

What is the WPIC?

The Water Policy Interim Committee (WPIC) is a joint bipartisan committee of the Legislature. The committee studies water quality and quantity issues.

In 2011, the Legislature required the WPIC to study water wells exempt from permitting and provide a report to the 2013 Legislature "that provides clear policy direction and necessary legislation to guide Montana's policy" on exempt wells.

What is an exempt well?

A water well that pumps at a rate of less than 35 gallons per minute and produces less than 10 acre feet of water a year does not require a permit prior to drilling. It is estimated that a home with an acre of lawn uses less than 2.5 acre-feet a year. (An acre foot is equivalent to a foot of water covering a football field).

Water use permitting is dictated by law and administered by the Department of Natural Resources and Conservation. The agency determines if water is physically available and if existing water users would be harmed by the proposed diversion. This includes an analysis of the effect a ground water well may have on a river or stream.

Current water users may object to the permit application and the applicant may have to

change the proposal or perform mitigation in order to obtain a permit.

That analysis does not apply to exempt wells.

There are more than 113,000 exempt wells statewide. About 56,000 exempt wells have been drilled since the current law took effect in 1991. Of those, about 26,000 were drilled for domestic purposes in areas of the state that are closed to most types of surface water appropriations.

Exempt Well Study

The study must:

- ▶ determine the number of existing wells and estimate how many wells may be drilled over the next decade;
- ▶ summarize the beneficial uses of water from exempt wells;
- ▶ analyze the amount of water necessary for various uses compared to the amount allowed by law;
- ▶ explore options to provide accurate measurement of exempt well water use;
- ▶ examine options to ensure exempt wells don't exceed allowed limits or affect other users;
- ▶ examine applicable research and analysis conducted by the ground water

investigation program at the Montana Bureau of Mines and Geology;

- ▶ analyze how the water appropriated by exempt wells may affect surface water appropriations; and
- ▶ examine the legal options for integrating exempt wells into the principle that first in time is first in right when senior water rights are not fulfilled.

The WPIC also shall study:

- ▶ the statutes, rules, programs, and policies of other states for exempt wells, including legal challenges;
- ▶ the adequacy of existing programs and tools including controlled ground water areas, mitigation banks, community water system incentives, and in-lieu-of-fee programs;
- ▶ the relationship between exempt wells and land use decisions, including the relationship between exempt wells and individual septic systems, the cost comparison of installing public water systems or extending existing water infrastructure, and the role of local governments in requiring alternatives to exempt wells; and
- ▶ the rulemaking authority of the DNRC in relation to the statutory policy and purpose provided for in law.

Public comment needed

The committee wants public comment on five proposed bills related to exempt wells as well as other ideas. The bill drafts are online at: leg.mt.gov/water/

Comment in person:

- ▶ June 19, Bozeman, Gallatin County Courthouse, 311 W. Main St., Rm. 306, 7:00 p.m.
- ▶ June 20, Kalispell, Red Lion Inn, 20 N. Main St., 7:00 p.m.
- ▶ June 21, Hamilton, Bitterroot River Inn, 139 Bitterroot Plaza Dr., 7:00 p.m.
- ▶ July 12-13, Rm. 172, State Capitol
- ▶ Sept. 10-11 Rm. 172, State Capitol

Comment in writing:

- ▶ jkolman@mt.gov
- ▶ Water Policy Interim Committee
Rm. 171B, State Capitol Building
P.O. Box 201704
Helena, MT 59620-1704

Who is the WPIC?

Senators

Bradley Maxon Hamlett (D-Cascade), chair
Debby Barrett (R-Dillon)
Sharon Stewart-Peregoy (D-Crow Agency)
Chas Vincent (R-Libby)

Representatives

Walter McNutt (R-Sidney) vice chair
Pat Connell, (R-Hamilton)
Betsy Hands (D-Missoula)
Bill McChesney (D-Miles City)

Who staffs the WPIC?

The Legislative Services Division provides staff for the WPIC. Staff responsibilities include conducting studies, writing reports and legal opinions, organizing public meetings, and drafting legislation.

Research Analyst Joe Kolman
Attorney Helen Thigpen
Legislative Secretary Kevin McCue

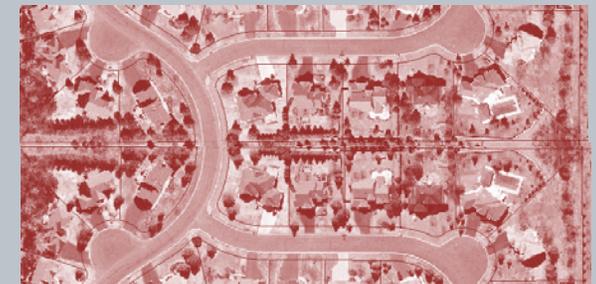
For more information:

leg.mt.gov/water/

Joe Kolman, 406 444-3747

jkolman@mt.gov

Water Policy Interim Committee



2011-2012
Exempt Well Study