

**FLATHEAD RESERVATION WATER MANAGEMENT BOARD
AND THE OFFICE OF THE WATER ENGINEER
DRAFT WATER POLICIES & PROCEDURES**

FRWMB



NOTICE

THE BOARD APPROVED THE SECTIONS OF THE WP&P BELOW FOR A 15-DAY PUBLIC COMMENT PERIOD ON 5/28/2024. THESE SECTIONS INCLUDE:

- CHAPTER I – WATER RESOURCES CONSERVATION, DEVELOPMENT AND ADMINISTRATION
 - PART 0 – OPERATIONS
 - WP&P 10-101. Acronyms.
 - WP&P 10-102. OE Form Descriptions, Status, Fees, and Version Dates.
 - WP&P 10-103. Water Right Application Submission.
 - WP&P 10-104. Water Right Verification for DEQ Subdivision Applications.
 - PART 1 – GENERAL PROVISIONS
 - WP&P 11-104. Definitions.
 - WP&P 11-111. Groundwater Diversion Standards.
 - PART 2 – UNITARY ADMINISTRATION AND MANAGEMENT
 - WP&P 12-112. Filing Fees.
- CHAPTER II – WATER USE
 - PART 2 – PERMIT AND CHANGE APPLICATION PROCESS
 - WP&P 22-117. Appropriation Rights for Domestic Allowances for Homes and Businesses; Process for Application, Review, and Issuance.

Suggestions based off public comment are shown as tracked changes

CHAPTER I - WATER RESOURCES CONSERVATION, DEVELOPMENT AND ADMINISTRATION

PART 0 - OPERATIONS

WP&P 10-101. Acronyms.

ADU	Accessory Dwelling Unit
AF	Acre-Feet
ARM	Administrative Rules of Montana
AU	Animal Units
CFS	Cubic Feet per Second
Compact	Water Compact between the Confederated Salish and Kootenai Tribes, Montana, and the United States
CSKT	Confederated Salish and Kootenai Tribes
DEQ	Montana Department of Environmental Quality
DNRC	Montana Department of Natural Resources and Conservation
ET	Evapotranspiration
FRWMB or Board	Flathead Reservation Water Management Board
FIIP	Flathead Indian Irrigation Project
FIR	Flathead Indian Reservation
GPM	Gallons per Minute
GW	Groundwater
IWR	Irrigation Water Requirement
MCA	Montana Code Annotated
MT	Montana
OE	Office of the Water Engineer
TSR	Title Status Report
UAMO or Ordinance	Unitary Administration and Management Ordinance

WP&P 10-102. OE Form Descriptions, Status, Fees, and Version Dates.

- 1) Application Forms and Petitions. Form types, numbers, descriptions, form status information, application fees and active versions are listed in **Appendix 10-1** and are updated as needed.

WP&P 10-103. Water Right Application Submission.

- 1) Successful Application Submission. Applies to all water use applications. The application is submitted to the OE with all required information and submission, including payment of all application fees, original signatures of all necessary parties, all forms fully completed as required in the Ordinance and these WP&Ps. Applicants must provide proof of possessory interest in the place of use, point of diversion, conveyance, and all areas of a water development. See WP&P 10-103(6). Failure to meet Ordinance or WP&P

submission requirements allows the OE to terminate an application without providing either a notice of inadequacy as per **Ordinance, § 2-2-106** or an application defect letter. Applications that do not contain all the required information and submissions will not be processed by the OE and shall be returned, when applicable and possible, with any submitted application fees, to the applicant.

- 2) Wrong Form Filed. If an applicant files the wrong form the OE may determine that the applicant has failed to successfully submit an application and the wrong form filed may be cancelled pursuant to **WP&P 10-103(1)**. In these cases, when applicable and possible, the OE will return the application fee to the applicant.
- 3) Application Material Quality. Applicants must provide clear, legible, and comprehensible application materials with fonts no smaller than 10-point in a clean font such as arial on all application materials, including maps. Equivalent hand-written printed text is also acceptable. Failure to meet application material quality requirements is failure to make a successful application submission pursuant to **WP&P 10-103(1)**.
- 4) Acceptable Forms of Payment when Application Fees are Due.
 - a) Payment, in full, is required at the time of application, petition, or other form filing.
 - b) Acceptable Payment Forms: check or money order only.
 - c) Refunds for applications where OE staff have commenced any work will not be allowed under normal circumstances. Refunds are only allowed in extenuating circumstances where either the OE, the Ordinance, or these WP&Ps are likely responsible for an incorrect application fee being administered by the OE. All refunds require written authorization from the Water Engineer. An applicant may withdraw an application, but application fees will only be refunded if OE staff have not commenced work on the application.
- 5) Original Signatures Required. Only original signatures are accepted for declarations of ownership and written permission(s) needed for possessory interest. Photocopies, facsimiles, stamps, or scans of signatures and electronic signatures are not acceptable.
- 6) Written Permission of Possessory Interest. If the applicant does not have a possessory interest in the property, the application must contain notarized written permission from someone with possessory interest in the property. The written permission must include that name of the person giving permission, what actions of the applicant are permissible on the property, what parcels are included in the permission, the duration of permission, and the name of the person to whom permission is being given. The written permission must be signed by both parties and be notarized. In some instances, the written permission may require filing with the county Clerk and Recorder's office to be made appurtenant to the land. The criterion of this section does not apply to applicants pursuing the use of the Flathead System Compact Water, See WP&P, § 22-118 for more details.
- 7) All owners' authorizations required. For applications with any portions of points of diversion, places of use, or conveyances located on fee land held by one or more owners, all owners of record must provide original signatures on the application, or the application

must contain written permission pursuant to **WP&P 10-103(6)** above of all owners with the possessory interest for portions of the water development located on those lands.

- 8) Non-Tribal Trusts. For applications with any portions of points of diversion, places of use, or conveyances located on non-tribal lands held in trust, the trustee(s) or trust executor(s) must provide original signatures or written consent on behalf of the trust for portions of the water development located on those lands. A copy of the active and enacted trust that designates who is authorized to act on behalf of the trust is required. If documentation is determined to be difficult to interpret or inconclusive, the OE may require the applicant to provide a written statement from an attorney that is licensed to practice law in Montana that explains that the trust is active, in order, and identifies who is authorized to act on behalf of the trust.
- 9) Properties Under a Contract for Deed. For applications with parcels that are under a contract for deed, both the transferor(s) and the transferee(s) must sign water right applications with original signatures. Water rights approved by the OE will be issued to both the transferor(s) and the transferee(s). If the contract for deed is finalized before the OE issues a water right, the transferee may provide a copy of the deed and file an **Application Owner Update Form (620F)** with the OE and any subsequent issuances will list only the transferee(s). If the contract for deed is finalized after the OE issues a water right, the transferee(s) must file a **Water Right Ownership Form (608)** with the Montana DNRC Water Resources Division.
- 10) Corporate Ownership. For applications with any portions of points of diversion, places of use, or conveyances located on corporation owned lands, the corporation executor(s) must provide original signatures or written consent on behalf of the corporation for portions of the water development located on those lands. A copy of the active and enacted articles of incorporation, operating agreement, or bylaws that clearly designate who is authorized to act on behalf of the corporation is required along with proof that the corporation is allowed to do business in Montana. If documentation is determined to be difficult to interpret or inconclusive, the OE may require the applicant to provide a written statement from an attorney who is licensed to practice law in the State of Montana or the CSKT Tribal Court that certifies the corporation is active, in order, and identifies who is authorized to act on behalf of the corporation.
- 11) Tribal Trust. For applications with any portions of points of diversion, places of use, or conveyances located on tribal trust lands the applicant must provide written authorization from the Tribes. The Tribal Lands Department, at their discretion, may require rights-of-way, easements or other access documentation. The Department may also, at their discretion, require water use and/or operation and maintenance plans for activities on Tribal Trust Land.
- 12) Individual Tribal Trust. For applications with any portions of points of diversion, places of use, or conveyances located on individual tribal trust lands, the owner(s) of that land must provide original signatures or written consent on behalf of the trust for portions of the

water development located on those lands. A copy of the public version of the TSR documenting ownership of the individual tribal trust lands is required.

- 13) Application is Adequate to Process. Applies to all water use applications. The OE will determine whether an application is adequate to process by reviewing (a) information publicly available within its expertise and (b) the information submitted in the application. The application clearly identifies the proposed project, and contains the information required by the application form or application addendum(s). At this stage, the application may be amended in response to defects identified by the OE. All application amendment information must be submitted within the deadlines set forth by the OE, typically done through application meeting or defect letter sent to the applicant by the OE. If the applicant misses a response deadline the OE may terminate the application.
- 14) Not Adequate to Process Determination. A water right or water use application that is determined to be “not adequate to process” may be terminated/revoked by the OE. The OE may help applicants reach an adequate to process status, either through letters of deficiency or other written correspondence with the applicant, as guided by the discretion of the Water Engineer.
- 15) Adequate to Process Determination is not an Approval. An application determined adequate to process is not the same as a determination that the application meets the statutory criteria for application approval. The OE can only approve an application if the criteria for issuance is proven by a preponderance of the evidence.
- 16) Applicant Communication Representation.
 - a) Communications: Applicants wishing to copy a representative, such as consultant, advisor, counsel, or other agent, on OE communications, must provide written authorization that identifies the representative, including the correct contact information to be used and an original signature from the owner of record requesting copy to a representative.
 - b) Designation of signatory other than applicant: Applicants wishing to have someone else sign on their behalf must provide written authorization that designates who is allowed to sign on their behalf, what types of authorizations are allowed, the representatives correct contact information, and have it signed by the owner of record requesting the designation. The document must be notarized.

WP&P 10-104. Water Right Verification for DEQ Subdivision Applications.

- 1) Requirement for Water Right Verification. The OE will verify existing water rights required for active DEQ subdivision applications pursuant to **ARM 17.36.103**.
- 2) Timelines for Review. The OE will perform water right verifications within 30 days for verifications not requiring fieldwork and within 90 days for verifications requiring field or on-site examination. The Engineer or Designee may extend timelines to accommodate weather and access conditions that limit field inspections necessary for resolution of complaints. Extensions may be up to one month or until weather/travel restriction conditions permit, whichever is longer.

- 3) Additional Information Request. The OE may require additional information from the applicant, through a written request, for the purpose of verifying a water right. Failure to respond to the written request within the deadline designated on the request may result in termination of the water right verification process; in this situation, any application fees submitted will not be refunded to the applicant.
- 4) Water Right is Verified (prima facie). If the elements of a water right as detailed on the abstract match the existing use, the OE will document the conclusion in an **OE Water Right Verification Letter**. This evaluation may include, but is not limited to, technical work, field review and examination of current aerial photography of the parcel(s) in question to determine quantities of irrigation, buildings, stock, ponds/pits, and other visually evident indicators of water use.
- 5) Water Right is not Verified (prima facie). If the elements of a water right as detailed on the abstract differ from the existing use, the OE will identify which elements differ, estimate the magnitude of variation, examine the historic water right records, and proceed with documenting the conclusion in an **OE Water Right Verification Letter**.
- 6) Appearance of Abandonment Discovered. If the investigation finds evidence of nonuse, the OE may examine the historic aerial photographs and provide an assessment of abandonment pursuant to **Ordinance, § 2-1-111**. If the water right appears abandoned, the OE will document this finding in an **OE Water Right Verification Letter**.
- 7) Illegal Water Uses Discovered. If there are uses of water on any of the parcels in question that lack a valid water right or are used for unauthorized purposes, the OE will not issue an **OE Water Right Verification Letter** until the illegal use is documented and formally curtailed or brought into compliance by conforming to the legal use of the water right or through final approval of a new water right application. The OE may implement enforcement actions based on this discovery **WP&P []**.
- 8) Adverse Effect. The OE water right verification request process does not include an adverse effects analysis.
- 9) Statement of Claims. The OE will not perform water right verifications on statements of claim that have not been adjudicated through the Montana Water Court. The OE will issue a letter to the applicants informing them that there is an existing statement of claim that has not been adjudicated by the Montana Water Court.

PART 1 – GENERAL PROVISIONS

WP&P 11-104. Definitions.

- 1) Connected (Wells). Permanent or temporary connections including aboveground plumbing and hose(s) that convey water from the well or source to a home or business.
- 2) Corporate Ownership. Includes ownership by legal entities, including but not limited to, corporations, limited liability companies, corporate trusts, partnerships, and not-for-profit associations.

- 3) Seepage Water or Seepage. Flow diverted from a source and moved through a conveyance that infiltrates underground and eventually returns to surface water or groundwater. Seepage is not limited to, but may include irrigation ditch or pond losses.
- 4) Substantial Credible Information. Probable, believable facts and interpretations based on facts, sufficient to support a credible technical analysis and reasonable legal theory upon which the OE should proceed with the action requested by the person providing the information.
- 5) Ditch Tailwater or Tailwater. Flow diverted from a source and moves through a conveyance which returns as surface water to any surface water source. Tailwater may originate from end or ditch or canal flows, or from on-farm runoff that leaves the water application area as surface flow.
- 6) Water Use Plan. Complete technical analysis with supporting information and calculations from an engineer, hydrologist, or technical professional with expertise in water use planning describing how water will be used, including, but not limited to volumes, flow rates, purposes, timing, conveyance, all associated water rights to be used, points of diversion, places of use, and storage. A Water Use Plan should provide all the necessary information for the OE to confirm the accuracy of calculations and determine that a use is within the criteria set forth in the Ordinance and these WP&Ps.
- 7) Wells. Unless specifically stated otherwise, the use of the term well(s) includes developed springs.

WP&P 11-111. Groundwater Diversion Standards.

- 1) Flowing Artesian Wells. Flowing artesian wells must be capped and or sealed in a way that prevents the free flow of water from the well and/or annulus around the well, to avoid Waste or Wasting of water as defined by **Ordinance, § 1-1-104(65)**.

PART 2 – UNITARY ADMINISTRATION AND MANAGEMENT

WP&P 12-112. Filing Fees.

- 1) Filing Fees. See **WP&P 10-102** for complete form filing fees. Form types, numbers, descriptions, form status information, application fees and active versions are listed in **Appendix 10-1** and are updated as needed.

CHAPTER II – WATER USE

PART 2 – PERMIT AND CHANGE APPLICATION PROCESS

WP&P 22-117. Appropriation Rights for Domestic Allowances for Homes and Businesses; Process for Application, Review, and Issuance.

- 1) Using Existing Wells for Unregistered and New Uses. Existing Wells may be used as a point of diversion for new or existing uses, so long as the Well was drilled before June 01, 2022¹ and the existing uses have not been registered under **Ordinance, §§ 2-1-101 to -108**. Existing wells that were approved by the OE may also be used as points of diversion for new uses. Existing Wells must meet all the same domestic allowance application, construction, and use standards as would be required for new Wells. Existing Wells that are currently serving and will continue to serve other water rights may have additional conditions imposed to ensure the new use does not exceed volume or flow rate standards when combined with the existing uses. If an applicant chooses to use an existing Well, the OE may require modifications to comply with standards associated with volume, flowrate, purpose, and place of use of existing water rights associated with the existing Well on the new use and examination of the prior use.
- 2) Wells drilled after June 01, 2022. Applicants who drill Wells for a Beneficial Use without preapproval from the OE may be subject to a fine, or other conditions, for failure to comply with the Ordinance's requirement to obtain preapproval before drilling a Well to be used for Beneficial Use. Exceptions include Redundant Wells, Substitute Wells, and Wells drilled solely for aquifer testing that will not be used for a Beneficial Use.
- 3) Existing Wells – Retired Uses. An applicant using an existing Well that is associated with an existing water right that will be replaced or modified by a different use being applied for through the OE may be required by the OE to withdraw the water right being replaced as a condition of approval of a new application.
- 4) Existing Wells – Priority Date(s). Existing Wells to be used for water uses not associated with an existing valid water right will receive a priority date of the date of application. Existing Wells to be used simultaneously for a new use, and an Existing Use associated with a valid water right, will receive a new priority date of the date of application for the new use portion. Such existing Wells will retain the historic priority date for those Existing Use(s) associated with a valid water right.
- 5) Other Buildings Defined. Buildings in close proximity to a main Home or Business, including shops, outbuildings, ADUs, and other smaller affiliated building connections, do not count as an additional Home or Business and can be added to the water right purposed as “Other” so long as the connections do not exceed three in number and are located within the same parcel boundary. This does not apply to buildings that are already or planned to be separated by a parcel boundary.

¹ June 01, 2022 was the date upon which the Board concluded public notice of the well drilling preapproval requirements had been sufficiently communicated.

- 6) Sites Defined. Business “Sites,” as part of the definitions of Business in **Ordinance, §1-1-104(8)**, mean any location where business is conducted and may include areas that are absent a building/structure, including but not limited to fields, canopies, industrial settings, and other areas where business operations occur. This definition of “sites” does not apply to Stock Water Allowances. Ordinance 2-2-116.5(e).
- 7) Drilling Time Limits. Upon OE authorization to construct a Domestic Allowance (authorization to drill the Well), the applicant will have one year to have the Well drilled. Failure to meet the deadline may result in termination of the application. An applicant may submit a **Deadline Extension Request (Form 607F)** before, or after this deadline provided that the applicant has made progress on their Development; the **Form 607F** filing fee increases after missing the deadline.
- 8) Beneficial Use Time Limits. Upon OE authorization to construct a Domestic Allowance (authorization to drill the Well), the applicant will have one year after the drilling time limit to put the water to Beneficial Use (hook it up to the Home or Business and put the water to use). The applicant must file **Form 60DF-Part B** within 120 days of completing the project and putting water to Beneficial Use, as is specified in the Ordinance. An applicant may submit a **Deadline Extension Request (Form 607F)** before, or after, this deadline provided that the applicant has made progress on their Development; the extension form filing fee increases after missing the deadline.
- 9) Putting Water to Beneficial Use. Putting water to Beneficial Use as per **Ordinance, § 2-2-117(13) and WP&P 22-117(7)** above means the Well is physically connected to the Home(s) and/or Business(s) authorized by the OE in an authorization to develop a Domestic Allowance and the water is being used for one or more of the purposes designated on said authorization. **A Domestic Allowance completion form (Form 60DF – Part B)** may be filed if the connection is made to a Home or Business that is temporary, so long as the connection is at the same location and connected to the same Well.
- 10) Municipal Water Supply Connections. Any applicant requesting a Domestic Allowance that is within 500 feet of the exterior boundary of a municipal water supply system or tribal equivalent must provide a letter from that municipal water supply system or the Tribes that they are refused a connection to the municipal water supply as the primary alternative to obtaining a new Domestic Allowance—this requirement is waived when using a Well that was drilled before June 01, 2022. The Water Engineer can consider exceptions on a case-by-case basis.
- 11) Use of FIIP Delivery Water Associated with Domestic Allowances. Any Domestic Allowance plan that includes the use of FIIP delivery water to irrigate lawn and garden, landscaping features, or for stock water, must provide a letter from the FIIP manager authorizing the use of FIIP delivery water as long as the applicant remains in good standing with FIIP and the letter of approval is dated within six months prior to the Domestic Allowance application. The use of FIIP water may allow an applicant to apply

for additional domestic usage on an Individual, Shared, or Development Domestic Allowance not to exceed flow and volume standards.

12) Use of Other Water Rights Associated with Domestic Allowances. Any Domestic Allowance plan that includes the use of existing water rights to irrigate lawn and garden, landscaping features, or stock water, must provide a copy of the water right abstract and a statement as to how this use will be incorporated into their Domestic Allowance plan.

13) Number of Connections and Standards.

a) Individual Domestic Allowances may only be connected to one Home or Business. Ordinance, § 1-1-104(8) and (31).

b) Shared Domestic Allowances may only be connected to two or three Homes or Businesses. Ordinance, § 2-2-117(5).

c) Development Domestic Allowances as per Ordinance, § 2-2-117(6) may be connected to more than one, but not more than five, Homes or Businesses.

i. The requirement to measure and report annual water volume use and maintain the total annual volume diverted below the annual maximum volume issued and the flow rate from any individual Well up to 35 GPM must be adhered to. Ordinance, § 2-2-117(6)(b).

ii. Annual water measurements of water use for a Development Domestic Allowance exceeding the annual maximum volume issued, may result in revocation of the water right and/or fines by the Board.

d) Adding additional Domestic Allowances and/or making additional connections to existing Wells for new uses may cause a project to be reclassified as Shared or Development Domestic Allowance or a new Appropriation if volume and/or flow rate standards are exceeded. This excludes water rights purposed exclusively for Stock Ordinance, § 2-2-116-117.

e) Any deviation from these standards requires the applicant to provide a Water Use Plan pursuant to section WP&P 22-117(23) below.

14) Permit Exceptions Defined. For purposes of this section, Permit Exceptions shall include:

a) Groundwater Certificates developed on or after May 17, 1991, at a volume and flow rate that would qualify as an exception to the permit requirements of 85-2-306, MCA, and for which a notice of completion of groundwater development (DNRC Form 602) was filed with the DNRC.

b) State-based registrations of certain other previously unrecorded existing uses pursuant to Ordinance, § 2-1-106.

c) Individual, Shared, or Development Domestic Allowances as described in Ordinance, § 2-2-117.

d) 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 Permit Exceptions.

- 15) Inclusion of Existing Permit Exceptions for Annual Volume Maximums. 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, not to exceed 10 AF. Existing and future water rights purposed solely for stock are not included as part of the 10 AF cumulative maximum annual volume that is allowed before a permit is required. Ordinance, §§ 2-2-116 to -117; WP&P 22-117(12). New Individual or Shared Domestic Allowances retain the maximum annual volume limit of 2.4 AF. Ordinance, § 2-2-117.
- 16) Water Measurement for Permit Exceptions. Mandatory water measurement is not necessarily required for cumulative Permit Exceptions with total additive maximum annual diverted volumes that are 10 AF or less.
- 17) Reduction or Correction of a Water Right. An applicant may request that the OE consider reducing the volume of an existing Permit Exception, using a Request to Reduce or Correct a Water Right Record (OE Form 625F), to avoid exceeding the maximum annual volume limit of 10 AF.
- 18) Phased Developments. For purposes of determining an area as defined as a Development or for defining what adjacent parcels as being affiliated, the date of September 17, 2021 (Effective Date) will be used. Any subdivision approved after this date will be considered a Development, regardless of phased subdivisions. The parcel boundary as of September 17, 2021, will serve as the controlling parcel boundary of a Development for purposes of determining cumulative total annual volume limitation for Permit Exceptions. Sale of individual parcels after this date does not alter the contiguous or closely grouped nature, or the same or affiliated ownership, of a Development.
- 19) Maximum Number of Wells.
 - a) Individual and Shared Domestic Allowances are restricted to one Well.
 - b) Development Domestic Allowances are restricted to one Well per Home and/or Business and therefore may not exceed 5 wells. Ordinance, § 2-2-117(6)(e).
 - c) If one Well is inadequate, the applicant must provide justification for the need and receive OE approval to drill additional Well(s).
- 20) Clarification for Developments. For the definition of Development, Ordinance, § 1-1-104(16), the term “closely grouped” 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 rights of way will be considered on a case-by-case basis by the OE.
- 21) Additional Well Fee for Development Domestic Allowances. Each Well beyond one for a Development Domestic Allowance has an additional application filing fee, t
- 22) Measurement Devices.

- a) Each Development Domestic Allowance Well must have an OE approved measuring device that continually measures total volume diverted and time-period of the diversion that allows for monthly diverted volumes to be calculated for all Wells on the system.
 - b) Well owners are required to report their usage on **Form 622F** each year and failure to do so may incur a fine or risk revocation of the water right.
 - c) For the OE to approve a measuring device, the applicant must provide the OE with complete information about the measuring device(s), plans for installation(s), identification of installers, identification of recording features, and identification of plans to operate the devices. This information must be included in the **Form 6DDF Part A** application and must be preapproved before installation. Preapproval by the OE of any equipment does not provide the applicant assurance that the proposed equipment will work as proposed. Upon preapproval, the OE will issue approval of the proposed measuring device plan along with the **Part A** application approval.
 - d) Once operational, the OE will conduct an inspection of the installation to ensure the equipment and installation was conducted pursuant the preapproval. The OE may request a test to ensure the equipment is functioning properly.
- 23) Maximum Number of Connections for Larger Parcels. Large parcels of land that are under the same or affiliated ownership, including, but not limited to, housing subdivisions or any combination of Business(es) and residential units, are entitled to up to 10 AF in Permit Exceptions for each **[the Board is considering 20.01-acre or 40-acre]** apportionment of land within the Development. Applicants applying for multiple 10 AF amounts based on parcel size are responsible for providing a map that demarks each **#-acre** apportionment. These Developments, however, will encumber the property for future Domestic Allowances in perpetuity or until the Developments are removed and the water rights withdrawn.
- 24) Annual Volume. Annual volume limits, 2.4 AF for Individual and Shared Domestic Allowances (**Form 60DF**) and 10 AF for Development Domestic Allowances (**Form 6DDF**) on **parcels # acres** or less, are diverted amounts, not to be confused with consumed volume.
- 25) Combined Flow Rates. No single Well may exceed 35 GPM in flow.
- 26) Stock Water Volumes for Domestic Allowances. Stock volumes are additive to other Domestic Use(s) for volume calculations and thus may reduce maximum numbers of connections or the acreage of lawn and garden if included in a proposed Development.
- 27) Association of Water Rights. Water rights that share a point of diversion, conveyance, place of use, or are grouped for purposes of determining the maximum number of connections, will be associated through a remark on the water right issuance and abstracts. Associated information about the combined use may also be included.
- 28) Domestic Water Storage. Storage facilities associated with any domestic water system must be enclosed and documented in volume, location, system attachment, additional pump infrastructure, depth if buried, and other pertinent design criteria.

- 29) Exceptions to Standards and Water Use Plans. Any proposed exceptions to standards must include an engineer's, hydrologist's, or technical professional's, with expertise in water use planning, assessment of need and function. For commercial, business, and other unique water uses, the OE may require the applicant to provide a Water Use Plan that specifies volumes, flow rate, and design parameters for each proposed purpose of uses or defines how water storage will be designed and used. If the OE chooses to assess proposed exceptions to standards, an extended timeline may be imposed on application review phases.

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