

Domestic Allowance Considerations



Flathead Reservation Water Management Board (FRWMB)

Drafting Toward Water Policies and Procedures (WP&P)

Domestic Allowances: Background

- **Memo from Seth Makepeace**

- Connections of Development Domestic Allowances should be limited to DEQ Minor Subdivision Standard (5 or less homes and/or businesses)
- All exempt uses should be considered combined toward a maximum of 10 AF
- The OE should manage phased development to maintain standards regardless of timing of development



Domestic Allowances: Background

- **White Paper from FRWMB Legal Counsel**
 - Ordinance allows for a maximum of 10 AF
 - Each well is limited to 35 GPM or less
 - Existing Permit Exceptions and new Domestic Allowances may be combined
 - Any combination exceeding 10 AF would require a Permit
 - Parcel Size has not been a part of the discussion...yet



Domestic Allowances: Background

- **DNRC Exempt Well Information**

- All subdivisions are limited to 10 AF, regardless of parcel size
- Parcel sizes >20 acres are limited to 10 AF, unless other exempt wells can be spaced a minimum of ¼ mile away
- Exempt well lawsuits have been due to exceedance of 10AF, typically through phased developments

- **Ordinance Language**

- Maximum flow rates of 35 GPM are not cumulative and instead limited to each well



Domestic Allowances: OE Meeting Summary

- Clarification that no existing water rights are being taken away
- Consensus that we should consider all existing Permit Exceptions
- Recognize a Permit may be required when exceeding 10 AF
- Maintain DEQ Major/Minor Subdivision principle: 5 or less parcels or Homes/Businesses
- Assign Water Engineer and Staff to draft recommendations
 - Avoid risk of litigation
 - Promote ability to administer
 - Track Ordinance intent



Domestic Allowances: OE Defined Needs

1. Fix the “loophole” for number of individual/shared wells
2. Determine procedures for adding exempt wells toward setting the maximum 10AF volume
3. Define “Permit Exceptions”
4. Better define Development; closely vs adjacent
5. Address phased development
6. Determine parcel size options for Developments
7. Address RV pads
8. Clarify water measurement mandates
9. Clarify “site” for Businesses



Domestic Allowances: Solutions

1. Fix the “loophole” for number of individual/shared wells:

The maximum number of Individual and/or Shared Domestic Allowances within a Development, individual parcel, or among parcels sharing a well, will be limited to three Allowances for Homes and/or Businesses served by any combination of individual or shared wells.



Domestic Allowances: Solutions

2. Determine procedures for adding Permit Exceptions toward setting the maximum 10AF volume:

Within a Development, individual parcel, or among parcels sharing a Well, all water rights issued as Permit Exceptions will be considered as part of the total additive maximum annual diverted volume for all Permit Exceptions, existing or proposed, which may not exceed 10 AF.

An applicant may request that the OE consider reducing the volume of an existing Permit Exception to avoid exceeding the maximum annual volume limit (Form 625F).



Domestic Allowances: Solutions

3. Define Permit Exceptions:

- i. Groundwater Certificates developed on or after May 17, 1991 (DNRC Form 602).
- ii. State-based registrations pursuant the Ordinance, excluding exceptions limited to stock purposes and water uses predating July 1, 1973.
- iii. Individual, Shared, or Development Domestic Allowances.
- iv. Due to the complexities of Groundwater Certificates which predate May 17, 1991, and were issued by the Montana DNRC for up to 100 gallons/minute and without a volume, the OE will, on a case-by-case scenario, determine an appropriate method for incorporating these exceptions.



Domestic Allowances: Solutions

4. Better define Development – “closely grouped” vs “adjacent”:

For the definition of Development, closely will mean those parcels with boundaries that are physically connected by edge to edge, corner to corner, or edge to corner. Separations of boundaries resulting from public land easements (such as road rights of way) are discounted as separations of those boundaries.



Domestic Allowances: Solutions

5. Address phased development:

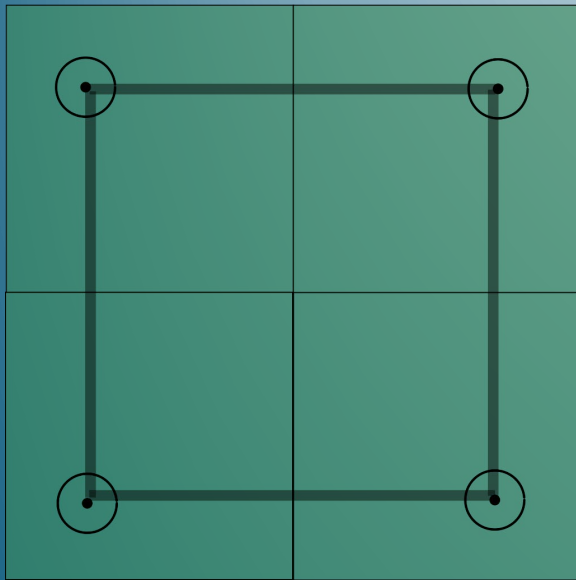
Any parcels in existence as of September 17, 2021 (Effective Date) are considered stand-alone parcels. Any subdivision after this date will be considered a Development, using the September 17, 2021 boundary as the exterior boundary of the Development, regardless of phased subdivisions.



Domestic Allowances: Solutions

6. Determine parcel size options for Development: 40 acres

4-20 acre parcels
(80 acres)



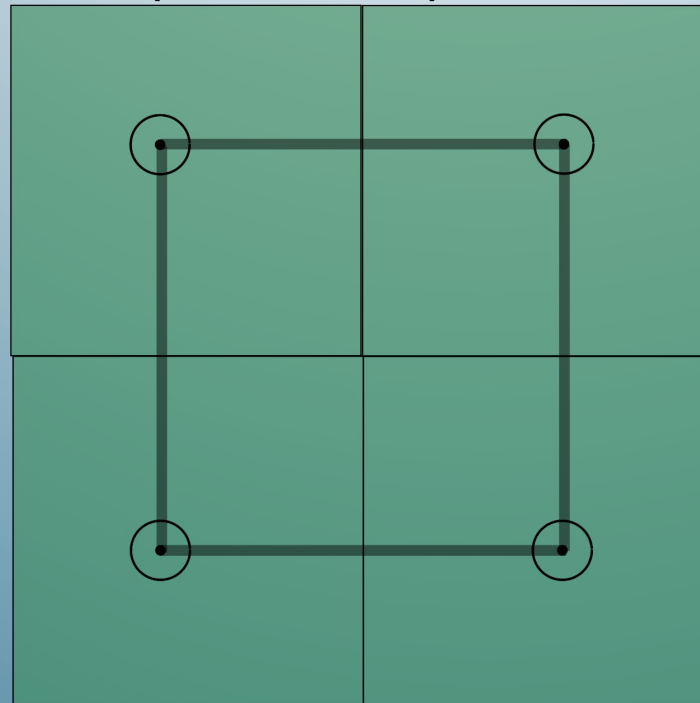
1/4 Mile



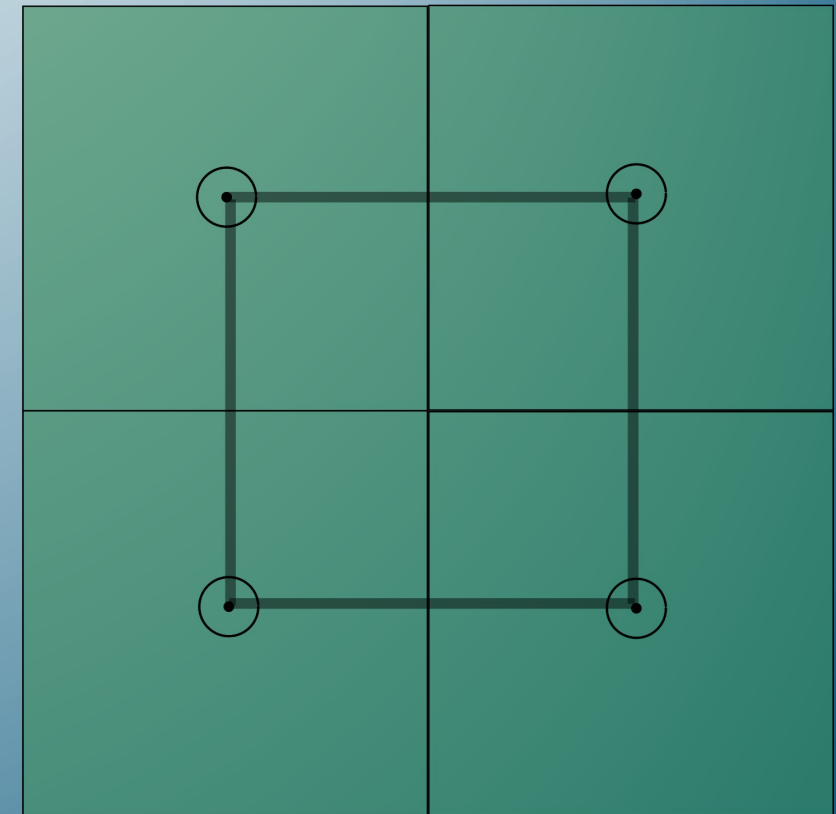
Well with 100 Ft radius



4-30 acre parcels
(120 acres)



4-40 acre parcels
(160 acres)



OE Suggested Parcel Size

Domestic Allowances: Solutions

7. Address RV's:

- RV to Home Conversion use DEQ Circular 4 Standards
 - **5 bedrooms = 400 gpd requirement; each additional bedroom add 50 gpd**
 - **50 gpd requirement per RV Pad without sewer**
 - **100 gpd requirement per RV Pad w/ sewer**
- OE Suggested RV standards: The maximum number of RV hookups is 40 for those without sewer and 20 for those with sewer associated with each hookup.



Domestic Allowances: Solutions

8. Clarify Water Measurement Mandates:

Water measurement requirements for existing Permit Exceptions and/or new Individual/Shared Domestic Allowances will be very limited.

Water measurement will only be required for Development Domestic Allowances.



Domestic Allowances: Solutions

9. Better define Business “sites”:

Sites are any location where business is conducted and may include areas that are absent a building/structure, including but are not limited to:

- fields
- canopies
- industrial settings
- other areas where essential business operations occur



Domestic Allowances:

Questions/Discussion

