

From: Polly Rex [mailto:polly@horsecreekwater.org]  
Sent: Monday, November 15, 2010 9:51 PM  
To: Vandenbosch, Mary  
Cc: kkchandler@nemont.net  
Subject: Comments on Combined Appropriation, FWP, 9:30 a.m., Nov. 16, 2010

Attn: Mary Vandenbosch  
Re: \*Comments on Combined Appropriation\* for the public meeting to be held in Helena at FWP on 11/16/10; 9:30 a.m.  
From: Polly Rex, Katrin Chandler and Betty Lannen

Ms. Vandenbosch,

We are unable to be in Helena tomorrow for the above referenced meeting but would like to comment on this very important topic. All three of us own and operate ranches near Absarokee, MT and were petitioners in the recently settled case against DNRC regarding the present definition of "combined appropriation" with respect to exempt wells.

In 2004 we received a temporary controlled groundwater area (TCGWA) designation from DNRC because of concerns relating to a 67 lot rural subdivision adjacent to our ranches. The subdivision was approved with exempt wells as the water source with little scrutiny as to impacts on our dryland springs and Horse Creek, which is used for stockwater and irrigation. We spearheaded a groundwater study that began in 2004 and culminated in a four year hydrogeologic record of spring and creek flows, monitoring well data and water chemistries over the 7,900 acre TCGWA study area. This was at considerable expense to us (\$80,000, including two grants totaling \$21,000). There is no doubt that had the information we gathered been available prior to the subdivision's approval, it would have been approved for fewer lots with far less worry and expense on our part and we would not be entering into discussions with DNRC on a permanent controlled groundwater area designation.

The issue facing DNRC in the next 15 months is to develop language amending the current exempt well rule and "combined appropriation" so that what happened to us is unlikely to happen again. To that end, we would like to offer the following suggestions:

1. Multiple (two or more) small yield wells or one large yield well proposed for a concentrated area (lot size less than 40 acres) must be permitted prior to drilling and be in the earliest stage of planning at the County level. If a developer wants to develop a parcel of land, he/she must hire a licensed hydrogeologist and conduct a groundwater study at his/her expense. At a minimum, the groundwater study should include: a constant rate aquifer test for no less than 48 hours, quantification of the recharge area supported by geology and hydrogeochemistry if necessary, cumulative impact analysis, and a projected water budget for the development. At the conclusion of the study, the number of wells allowed and their location will be reviewed by DNRC, permitted accordingly and planning can then move forward.

2. No permit is required on ranches (greater than 80 acres) for up to two developed springs or two small yield wells (less than 35 gpm or 10 acr. ft. yr.).

3. Groundwater development for filling ponds shall not be allowed using exempt wells at any rate or volume and must be permitted with the same restrictions as community systems or irrigation wells.

Thank you for including these comments in the meeting record.

Polly Rex  
PO Box 68  
Absarokee, MT 59001

Katrin Chandler  
31 Mason Rd  
Absarokee, MT 59001

Betty Lannen  
232 Nye Rd  
Absarokee, MT 59001