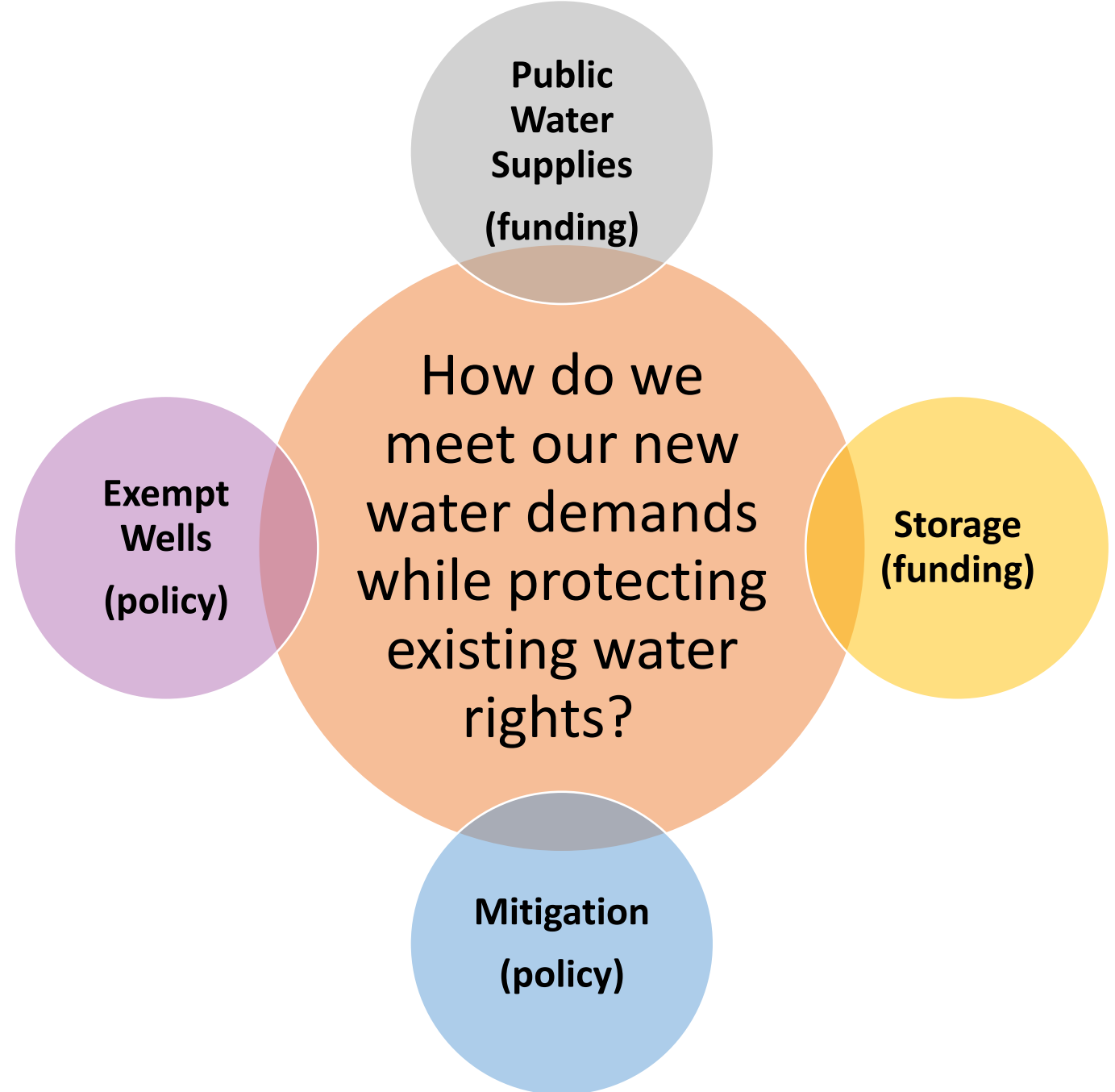


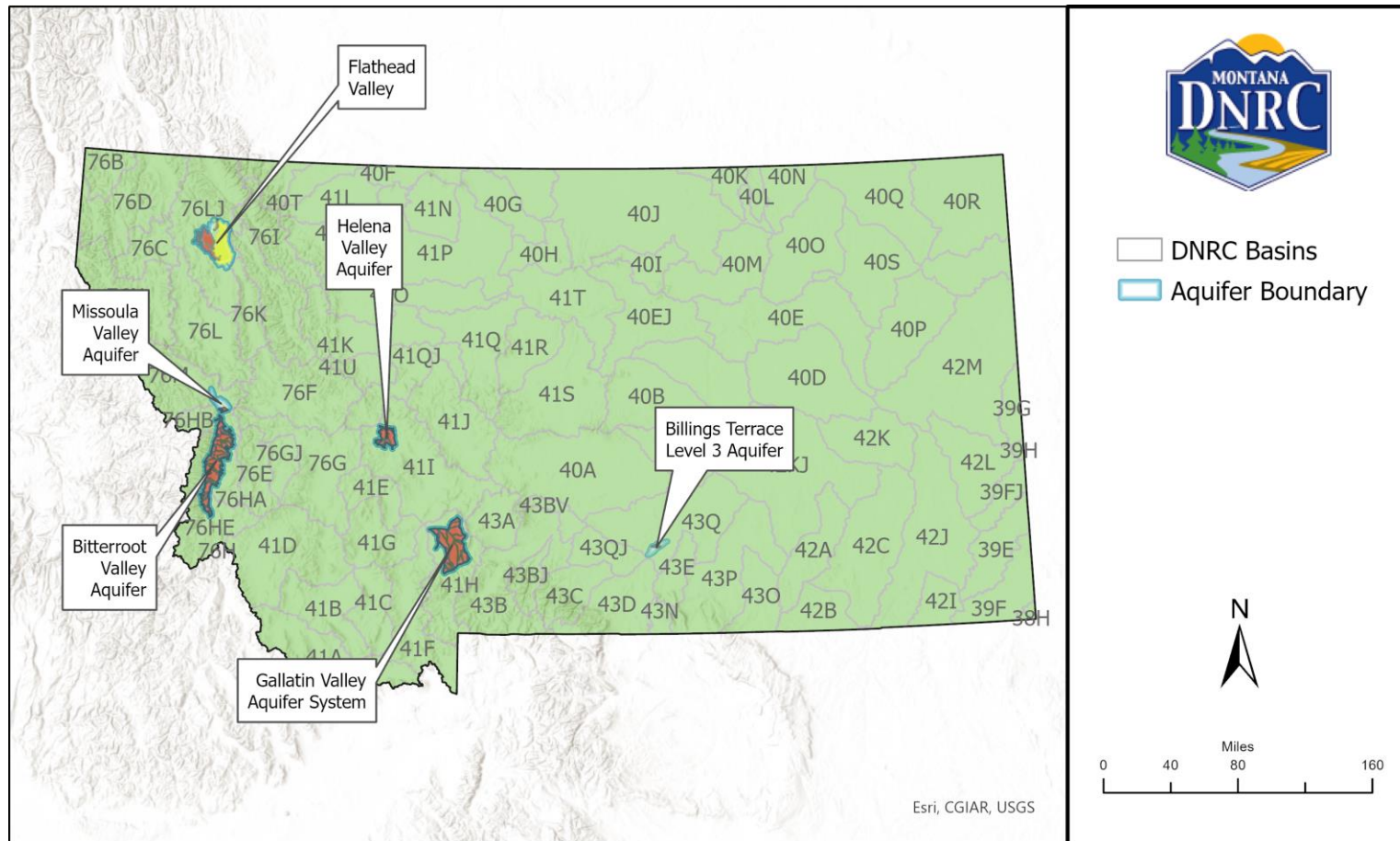
# PGE

Comprehensive Water Review  
July SWG meeting 7/2/2024  
(July sub-working group notes)



# Exempt Wells

**Issue:** Not one size fits all policy for MT, science-based criteria and variable policy based on needs and impacts to existing water rights



# Controlled Groundwater Areas (Red)

- No exceptions- tie into PWS or get a permit with mitigation
- ~~Exigent circumstances (sub working group stuck this)~~
- **Grandfathering in subdivisions:**
  1. ~~Authorizations that existed as of 10/17/2014 (in statute, keep)~~
  2. ~~Sanitation Act (phased subdivisions) (not grandfathered)~~
  3. **Sanitation Act (not phased)(maybe grandfathered)**
    - **DNRC subdivision predetermination letter & COSA approval. People's expectations.**
    - There was a court case that found that predetermination letters were inappropriate.
  4. ~~Platting Act (any parcels < 160 acres)(not grandfathered)~~
- Metering & reporting for all new uses

# Temporary Monitoring Areas (Yellow)

- Green restrictions apply
  - Other restrictions (So that yellow doesn't become red) ??
- Monitoring as long as needed
  - DNRC; in collaboration with other agencies develop monitoring plan; which would include evaluation of cumulative impacts
- Metering & reporting for all new uses

## List of options for statewide policy (see handout)

- 1. Dividing land and *up to amount* by parcel @ snapshot in time**
- 2. DNRC consider cumulative impact when there are applications for exempt wells**
3. Apportionment by parcel as of a date
4. Permit light & no more exempt wells
5. Amount by use type
6. No change from today- Agency judgement to determine combined appropriation
7. No exempt wells

## Option 1: Dividing land and apportionment by parcel @ snapshot in time

### **Path 1: Not subdividing land**

- Combined appropriation is applied via DNRC
- 10AF/35 gal per min, except that a combined appropriation from the same source by two or more wells or developed springs exceeding 10 acre-feet, regardless of the flow rate, requires a permit

### **Path 2: Subdividing land (Platting or Sanitation Act) (next slide)**

# Option 1: Dividing land and apportionment by parcel @ snapshot in time

## Path 2: Subdividing land (Platting or Sanitation Act)

1. Tract of record in existence on 10/17/2014
2. Subdivided pursuant to Sanitation Act or Platting Act
3. Subdivided to create 24 lots or less
  - *up to 0.5 acre-feet per acre* and **no more than 1AF** (cap) per lot (24 AF)
  - 35gal/min per gw development
4. If one of the 24 lots is greater than 20 acres, then **one** is eligible for *up to 10 AF* (10 AF)
  - 35gal/min per gw development
5. Once you subdivide the original tract of record to create 25 lots or more = need a permit
6. Metering and reporting required for all subdivisions
7. Combined appropriation is defined by snapshot in time, parcel size, and maximum amount that can be used for all time thereafter.

## Option 2: Dividing land and apportionment by parcel @ snapshot in time (sub working group notes/ideas)

1. Tract of record in existence on 10/17/2014
2. Starting with a bigger parcel, you get greater allocation (no remainder tract)
  - 0- X acre parcel = up to 10AF per parcel
  - X- ? acre parcel = up to 20AF
3. Subdivided pursuant to Sanitation Act or Platting Act
4. Subdivided to create 24 lots or less
  - *up to 0.5 acre-feet per acre* and **no more than 1AF** (cap) per lot
  - 35gal/min per gw development
5. Once you subdivide the original tract of record to create 25 lots or more = need a permit
6. Metering and reporting required for all subdivisions
7. Combined appropriation is defined by snapshot in time, parcel size, and maximum amount that can be used for all time thereafter.



## Option 3: evaluate cumulative impact when there are applications for exempt wells

- **This is a permitting process/permit light**
- **Where applied?** Green and yellow
- **How is it calculated:**
  - Delineate a total volume by watershed/HUC; Amount over appropriated when reviewing exempt wells (legal and physical availability analysis)
  - Calculation of de minimus amount for exempt well use
- **If there is a cumulative impact...**
  - Deny the exception; or when there are cumulative impacts- basin is closed
- **What:**
  - Quality and Quantity; Would need to clarify that the WUA deals with water quantity; DNRC not interpreting DEQ rules. How do you address and coordinate? DEQ consultation?
- **Red and yellow?**
  - Have red and yellow established
- **Challenge:**
  - How to address non-used/paper water rights that are not being used- legally entitled to use. E.g., Annexed wells that they are not legally allowed to use

# Other things to discuss

- Enforcement
- Increase the fees for 602 to fund monitoring & science
- Red/yellow areas must be linked to green
- Timing of red and yellow, prior to green (new); tying them together
- Staggered timing
- Red areas: Need Data on the capacity/distance PWS & growing into water rights (Kelly, Brian, DNRC)
  - Distance to PWS
  - Access to tie into the supply
  - No water available (paper/wet)/service area in the PWS
  - City won't take on new uses
  - Municipalities, public water and sewer districts new or existing

# Visual of Option 1

# Scenario- 30 acre (not subdividing)

## 30-acre parcel

1. **Draft concept:** 10 – 20AF depending on factors.
2. **Spacing guidance:** 20 AF (2 wells-corners, 10AF each, depends on lot size)
3. **Post HCH:** 10 – 20AF depending on factors.



# Scenario- 30 acre (subdividing)

## 30-acre parcel

### 1. Draft concept (14.75 AF):

- Subdivide (<25 lots): 23 lots @ 0.43 acres each
  - .5AF per acre, no more than 1AF per parcel/lot.
  - 23 lots/parcels= 4.95 AF
- Remainder tract = up to 10 AF

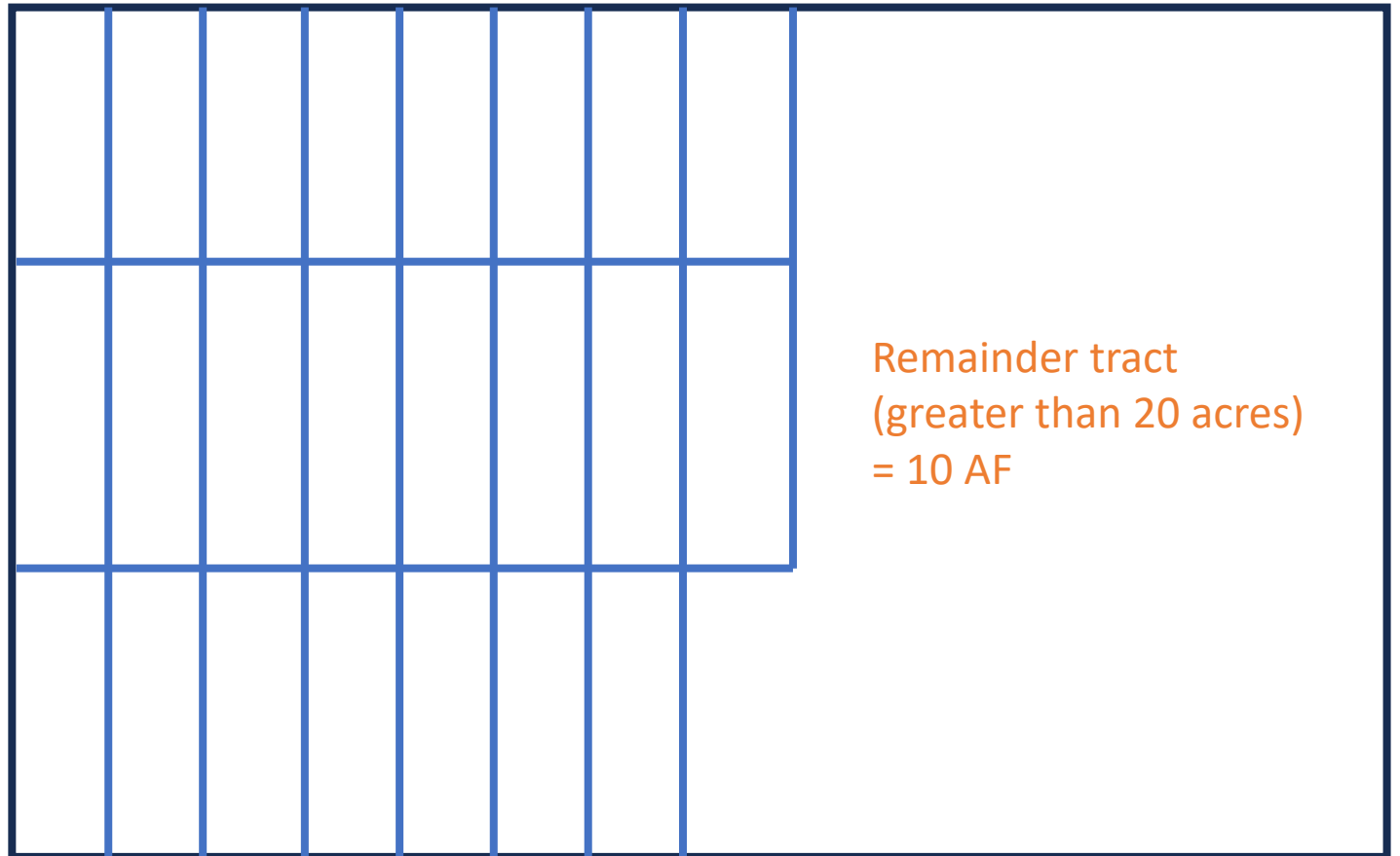
### 2. Spacing guidance:

- 20 AF (2 wells- corners, 10AF each, depends on lot size)

### 3. Post HCH/Path 1:

- 10 – 20AF depending on factors.

23 lots/parcels created on 10 acres = 4.95AF



Remainder tract  
(greater than 20 acres)  
= 10 AF

# Scenario- 40 acre (subdividing)

## 40-acre parcel

### 1. Draft concept (19.89 AF):

- Subdivide (<25 lots): 23 lots @ 0.86 acres each
  - .5AF per acre, no more than 1AF per parcel/lot.
  - 23 lots/parcels = 9.89 AF
- Remainder tract = 10 AF

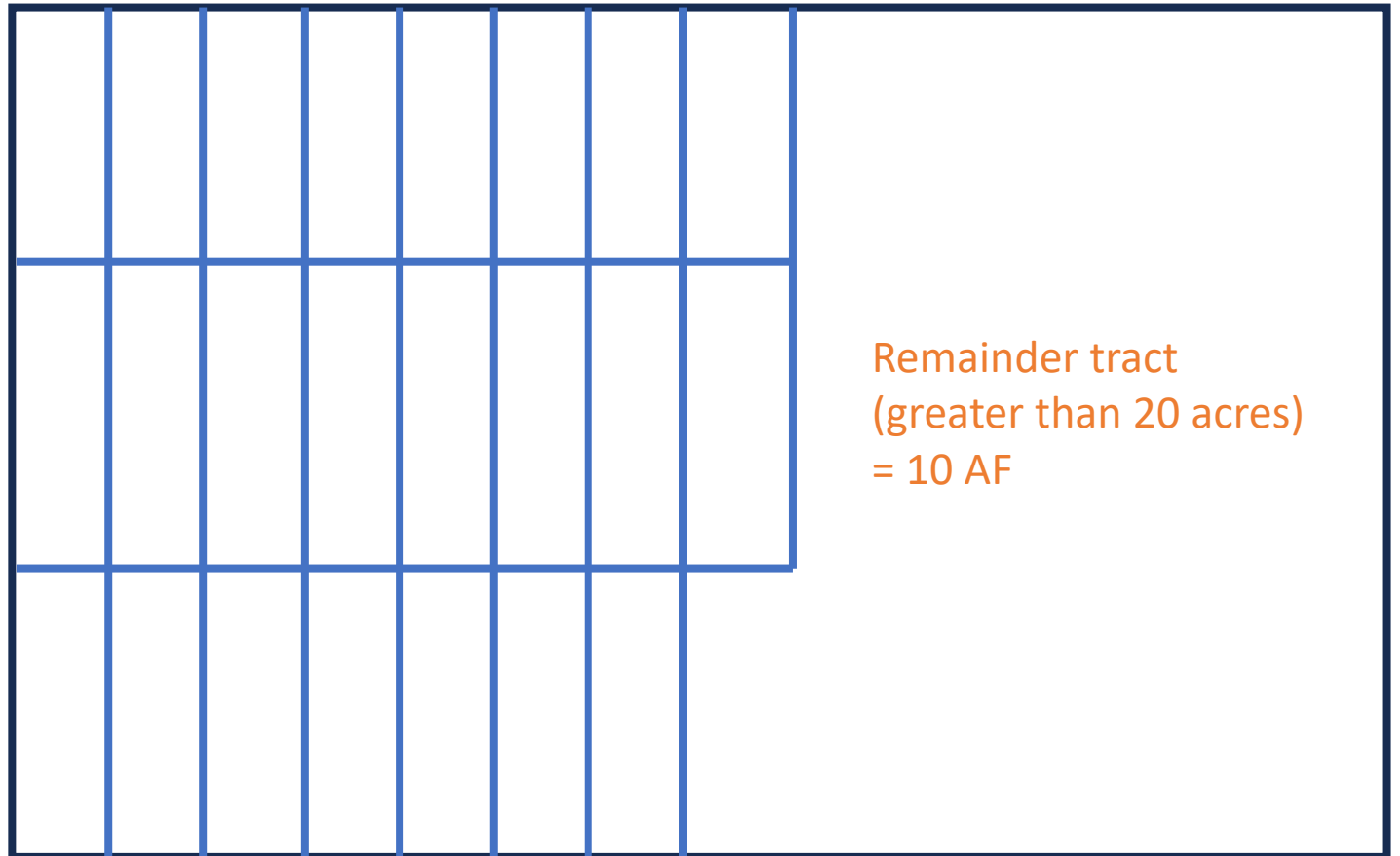
### 2. Spacing guidance:

- 20 to 40AF (2-4 wells, 10AF each, depends on well location and parcel layout)

### 3. Post HCH/Path 1:

- 10 – 20AF depending on factors.

23 lots/parcels created = 9.89 AF



# Scenario- 66 acre (subdividing)

## 66-acre parcel

### 1. Draft concept (33AF):

- Subdivide (<25 lots): 23 lots @ 2 acres each
  - .5AF per acre, no more than 1AF per parcel/lot.
  - 23 lots/parcels = 23 AF
- Large track = 10 AF

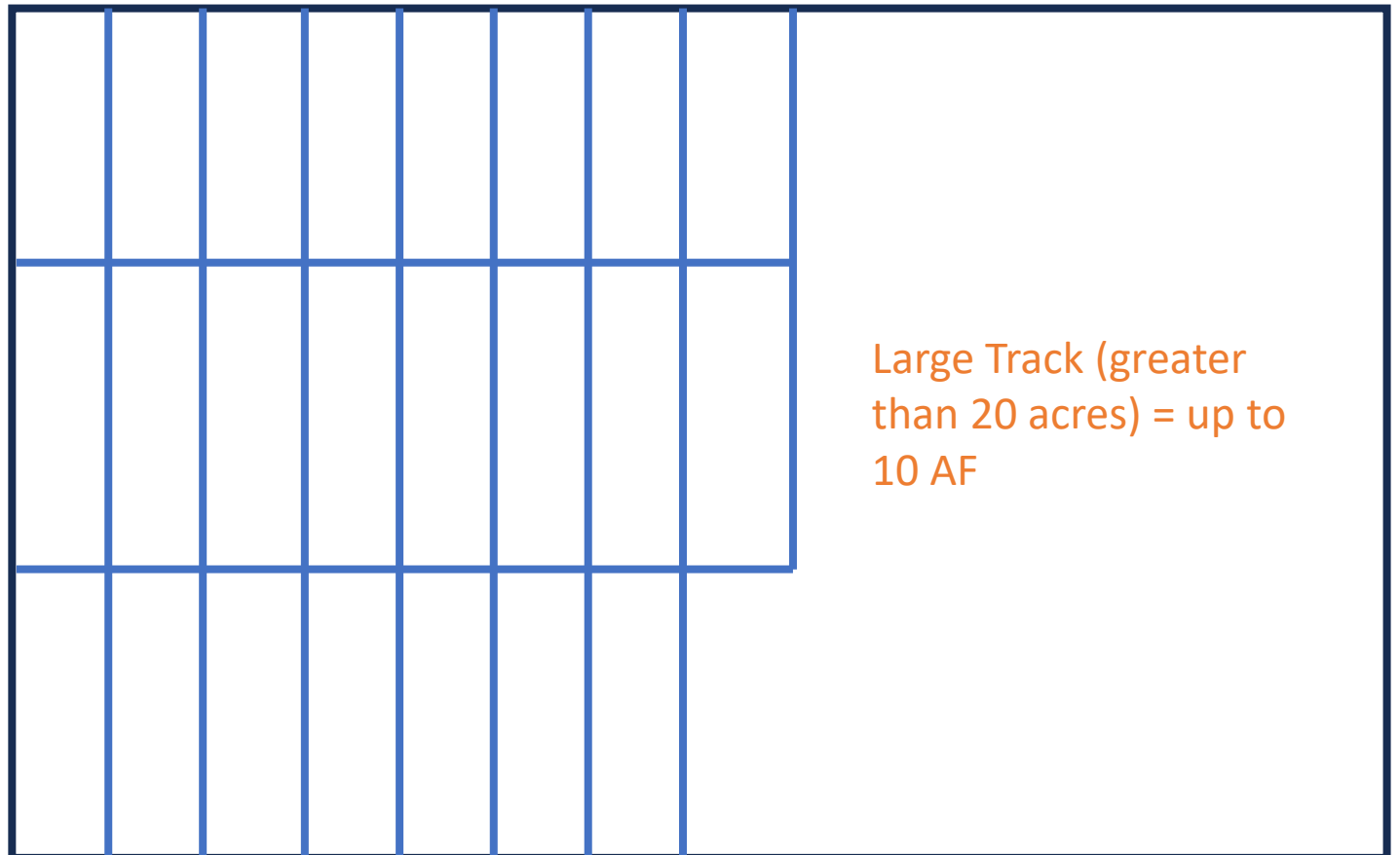
### 2. Spacing guidance:

- 20 to 40AF (2-4 wells, 10AF each, depends on well location and parcel layout)

### 3. Post HCH/Path 1:

- 10-20AF depending on factors

23 lots/parcels created = 23 AF



# Scenario- 640 acre (subdividing)

## 640-acre parcel

### 1. Draft concept (15.75 AF):

- Subdivide (<25 lots): 23 lots @ 0.5 acres each
  - .5AF per acre, no more than 1AF per parcel/lot.
  - 23 lots/parcels created = 5.75 AF
- Remainder tract = 10 AF

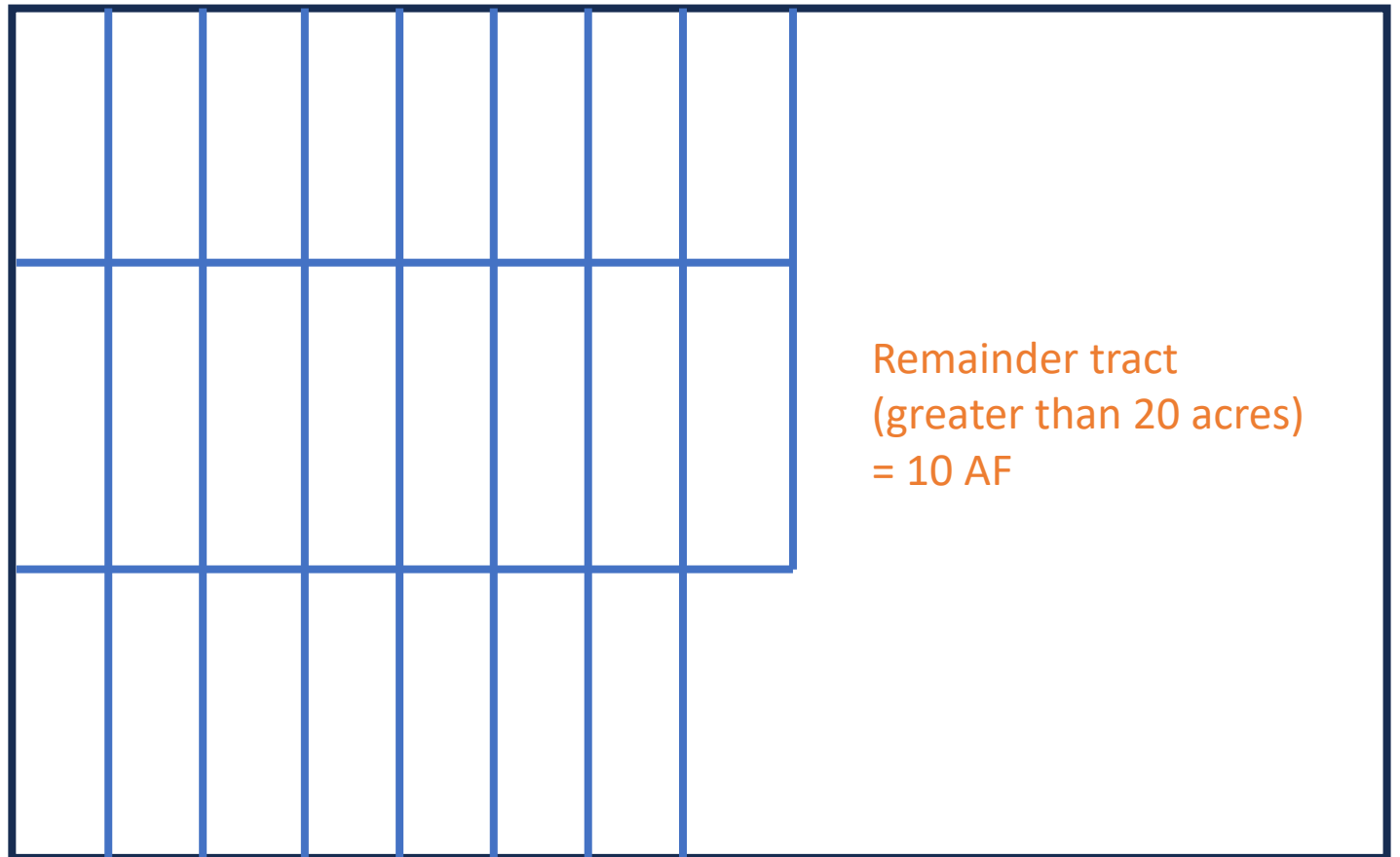
### 2. Spacing guidance:

- ~ 250AF (25 wells, 10AF each, depends on lot dimensions)

### 3. Post HCH/Path 1:

- 10 to ?

23 lots/parcels created = 5.75AF





# Scenario- 640 acre (subdividing)

## 640-acre parcel

### 1. Draft concept (33AF):

- Subdivide (<25 lots): 23 lots @ 2 acres each
  - .5AF per acre, no more than 1AF per parcel/lot.
  - 23 lots/parcels = 23 AF
- Remainder tract = 10 AF

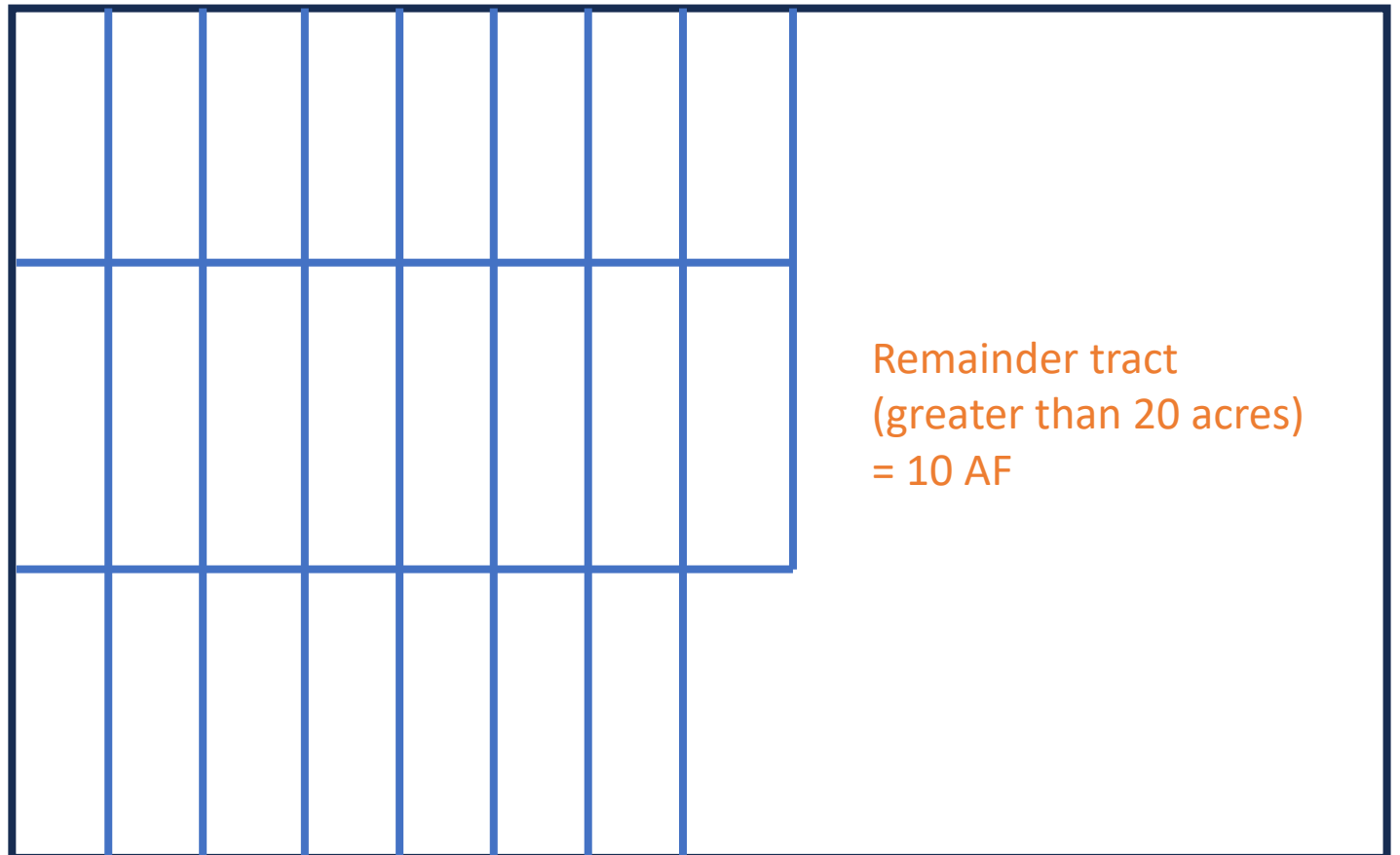
### 2. Spacing guidance:

- ~ 250AF (25 wells, 10AF each, depends on lot dimensions)

### 3. Post HCH/Path 1:

- 10 to ?

23 lots/parcels created = 23AF



# 10 AF, what does that mean?

- 3.28 to 6.75 acres of irrigation depending on climatic area
- 4 acres of lawn & garden irrigation (2.5AF/acre)
- water for 588 cows for a year (or 7,056 AUM\*)
- water for 35 average families (DEQ Std- 250 gal/day; 0.28AF/yr)
- 14 houses with  $\frac{1}{4}$  acre of lawn & garden (0.28+0.63)
- produce 93,100 yards of concrete in a year (46,550 concrete trucks/year) (average 35 gallons/yard and 8 yards/concrete truck)

\*rule change on how DNRC assigns volumes for stock use