. Make sure that the water right applicant, the date prepared, and who prepared the report is identified in the report.

Include a completed Form 633 and a PDF version of the report with figures and appendices on a compact disk. The department will submit the report and data to MBMG for inclusion in the GWIC database. See §85-2-361(4), MCA

Title – HYDROGEOLOGIC ASSESSMENT REPORT

Applicant Name: _____
Date Prepared: _____
Preparer: _____

Part 1 – Introduction

Background - include for each proposed use, the purpose of use, period of use, rate and volume of multiple uses, location of diversions and places of use (township, range, section, county, nearby city or town), water supply calculations, and source of water (i.e. well depths and aquifers). Include a topographic location base

map with production and monitoring wells identified. This information is currently required by administrative rule for an Application for Beneficial Water Use Permit.

Part 2 – Physical Characteristics

Physical Setting – Please include the following information to describe the physical setting.

- 1) Physiography overview - A physiography overview is generally understood to include the areas of interest, mountain ranges, rivers/streams/lakes/springs/irrigation canals or drains and other relevant physiographic information.
- 2) Geology overview - A geology overview is generally understood to include descriptions of geomorphology, stratigraphy, and geologic structure, and is accompanied by a geologic map and geologic cross-section(s) of the area of interest. See §85-2-361, MCA
- 3) Hydrogeology overview - A hydrogeology overview is generally understood to describe aquifers (thickness, boundaries, hydraulic properties), groundwater levels/hydrographs, groundwater flow direction, and relevant surface water flow data/hydrographs. See §85-2-361, MCA
- 4) Water quality – The water quality requirements of HB 831 require a water right applicant provide the Department of Natural Resources & Conservation with a copy of any relevant discharge permit as provided in §85-2-364(1), MCA.

Aquifer Testing – Please include any aquifer testing information used in performing the Hydrogeologic Assessment. This information generally includes information on well drilling, including well logs, and well design/construction, aquifer testing methodology (test procedures and reporting standards listed on page 6), data reduction/analysis, and results/interpretations. Please note that aquifer testing is required for the Mont. Code Ann. §85-2-311 criteria as set forth in Mont. Admin. R 36.12.121.

Assessment– Either a model or hydrogeologic data per §85-2-361, MCA must be included in a Hydrogeologic Assessment. Any model must be developed by a hydrogeologist, a qualified scientist, or a qualified licensed professional engineer. The data or model for the new appropriation must include the following information.

- (i) the area or estimated area of ground water that will be affected not to exceed the boundaries of the drainage subdivisions established by the office of water data coordination, United States geological survey, and used by the water court, unless the applicant chooses to expand the boundaries;
- (ii) the geology in the area identified in subsection (i), including stratigraphy and structure;
- (iii) the parameters of the aquifer system within the area identified in subsection (i) to include, at a minimum, estimates for:
 - (A) the lateral and vertical extent of the aquifer;
 - (B) whether the aquifer is confined or unconfined;
 - (C) the effective hydraulic conductivity of the aquifer;
 - (D) transmissivity and storage coefficient related to the aquifer; and
 - (E) the estimated flow direction or directions of ground water and the rate of movement;
- (iv) the locations of surface waters within the area described in subsection (i) that are subject to an appropriation right, including but not limited to springs, creeks, streams, or rivers that may or may not show a net depletion;
- (v) evidence of water availability; and
- (vi) the locations of all wells or other sources of ground water of record within the area identified in subsection (i). See §85-2-361, MCA

Part 3- HB 831 - Net Depletion Evaluation

The Department will be proposing rules defining net depletion and describing net depletion requirements. These rules will be published in the Montana Administrative Register on August 23, 2007. A public hearing will be held on September 26, 2007, at 9:00 a.m., at the Department of Public Health and Human Services Auditorium, 111 North Sanders, Helena, Montana. The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name, mailing address, and email address, if

available, of the person to receive notices and specifies which notices that person wishes to receive. Please send a written request to Water Rights Bureau, New Appropriations Rules, Department of Natural Resources and Conservation, P.O. Box 201601, Helena, MT 59620-1601.

Part 4- HB 831 - Net Depletion and Adverse Affect

An applicant must analyze whether any net depletion to surface water will result in an adverse effect on a prior appropriator. If the applicant determines that no adverse affect will occur as a result of the net depletion analysis, the Department will proceed to process the application. If the applicant determines that adverse effect will occur, the applicant must provide a mitigation or aquifer recharge plan that will offset the net depletion. The Department will be proposing rules to describe net depletion requirements, however adverse effect created as a result of net depletion will be determined on a case-by-case basis.

Part 5 - HB 831 - Water Quality

A Hydrogeologic Assessment must include any predicted water quality changes to surface water within the potentially affected area that may result and the following information as required by §85-2-361(2)(b), MCA.

- a.) The location of any existing documented hazards (generally - geological, hydrological, or human-caused), that could be affected or exacerbated by the proposed appropriation, such as subsidence, along with a plan to mitigate any conditions or impacts. The following website (<http://maps2.nris.state.mt.us/mapper/>) may provide the information indicating certain environmental sites regulated by DEQ when a specific area is defined. See §85-2-361(2)(b)(i), MCA.
- b.) Water quality information to comply with §85-2-361(2)(b)(ii), MCA and HB 831, Section 19. The applicant must provide the department with a copy of a relevant discharge permit from the Department of Environmental Quality (DEQ) if the "aquifer recharge" (i.e. mitigation) plan involves use of sewage. Submit a copy of the discharge permit with the water right application form.
- c.) A description of any water treatment method that will be used at the time of any type of injection or introduction of water to the aquifer to ensure compliance with 75-5-410 and 85-2-364, and the water quality laws under Title 75, chapter 5. See §85-2-361(2)(b)(iii). Enclose a copy of the water treatment method used with the water right application form.

Part 6 - Criteria Addendum (New Appropriations Correct and Complete Rules)

The following water right criteria must be addressed as required by existing rules. Information pertaining to the criteria should be addressed in a separate document. If information in the hydrogeologic assessment pertains to the water right criteria, repeat that information in the criteria document. The Department will not search through an application for information pertaining to the water right criteria.

Information required by the Hydrogeologic Assessment may not be sufficient to meet applicable criteria under MCA 85-2-311, including but not limited to adverse effect to a prior appropriator. The Applicant for a beneficial water use permit pursuant to MCA 85-2-311 is responsible for providing sufficient evidence to meet all applicable criteria.

CORRECT AND COMPLETE APPLICATION RULES FOR PERMIT APPLICATIONS

36.12.1703, ARM Permit Criteria – Physical Ground Water Availability

- (1) Applicants for ground water must provide substantial credible information demonstrating that water is available for their use from the source aquifer in the amount the applicant seeks to appropriate during the proposed period of diversion.
- (2) Information demonstrating physical ground water availability must include an evaluation of drawdown in the applicant's production well for the maximum pumping rate and total volume requested in the permit application.

- (3) The drawdown projected for the proposed period of diversion must be compared to the height of the water column above the pump in the proposed production well to determine if the requested appropriation can be sustained.
- (4) The requirements of ARM 36.12.121 must be followed.

36.12.1704, ARM Permit Criteria – Existing Legal Demands

- (1) Legal demands usually exist on the source of supply or its downstream tributaries and may be affected by a proposed water right application, including prior appropriations and water reservations. These existing legal demands will be senior to a new application and the senior rights must not be adversely affected.
- (2) The applicant must identify the existing legal demands on the source of supply and those waters to which it is tributary and which the applicant determines may be affected by the proposed appropriation.
- (3) The applicant must provide an abstract of those water rights identified.
- (4) After an application is deemed correct and complete, for public notice purposes the department shall, independent of the information provided by the applicant under this chapter, identify existing water right owners that may be affected by the proposed application.

36.12.1705, ARM Permit Criteria - Comparison of Physical Water Availability and Existing Legal Demands

- (1) To determine if water is legally available, the applicant must compare the physical water supply at the proposed point of diversion and the legal demands within the area of potential impact. An applicant must become familiar with senior water rights operations to accurately evaluate the effect to the senior water right.
- (2) Applicants must analyze the senior water rights on a source of supply and those waters to which it is tributary within the area of potential impact. Provide a written narrative comparing the physical water supply at the point of diversion during the period of diversion requested and the legal demands that exist for the water supply during that same period.
- (3) If known patterns of use differ from the legal water rights filings, an explanation may be submitted explaining the current water use operation. For example, if a water reservation has not been perfected, that information may help to explain water is legally available.

36.12.1706, ARM and HB 831 Permit Criteria – Adverse Effect

- (1) Adverse effect for permit applications is based on the applicant's plan showing the diversion and use of water and operation of the proposed project can be implemented and properly regulated during times of water shortage so that the water rights of prior appropriators will be satisfied.
- (2) A written narrative must be provided addressing the potential adverse effect to the water rights identified in ARM 36.12.1704.
- ...
- (4) For ground water applications, in addition to (1) and (2), the applicant shall describe how water levels in wells of prior water rights will be lowered and the rate and timing of depletions from hydraulically connected surface waters.

Part 7 - Mitigation and Aquifer Recharge Plans

If the amount of net depletion predicted will result in adverse effect, a mitigation plan or an aquifer recharge plan is required. The plan must show how the mitigation or aquifer recharge plan will offset the adverse effect to a senior surface water right. If a change application is required, the mitigation or aquifer recharge plan must contain evidence that an application for change in appropriation right has been submitted. Follow the requirements under §85-2-362, MCA.

The Department may be proposing rules for mitigation and aquifer recharge plans and report formats. The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name, mailing address, and email address, if available, of the person to receive notices and specifies which notices that person wishes to receive. Please send a written request to Water Rights Bureau, New Appropriations Rules, Department of Natural Resources and Conservation, P.O. Box 201601, Helena, MT 59620-1601.

CONDUCTING AND REPORTING THE AQUIFER TEST

Aquifer testing requirements are described in the Water Rights Bureau, New Appropriations Rules at ARM, 36.12.121 and summarized below. **All procedures are to be conducted and reported according to Department reporting standards.** Testing procedures are tightly controlled so that credible aquifer properties can be evaluated. If the rules are not followed, aquifer testing may need to be repeated or additional testing may be required. In certain instances, the testing requirements may not fit a specific situation. An applicant may request a variance from a testing requirement through written justification or explanation to the appropriate Water Resources Regional Office. The regional office manager, with guidance from staff hydrogeologists, will decide whether a variance will be granted.

Form 633, which is in an Excel spreadsheet will be the new, required electronic data submittal form. The most recent version is available in the Forms section of the Water Rights Bureau page of the Department website.

<u>Testing Procedure</u>	<u>Reporting Standard</u>
Collect minimum of 48 hours of pre-test background water level measurements (frequency: 30 - 90 min).	Graph of pre- test water levels versus time (can be included with graph(s) of drawdown and recovery)
Identify water level trend if it exists.	Evaluate/quantify trend and correct drawdown data
Conduct 24 or 72 hour pumping phase of aquifer test and 24 hour minimum recovery phase at primary production well. Other production wells also require an 8 hour minimum duration "drawdown yield" test in which drawdown and discharge are measured.	State duration of pumping and reason (i.e. based on appropriation request of > or < 150 gpm rate and 50 ac- ft volume or that a variance was granted). State duration of recovery test and whether full recovery occurred.
Monitor 1 or more observation well(s) in same source aquifer and at same approximate depth(s) as pumping well and close enough to observe drawdown.	Report location(s), depth(s), and GWIC number(s) for pumping and observation well(s). Report distance(s) to observation well(s).
Monitor drawdown and recovery in all wells at specified precision of 0.01 foot and at specified measurement frequency (see Form 633).	Identify equipment used to monitor drawdown and recovery, report precision and frequency of measurements, and graph drawdown versus time. Report drawdown and recovery data versus time on Form 633 and include on a compact disk.
Maintain constant discharge at requested rate or greater for duration of test. Step test NOT to be included as part of constant rate test.	Discuss how discharge was controlled and report discharge fluctuations.
Measure discharge with approved measuring device at specified intervals. See ARM, 36.12.121(3)(g)	Identify discharge measuring device, report frequency of measurement, and graph discharge versus time. Report discharge data versus time on Form 633 and include on a compact disk.
Dispose of pumped water to prevent aquifer recharge.	Report disposal location, distance from pumped well, disposal conveyance, and whether recharge occurred.
Conduct credible analysis of aquifer test data (both pumping and recovery phases).	Report the analytical model(s) used for analysis of drawdown and recovery data, discuss, and summarize results of T, S, S _y , and K _w /K _h .
Background water levels, drawdown/recovery data, discharge data, and pdf version of report submitted in electronic format on a compact disk.	Submit data on DNRC Form 633 Excel spreadsheet with pdf version of report with figures and appendices on a compact disk.

HOUSE BILL 831 LANGUAGE – (NEW SECTIONS 14 – 20)

Section 14. (Codified as 85-2-360, MCA) Ground water appropriation right in closed basins. (1) An application for a ground water appropriation right in a basin closed pursuant to 85-2-330, 85-2-336, 85-2-341, 85-2-343, or 85-2-344 or administratively closed pursuant to 85-2-319 must be accompanied by a hydrogeologic assessment that has been conducted pursuant to [section 15] to predict whether the proposed appropriation right will result in a net depletion of surface water and must be accompanied by a plan as provided in [section 16], if necessary.

(2) If the hydrogeologic assessment conducted pursuant to [section 15] predicts that the proposed appropriation right will not result in a net depletion of surface water, the department shall proceed under the criteria provided in 85-2-311.

(3) (a) If the hydrogeologic assessment predicts that the proposed appropriation right will result in a net depletion of surface water, the applicant shall analyze whether the net depletion results in an adverse effect on a prior appropriator. If the applicant provides a correct and complete application, the department shall proceed to process the application as provided in [section 17].

(b) If the applicant has used the water for the purpose of conducting the hydrogeologic assessment, the applicant shall terminate the use of the water. Failure to terminate use of the water must result in a fine of not more than \$1,000 for each day of the violation.

(4) If the hydrogeologic assessment predicts that there will be net depletion as provided in subsection (3)(a), the department may proceed to process the application pursuant to [section 17] if, in addition to other applicable criteria, the applicant complies with [section 16].

(5) For the purposes of [sections 14 through 16], the prediction of net depletion does not mean that an adverse effect on a prior appropriator will occur or if an adverse effect does occur that the entire amount of net depletion is the cause of the adverse effect. A determination of whether or not there is an adverse effect on a prior appropriator as the result of a new appropriation right is a determination that must be made by the department based on the amount, location, and duration of the amount of net depletion that causes the adverse effect relative to the historic beneficial use of the appropriation right that may be adversely affected.

(6) The priority date for an appropriation right that is granted to an entity whose permit application was returned after April 11, 2006, and before [the effective date of this act] because of the department's interpretation of a court decision is the date of the initial application to the department.

Section 15. (Codified as 85-1-361, MCA) Hydrogeologic assessment -- definition -- minimum requirements. (1)

(a) For the purposes of [sections 14 through 16], "hydrogeologic assessment" means a report for the project for or through which water will be put to beneficial use, the point of diversion, and the place of use that describes the geology, hydrogeologic environment, water quality with regard to the provisions of [sections 18 and 19], and predicted net depletion, if any, including the timing of any net depletion, for surface water within the area described in subsection (2)(a)(i) within the closed basins that are subject to an appropriation right, including but not limited to rivers, streams, irrigation canals, or drains that might be affected by the new appropriation right and any predicted water quality changes that may result.

(b) In predicting net depletion of surface water from a proposed use, consideration must be given, at a minimum, to:

(i) the actual amount diverted for like beneficial uses;

(ii) any amounts that will likely be lost in conveyance, if any, and whether any lost amounts are lost to the system through evaporation or other means or whether those amounts are returned to the system through percolation or other means; and

(iii) any return flows from the proposed use, including but not limited to any treated wastewater return flows if the treated wastewater that is considered effluent meets the requirements of [sections 18 and 19].

(2) (a) A hydrogeologic assessment that will be used to predict net depletion of surface water resulting from a new appropriation right must include hydrogeologic data or a model developed by a hydrogeologist, a qualified scientist, or a qualified licensed professional engineer that incorporates for the new appropriation:

(i) the area or estimated area of ground water that will be affected not to exceed the boundaries of the drainage subdivisions established by the office of water data coordination, United States geological survey, and used by the water court, unless the applicant chooses to expand the boundaries;

(ii) the geology in the area identified in subsection (2)(a)(i), including stratigraphy and structure;

(iii) the parameters of the aquifer system within the area identified in subsection (2)(a)(i) to include, at a minimum, estimates for:

(A) the lateral and vertical extent of the aquifer;

(B) whether the aquifer is confined or unconfined;

(C) the effective hydraulic conductivity of the aquifer;

(D) transmissivity and storage coefficient related to the aquifer; and

- (E) the estimated flow direction or directions of ground water and the rate of movement;
 - (iv) the locations of surface waters within the area described in subsection (2)(a)(i) that are subject to an appropriation right, including but not limited to springs, creeks, streams, or rivers that may or may not show a net depletion;
 - (v) evidence of water availability; and
 - (vi) the locations of all wells or other sources of ground water of record within the area identified in subsection (2)(a)(i).
- (b) A hydrogeologic assessment must also include a water quality report that includes:
- (i) the location of existing documented hazards that could be affected or exacerbated by the appropriation right, such as areas of subsidence, along with a plan to mitigate any conditions or impacts;
 - (ii) other water quality information necessary to comply with [sections 18 and 19]; and
 - (iii) a description of any water treatment method that will be used at the time of any type of injection or introduction of water to the aquifer to ensure compliance with [sections 18 and 19] and the water quality laws under Title 75, chapter 5.
- (3) The hydrogeologic assessment must include an analysis of whether the information required by subsection (2) predicts that there may be a net depletion of surface water in the area described in subsection (2)(a)(i) and the extent of the depletion, if any.
- (4) The hydrogeologic assessment, the model if provided, the test well data, the monitoring well data, and other related information must be submitted to the department. The department shall submit this information to the bureau of mines and geology. The bureau of mines and geology shall ensure that information submitted pursuant to this section is entered into the ground water information center database as part of the ground water assessment program.
- (5) An entity that has previously conducted some type of hydrogeologic assessment may submit the information from that assessment as the hydrogeologic assessment required by this section if the information meets the criteria and requirements of this section.

Section 16. (Codified as 85-2-362, MCA) Aquifer recharge or mitigation plans in closed basins -- minimum requirements. (1) An applicant whose hydrogeologic assessment conducted pursuant to [section 15] predicts that there will be a net depletion of surface water shall offset the net depletion that results in the adverse effect through a mitigation plan or an aquifer recharge plan.

- (2) A mitigation plan must include:
- (a) where and how the water in the plan will be put to beneficial use;
 - (b) when and where, generally, water reallocated through exchange or substitution will be required;
 - (c) the amount of water reallocated through exchange or substitution that is required;
 - (d) how the proposed project or beneficial use for which the mitigation plan is required will be operated;
 - (e) evidence that an application for a change in appropriation right, if necessary, has been submitted;
 - (f) evidence of water availability; and
 - (g) evidence of how the mitigation plan will offset the required amount of net depletion of surface water in a manner that will offset an adverse effect on a prior appropriator.
- (3) An aquifer recharge plan must include:
- (a) evidence that the appropriate water quality related permits have been granted pursuant to Title 75, chapter 5, and pursuant to [sections 18 and 19];
 - (b) where and how the water in the plan will be put to beneficial use;
 - (c) when and where, generally, water reallocated through exchange or substitution will be required;
 - (d) the amount of water reallocated through exchange or substitution that is required;
 - (e) how the proposed project or beneficial use for which the aquifer recharge plan is required will be operated;
 - (f) evidence that an application for a change in appropriation right, if necessary, has been submitted;
 - (g) a description of the process by which water will be reintroduced to the aquifer;
 - (h) evidence of water availability; and
 - (i) evidence of how the aquifer recharge plan will offset the required amount of net depletion of surface water in a manner that will offset any adverse effect on a prior appropriator.

(4) The department may not require an applicant, through a mitigation plan or an aquifer recharge plan, to provide more water than the quantity needed to offset the adverse effects on a prior appropriator caused by the net depletion.

(5) An appropriation right that relies on a mitigation plan or aquifer recharge plan to offset net depletion of surface water that results in an adverse effect on a prior appropriator must be issued as a conditional permit that requires that the mitigation plan or aquifer recharge plan must be exercised when the appropriation right is exercised.

Section 17. (Codified as 85-2-363, MCA) Process for combining decisions on ground water permit applications in closed basins. (1) An applicant for a permit to appropriate ground water in a closed basin shall submit to the department a combined application consisting of a hydrogeologic assessment with an analysis of net depletion, a mitigation plan or aquifer recharge plan if required, an application for a beneficial water use permit or permits, and an application for a change in appropriation right or rights if necessary.

(2) The department shall review the application to determine if it is correct and complete under the process and requirements of 85-2-302.

(3) (a) Once an application has been determined to be correct and complete, the department shall prepare a notice and publish it as provided under 85-2-307.

(b) If no valid objection to the application is filed and the applicant proves that the criteria of 85-2-311 or 85-2-402, if necessary, have been satisfied, the application must be granted or approved in a modified form or upon terms, conditions, or limitations specified by the department.

(c) If no valid objection to the application is filed and the applicant has not proved that the criteria of 85-2-311 or 85-2-402, if necessary, have been satisfied, the application must be denied.

(d) If a valid objection to the application is filed, the department shall proceed to process the application pursuant to 85-2-308 through 85-2-311. If the applicant satisfies the criteria of 85-2-311 or 85-2-402, if necessary, and proves by a preponderance of the evidence that net depletion, if any, will not adversely affect a prior appropriator based on the applicant's mitigation plan or aquifer recharge plan, the department shall issue the permit.

Section 18. (Codified as 85-2-364, MCA) Department permit coordination -- requirements for aquifer recharge plans. To ensure that the department and the department of environmental quality are coordinating their respective permitting activities:

(1) an applicant for a new appropriation right pursuant to [section 14] that involves aquifer recharge shall provide the department with a copy of a relevant discharge permit if necessary; and

(2) the department may not grant a new appropriation right pursuant to [section 14] that involves aquifer recharge until the discharge permit, if necessary, has been obtained and presented to the department.

Section 19. (Codification of this section is unknown) Water quality of return flows and discharges associated with aquifer recharge plan -- minimum requirements. (1) A person who proposes to use sewage from a system requiring a water quality permit for the purposes of aquifer recharge pursuant to [section 16] or plans to use sewage from a system requiring a water quality permit as a return flow to minimize the amount of water necessary to offset adverse effects resulting from net depletion of surface water through an aquifer recharge plan pursuant to [section 16] must obtain a current permit pursuant to this chapter.

(2) The minimum treatment requirements for sewage systems subject to this section are the federal requirements provided for in 40 CFR 133, and the system must meet, at a minimum, the requirements of level two treatment for the removal of nitrogen in the effluent.

(3) In addition to the minimum treatment requirements of subsection (2), sewage systems subject to this section that are used for aquifer injection must meet the more stringent of either primary drinking water standards pursuant to Title 75, chapter 6, or the nondegradation requirements pursuant to 75-5-303 at the point of discharge.

(4) The appropriate interim legislative committee shall review drinking water standards and effluent treatment standards in other jurisdictions and recommend appropriate treatment standards for purposes of aquifer recharge and mitigation.

(5) For the purposes of this section, "aquifer injection" means the use of a well to inject water directly into an aquifer system without filtration through the geologic materials overlying the aquifer system for the purpose of aquifer recharge or for an aquifer storage and recovery project.

Section 20. (Codified as 85-2-368, MCA) Aquifer storage and recovery projects in closed basins. (1) An aquifer storage and recovery project may be authorized in a closed basin.

(2) In addition to the criteria provided in Title 85, chapter 2, part 3, and 85-2-402, an aquifer storage and recovery project must meet the requirements provided in [sections 14 through 19].