

Options Statewide- non-red/yellow areas

1. A. Dividing land and apportionment by parcel @ snapshot in time
 - **Pro:** clarity, certainty, easy to implement, address housing crisis
 - **Con:** maybe an expansion/restriction of exception; have to subdivide; dividing land becomes a preference; prioritizes use of water to housing

- B. Dividing land and apportionment by parcel @ snapshot in time
 - **Pro:** clarity, certainty, easy to implement, address housing crisis, don't have to subdivide the land, less calculation
 - **Con:** maybe an expansion/restriction of exception;
 - Two exceptions per parcel (20 AF total)
 - o One tract over 20 acres gets one exception under path 1
 - o The subdivide lots: up to 24 lots shares one more exception, path 2
 - Need: how to make sure that there is clear path yellow, red
 - o Yellow- needs to track true volume of water coming out of the except

2. DNRC consider cumulative impact when there are applications for exempt wells (new concept)
 - What is the calculation? Define method in rule.
 - i. Delineate a total volume by watershed/HUC
 - ii. Calculation of DeMinimus amount for exempt well use
 - iii. Amount over appropriated when reviewing exempt wells
 - When would this occur??
 - Would you need red and yellow.
 - Would need advanced notice GW development process; come in before you drill the well.
 - **Pro:** more protective of the resource
 - **Cons:** need the scientific determination/method; more exempt well analysis

Side of the table; not off the table- but pull aspects from these ideas

3. Apportionment by parcel as of a date
 - Combined appropriation is a up to defined amount of water allocation by parcel as of a date, with a cap.
 - **Pro:** certainty, clear, implementable, but not flexible
 - **Cons:** subjective, not real De Minimus, volume can get very big without cap
 - Discussion on parcel size & AF allowed; for example:
 - o 0-20 acre = *up to* 5AF per parcel as of X date
 - o 20+ acre = *up to* 15-20AF per parcel as of X date
 - o Larger parcels = ?

4. Permit light & no more exempt wells
 - Two pathways- full blow permit or permit light
 - Permit light: based on AF/parcel (e.g., more than 15AF/parcel) – assessment of cumulative impacts, no preapplication meeting, no objection, metering and reporting
 - Is mitigation required in permit light? Mitigation challenges need to be addressed
 - Still have red and yellow?
 - **Pro:** more protective of the resources; fair and equitable
 - **Con:** politically might not be possible to get rid of exception, permit state action- legal scrutiny/MEPA (categorical exclusions possible?)

5. Amount by use type
 - **Pro:** clear, implementable
 - **Cons:** prioritizing by use type- later date, legislators could change the number
 - Each water use type is allocated water based by type of use
 - .28 AF for domestic
 - 2.5 AF/acre for lawn & garden
 - X Ag
 - X instream

6. No change from today- Agency judgement to determine combined appropriation
 - **Pro:** status quo; does not address agency coordination- predetermination letters
 - **Cons:** no certainty/clarity, more loopholes likely, difficult to implement and likely continued litigation

Notes:

Muni- care about red and yellow; green is a negotiation of the others