

Exempt Well Proposal by Senior Water Rights Coalition

Krista Lee Evans

Blakecrk@gmail.com, 406-439-2215

An Act providing that a subdivider may use one well that meets the exemption requirements of 85-2-306 per subdivision provided that certain provisions are met; amending section 76-3-622; providing an applicability date and an effective date.

Section 1. Section 76-3-622, MCA is amended to read:

76-3-622. Water and sanitation information to accompany preliminary plat. (1) Except as provided in subsection (2), the subdivider shall submit to the governing body or to the agent or agency designated by the governing body the information listed in this section for proposed subdivisions that will include new water supply or wastewater facilities. The information must include:

(a) a vicinity map or plan that shows:

(i) the location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of:

(A) flood plains;

(B) surface water features;

(C) springs;

(D) irrigation ditches;

(E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems;

(F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g); and

(G) the representative drainfield site used for the soil profile description as required under subsection (1)(d); and

(ii) the location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities;

(b) subject to subsection (4), a description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by the department of environmental quality;

(c) a drawing of the conceptual lot layout at a scale no smaller than 1 inch equal to 200 feet that shows all information required for a lot layout document in rules adopted by the department of environmental quality pursuant to 76-4-104;

(d) evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes:

(i) a soil profile description from a representative drainfield site identified on the vicinity map, as provided in subsection (1)(a)(i)(G), that complies with standards published by the department of environmental quality;

(ii) demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer; and

WPIC
January 10, 2012
Exhibit 18

(iii) in cases in which the soil profile or other information indicates that ground water is within 7 feet of the natural ground surface, evidence that the ground water will not exceed the minimum vertical separation distance provided in subsection (1)(d)(ii);

(e) for new water supply systems, unless cisterns are proposed, evidence of adequate legal and physical water availability:

(i) obtained from well logs or testing of onsite or nearby wells;

(ii) obtained from information contained in published hydrogeological reports; or

(iii) as otherwise specified by rules adopted by the department of environmental quality pursuant to 76-4-104;

(f) evidence of sufficient water quality in accordance with rules adopted by the department of environmental quality pursuant to 76-4-104;

(g) a preliminary analysis of potential impacts to ground water quality from new wastewater treatment systems, using as guidance rules adopted by the board of environmental review pursuant to 75-5-301 and 75-5-303 related to standard mixing zones for ground water, source specific mixing zones, and nonsignificant changes in water quality. The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection (1)(g), the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, chapter 4.

(2) A subdivider whose land division is excluded from review under 76-4-125(2) is not required to submit the information required in this section.

(3) A governing body may not, through adoption of regulations, require water and sanitation information in addition to the information required under this section unless the governing body complies with the procedures provided in 76-3-511.

(4) Subject to subsection (5), a subdivider may use one or more wells that are exempt from water right permitting per subdivision provided that:

(a) the subdivider can show that the amount of water allowed in the exemption in 85-2-306 will not be exceeded by all uses in the subdivision; and

(b) the department of natural resources and conservation concurs, in writing within 45 days, that the subdivision, as proposed, will not exceed the limitations provided in 85-2-306.

(5) If the department of natural resources and conservation determines that the subdivision will exceed the limitations provided in 85-2-306, the subdivision plan, as proposed, may not be approved.

Section 2. Effective date. This bill is effective upon passage and approval.

Section 3. Applicability. [This act] applies to applications received on or after [the effective date of this act].

WATER POLICY INTERIM COMMITTEE

September 13, 2011

GENERAL WATER USE REQUIREMENTS

This Table does not include flow rate but these uses are based on using 35 GPM or less.

PURPOSE	DIVERTED (acre-feet per yr)	CONSUMED (acre-feet per yr)	ASSUMPTIONS
DOMESTIC (in-house use)	.3 AF	.03 AF	- 2.5 persons / household - 100 gpd / household - 10% consumed w/standard drain field ¹
STOCK ➤ Per animal unit ➤ 100 animal units	.017 AF 1.7 AF	.017 AF 1.7 AF	- 100% consumed
LAWN & GARDEN ➤ ¼ acre ➤ ½ acre ➤ 1 acre	Billings / Bozeman 0.6 AF / 0.5 AF 1.2 AF / 1.0 AF 2.4 AF / 2.0AF	Billings / Bozeman 0.5 AF / 0.4 AF 1.0 AF / 0.8 AF 2.0 AF / 1.6 AF	- 80% efficiency - Billings – 24” net irrigation (IWR) - Bozeman – 19” net irrigation (IWR)
IRRIGATION ➤ 1 acre ➤ 4.34 acres ➤ 7 acres ²	1.4 - 2.3 AF 10.0 AF 10.0 AF	.98 – 1.61 AF 7.0 AF 7.0 AF	- Pasture grass - Pertinent climatic area - 70% sprinkler efficiency
COMMERCIAL			- 10% consumed ³ - Does not include landscape water
➤ Restaurants (75 seats) ➤ Motels (100 rms) ➤ Retail / Mini-Mall	.67 AF 5.6 AF .08 AF	.067 AF .56 AF .008 AF	- 8 gpd / patron - 50 gpd / 2-person - 5 retail shops w/ 2 sales persons each - 8 gpd / salesperson

¹ Consumption could vary dramatically with use of community wastewater systems.

² The flow rate necessary for 7 acres of irrigation will vary and may exceed 35 GPM depending on the type of sprinkler system.

³ Consumption could vary dramatically with use of community wastewater systems.

WATER POLICY INTERIM COMMITTEE
September 13, 2011

PURPOSE	DIVERTED (acre-feet per yr)	CONSUMED (acre-feet per yr)	ASSUMPTIONS
INDUSTRIAL			- 100% consumed
➤ Dust control	3.31 AF	3.31 AF	- 2 (3500 gal) trucks = 7000 gpd for 154 days = 1,780,000 gals.
➤ Gravel Operation (crushing/pug mill)	8.4 AF	8.4 AF	- Crusher 360,000 gals. (10 hrs/day for 60 days) - Dust Control 1,300,000 gals. (200 days) - Pug Mill 1,080,000 gals. (10 hrs./day for 60 days)

DEVELOPMENT OPTIONS UNDER 10 AF USING EXEMPT WELLS
(Volumes of water are based on table above but do not include flow rates)

Example 1:

10 lot subdivision with 2.5 persons and ¼ acre lawn and garden per household

Billings

.3 AF/household x 10 homes = 3 AF (in-house use)	.3 AF
.6 AF/household x 10 homes = 6 AF lawn and garden	5.0 AF
Total diverted volume = 9 AF	Consumed = 5.3 AF

Bozeman

.3 AF/household x 10 = 3 AF (in-house use)	.3 AF
.5 AF/household x 10 = 5 AF lawn and garden	4.0 AF
Total diverted volume = 8 AF	Consumed = 4.3 AF

Example 2:

6 lot subdivision with 2.5 persons and ½ acre lawn and garden per household

Billings

.3 AF/household x 6 homes = 1.8 AF (in-house use)	.18 AF
1.2 AF/household x 6 homes = 7.2 AF lawn & garden	6.0 AF
Total Diverted Volume = 9 AF	Consumed = 6.18 AF

Bozeman

.3 AF/household x 6 homes = 1.8 AF (in-house use)	.18 AF
1 AF/household x 6 homes = 6 AF lawn and garden	4.8 AF
Total Diverted Volume = 7.8 AF	Consumed = 4.98 AF

WATER POLICY INTERIM COMMITTEE
September 13, 2011

Example 3:

20 lot subdivision with 2.5 persons and 3,500ft² (0.08 acres) lawn & garden per household

Billings

.3 AF/household x 20 homes = 6 AF (in-house use) .6 AF

.19 AF/household x 20 homes = 3.8 AF 3.2 AF

Total Diverted Volume = 9.8 AF Consumed = 3.8 AF

Bozeman

.3 AF/household x 20 homes = 6 AF (in-house use) .6 AF

.16 AF/household x 20 homes = 3.2 AF lawn and garden 2.6 AF

Total Diverted Volume = 9.2 AF Consumed = 3.2 AF

Example 4:

Commercial development with a mini-mall, 1 restaurant (75 seats), and ¼ acre lawn & garden

Billings

.08 AF = Mini-mall .008 AF

.67 AF = Restaurant .067 AF

.6 AF = lawn and garden .5 AF

Total Diverted Volume = 1.35 AF Consumed = .575 AF

Bozeman

.08 AF = Mini-mall .008 AF

.67 AF = Restaurant .067 AF

.5 AF = lawn & garden .4 AF

Total Diverted Volume = 1.25 Consumed = .475 AF