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DNRC - BOZEMAN REGIONAL OFFICE

BEFORE THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION OF THE STATE OF MONTANA

* * * * *

IN THE MATTER OF PETITION NO.)
41H-104360 TO THE DEPARTMENT) PROPOSAL
OF NATURAL RESOURCES AND) FOR
CONSERVATION FOR DESIGNATION) DECISION
OF A CONTROLLED GROUNDWATER)
AREA)

* * * * *

Pursuant to the Montana Water Use Act and the contested case provisions of the Montana Administrative Procedure Act, a hearing was held in this matter on March 3, 1998, in Bozeman, Montana, to consider the petition to establish a controlled groundwater area at the Bozeman Solvent Site located from West Main Street between North 20th and North 11th Streets and extending north of the East Gallatin River to the Riverside Golf Course.

APPEARANCES

Sixty-three people attended the hearing. The following presented testimony.

Proponents David Whitson, with the Gallatin Local Water Quality District; Denise Martin, Environmental Specialist with Department of Environmental Quality (DEQ); and Dr. Steve Custer, Geologist.

Opponents Dr. Michael E. Nicklin, P.E., Consultant for the City of Bozeman; John Carstensen, Consultant for the City of Bozeman; Dr. Ray H. Breuninger, Geologist and Consultant for The Old River Farm; and Frank Carter, one of the owners of The Old River Farm.

Candace West, Montana Assistant Attorney General, attended the hearing and submitted a Request for Conditions from Montana Department of Justice. That request is granted.

Kirk Waren, Hydrogeologist with the Department of Natural Resources and Conservation (Department); David King; T. Bret Haggerty; and several people who did not identify themselves participated in the hearing.

Written comments were received from Mark Simonich, Director of DEQ; Denise Martin; Dr. Ray Breuninger; Charles L. Parks, Bozeman Solvent Site Citizens Group; Randy L. Huffsmith, P.E., Consultant for Jewel Food Stores, Inc.; Rebecca Weed, Geologist/Geochemist

Proposal for Decision
Bozeman Solvent Site
Controlled Groundwater Area

with Resource Technologies, Inc.; Don Vaniman, Ranch Broker; Dan Kamp, District Manager of Riverside Water and Sewer District; and David Whitson.

EXHIBITS

Barry O'Connell, attorney for the City of Bozeman requested the following be entered into the record as exhibits. All were accepted without objection.

Hearing Exhibit A is a map, approximately two feet by three feet, of the proposed controlled groundwater area. The Bozeman Solvent Site groundwater contamination area is outlined in orange. The proposed 1,100 feet buffer zone is outlined in purple.

Hearing Exhibit B is a flow chart, approximately two feet by three feet, which shows the steps a prospective well owner would be required to take if the Department designates the area a controlled groundwater area.

Hearing Exhibit C is pages 1, 2, 7, and 8 of the *Bozeman Chronicle* issued Friday, February 27, 1998. The item of interest is the article entitled "Building boom on North 19th" beginning on page 1 and completed on page 8.

Hearing Exhibit D consists of "Affidavit of Michael E. Nicklin, Ph.D., P.E.", "Resume' for Michael E. Nicklin, Ph.D, P.E.", and four attachments which are maps labeled Exhibit 1, Exhibit 3, Exhibit 4, and Exhibit 5.

PRELIMINARY MATTERS

The *Bozeman Chronicle* mistakenly printed the Department of Environmental Quality (DEQ) was accepting written comments concerning the Bozeman Solvent Site until March 6, 1998. The Department has accepted written comments received by DEQ and postmarked on or before March 6, 1998.

Based upon the record in this matter, the Hearing Examiner makes the following:

FINDINGS OF FACT

1. A Petition for a Controlled Groundwater Area (Petition) was filed with the Department on August 11, 1997. The Petition was submitted by the Gallatin City-County Board of Health and signed by members of the Board, Warren L. Jones, Chairman; Brad Cooper; Jane Jelinski; Susie M. Smith; Martha A. Lonner; Seth Pincus; and Patricia Butterfield. The Petition alleges that excessive pumping by a single, high-volume well within or laterally within

1,100 feet of the known tetrachloroethylene (PCE) contamination plume in the shallow alluvial aquifer may induce contaminant migration. The petition also alleges similar migration effects could result from moderate or high density clustering of low-volume wells in the area. (Department file.)

2. PCE in concentrations greater than 5 parts per billion (ppb) are present within the proposed controlled groundwater area. PCE in concentrations greater than 5 ppb exceed the Human Health Standard set forth in the Montana Numeric Water Quality Standards; Circular WQB 7 (August 3, 1995) and the maximum contaminant limit for public water supplies in the federal Safe Drinking Water Act and amendments. Contaminated groundwater within the plume containing greater than 5 ppb is not suited for domestic and/or municipal uses. (Petition.)

3. A Notice to Groundwater Users was published in the *Bozeman Chronicle* on January 14, 21, and 28, 1998, setting forth the petitioner; the alleged cause for the petition; the legal description of the proposed controlled ground-water area; and the time, place, and purpose of the hearing. Additionally, the Department served notice by first-class mail on approximately 116 individuals and public agencies which the Department determined might be interested in or affected by the proposed controlled groundwater area. The notice also stated any interested person could appear, either in person or by attorney; file written objections to the granting of the proposal; and be fully heard. (Department file.)

4. The proposed controlled groundwater area is described as follows: the $W\frac{1}{2}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$ of Section 25; $E\frac{1}{2}$ of Section 26; $E\frac{1}{2}$ Section 35; Section 36; Township 1 South, Range 5 East, and the $W\frac{1}{2}$ and $W\frac{1}{2}E\frac{1}{2}$ of Section 1; $E\frac{1}{2}E\frac{1}{2}$ Section 2; $E\frac{1}{2}NE\frac{1}{4}$ of Section 11; $NW\frac{1}{4}$ and $N\frac{1}{2}SW\frac{1}{4}$ of Section 12, Township 2 South, Range 5 East, in Gallatin County, Montana. (Department file and Hearing Exhibit A.)

5. The majority of the experts at the hearing agreed with the proposed boundaries of the groundwater contamination area and the 1,100 feet buffer zone south of the East Gallatin River. They were, however, sharply divided concerning the 1,100 feet buffer zone north of the East Gallatin River. The opponents contend the East Gallatin River acts as the effective northern boundary of the contamination plume. Proponents argue there is not sufficient data to make that assumption. Proponents case is bolstered by the statement made by one opponent that groundwater modeling simulations show changes in groundwater flow directions could be induced by a single pumping well in the area north of the East Gallatin River when pumping rates reach approximately 300 gallons per minute or greater and at 1,000 gallons per

minute, the groundwater would flow under the East Gallatin River as though it were not there at all. Theoretically, a cluster or clusters of low-flow wells could produce a cumulative flow rate of 300 gallons per minute or greater with the same result.

(Testimony of David Whitson, Denise Martin, Dr. Ray Breuninger, Dr. Michael Nicklin, John Carstensen, Dr. Steve Custer; and Kirk Waren.)

6. The petitioner does not propose total closure for groundwater wells in the proposed controlled groundwater area. Wells would not be permitted where one or more of the five conditions related to degree of contamination, groundwater plume migration, willingness of applicant to comply with restrictions, and availability of Bozeman municipal water might exist. Where these conditions do not exist, permits of two classes would be available. Type A permits would be required for wells within the proposed controlled groundwater area which would withdraw a maximum of 35 gallons per minute up to 10 acre-feet of water per year. Type B permits would include wells within the proposed controlled groundwater area which would withdraw at a rate greater than 35 gallons per minute or exceed 10 acre-feet of water per year.

The permitting system would be two-tiered. An interim permit would be required first to drill the well and conduct testing. Then a provisional permit could be issued with conditions and restrictions determined necessary by information gathered during the well testing. (Petition and testimony of David Whitson and Denise Martin.)

7. Upon receipt of a correct and complete application for a beneficial water use permit to appropriate groundwater within the controlled groundwater area, the Department would review the application to determine that none of the conditions for denial of a permit set forth in this Order exist, perform other actions as part of the normal processing of an application which include evaluating the application to determine if the statutory criteria for issuance of a permit have been met, and issue an interim permit. The well driller must notify the Department at least 5 working days prior to drilling the well so there is adequate time to organize the sampling of the well. When the well would withdraw water at a rate greater than 35 gallons per minute or exceed 10 acre-feet of water per year, a constant rate, single well pumping test to determine the hydrologic transmissivity or transmissibility, average formation hydraulic conductivity, and well specific yield must be performed as stated in Attachment A.

A Well Permit Review Board (Board) would be established and would be composed of technical representatives from the Department, DEQ, a Potentially Liable Party (PLP) representative working on

the Bozeman Solvent Site, the Gallatin City-County Board of Health, the City of Bozeman Planning Department, Gallatin Local Water Quality District, and a representative from each affected concerned citizens' group(s), and/or the regulated community within the proposed area. The Board would be available as an advisor to the Department. The Board, in its advisory role, may make recommendations on technical aspects for conditions needed on new permits or on approval or denial of an application. The Department may, at its discretion, consult with the Board or any of its members for technical expertise and advice. (Petition and testimony of Denise Martin and David Whitson.)

8. Based on the information in the Petition and evidence presented at the public hearing concerning the Bozeman Solvent Site and the contamination plume, the Department finds that excessive groundwater withdrawals will very likely cause contaminant migration and groundwater withdrawals will most likely adversely affect groundwater quality within the proposed controlled groundwater area, including the 1,100 feet buffer zone north of the East Gallatin River. Further, the Department finds the water quality within the plume may not be suited for domestic and/or municipal purposes without treatment. (Department file and testimony of David Whitson and Denise Martin.)

Based upon the foregoing Findings of Fact, the Hearings Examiner makes the following:

CONCLUSIONS OF LAW

1. The Department has jurisdiction over the parties and over the subject matter herein. Mont. Code Ann. §§ 85-2-113, 85-2-506 (1995).
2. The Department gave proper notice of the hearing and all substantive procedural requirements of law or rule have been fulfilled. See Findings of Fact 1, 2, and 3.
3. There is sufficient evidence to designate a controlled groundwater which includes the 1,100 feet buffer zone across the East Gallatin River. See Findings of Fact 4, 5, and 6.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Examiner makes the following:

PROPOSED ORDER

A controlled groundwater area is designated for the Bozeman Solvent Site generally located from West Main Street between North 20th and North 11th Streets and extending north of the East Gallatin River to the Riverside Golf Course and described as

follows: the W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25; E $\frac{1}{2}$ of Section 26; E $\frac{1}{2}$ Section 35; Section 36; Township 1 South, Range 5 East and the W $\frac{1}{2}$ and W $\frac{1}{2}$ E $\frac{1}{2}$ of Section 1; E $\frac{1}{2}$ E $\frac{1}{2}$ Section 2; E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 11; NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 12, Township 2 South, Range 5 East in Gallatin County, Montana.

1. Drilling and installation of water wells within the boundaries of the controlled groundwater are prohibited without first obtaining an interim permit from the Department of Natural Resources and Conservation. Provisional Permits will not be issued where one of more of the following conditions exist:

A. The proposed well is located within the projected limit of "highest contamination" determined from ongoing monitoring activities conducted by DEQ and PLP. The zone of highest contamination will be defined on the basis of most recent groundwater monitoring data available, and be contained within the modeled projection of concentration greater than or equal to 100 ppb of chlorinated solvents in groundwater.

B. Groundwater pumping from the individual well, or in combination with existing or proposed wells nearby, is likely to induce or redirect contaminated groundwater plume migration.

C. Water supply from the city of Bozeman municipal water supply system is presently available or will be available for use by the time the proposed project is to be completed.

D. Wells with a design capacity of 1,000 gallons per minute.

2. In instances where new wells are allowable, interim and provisional Type A and Type B permits will be available as described in Attachment A, which is incorporated as an integral part of this Order.

3. The Department may approve a permit subject to conditions. These conditions could include recommendations from the Board such as water treatment requirements, or other conditions the Department deems necessary. If an applicant does not agree to comply with the conditions placed on a permit by the Department, the Department will deny the permit application.

4. The establishment of the controlled groundwater area does not preempt diversions required for remedial or response actions authorized by EPA or remedial or response actions undertaken by the State of Montana and diversions required for restoration

actions undertaken by the State of Montana pursuant to its role as trustee for natural resources.

5. The granting of this petition for a controlled groundwater area in no way limits any claims the State of Montana, as trustee for natural resources, may have for damage to natural resources.

6. The granting of this petition for a controlled groundwater area does not constitute an irreversible and irretrievable commitment of the groundwater resource, nor does it serve as a permit for the release of hazardous substances into the groundwater aquifer.

7. The controlled groundwater area and groundwater closure is being issued in recognition of existing contaminated conditions and does not relieve any person from liability for contamination of the groundwater.

8. A grant of a controlled groundwater area is not an indication of a finding that the groundwater aquifer should not be remediated or restored.

9. Monitoring wells constructed for the sole use of monitoring groundwater quality and quantity are excluded from any controlled groundwater area permit requirements; however, the driller must notify the Department of the intent to construct a monitoring well.

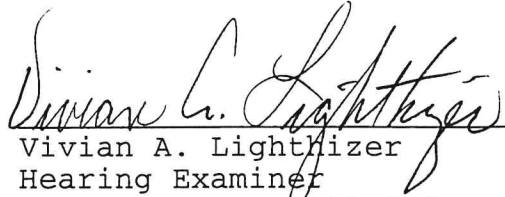
10. If at any time there is **clear and convincing evidence** any part of the controlled groundwater area is not contaminated and will most likely never be contaminated, procedures may be initiated to remove that area from the controlled groundwater area.

NOTICE

This proposal may be adopted as the Department's final decision unless timely exceptions are filed as described below. Any party adversely affected by this Proposal for Decision may file exceptions with the Hearing Examiner. The exceptions must be filed and served upon all parties within 20 days after the proposal is mailed. Exceptions must specifically set forth the precise portions of the proposed decision to which the exception is taken, the reason for the exception, authorities upon which the party relies, and specific citations to the record. Vague assertions as to what the record shows or does not show without citation to the precise portion of the record will be accorded little attention. Any exception containing obscene, lewd, profane, or abusive language shall be returned to the sender. Parties may file responses to any exception filed by another

party. The responses must be filed within 20 days after service of the exception and copies must be sent to all parties. No new evidence will be considered.

Dated this 15th day of June, 1998.



Vivian A. Lighthizer
Hearing Examiner
Water Resources Division
Department of Natural Resources
and Conservation
P.O. Box 201601
Helena, MT 59620-1601

ATTACHMENT A

CONTROLLED GROUNDWATER AREA PERMIT TYPES

Drilling and installation of water wells within the boundaries of the controlled groundwater area are prohibited without first obtaining an interim permit from the Department of Natural Resources and Conservation (Department).

TYPE A PERMITS are for wells which withdraw a maximum of 35 gallons per minute and do not exceed 10 acre-feet of water per year within the controlled groundwater area.

To obtain an interim permit, the applicant must submit a completed application to the Department. The following are minimum requirements for a complete application.

1. The application must contain a detailed site plan showing the specific location of the proposed well. The location must be shown by specific measurements from known, physically locatable reference points. Location data to be submitted will include a legal description of the well site and property, Department of Revenue (County assessor) geocode, and Department of Revenue SIC code designation (if applicable).
2. A description of the proposed well to be constructed including the diameter, approximate depth, size of pump to be installed, and intended use of the water is required.
3. The application must contain an estimate of the total number of people per day who will potentially use water for drinking and other domestic uses and estimate of total volume use (estimated average gallons per day) must be specified. For wells to be used to supply multi-family residential, commercial, service, or industrial water supply, the applicant must provide volume estimates of anticipated peak-period consumptive water use (gallons per minute), an estimate of average daily water use (gallons per minute and total gallons per day) or consumption, and a description of assumptions used in estimates provided.
4. Applicant must provide other information requested by the Department as part of the standard application process.

Upon receipt of a completed application, the Department will review the proposed well location and construction to ensure none of the conditions for denial of a well permit described in this Order exist.

After review, an interim permit may be issued by the Department. The applicant can then drill the well. The well driller shall notify the Department at least **5 working days prior** to drilling the well. The notification is necessary to allow adequate time to organize sampling of the well.

After drilling a Type A well and before a provisional permit is issued, the following procedures and conditions are necessary.

1. A one-time sampling and analysis of the water to determine chlorinated solvent concentrations in the well is required. Well sampling will be done by the Department of Environmental Quality (DEQ) or a designated representative. Well sampling and analysis services will be provided at no direct cost to the permit applicant.

The initial groundwater sample analysis will be used to determine if an individual water treatment system, or other appropriate restrictions will be required as a condition on the provisional permit.

Wells containing concentrations of tetrachloroethylene (PCE) which equal or exceed 5 parts per billion (ppb), will require installation of an on-site water treatment system as a condition of permit approval. The applicant shall consult with DEQ to determine the applicant's eligibility for installation of a water treatment unit at no cost to the applicant under the terms of an existing DEQ Order with Jewel Food Stores and the City of Bozeman.

Various types of water treatment systems exist, and space requirements for installation may vary. Alternative treatment systems and minimum building space requirements will be considered on a case-by-case basis, and must be accepted and approved by DEQ.

Owners of wells determined by the initial analysis not to contain concentrations of PCE greater than 5 ppb will not be required to install individual water treatment systems prior to issuance of a provisional permit, but will be required to provide a dedicated

space to accommodate installation of a water treatment system, if groundwater conditions change in the future.

2. If it is shown by subsequent sampling of the well, or it can be shown as a result of monitoring activities conducted by PLP's for the Bozeman Solvent Site that migration of the groundwater contamination plume is occurring (natural or induced migration) which threaten to increase groundwater concentrations to PCE levels, equal to or exceeding 5 ppb in a permitted well, Department may require well owners to comply with conditions set forth above, or may impose other appropriate well or groundwater management restrictions necessary to protect public health, safety, and welfare.
3. As a condition of all provisional permits, the well owner must agree to allow DEQ or representatives of the PLP's conducting groundwater investigations or monitoring activities periodic access to the well for the purpose of sampling groundwater. Periodic sampling may be conducted at selected wells to supplement monitoring information collected from the existing monitoring well network and/or to aid in understanding the distribution of chlorinated solvent groundwater contamination. Such periodic sampling will be done at no direct cost to the property or well owner.
4. The permittee may be responsible for any testing required by DEQ or other agencies not directly related to the Bozeman Solvent Site controlled groundwater area.
5. Water treatment systems are considered temporary measures to protect the health of the people using the wells because the maintenance requirements are labor intensive and there are other problems with treatment systems which can threaten human health. For these reasons, as extension of the City of Bozeman's municipal water system proceeds and water lines are extended into various portions of the controlled groundwater area, well owners will be required to connect with the water system, and discontinue use of groundwater as a source for drinking water and other domestic uses. Irrigation and stock uses could continue.

6. The applicant must provide other information requested by Department as part of the standard application process.

TYPE B PERMITS include all wells which are designed to withdraw greater than 35 gallons per minute, or exceed 10 acre-feet of water per year within the controlled groundwater area.

To obtain an interim permit, the applicant must submit a completed application to the Department for review. The following are minimum requirements for a complete application.

1. The application must contain a detailed site plan showing the specific location of the proposed well. The location shall be shown by specific measurements from known, physically locatable reference points. Location data to be submitted will include a legal description of the well site and property, Department of Revenue (County assessor) geocode, and Department of Revenue SIC code designation (if applicable).
2. A description of the proposed well to be constructed including the diameter, approximate depth, size of pump to be installed, and intended use of the water is required.
3. The applicant must provide an estimate of the total number of people per day who will potentially use water for drinking and other domestic uses and estimate of total volume use (estimated average gallons per day) must be specified. For wells to be used to supply multi-family residential, commercial, service, or industrial water supply, the applicant must provide volume estimates of anticipated peak-period consumptive water use (gallons per minute), an estimate of average daily water use (gallons per minute and total gallons per day) or consumption, and a description of assumptions used in estimates provided.
4. Applicant must provide other information requested by the Department as part of the standard application process.

Upon receipt of a completed application, the Department will review the proposed well location and construction to ensure none of the conditions for denial of a well permit described in this Order exist.

After review, an interim permit may be issued by the Department. The applicant can then drill the well. The well driller shall notify the Department at least **5 working days prior** to drilling the well. The notification is necessary to allow adequate time to organize sampling of the well.

After drilling a Type B well and before a provisional permit is issued, the following procedures and conditions are necessary.

1. A one-time sampling and analysis of the water to determine chlorinated solvent concentrations in the well is required. A second sampling and analysis of the water may be required upon completion of the pumping test described in item 3 below.

Well sampling will be done prior to conducting the pumping test, and after (if required), as described below, by DEQ or a designated representative. Well sampling and sample analysis will be provided at no extra direct cost to the permit applicant.

The initial groundwater sample analysis will be used to determine if a water treatment system will be required as a condition and/or if other appropriate restrictions will be required as conditions of the provisional permit.

Wells containing concentrations of tetrachloroethylene (PCE) which equal or exceed 5 parts per billion (ppb), will require installation of an on-site water treatment system for water treatment at all point(s) of human consumption or domestic use will be required as a condition of approval. The applicant will consult with DEQ to determine the applicant's eligibility for installation of a water treatment unit at no cost to the applicant under the terms of an existing DEQ Order with Jewel Food Stores and the City of Bozeman.

Owners of wells determined by the initial analysis not to contain concentrations of PCE greater than 5 ppb will not be required to install individual water treatment systems prior to issuance of a provisional permit, unless and until it is shown by site specific sampling of area monitoring points, that groundwater contamination has or is likely to increase to concentrations equal to or exceeding 5 ppb of PCE, but will be required to provide a dedicated space to accommodate installation of a water treatment system

for human consumption or domestic use, should groundwater conditions change in the future.

2. If it is shown by subsequent sampling of the well, or it can be shown as a result of monitoring activities conducted by PLP's for the Bozeman Solvent Site that migration of the groundwater contamination plume is occurring (natural or induced migration) which threatens to increase groundwater concentrations to PCE levels, equal to or exceeding 5 ppb in a permitted well, Department may require well owners to comply with conditions set forth above, or may impose other appropriate well or groundwater management restrictions necessary to protect public health, safety, and welfare.
3. Applicant will conduct a constant rate, single-well pumping test to determine the hydrologic transmissivity or transmissibility, average formation hydraulic conductivity, and well specific-yield. The pumping test will be designed and conducted under the supervision of a qualified groundwater hydrologist or engineer. A second sampling and analysis of the water may be required upon completion of the pumping test described in item 1 above. Pumping test and pumping test analyses will be conducted following Single-Well Constant-Rate test methods described in Chapter 16, *Collection and Analysis of Pumping Test Data in Groundwater and Wells* (2d Ed.) By F.G. Driscoll, and the "10 States Guidelines for Pump Testing", based on the method shown in Exhibit 2.


A report containing tabulated measurements of the pump test drawdown and recovery, pump-flow discharge measurements and calculations to determine the transmissivity or transmissibility, average formation hydraulic conductivity, and well capacity, and calculation of well capture zone (radius or influence) based on the method shown in exhibit 2, must be submitted for Department and/or Board review. This report will also include a narrative of findings, a description of methods used and assumptions made including supporting graphics and calculations, and a determination of impact based well capture zone calculations. The analysis will be prepared and certified by a qualified groundwater professional or engineer.

4. As a condition of all provisional permits, the well owner must agree to allow DEQ or a representative of the PLP's conducting groundwater investigations or monitoring activities periodic access to the well for the purpose of sampling groundwater. Such periodic sampling will be provided at no direct cost to the property or well owner.
5. The permittee is responsible for any testing required by DEQ or other agencies that are not directly related to the controlled groundwater area.
6. Water treatment systems are considered temporary measures to protect the health of the people using the wells and because the maintenance requirements are labor intensive and there other problems with treatment systems which can threaten human health. For these reasons, as extension of the City of Bozeman's municipal water system proceeds and water lines are extended into various portions of the controlled groundwater area, well owners will be required to connect with the water system, and discontinue use of groundwater as a source for drinking water and other domestic uses. Irrigation stock, and industrial/commercial process water use may could continue.

Any change in intended use or conversion of an existing Type A to Type B well constitutes a significant change in permitted well use and requires a new permit application or an application for change from the Department.

CERTIFICATE OF SERVICE

This certifies a true and correct copy of the Proposal for Decision was served upon all parties on the attached lists this 1ST day of June, 1998.



Mandi Shulund
Hearings Assistant

DEPARTMENT OF NATURAL RESOURCES & CONSERVATION
WATER RIGHT SYSTEM
AFFIDAVIT OF SERVICE

APPLICATION NUMBER: 41H C023278-00

WATER RIGHT NUMBER	OWNER NAME AND ADDRESS	POINT OF DIVERSION	UNNM TRIB	SOURCE
1H C023278-00	RONALD G ALLEN 507 STAUDAHER BOZEMAN MT 59715-0000	1B NE 11 02S 05E GA		GROUNDWATER WELL
1H C045560-00	AMERICAN SIMMENTAL ASSOC INC 1 SIMMENTAL WAY BOZEMAN MT 59715-0000	1 E2E2 35 01S 05E GA		GROUNDWATER WELL
1H C080661-00	ANTHONY WAYNE OIL CORP 8302 STARLING DR W BOZEMAN MT 59715-0000	3 SENESE 35 01S 05E GA		GROUNDWATER WELL
1H C065354-00	PAUL B ARNOT 2005 W BEALL BOZEMAN MT 59715-0000	1 2 S2SENE 11 02S 05E GA		GROUNDWATER WELL
1H W126865-00	HELEN B & GILBERT M ARTS 907 N 17TH BOZEMAN MT 59715-0000	17 NWSW 01 02S 05E GA		GROUNDWATER WELL
1H C047327-00	DEL ROY & DIANE BANACH 110 BOGART DR BOZEMAN MT 59715-0000	1 2 NWSE 26 01S 05E GA		GROUNDWATER WELL
1H C078704-00	BILL & MARY BRIDGER 808 BLACKMORE PLACE BOZEMAN MT 59715-0000	2 1 NWSWSW 01 02S 05E GA		GROUNDWATER WELL
1H C025895-00	VIRGIL L BUETTNER 26599 FRONTAGE RD BOZEMAN MT 59715-0000	NWSE 26 01S 05E GA		GROUNDWATER WELL
1H C011915-00	JEREMIAH P CASHMAN PO BOX 242 BOZEMAN MT 59715-0000	NWSE 26 01S 05E GA		GROUNDWATER WELL
1H P100708-00	COSTCO WHOLESALÉ 999 LAKE DR ISSAQUAH WA 98027-0000	NENWNE 35 01S 05E GA		GROUNDWATER WELL
1H C001091-00	EVERETT EGBERT 3141 E HOLLYHOCK BELGRADE MT 59714-0000	SW 01 02S 05E GA		GROUNDWATER WELL
1H P078763-00	FELLOWSHIP BAPTIST CHURCH 2165 W DURSTON RD BOZEMAN MT 59715-0000	S2SESE 02 02S 05E GA		GROUNDWATER WELL

DEPARTMENT OF NATURAL RESOURCES & CONSERVATION
WATER RIGHT SYSTEM
AFFIDAVIT OF SERVICE

APPLICATION NUMBER: 41H C023278-00

WATER RIGHT NUMBER	OWNER NAME AND ADDRESS	POINT OF DIVERSION	UNNM TRIB	SOURCE
1H W027662-00	GARY E FRANCE 4350 AIRPORT RD BELGRADE MT 59714-0000	LOT BLK QTR-SCIN SC TWP RGE CN NENWNE 26 01S 05E GA	EAST GALLATIN RIVER	
1H E055200-00	ROY FRANK 26633 FRONTAGE RD BOZEMAN MT 59715-0000	6 NWNWSE 26 01S 05E GA		GROUNDWATER WELL
1H C061571-00	GALLATIN MANOR INC 1806 W BEALL BOZEMAN MT 59715-0000	2 NWSWNW 12 02S 05E GA		GROUNDWATER WELL
1H C073187-00	GARRITY SHAW HOMES INC 1030 BRENTWOOD AVE BOZEMAN MT 59715-0000	NWSESE 02 02S 05E GA		GROUNDWATER WELL
1H W139045-00	PATRICK & CAROL T HEMINGWAY 250 MOSS BRIDGE RD BOZEMAN MT 59715-0000	NENWSE 26 01S 05E GA		GROUNDWATER WELL
1H W117266-00	HERMINA H HOEY 621 N 17TH AVE BOZEMAN MT 59715-0000	01B A SW 01 02S 05E GA		GROUNDWATER WELL
1H C032618-00	INA C JONES 90 MOSS BRIDGE RD BOZEMAN MT 59715-0000	1 NWSE 26 01S 05E GA		GROUNDWATER WELL
1H C039746-00	LANTANA CORPORATION 3 N 35TH ST BILLINGS MT 59101-0000	3 E2 35 01S 05E GA		GROUNDWATER WELL
1H W006741-00	DONNA R & JOHN M MANDEVILLE 1121 MANDEVILLE LANE BOZEMAN MT 59715-0000	SENWNW 36 01S 05E GA		GROUNDWATER WELL
1H C101855-00	HARRY MANN 1100 GIBSON DR BOZEMAN MT 59715-0000	NENWSW 25 01S 05E GA		GROUNDWATER WELL
1H W117311-00	AL T & VIRGINIA D MATHESON 1503 W DURSTON BOZEMAN MT 59715-0000	SWSSEW 01 02S 05E GA		GROUNDWATER WELL
1H W132255-00	ORA H MCNEAL 27655 FRONTAGE RD BOZEMAN MT 59715-0000	NENENW 36 01S 05E GA		GROUNDWATER WELL
1H C009574-00	LARILYN L MILLER 4	35 01S 05E GA		GROUNDWATER WELL

DEPARTMENT OF NATURAL RESOURCES & CONSERVATION
WATER RIGHT SYSTEM
AFFIDAVIT OF SERVICE

APPLICATION NUMBER: 41H C023278-00

WATER RIGHT
NUMBER

OWNER NAME AND ADDRESS

LOT BLK QTR-SCTN SC TWP RGE CN UNNM SOURCE

1265 THOMAS DR
BOZEMAN MT 59715-0000
RICHARD L MILLER
1242 THOMAS DR
BOZEMAN MT 59715-0000

1H P096799-00 MONTANA, STATE OF DEPT OF TRANSPORTATION 1 SWNE NE 35 01S 05E GA GROUNDWATER WELL
2701 PROSPECT AVE
PO BOX 201001
HELENA MT 59620-1001

1H W010926-00 MONTANA, STATE OF BOARD OF LAND COMMISSIONER SESESW 36 01S 05E GA GROUNDWATER WELL
1625 11TH AVE
PO BOX 201601
HELENA MT 59620-1601

1H C079570-00 ROBERT L MONTGOMERY 19 2 N2NENE 11 02S 05E GA GROUNDWATER WELL
520 N 21ST
BOZEMAN MT 59715-0000

1H C073705-00 GREGORY S NELSON NWSWSW 25 01S 05E GA GROUNDWATER WELL
PO BOX 3147
BOZEMAN MT 59772-3147

1H C101862-00 NEST EGG PROPERTIES LLC 5 SENENE 01 02S 05E GA GROUNDWATER WELL
6529 JACKSON CREEK RD
BOZEMAN MT 59715-0000

1H C100715-00 NINETEENTH STREET PARTNERSHIP 2A SWNESE 26 01S 05E GA GROUNDWATER WELL
& T BRET HAGGERTY
PO BOX 1663
BOZEMAN MT 59771-0000

1H C028585-00 EHTEL & GRANCIS NIVEN N2SWSW 01 02S 05E GA GROUNDWATER WELL
1201 HIGHLAND BLVD
BOZEMAN MT 59715-0000

1H C033255-00 DORIS L & MARK C OLTMAN 8 4 NE 11 02S 05E GA GROUNDWATER WELL
304 N WESTERN DR
BOZEMAN MT 59715-0000

1H C017715-00 JOAN P & LARRY J PETERSEN 1 NWNWNW 36 01S 05E GA GROUNDWATER WELL
411 N 3RD
BOZEMAN MT 59715-0000

1H W125495-00 PIONEER READY MIX 13 SWSESW 36 01S 05E GA GROUNDWATER WELL
PO BOX 248
N 7TH AVE
BOZEMAN MT 59715-0000

1H C040136-00 JEREMIAH P & JANICE A CASHMAN SE 26 01S 05E GA GROUNDWATER WELL
200 MOSS BRIDGE RD

DEPARTMENT OF NATURAL RESOURCES & CONSERVATION
WATER RIGHT SYSTEM
AFFIDAVIT OF SERVICE

APPLICATION NUMBER: 41H C023278-00

WATER RIGHT NUMBER	OWNER NAME AND ADDRESS	MT	LOT BLK QTR-SCIN SC TRP RGE CN	UNNM TRIB	SOURCE
1H C089647-00	REEVES ROAD PARTNERS 6400 BOSTWICK RD BOZEMAN	59715-0000	1 5 SWSWSW 25 01S 05E GA		GROUNDWATER WELL
1H C053029-00	CECELIA & THOMAS REINER 103 N WESTERN DR BOZEMAN	59715-0000	4 E2SESE 35 01S 05E GA		GROUNDWATER WELL
1H P026344-00	RIVERSIDE WATER & SEWER DIST 27 N TRACY AVE BOZEMAN	59715-0000	NWNENE 26 01S 05E GA		GROUNDWATER WELL
1H C043244-00	SAMUEL J & CAROLYN R ROGERS 1323 MANLEY RD BOZEMAN	59715-0000	NENE 36 01S 05E GA		GROUNDWATER WELL
1H W114952-00	FAE B & WILLIAM A ROLFE PO BOX 3466 BOZEMAN	59715-0000	SWNESE 35 01S 05E GA		GROUNDWATER WELL
1H C040139-00	SAUNDERS, FLORENCE C TRUST RICHARD E SAUNDERS, TRUSTEE PO BOX 307 BOZEMAN	59715-0000	2 N2NW 36 01S 05E GA		GROUNDWATER WELL
1H W141875-00	CHARLES R SCHLEGEL 1215 N 8TH BOZEMAN	59715-0000	NESWSE 36 01S 05E GA		GROUNDWATER WELL
1H C040102-00	THOMAS P SHANE, JR 906 N 17TH AVE BOZEMAN	59715-0000	NESWSW 01 02S 05E GA		GROUNDWATER WELL
1H W138905-00	ROSALYND I & ROGER H SMITH 2305 DURSTON RD BOZEMAN	59715-0000	SESESE 02 02S 05E GA		GROUNDWATER WELL
1H W030545-00	JUNIOR W TSCHACHE PO BOX 716 BOZEMAN	59715-0000	SWNESE 36 01S 05E GA		GROUNDWATER WELL
1H W139009-00	NORMAN E WALLIN 1800 W MAIN BOZEMAN	59715-0000	002 SWSNW 12 02S 05E GA		GROUNDWATER WELL
1H C021416-00	DANIEL W WESEN 117 BOGART LANE BOZEMAN	59715-0000	3 1 NWSE 26 01S 05E GA		GROUNDWATER WELL
1H C030958-00	JAMES P WITHINGTON	59715-0000	NESENW 36 01S 05E GA		GROUNDWATER WELL

DEPARTMENT OF NATURAL RESOURCES & CONSERVATION
WATER RIGHT SYSTEM
AFFIDAVIT OF SERVICE

APPLICATION NUMBER: 41H C023278-00

WATER RIGHT NUMBER	OWNER NAME AND ADDRESS	POINT OF DIVERSION	UNNM	SOURCE
1H Y100823-00	6912 WALKER RD BOZEMAN MT 59715-0000	LOT BLK QTR-SCTN SC TWP RGE CN	UNNM	
1H Y102004-00	OLD RIVER FARM HOMEOWNERS ASSN 626 OLD FARM RD BOZEMAN MT 59715-0000			
	626 OLD FARM RD BOZEMAN MT 59715-0000			
	AMIE S CARTER 415 OLD FARM RD BOZEMAN MT 59715-0000			

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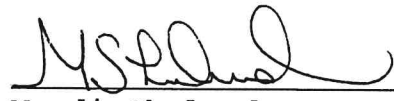
JUN 05 1998

DNRC - BOZEMAN
REGIONAL OFFICE

This list was to be attached to the Proposal for Decision In The Matter Of Petition No. 41H-104360 For Designation of a Controlled Groundwater Area. Sorry for the inconvenience.

CERTIFICATE OF SERVICE

This certifies a true and correct copy of the Proposal for Decision In The Matter Of Petition No. 41H-104360 For Designation Of A Controlled Groundwater Area was also served upon the attached list on June 1st, 1998.

 6/4/98

Mandi Shulund
Hearings Assistant

BENNETT'S DRILLING
2850 WEAVER LANE
BELGRADE, MT 59714

CUMMINGS JOHN
BOX 414
GALLATIN GATEWAY, MT 59730

HAGGERTY DRILLING INC
4940 STUCKY RD
BOZEMAN, MT 59718

LEWIS CONSTRUCTION CO
206 EAST GRIFFIN DR
BOZEMAN, MT 59715

NORTHWEST DRILLING
194 ARDEN DRIVE
BELGRADE, MT 59714

POTTS DRILLING
80730 GALLATIN RD
BOZEMAN, MT 59718

VAN DYKEN DRILLING CO
PO BOX 3745
BOZEMAN, MT 59772-3745

BRIDGER DRILLING
PO BOX 4287
BOZEMAN, MT 59772-4287

DIRECTECH BORING INC
705 MADISON AVE
MANHATTAN, MT 59741

MAHURIN EXCAVATING & DRILLING
1606 GOLD AVE
BOZEMAN, MT 59715

PC EXPLORATION INC
28689 NORRIS RD
BOZEMAN, MT 59718

RED TIGER DRILLING
BOX 659
MANHATTAN, MT 59741

VINCE HILLMAN DRILLING
1030 MARY RD
BOZEMAN, MT 59718

GALLATIN LOCAL WATER QUALITY
DISTRICT
311 WEST MAIN
BOZEMAN, MT 59715

DEQ - REMEDIATION DIVISION
ATTN: DENISE MARTIN
PO BOX 200901
HELENA, MT 59620-0901

MONTANA BUREAU OF MINES &
GEOLOGY
1300 WEST PARK ST
BUTTE, MT 59701-8997

USGS - WATER RESOURCES DIV
FEDERAL BUILDING
301 SOUTH PARK AVE
DRAWER 10076
HELENA, MT 59626

MONTANA STATE UNIVERSITY -
BOZEMAN
EARTH SCIENCES
ATTN: STEVE CUSTER
PO BOX 173480
BOZEMAN, MT 59717-3480

NICKLIN EARTH & WATER
8645 HUFFINE LANE
BOZEMAN, MT 59718

J.C. CONSULTING INC
611 NORTH WALLACE AVE
BOZEMAN, MT 59715

CAMP, DRESSER & MCKEE
ATTN: RANDY HUFFSMITH
7 WEST 6TH AVE
HELENA, MT 59601

RESOURCE TECHNOLOGIES INC
601 NICKLES DRIVE SUITE 3
BOZEMAN, MT 59715

CITY OF BOZEMAN
ATTN: MAYOR
PO BOX 640
BOZEMAN, MT 59771

MSE/HKM
ATTN: JIM POTTS
PO BOX 1090
BOZEMAN, MT 59715

GALLATIN COUNTY COMMISSIONER
311 WEST MAIN, ROOM 301
BOZEMAN, MT 59715

ENVIRONMENTAL PROTECTION
AGENCY
ATTN: ROSEMARY ROWE
301 SOUTH PARK
DRAWER 10096
HELENA, MT 59626

WATER RIGHTS BUREAU
PO BOX 201601
HELENA, MT 59620-1601

WATER RESOURCES REGIONAL OFC
151 EVERGREEN DRIVE SUITE C
BOZEMAN, MT 59715

ABBOTT ROBERT P & BARBARA J
27489 FRONTAGE RD
BOZEMAN, MT 59718

ACCOLA RANCH INC
77 CENTENNIAL TRAIL
BOZEMAN, MT 59715

AMERIMONT INC
PO BOX 990
MANHATTAN, MT 59741

ANDERSON LINDA
90 MOSS BRIDGE RD
BOZEMAN, MT 59715

ARMKNECHT FRANK & LOIS
9748 COUGAR DR
BOZEMAN, MT 59715

ARNESON WALLACE F
5762 EAST BAXTER LANE
BOZEMAN, MT 59718

BADE PETER & KATHRYNA
PO BOX 1624
BOZEMAN, MT 59771

BASILE MICHAEL & JANE
709 WEST KOCH ST
BOZEMAN, MT 59715

BATES-WOODY LAURIE
4 RIVER RD
MOORE HAVEN FL 33471

BEYER JOHN T & TAMMY J
8671 EAST PANORAMA DR
BOZEMAN, MT 59715

BOIE & KINDT PARTNERSHIP
1925 DEAD MANS GULCH
BOZEMAN, MT 59715

CAPE-FRANCIS ENTERPRISES
2220 WEST MAIN ST
BOZEMAN, MT 59715

CARTER AMIE S
5800 SUNNY HILLSIDE LANE
BOZEMAN, MT 59715

CITY OF BOZEMAN
PO BOX 640
BOZEMAN, MT 59715

CLOSE JUDITH K
3385 SPRINGHILL RD
BOZEMAN, MT 59715

COLOMBO JOSEPH & JANET
74 HITCHING POST RD
BOZEMAN, MT 59175

DAVIS ROBERT GENE
6284 DAVIS LANE
BOZEMAN, MT 59715

FC INC
5800 SUNNY HILLSIDE LANE
BOZEMAN, MT 59715

FISHER DR, CO
1525 ONE UNION SQUARE BLDG
SEATTLE, WA 98101

FOSTER JOHN P & CLAUDIA LEE
719 NORTH WALLACE
BOZEMAN, MT 59715

FRANCE GRACE E
CAPE JOANN
2220 WEST MAIN ST, OFC
BOZEMAN, MT 59718

GALLATIN CENTER LIMITED
PARTNERSHIP
220 WEST LAMME SUITE 1F
BOZEMAN, MT 59715

GERRY CARMEL
LINDHOLM B DAN
120 BOGART DR
BOZEMAN, MT 59715

GIBSON GUITAR
1894 ORVILLE WAY
BOZEMAN, MT 59715

HAGGERTY T BRET
PO BOX 1754
BOZEMAN, MT 59715

HOLKUP GARY T
PO BOX 104
BOZEMAN, MT 59771

HORTON TIMOTHY JON
8620 SILVERBERRY LANE
BOZEMAN, MT 59715

JOHNSON DALE A
HYDE CYNTHIA E
170 MOSS BRIDGE RD
BOZEMAN, MT 59715

KRISLOCK HAROLD G
2615 FAIRWAY DR
BOZEMAN, MT 59715

KUIPERS A DENNIS
PO BOX 707
BELGRADE, MT 59714

LIEFSCHULTZ STEVEN B & DEANN
2365 CHERRYWOOD RD
MINNETONKA, MN 55305

MACLAND CO
PO BOX 897
BOZEMAN, MT 59771

MANDEVILLE CRAIG & CONNIE
1225 RED WING RD
BOZEMAN, MT 59715

MANLEY DAVID H & THELMA J
901 WOODLAND DR
BOZEMAN, MT 59715

MANN DOROTHY A & HARRY P
1100 GIBSON DR
BOZEMAN, MT 59718

MCINTYRE CATHERINE A
409 E 100 SOUTH
PROVO, UT 84606

MILLER LAND CO
PO BOX 531
BILLINGS, MT 59103

MONTANA POWER CO
40 EAST BROADWAY
BUTTE, MT 59707

NELSON PETER K
11220 BRIDGER CANYON RD
BOZEMAN, MT 59715

PINSON TIMOTHY
MOWEN WILLIAM
5950 SOUTH GILPIN COURT
LITTLETON, CO 80121

ROBERSON CONNIE LOUISE
27737 FRONTAGE RD
BOZEMAN, MT 59718

SKA INC
5851 BAXTER LANE
BOZEMAN, MT 59718

SACCOCCIAN, JR PHILLIP
991 WEST BEACH BLVD
PASS CHRIS, MS 39571

SAUNDERS RICHARD
922 SOUTH 3RD AVE
BOZEMAN, MT 59715

SYVERSON DOUGLAS R
113 BOGARD DR
BOZEMAN, MT 59715

TAYLOR BEATRICE R & SUSAN R
6400 BOSTWICK RD
BOZEMAN, MT 59715

USPS
8055 E. TUFFS AVE SUITE 400
DENVER, CO 80237

VANDERMOLEN CARL H
56 PARK PLAZA DRIVE
BOZEMAN, MT 59715

DONALD D & CECILIA VANIMAN
TRUST
5020 WESTLAKE RD
BOZEMAN, MT 59715

WAGNER DWIGHT E & SHARON L
200 MOSS BRIDGE RD
BOZEMAN, MT 59715