

APPLICATION FOR BENEFICIAL WATER USE PERMIT
BASIN CLOSURE AREAS
GROUND WATER APPLICATION
MITIGATION ADDENDUM

§§ 85-2-360, 85-2-361, 85-2-362, 85-2-363, & 85-2-364, 85-2-368, & 85-2-369, MCA
ARM 36.12.120

This addendum must be completed and the required information attached to a permit application when the hydrogeologic assessment conducted under 85-2-361, MCA, predicts that there will be a net depletion of surface water that results in adverse effect.

An applicant who determines the net depletion created by a proposed ground water appropriation will result in an adverse affect must submit a combined application including a hydrogeologic assessment, a mitigation plan or aquifer recharge plan if required, a permit application, and an application for change if necessary. An applicant who determines later in the permit process that a mitigation plan is needed and the plan requires a water right change application, the deadlines placed on the subject permit application must be met.

On a separate attachment provide the following information. Attachments must be labeled as shown in the sections below. (i.e.: MIT.1) If a section is not applicable, label the section as Not Applicable or NA. Conclusions, calculations, references, data, and assumptions used must be included in the application materials.

Section 1. Attachments must make specific reference to the section item shown.

- MIT.1.a** Identify the total net depletion to each source the applicant must offset through a mitigation plan or an aquifer recharge plan.
- MIT.1.b** Identify the amount of water that must be reallocated through exchange or substitution.

Section 2. Attachments must make specific reference to the section item shown.

Mitigation Plan – The reallocation of surface water or ground water through a change in appropriation right or other means that does not result in surface water being introduced into an aquifer through aquifer recharge to offset adverse effects resulting from net depletion of surface water.

- MIT.2.a** Identify where and how the mitigation water will be put to beneficial use.
- MIT.2.b** Explain how the mitigation plan will offset the amount, timing, and location of the water that must be reallocated.
- MIT.2.c** Provide the following information for each water right that is proposed to be used for mitigation.
 - MIT.2.c.i** the priority date
 - MIT.2.c.ii** for a priority date prior to July 1, 1973, the adjudication status of the water right
 - MIT.2.c.iii** The last year the water right was used and for periods of non-use greater than 10 years from the current year, explain why the water right was not used
 - MIT.2.c.iv** the period of diversion
 - MIT.2.c.v** the period of use that water is typically available for diversion
 - MIT.2.c.vi** If the water right is on a decreed stream, the date the water commissioner typically ceases deliver

- MIT.2.c.vii** Provide the dates and times for which “call” has been made on this water right. “Call” is when a senior water right holder requests that water diverted under a junior water right be stopped because the senior was not receiving their water.
- MIT.2.d** Identify whether a change application has been submitted and if so, the date submitted.
- MIT.2.e** Provide a copy of the relevant water quality permits.

Section 3. Attachments must make specific reference to the section item shown.

Aquifer Recharge Plan and Recovery Project (ARP) – a project involving the use of an aquifer to temporarily store water through various means, including but not limited to injection, surface spreading and infiltration, drain fields, or another department-approved method. The stored water may be either pumped from the injection well or other wells for beneficial use or allowed to naturally drain away for a beneficial use.

- MIT.3.a** Provide evidence that the appropriate water quality related permits have been granted.
- MIT.3.b** Identify where and how the water in the ARP will be put to beneficial use.
- MIT.3.c** Identify generally when and where water reallocated through exchange or substitution will be required.
- MIT.3.d** Provide the following information for each water right that is proposed to be used for the ARP.
 - MIT.3.d.i** the priority date
 - MIT.3.d.ii** for a priority date prior to July 1, 1973, the adjudication status of the water right
 - MIT.3.d.iii** The last year the water right was used and for periods of non-use greater than 10 years from the current year, explain why the water right was not used
 - MIT.3.d.iv** the period of diversion
 - MIT.3.d.v** the period of use that water is typically available for diversion
 - MIT.3.d.vi** If the water right is on a decreed stream, the date the water commissioner typically ceases delivery
 - MIT.3.d.vii** Provide the dates and times for which “call” has been made on this water right. “Call” is when a senior water right holder requests that water diverted under a junior water right be stopped because the senior was not receiving their water.
- MIT.3.e** Identify whether a change application has been submitted and if so, the date submitted.
- MIT.3.f** Describe the process by which water will be reintroduced to the aquifer.