

# 2025 Exempt Well Bill Review

## Montana and Idaho

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# 2025 MONTANA

## SB 358 – Revise exempt water right laws (Galt)

- Senate Natural Resources amended, passed 9-2
- Failed Second Reading, 14-36

## SB 436 – Generally revise laws relating to exempt wells (Glimm)

- Senate Natural Resources, passed 7-4
- Amended on Second Reading, passed 30-20
- Passed Third Reading 27-22
- House Natural Resources, tabled 9-5

## HB 704 – Generally revise ground water laws (M. Vinton)

- House Judiciary, passed 11-9
- Failed Second Reading, 44-54



# SB 436 Summary

- Defines “combined appropriation” as an appropriation for 2 or more groundwater developments from the same aquifer
- Original language: removed exempt well cap of 35 gallons/minute or less and not more than 10-acre feet/year
  - Replaced with 1 acre-foot/year or less for every 2 acres
- Amended on Senate floor: put back the 35 gallons/minute and 10-acre-feet max

# SB 358 & HB 704

## Quick Comparison

### SB 358

- Uses “Legislatively designated controlled ground water areas”
- Robust public comment received (3-hour hearing)
- Heavily workshopped and amended in committee
- Includes additional reporting/study requirements

### HB 704

- Uses “Temporary legislative controlled ground water closure and monitoring areas”
- Similar overall functionality to SB 358
- No amendments
- Fewer monitoring/reporting requirements

# SB 358 Explained

As originally drafted, the bill divided the state into 3 categories:

- **Closure areas**
- **Monitoring areas**
- **Rest of the state**

Categories are defined using existing statutory framework for designating controlled groundwater areas

# Most of the State – Green/Open

Two Pathways:

No division of  
land  
occurring =  
no change for  
water users

## Dividing Land:

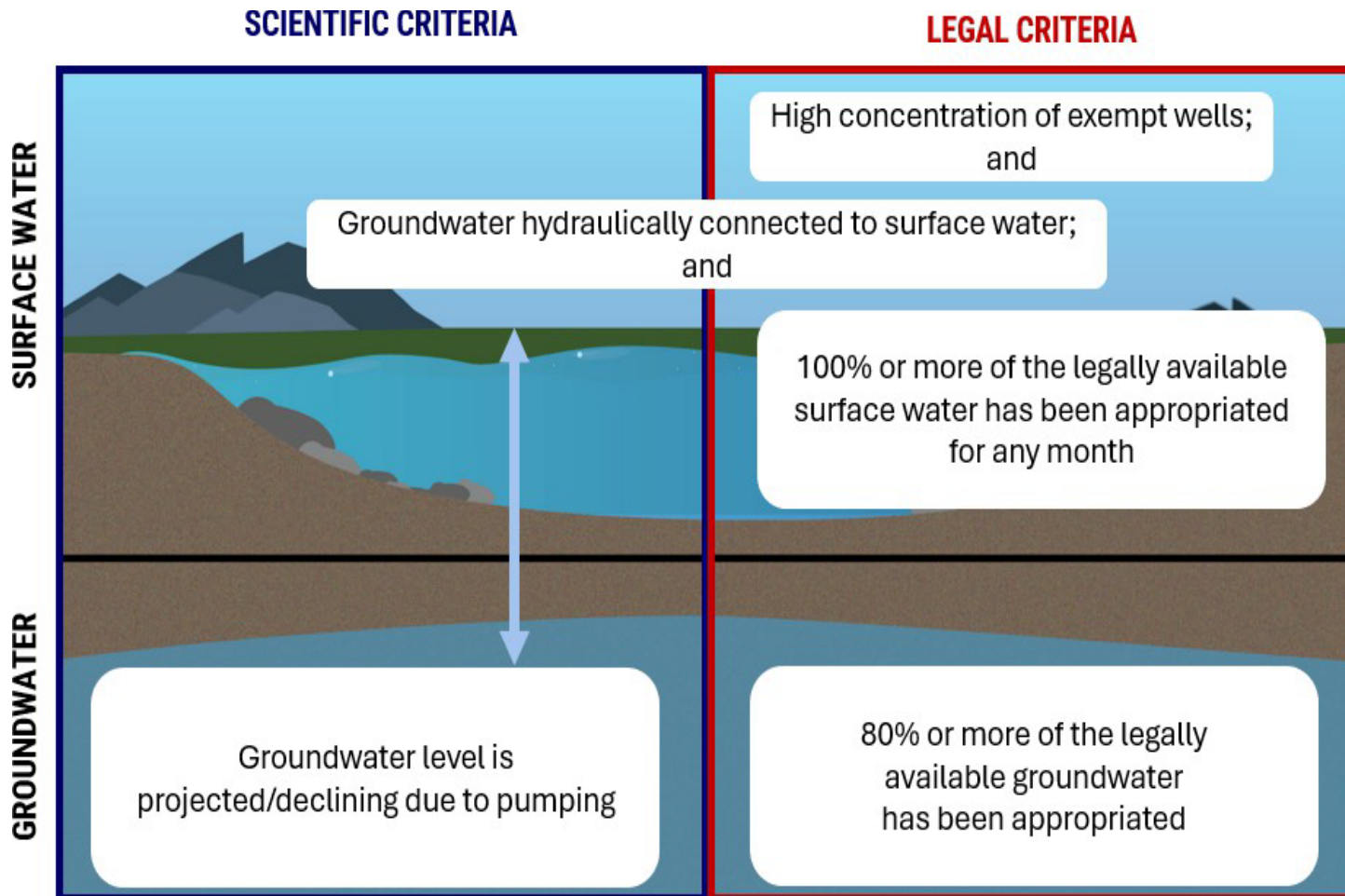
Each lot = fixed max volume of water

- Lot cap of 24 lots (*more than 24 lots = water permit or connection to public system*)
- Volume cap – up to 0.5 acre-feet per acre, no more than 1 acre-foot/lot
- Metering & reporting on new exempt wells

# Closure Areas

- No new exempt wells (except in extremely limited cases)
- Need to connect to public water supply or go through full change of use or permitting process
- Metering and reporting required for all new water uses
- 4 “closed” aquifers:
  - Missoula Valley Aquifer
  - Helena Valley Aquifer
  - Gallatin Valley Aquifer
  - Bitterroot Valley Aquifer

# Closure Areas

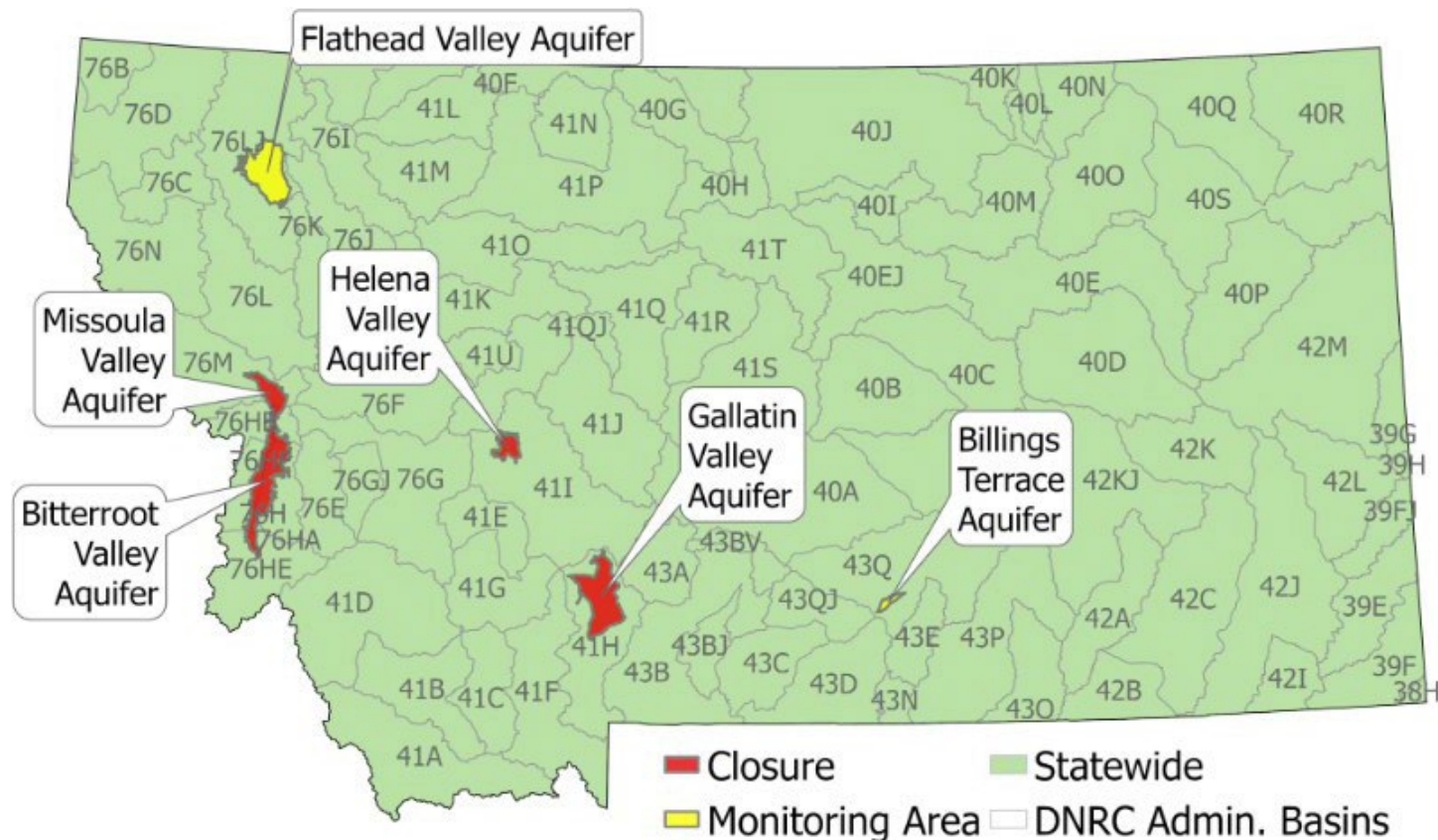




# Monitoring Areas

- Areas near the closure threshold (scientific or legal criteria)
- All water use subject to metering and reporting
- Other requirements the same as **green**
- 2 monitoring areas identified:
  - Billings Terrace Aquifer
  - Flathead Valley Aquifer

# SB 358 Designated Areas



# SB 358 Amendments

**41** potential amendment ideas floated by various groups including:

- Clark Fork Coalition
- Farm Bureau & Assoc. of Gallatin Ag Irrigators
- MT Well Drillers, MT Building Industry, & MT Assoc. of Realtors
- Various House Representatives

**12** Committee Amendments Drafted

**7** approved and engrossed

# SB 358 Amendments

## Placed on the bill:

### SB358.1.1 (Galt)

- Revised language for evaluating a combined appropriation to clarify that the purpose of use and volume of water doesn't exceed the volume identified in predetermination letter
- Increased DNRC reporting requirements
- Revised thresholds for monitoring areas

# SB 358 Amendments

## Placed on the bill:

### SB358.1.5 (Sprunger)

- Removed the water QUALITY metrics for determining a controlled ground water area
  - Originally allowed determination for moderate septic system density and nitrate concentration; exceedance of any ground water human health standard/health advisory

# SB 358 Amendments

## Placed on the bill:

### SB358.1.6 (Miner)

- Required DNRC to develop monitoring plan for each monitoring area & work with MBMG to:
  - Conduct annual review,
  - Annually report to WPIC the status and any proposed status change of each area
- Required a ground water investigation program to prioritize quantity ground water monitoring

# SB 358 Amendments

## Placed on the bill:

### SB358.1.7 (Nelson)

- Removed the Bitterroot Valley aquifer from the list of “closed” aquifers

# SB 358 Amendments

## Placed on the bill:

### SB358.1.8 (Galt)

- Changed names of closed & monitor areas:
  - **Closed:** “legislative aquifer closure” to “legislatively designated controlled ground water area”
  - **Monitor areas:** “legislative aquifer monitoring area” to “legislatively designated temporary controlled ground water area”
- Other small, clean-up word revisions
- Removed/revised some date references



# SB 358 Amendments

## Placed on the bill:

### SB358.1.11 (Gillespie)

- Revised volume allowed in monitoring areas:
  - Volume for each parcel not to exceed 0.5 AF/year for each acre and not exceed 0.75 AF/year for the parcel

# SB 358 Amendments

## Placed on the bill:

### SB358.1.12 (Gillespie)

- Added new section to require DNRC to conduct statewide analysis to identify noncompliant water use
  - Send mailing to landowners identified as out of compliance, allow grace period to correct
  - Complete by Dec 31, 2026

# SB 358, Concluded

Failed to pass Senate Second Reading, 14-36

Bill copy included in the meeting packet is the final version.

- Includes all amendments placed on the bill in Senate Natural Resources

# Idaho Senate Bill 1083, 2025

Date	Action
Feb. 10	Introduced
Feb. 24	Reported out of (S) Resources & Environment Committee
Feb. 26	Second reading, amended
Mar. 5	Third reading passed, <b>32-3</b>
Mar. 11	Reported out of (H) Resources & Conservation Committee
Mar. 12	Second reading
Mar. 14	Third reading passed, <b>63-7</b>
Mar. 20	Signed by Governor

# Idaho Senate Bill 1083, 2025

4 Main Ideas included in the “Statement of Purpose”:

1

Allow multiple exempt domestic uses to be combined in a single well (only applies to in-home water use)

2

Streamline process for ensuring compliance

4

Require community wells within municipal service areas be compatible with muni. systems & use surface water for irrigation

3

Designate areas as:

1. “Ground Water Management Areas,”
2. “Critical Ground Water Areas” or
3. “Moratorium Areas.

Domestic Use Exemption only applies to in-home or stock watering uses  
- all other uses require permit

# Idaho Funding Companion: HB 445

House Bill 445, signed into law on April 4, appropriated \$31 Million for:

- **4** additional FTE in Dept. of Water Resources
- **\$716,000** for aquifer monitoring, measurement, and modeling
- **\$30** million for water projects

# Idaho Funding Companion: HB 445

## Water Project Prioritization (**\$30M**):

- Aquifer recharge & groundwater management
- Groundwater-to-surface water conversion
- Development/rehab of water storage
- Water supply & delivery improvements
- Emergency water infrastructure repairs

Refer to Additional Document for comparison of ID & MT bills:

### Idaho (passed) vs MT (Failed) Exempt Well Bills from 2025 legislative session

	Idaho S.1083 (Passed)	Montana SB 358 (Failed)
<b>Statewide exception</b>	<ul style="list-style-type: none"> <li>Domestic wells are exempt from permitting if used for <b>in-home purposes</b>, livestock, and irrigation of up to 0.5 acres, not exceeding <b>13,000 gallons per day (14.56 acre-feet (AF) per year)</b></li> <li><b>Exclusions:</b> Commercial establishments, multi-unit housing (apartments, mobile home parks), and most subdivisions are excluded from the exemption unless strict daily and annual volume limits are met. Larger uses must go through Idaho's water rights permitting process.</li> </ul>	<ul style="list-style-type: none"> <li>Permit exception – any use <u>in excess of</u> 10 acre-feet per year or 35 gallons per minute requires a permit.</li> </ul>
<b>Statewide subdivisions</b>	<ul style="list-style-type: none"> <li>Water System Integration: New subdivisions within a city's service area <u>must design their systems to connect to municipal water</u>, rather than relying solely on exempt wells.</li> <li>Surface Water Use First: When available, <u>subdivisions must use surface water for irrigation</u> instead of groundwater, protecting aquifers for essential domestic uses.</li> <li>Disclosure in Subdivisions: Plats for new subdivisions must include details about irrigation water systems and ongoing owner responsibilities for irrigation assessments.</li> </ul>	<ul style="list-style-type: none"> <li>Creation of a lot pursuant to the Subdivision and Platting Act (&lt;160 acres) assigns each lot in the subdivision a fixed maximum volume of water</li> <li>Lot cap of 24 or fewer lots. The exemption cannot be used to supply water to more than 24 lots; divisions resulting in more than 24 lots require a water permit or connection to a public water supply system.</li> <li>Volume cap of up to 0.5 acre-feet per acre based on lot size, and no more than 1 acre-foot per lot.</li> </ul>