

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

	Idaho S.1083 (Passed)	Montana SB 358 (Failed)
Statewide exception	<ul style="list-style-type: none"> Domestic wells are exempt from permitting if used for in-home purposes, livestock, and irrigation of up to 0.5 acres, not exceeding 13,000 gallons per day (14.56 acre-feet (AF) per year) Exclusions: 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. 	<ul style="list-style-type: none"> Permit exception – any use in excess of 10 acre-feet per year or 35 gallons per minute requires a permit.
Statewide subdivisions	<ul style="list-style-type: none"> 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. Surface Water Use First: When available, <u>subdivisions must use surface water for irrigation</u> instead of groundwater, protecting aquifers for essential domestic uses. Disclosure in Subdivisions: Plats for new subdivisions must include details about irrigation water systems and ongoing owner responsibilities for irrigation assessments. 	<ul style="list-style-type: none"> Creation of a lot pursuant to the Subdivision and Platting Act (<160 acres) assigns each lot in the subdivision a fixed maximum volume of water 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. Volume cap of up to 0.5 acre-feet per acre based on lot size, and no more than 1 acre-foot per lot.
Controlled areas	<ul style="list-style-type: none"> In Critical Ground Water Areas, Ground Water Management Areas, or areas where a moratorium is in effect, only in-home and livestock uses are exempt. 	<ul style="list-style-type: none"> New controlled ground water area (Legislative Closure Areas)- no more than 0.5 acre-feet annually are (1) stockwater and (2) single dwellings on an existing lot where connection to public water or obtaining a permit are infeasible. DNRC will honor the lots and volumes allocated in predetermination letters for parcels that received certificates of subdivision approvals (COSAs) from the Department of Environmental Quality (DEQ) prior to February 14, 2024.

Measurement	<ul style="list-style-type: none"> – Clarify and expand the Department of Water Resources’ monitoring and enforcement role across water use types, planning, and subdivision review. 	<ul style="list-style-type: none"> – Metering and reporting of new exempt well use.
Enforcement	<ul style="list-style-type: none"> – Idaho Department of Water Resources to enforce usage limits, issue penalties for overuse (with fines ranging from \$500 per tenth-acre over the limit to \$5,000/year), and file liens for unpaid penalties 	<ul style="list-style-type: none"> – Amendment: DNRC identify lack of compliance and support users to get into compliance.
Local Government	<ul style="list-style-type: none"> – Detailed System Design: Subdivision plats in irrigation-served areas must describe how irrigation water will be delivered to each lot and must be approved by local city or county officials, with irrigation entity advice. – Legal Liability: Lot developers are liable for up to \$1,500 per lot for deficiencies in water delivery. Homeowners or irrigation entities may sue within two years of discovering non-compliance. – Assessment Disclosure: Plats must notify buyers of ongoing irrigation assessments and the potential for liens for unpaid assessments. 	<ul style="list-style-type: none"> – HB 681 created a Notice of Intent and coordination of the exempt well process with the County Platting Act process.
Water Quality	<ul style="list-style-type: none"> – Shared Domestic Wells to Reduce Risk. The bill allows the use of shared domestic wells for multiple homes, but only for in-home water use (not for irrigation or landscaping). – This approach is intended to minimize the number of individual wells drilled in subdivisions, reducing the risk of aquifer contamination from the proliferation of small, unmanaged wells. – Municipal and Community System Integration. Subdivisions within municipal service areas or areas of local impact must integrate with municipal or community water systems where possible. This requirement ensures better oversight of water quality because municipal and community systems are subject to regular testing and regulation, significantly reducing waterborne health risks compared to standalone exempt wells. 	<ul style="list-style-type: none"> – Water Quality criteria for closure area designation