

DE MINIMUS PROPOSAL STAKEHOLDER DISCUSSION UPDATE

MEETINGS HELD AFTER MARCH 27:

- April 15
 - April 20
 - April 27
 - May 4
- Each meeting lasted at least 2 hours, totaling roughly 10 hours of discussion

STAKEHOLDER GROUPS REPRESENTED:

1. MT Trout Unlimited
2. MT Stockgrowers Association
3. MT Association of Realtors
4. MT Building Industry Association
5. MT Well Drillers Association
6. MT Land Title Association
7. Hospitality and Development Montana
8. MT Senior Ag Water Rights Alliance
9. Governor's Office
10. Dept. of Natural Resources & Conservation

Concepts with general agreement

- Controlled Groundwater Areas (CGWA), 85-2-506, MCA:
 - Use existing language to provide two pathways for closure using the MAPA process, not legislative closure
 - Option 1: closure determined by a **preponderance of the evidence** with certain exceptions
 - Option 2: closure determined by **clear and convincing evidence** with restricted uses up to a full closure
 - Need a mechanism to move in and out of designation based on available data and science
- Water users outside of CGWAs are allowed more flexibility in water allocations to address needs
- Volume of water allocations should be tied to actual beneficial use
- Remove reference to October 17, 2014, allowing existing exemptions to continue as authorized under an existing 602 permit
- Allow for the use of shared wells
- Use definition of "tract of record" in 76-3-103, MCA
- Provide notice to other water users using existing DNRC tools
- **Concepts determined to be outside the scope of this bill draft:**
 - Grandfathering of "limbo subdivisions" needs to be in separate bill
 - Promoting and incentivizing connection to municipal systems is valuable, but this bill draft may not be able to accomplish that goal
 - Committee question: Draft a separate bill or suggest the bill concept to the Local Government Interim Committee?

Concepts close to consensus

- Determining the volume of water allowed for an exemption under 85-2-306, MCA located inside or outside a CGWA or in a stream depletion zone
- Defining "in-home domestic use" in statute to determine volume allocations inside a CGWA
- Whether to allow changes to the purpose of use after an exemption is granted

Concepts that need more discussion

- Resolving issues related to defensible space for the Wildland Urban Interface (WUI)/wildfire risk and related property insurance issues
- Determining and addressing the cumulative impacts from divisions of land
- Whether to include metering and reporting in this bill draft