

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

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**IN THE MATTER OF THE GREEN ) NOTICE OF 2-YEAR EXTENSION OF  
MEADOW PETITION FOR CONTROLLED ) THE GREEN MEADOW TEMPORARY  
GROUND WATER AREA NO. 411-30022395 ) CONTROLLED GROUND WATER AREA**

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The Green Meadow Temporary Controlled Groundwater Area is scheduled to expire April 11, 2012. The Area was originally established by Department Order on April 11, 2008 and a Notice of Extension issued on April 5, 2010. The statutes under which the Area was established allows that a temporary controlled ground water area can be extended for an additional two years for sufficient cause. §§ 85-2-506-50, MCA (2007). Notice of an extension must be provided to the parties and ground water appropriators in the area. §85-2-507(5)(a), MCA (2007).

The boundary of the Green Meadow Temporary Controlled Ground Water Area is generally described as all aquifers beneath the area south of Silver Creek and north of Sevenmile Creek between Green Meadow Drive and the western edge of the Scratchgravel Hills. The legal land description for the general area is as follows and all located in Lewis and Clark County, Montana:

<b>Quarter Section</b>	<b>Section</b>	<b>Township</b>	<b>Range</b>
W2 and W2W2E2	1	10 North	04 West
All	2 and 3	10 North	04 West
N2NE1/4SE1/4, NE1/4, N2NW1/4, N2SE1/4NW1/4, NE1/4SW1/4NW1/4	10	10 North	04 West
Most of	11	10 North	04 West
W2NW1/4NE1/4, NW1/4, NW1/4SW1/4, SW1/4SW1/4, W2NE1/4SW1/4	12	10 North	04 West
NW1/4NW1/4NW1/4	13	10 North	04 West
N2NE1/4NE1/4	14	10 North	04 West
W2W2, SW1/4NE1/4SW1/4, W2SE1/4SW1/4	25	11 North	04 West
All	26, 27, 34, and 35	11 North	04 West
W2W2, W2E2NW1/4, W2NE1/4SW1/4, SE1/4NE1/4SW1/4, SE1/4SW1/4, W2SW1/4SE1/4	36	11 North	04 West

The purpose of the designation is for gathering information on aquifer properties; aquifer recharge; aquifer consumptive withdrawals by type and amount, to assist in determining if a

permanent controlled ground water area is warranted; the extent of area boundary; and what, if any, controls on existing or future uses are required to maintain the ground water aquifer as a viable water source for existing uses within the area. The Montana Bureau of Mines and Geology (MBMG) commenced a study of the ground water in the Green Meadow Controlled Ground Water Area to assist in determining whether a permanent ground water control area is needed to protect the public health, safety, and welfare in the Area. The Department has been in contact with MBMG and the result and final report of this study are expected to be finalized sometime in the spring of 2012. The report will not be finished in sufficient time to allow full consideration by the Department and the public, and for a hearing on the potential designation of a permanent controlled ground water area prior to the April 11, 2012 temporary expiration.

The Department finds that extending the period to permit full consideration of the facts and assessments in the Montana Bureau of Mines and Geology study is necessary to help the Department to determine whether designation of a permanent controlled ground water area is needed. The Department finds sufficient cause exists to support an extension, and hereby **EXTENDS** the Green Meadow Temporary Controlled Ground Water Area to April 11, 2014. Prior to the expiration of this final 2-year extension, a hearing will be held to determine if a permanent controlled ground water area should be designated. §85-2-507(5)(b), MCA (2007).

During this two-year extension the same conditions required by the original temporary designation remain in effect, to wit:

A. With this temporary controlled ground water designation, all new uses of ground water and replacement wells in the designated area must file the following with the DNRC Helena Water Resources Regional Office: 1) DNRC Form 602, "Notice of Completion of Ground Water Development"; 2) for wells that replace existing wells that have a valid water right, DNRC Form 634, "Replacement Well Notice"; **or** 3) otherwise apply for a new water use permit or change authorization from DNRC in accordance with applicable law.

B. Petitioners must, and other interested water users may, consult and work with DNRC in collecting, compiling, organizing, archiving, and interpreting area-wide information. This includes, but is not limited to, collecting and compiling data from new and existing wells and springs, and providing this information to the DNRC Helena Water Resources Regional Office. During the 2-year period and any extensions of the time period, studies necessary to obtain the

facts needed to assist in the designation of a permanent controlled ground water area must be commenced under the supervision and control of the Department. Facts gathered during the study period must be presented at a hearing prior to the designation of a permanent controlled ground water area. In the event the Department does not complete the necessary study in the 2-year period or extension of the period, the temporary controlled ground water area designation will terminate at the end of the 2-year period or extension. DNRC will compile the final data and complete a report to be submitted prior to the hearing to decide whether to designate a permanent controlled ground water area.

C. All existing water users shall be required to allow DNRC staff access to their well or springs for the purposes of monitoring, conducting tests, and taking measurements. §85-2-115, MCA (2007).

D. Drillers of new wells or replacement wells in the area must notify Russell Levens, DNRC Hydrogeologist, PO Box 201601, Helena, MT 59620-1601, (406) 444-6679 of the drill date at least 3 days prior to drilling a well. The notice must be telephonic or received in writing at least 3 days prior to drilling and provide notice of the driller's name, drilling date, and property address. Drillers shall be required to allow DNRC staff to collect drill cuttings, if requested, during the drilling of a well.

E. All new wells, whether a new appropriation (including DNRC Form 600, 602 and 634 wells) or change of existing appropriation, must: 1) install an a  $\frac{3}{4}$ " (inside diameter) access (sounding) tube (preferably PVC) installed to within 5 feet above the pump (*usually easiest to install at time of drilling*) to allow static water level measurements to be taken; and, access for DNRC staff to the well for purposes of monitoring, conducting tests, and taking measurements.

F. If at any time during the term of the temporary controlled ground water area sufficient facts becomes available to confirm withdrawals have, or are about to, exceed recharge, the temporary ground water area can be designated permanent and modified to include appropriate controls after notice and hearing as provided in §85-2-507(5)(b), MCA (2007) or applicable law.

G. The DNRC may enforce this order and bring action for an injunction in a district court of a district in which all or part of the area affected is located, in addition to all other remedies, as provided in §85-2-507(6), MCA (2007) or applicable law.

Dated this 30<sup>th</sup> day of January, 2012.

/Original signed by Tim Davis/  
TIM DAVIS, Administrator  
Water Resources Division  
Department of Natural Resources  
and Conservation  
PO Box 201601  
Helena, Montana 59620-1601  
(406) 444-6605

### **CERTIFICATE OF SERVICE**

This certifies that a true and correct copy of the NOTICE OF EXTENSION was served upon all parties listed below on this 30<sup>th</sup> day of January, 2012 by first class United States mail.

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**Cc: *Limited Parties***  
LENORE AND MARK ADAMS  
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HELENA MT 59602

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449 LATIGO LN  
HELENA MT 59602-8216

TODD B WAMPLER  
6005 TREASURE CANYON DR  
HELENA MT 59602-9076

/Original signed by Millie Heffner/

Millie Heffner, Water Rights Bureau  
Hearings Unit, (406) 444-6615