Water à la carte

Water and Wastewater Management Options

Prepared for the Water Policy Interim Committee
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The WPIC directed staff to work with stakeholders on a menu of options for mitigation, exempt wells, and wastewater management. Consideration was to be given to subdivision regulations and the differences between urban and rural areas.

At the direction of Chairman McNutt and Vice Chairman Wanzenried, staff solicited comments from DNRC, DEQ, Trout Unlimited, Montana Association of Realtors, and the Senior Water Rights Coalition. FWP and the MBMG also provided input.

Exempt Wells

1) **Limit exemption?**
   a) Delete exemption
      (1) Delete exemption in closed basins.
   b) Revise 35 GPM/10 AF
   c) Require meters or flow restriction devises
   d) Exemption for stock only on certain size acreage
   e) Exemption for 1 well on a tract of record.
   f) Exemption for domestic use only, ¼ acre lawn/garden. No ponds or other uses
   g) Establish minimum size – acreage or number of lots
   h) Establish maximum density
   i) Require 90% returned to aquifer
   j) Limit on AF per house
   k) Exemption for public water supply

2) **Define "combined appropriation" in statute?**
   a) Two or more wells from the same source where a single well would accomplish the same purpose. (Pre-1993 DNRC rule)
   b) Two or more wells from same source in a project or development.
      (1) Define project or development (Number of lots?)
   c) Delete term from statute
   d) Delete "same source" or define clearly
   e) No change (keep current DNRC rule). Two or more wells physically manifold into the same system.

Establishment of Mitigation Area and Purpose

1) **For what should mitigation be required?**
   a) Permitted wells in closed basins (No change, current law)
   b) Exempt wells
      (1) Statewide

(2) Closed basins
(3) Subbasins created by rule or law subject to 85-2-319
(4) Controlled ground water areas
(5) Newly-established mitigation areas
  (a) Created by:
    (i) Legislature (Statute or DNRC rule making authority).
    (ii) By request or petition of local government or some other entity. (DNRC rule making authority needed)
  (b) Based upon:
    (i) A radius outside a city limit
    (ii) A certain density
    (iii) Zoned areas (limited to areas were zoning in place).
    (iv) Site specific criteria? (MBMG studies?)
    (v) Availability of mitigation water storage.

Implementation of Mitigation

(May apply to currently required mitigation or mitigation required for exempt wells)

1) **Minimal administration**
   a) Revise marketing laws to allow for preapproved mitigation water, protected from abandonment and not considered speculation.
      (1) Buyers and sellers find each other
      (2) Create a listing service for preapproved mitigation water
   b) Provide incentives making mitigation water available
      (1) Expedited change processing
      (2) Waive fee for change application
   c) Hydrogeologic assessment of mitigation plan
      (1) Required as part of change request
      (2) Responsibility of other entity

2) **Create a water bank to oversee and facilitate water marketing**
   a) Include provisions of Option 1
   b) Entity that would administer water bank
      (1) DNRC
      (2) Entity that administers a mitigation area
      (3) Water conservancy districts. (85-9-405 - acquire by purchase, exchange, gift, lease, grant, devise, or otherwise lands, water, water rights ...)
      (4) Conservation districts (76-15-403 - execute projects for the conservation, development, storage, distribution, and utilization of water, including but not limited to ... supplying water for fire protection, livestock, or public, domestic, industrial, or other uses.
      (5) County water districts (purchase, lease, or otherwise acquire and operate and maintain water rights – 7-13-2218).
      (6) Private entity? (Nonprofit or for profit)
   c) Source of water to "hydrate" the water bank

(1) Voluntary deposits
(2) State or local entity purchase of water (or change from current use)
(a) Lease from Bureau of Reclamation
(b) Water from state projects
(c) State-owned rights (instream flow, trust lands, other).

d) Monitoring of mitigation.

3) **Price structure of water in bank**
a) Negotiated by buyer/seller.
b) Set by state or other entity

Promote public water & sewer in subdivisions

1) Clarify county government authority to require public water and sewer
2) Increase 500 foot requirement for hook up to public systems. (Current rule)
3) Create a loan program to fund public water and sewer systems as an alternative to individual wells and septic systems in subdivisions
   a) Revise RRGL program to allow loans to private entities
   b) Create revolving loan program
4) Revise septic mixing zone standards
   a) Mixing zone contained on septic owner's property. (3 acres?)
   b) Mixing zones contained within development

Wastewater management – water quality

1) **Septic inspection**
   a. County or state level
      i. Pumping and permit compliance required before real estate sale
      ii. Periodic inspections of septic systems required
   b. Allow homeowners to access low interest loans to upgrade noncompliant systems.
2) **Promote gray water systems**
   a. Tax credit

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