

Draft Water Policy Committee Work Plan Decision Matrix

The following topics are outline in HB 304. As a starting point for the committee, staff has identified various options for addressing each of the issues outline in HB 304 and an estimate of staff time necessary to complete the various levels of study and analysis.

Topic	Option A	Option B	Option C	Option D	Resources Allocated
(1) The water policy interim committee shall conduct a detailed analysis and study of issues related to water quantity, water quality, and water use in Montana. The study must include at a minimum:					
(A) Surface water and ground water in closed basins and mitigation, augmentation, or aquifer recharge, including:	FTE <ul style="list-style-type: none"> .35 Deliverables: <ul style="list-style-type: none"> Draft legislation to implement recommendations Final report with recommendations and alternatives Issue papers and summaries Track HB 831 implementation 	FTE <ul style="list-style-type: none"> .25 Deliverables: <ul style="list-style-type: none"> Potential legislation Final report with recommendations Issue papers and summaries Track HB 831 implementation 	FTE <ul style="list-style-type: none"> .10 Deliverables: <ul style="list-style-type: none"> Staff white paper Issue papers 	No Action	
** Review and summary of current Montana law related to mitigation, augmentation, or aquifer recharge					
** Analysis of other states' laws and rules related to mitigation, augmentation, or aquifer recharge and the other states' experiences with applying and using mitigation, augmentation, and aquifer recharge					
** Comparison of mitigation, augmentation, and aquifer recharge options and alternatives for applying the concepts in Montana water law					
** Analysis and determination of water quality testing requirements to ensure that the use of mitigation, augmentation or aquifer recharge does not adversely affect ground water quality					
** Analysis of data developed to determine the type and amount of research, data, and analysis necessary to develop a scientifically defensible hydrogeologic assessment to be used in making informed decisions with regard to mitigation, augmentation, or aquifer recharge activity in Montana					
** Appropriate monitoring requirements to determine the effectiveness of mitigation, augmentation, or aquifer recharge plans					
** Other issues related to mitigation, augmentation, or aquifer recharge in Montana to facilitate continued economic development and growth while providing reasonable protections to senior appropriators and water quality of surface and ground water resources					
(B) Methods for the management of water, particularly in closed basins, to ensure compliance with closed basin law including:	FTE <ul style="list-style-type: none"> .20 Deliverables: <ul style="list-style-type: none"> Draft legislation to implement recommendations Final report with recommendations and alternatives Issue papers and summaries 	FTE <ul style="list-style-type: none"> .10 Deliverables: <ul style="list-style-type: none"> Potential legislation Final report with recommendations Issue papers and summaries 	No Action	No Action	
** Artificial recharge of ground water, including but not limited to alternatives and options for conducting water management through artificial recharge of ground water					
** Identifying research necessary, if any, to determine alternatives and options for conducting water management through artificial recharge of ground water					
** Conducting water quality analysis associated with storage or introduction of surface water to ground water resources					
(C) Determining an appropriate, accurate, and time-efficient process for coordinating water quality requirements with the water appropriations process by: including:	FTE <ul style="list-style-type: none"> .35 Deliverables: <ul style="list-style-type: none"> Draft legislation to implement recommendations Final report with recommendations and alternatives Issue papers and summaries Track HB 831 implementation 	FTE <ul style="list-style-type: none"> .25 Deliverables: <ul style="list-style-type: none"> Potential legislation Final report with recommendations Issue papers and summaries Track HB 831 implementation 	FTE <ul style="list-style-type: none"> .10 Deliverables: <ul style="list-style-type: none"> Staff white paper Issue papers 	No Action	
** Determining how the Department of Environmental Quality and the Department of Natural Resources and Conservation are issuing permits that affect ground water or surface water quality and whether or not the water appropriation process and the water quality process are coordinated					
** Ensuring that a detailed process is outlined that provides potential applicants with a clear process that must be followed to ensure that prior appropriators and water quality in both surface water and ground water are protected while allowing development in Montana					
** Identifying the extent to which cumulative impacts are analyzed from a water quantity and a water quality perspective and whether or not the two findings are assessed jointly and determining the appropriate level of coordination					

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(D) Wells that are exempt from the permitting process pursuant to 85-2-306, including:	FTE • .50 Deliverables: • Draft legislation to implement recommendations • Final report with recommendations and alternatives • Issue papers and summaries	FTE • .25 Deliverables: • Potential legislation • Final report with recommendations • Issue papers and summaries	FTE • .10 Deliverables: • Staff white paper • Issue papers	No Action	
** A detailed reporting of the number of exempt wells currently in Montana and an estimate of the number of exempt wells expected to be developed by 2020					
** A determination and summary of the types of beneficial uses to which water from exempt wells is applied					
** A determination of the hydrogeologic analysis necessary to determine consumptive use on a per-acre or fraction of an acre basis and on a per-use basis					
** An analysis of the amount of water reasonably necessary for the various beneficial uses and a comparison of this reasonable use standard with current statutory limits, including volume, flow rate, and other criteria that the committee determines are necessary to provide for accurate and adequate measurement of water use through exempt wells					
** Options and alternatives for enforcing statutory limitations regarding exempt well usage					
** A determination of the necessity and reasons for providing a process that is exempt from the permitting process					
(E) An analysis of water marketing and water reallocations options available in Montana, including:	FTE • .50 Deliverables: • Draft legislation to implement recommendations • Final report with recommendations and alternatives • Issue papers and summaries	FTE • .35 Deliverables: • Potential legislation • Final report with recommendations • Issue papers and summaries	FTE • .25 Deliverables: • Staff white paper • Issue papers	No Action	
** Leasing water rights, water banking, water trading, and water sales					
** The lease-to-sale ratio of water rights in Montana					
** The number of market purchases that have been completed in Montana					
** The purposes for which water trades or sales have taken place					
** The feasibility of creating and operating a water bank in Montana					
** The administrative procedures and costs that would be necessary to establish and operate a water bank in Montana					
(2) Gather appropriate information that the committee determines is necessary to make sound and well-reasoned policy decisions to guide the management and use of Montana's ground water resource into the future, including but not limited to:					
Identifying gaps in data necessary to determine appropriate locations to conduct artificial recharge of ground water	FTE • .25 Deliverables: • Draft legislation to implement recommendations • Final report with recommendations and alternatives • Issue papers and summaries	FTE • .10 Deliverables: • Potential legislation • Final report with recommendations • Issue papers and summaries	FTE • .05 Deliverables: • Staff white paper • Issue papers	No Action	
Presenting long-term goals and policy proposals for water management related to ground water resources	FTE • .20 Deliverables: • Draft legislation to implement recommendations • Final report with recommendations and alternatives • Issue papers and summaries	FTE • .10 Deliverables: • Potential legislation • Final report with recommendations • Issue papers and summaries	FTE • .05 Deliverables: • Staff white paper • Issue papers	No Action	

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(3) Prepare a report to submit to the 61st Legislature that provides clear policy direction and necessary legislation to guide Montana's water policy and that ensures fair and reasonable use of Montana's water resource as demands on water increase while supplies remain the same or decrease.					
The FTE required for the report is incorporated into the elements of (1) and (2). If the report will contain additional issues outside of those outlined in (1) and (2) then additional FTE will need to be allocated.				No Action	
Total Available Resources = .78 FTE					Total Resources Allocated = ?

FTE Equivalentents

1 Interim FTE = 16 months = 2720 hrs.

.05 FTE = 136 hrs = 17 days

0.1 FTE = 272 hrs = 34 days

.25 FTE = 680 hrs = 85 days

.50 FTE = 1360 hrs = 170 days

.75 FTE = 1530 hrs = 191 days

1 FTE = 2720 hrs = 340 days

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