# Montana's Basin Closures

# and

# Controlled Groundwater Areas

**Revised & Updated June 2016**

**Water Resource Division**
**Water Rights Bureau**
**1424 9th Avenue**
**P.O. Box 201601**
**Helena, Montana 59620-1601**

**http://dnrc.mt.gov/divisions/water/water-rights/montana-basin-closures**
**for questions call (406) 444-1601**

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# GENERAL INFORMATION

Montana has authority to control or close river basins and groundwater aquifers to certain types of water appropriations because of water availability problems, water contamination problems, and a concern for protecting existing water rights. There are five different types of closures. This document provides a general outline of each closure or restriction. For more detailed information contact your Regional DNRC Water Resource Office.

**1.** **Controlled Groundwater Areas** — The Department of Natural Resources and Conservation (DNRC) may designate or modify controlled groundwater areas. In addition, another state or local agency can petition for a controlled groundwater area. This is often done when health risks are identified. Water users on the source can petition for a controlled groundwater area as well. The petition must be signed by one quarter or 20 (whichever is less) of the groundwater users in the petition area.

DNRC will publish notice of a hearing on the proposal for three successive weeks in an area newspaper and hold a public hearing at least 90 days after the proposal but not less than 30 days after the notice is published. Each well driller licensed in Montana whose address is within the county where the area in question is located will receive a copy of the notice and petition individually. So will each person who according to DNRC records uses groundwater, the presiding officer of each incorporated municipality located in the groundwater area, and any other person who may be interested or affected by the proposal.

There are fifteen controlled groundwater areas.

**2.** **Petitioned Surface Water Basin Closures by Rule** — DNRC may adopt Administrative Rules to close a drainage basin. To adopt rules, DNRC must receive a petition. The petition can come from the Department of Environmental Quality, or from users of water from the source within the basin. If the petition comes from water users, it must be signed by at least 25% or 10 users (whichever is less). DNRC will publish notice of a rulemaking hearing for three successive weeks, and hold the hearing at least 30 days after publishing the notice.

There are 10 basins that have been closed by rule.

**3.** **Department Ordered Milk River Closures** — The legislature has given DNRC the authority to order closures within the Milk River basin.

There are two DNRC orders closing portions of the basin.

**4.** **Legislative Closures** — By law the legislature can preclude permit applications in a chosen drainage basin.

Six basins have been closed by legislative action.

**5. Compact Closures —** The Reserved Water Rights Compact Commission has negotiated seventeen (17) compacts with tribes and federal agencies. Eleven of these compacts have stipulations in them that close certain sources of water to new appropriations, and regulate groundwater withdrawals. One created a controlled groundwater area. This is the Yellowstone Controlled Groundwater Area. Compact Closures are authorized by the legislature when the compact is ratified.

There are currently 11 compacts that include language closing portions of 34 Basins.

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# CONTROLLED GROUNDWATER AREAS

In a controlled groundwater area, anyone wishing to drill a well must first apply for and receive a Permit for Beneficial Water Use (85-2-508, MCA). This applies to any size and type of appropriation, including wells to be used at less than 35 gallons per minute (GPM) and less than 10 acre-feet per year. Some controlled groundwater areas have additional restrictions.

The reasons for ordering a controlled groundwater area include:

- Groundwater withdrawals in the area are greater than recharge of the aquifer,
- Excessive groundwater withdrawals are likely to occur in the near future,
- There are significant disputes regarding groundwater rights in the area,
- Groundwater levels or pressures in the area have been or are declining excessively,
- Excessive groundwater withdrawals would cause contaminant migration,
- Groundwater withdrawals are or will adversely affect groundwater quality, and
- Water quality in the groundwater area is not suited for a specific beneficial use.

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## BNSF Paradise Railyard Controlled Groundwater Area

*Location*: Generally located five miles southeast of Plains, Montana and ½ mile north of Paradise, Montana between the railroad tracks and the Clark Fork River in the SW¼ of Section 17 and the NW¼ of Section 20, both in Township 19 North, Range 25 West, Sanders County, Montana.

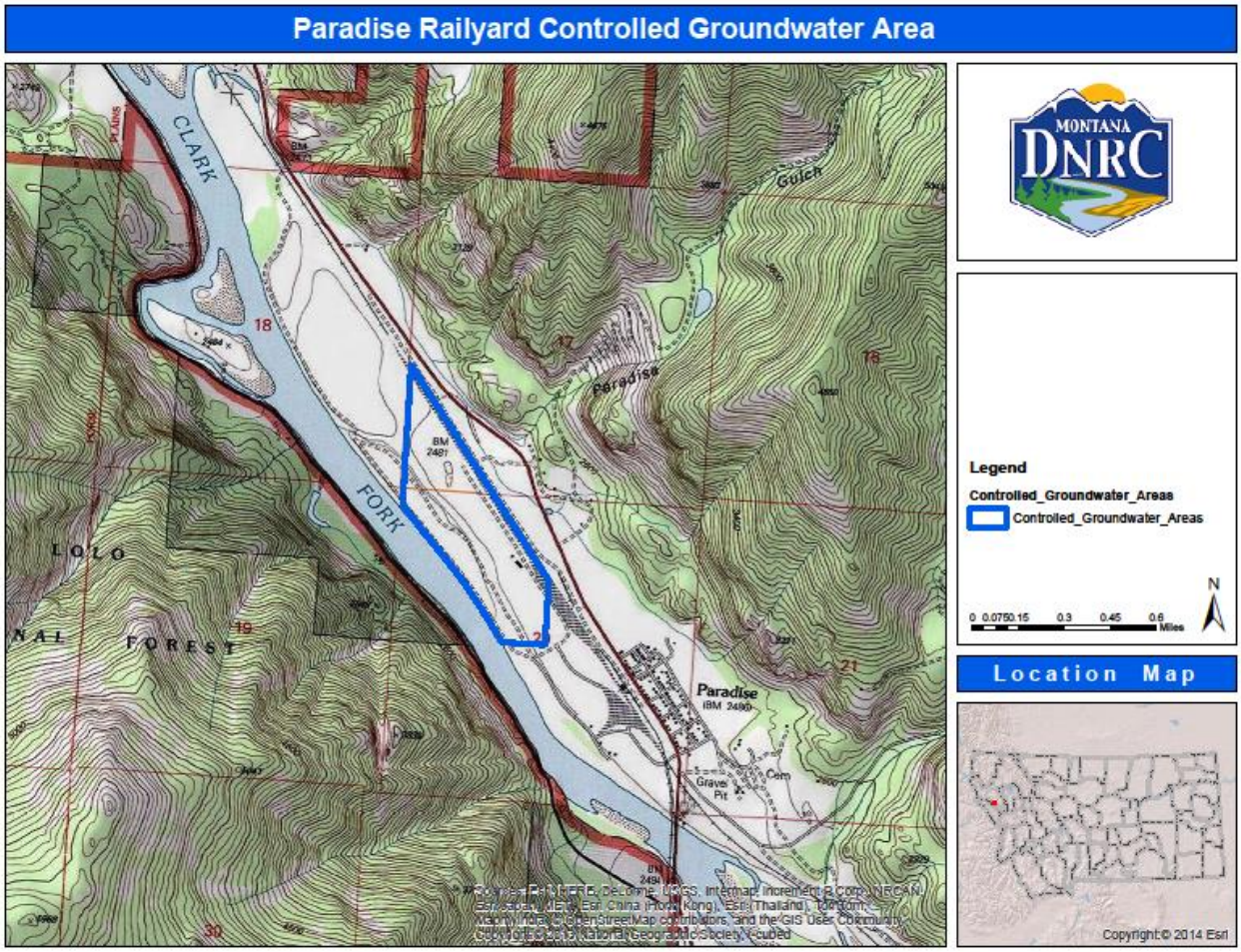
*Effective Date*: August 19, 2002

*Information*:

- No wells for any purpose except monitoring can be installed in this area.
- The controlled groundwater area does not apply to 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 re- sources.

- All new monitoring wells drilled within Controlled Groundwater Area 76N-115138 shall be installed in accordance with the EPA- approved Standard Operating Procedure (SOP GROUNDWA- TER-3) for monitoring well design and construction.
- The boundaries and provisions of Controlled Groundwater Area 76N-115138 may be amended if the groundwater quality within the area shows improvement to comply with applicable human health standards.




## BNSF Somers Site Controlled Groundwater Area

*Location*: An area of approximately 67 acres within NW1/4 Section 25, the SW1/4 of Section 24, and the SE1/4 of Section 23 T27N R21W in Flathead County, Montana.

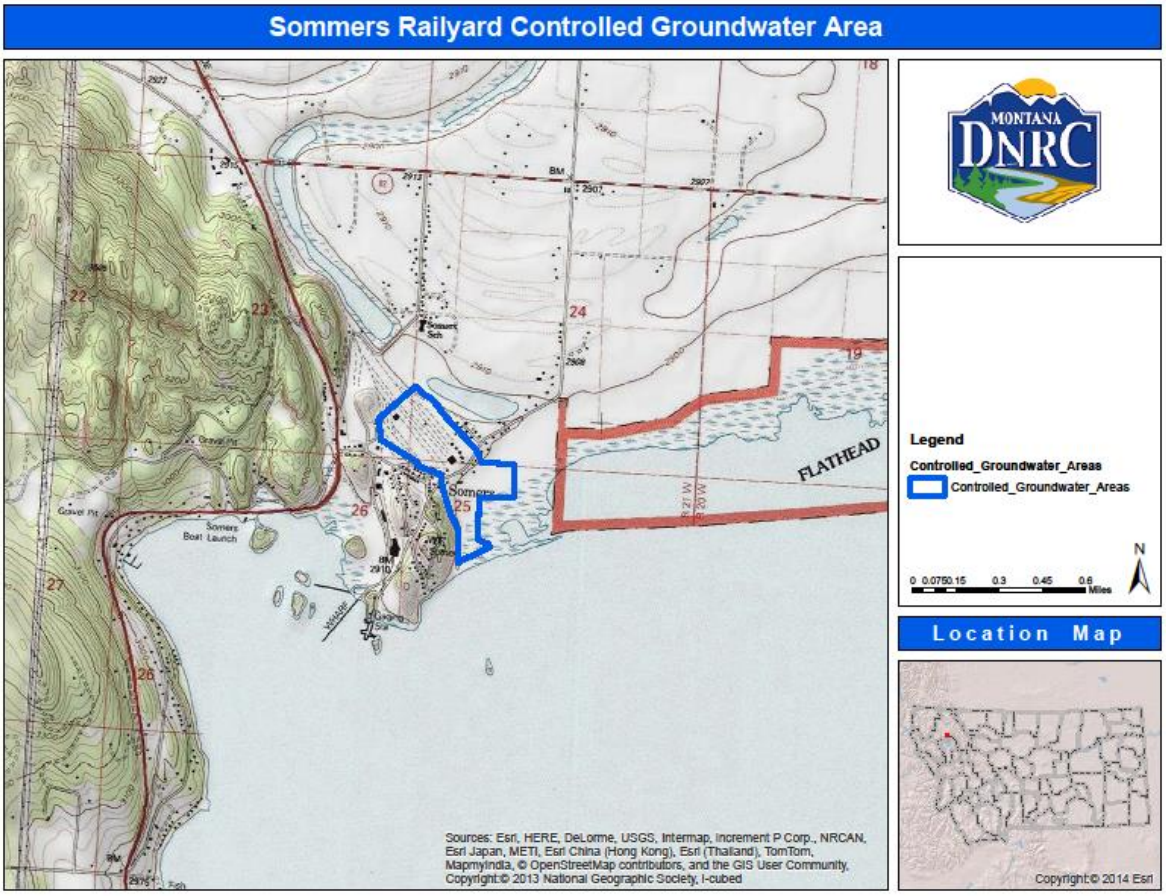
*Effective Date*:May 9, 2003

*Information*:

- Wells in the alluvial aquifer within the controlled groundwater area boundary are prohibited, with the exception of monitoring wells and wells required for remedial

action, which are allowed only as directed and approved by US Environmental Protection Agency.

- Wells in the bedrock aquifer are allowed.
- The alluvial aquifer includes all sediments overlaying the contact with the Precambrian bedrock that underlies the area.
- All new monitoring wells and wells required for remedial action within the controlled groundwater area must be installed in accordance with the appropriate well construction standards as described in Administrative Rules of Montana Title 36 Chapter 21.
- When groundwater within the controlled area has been restored to acceptable conditions procedures may be initiated to revoke or modify the controlled groundwater designation.



## Hayes Creek Controlled Groundwater Area

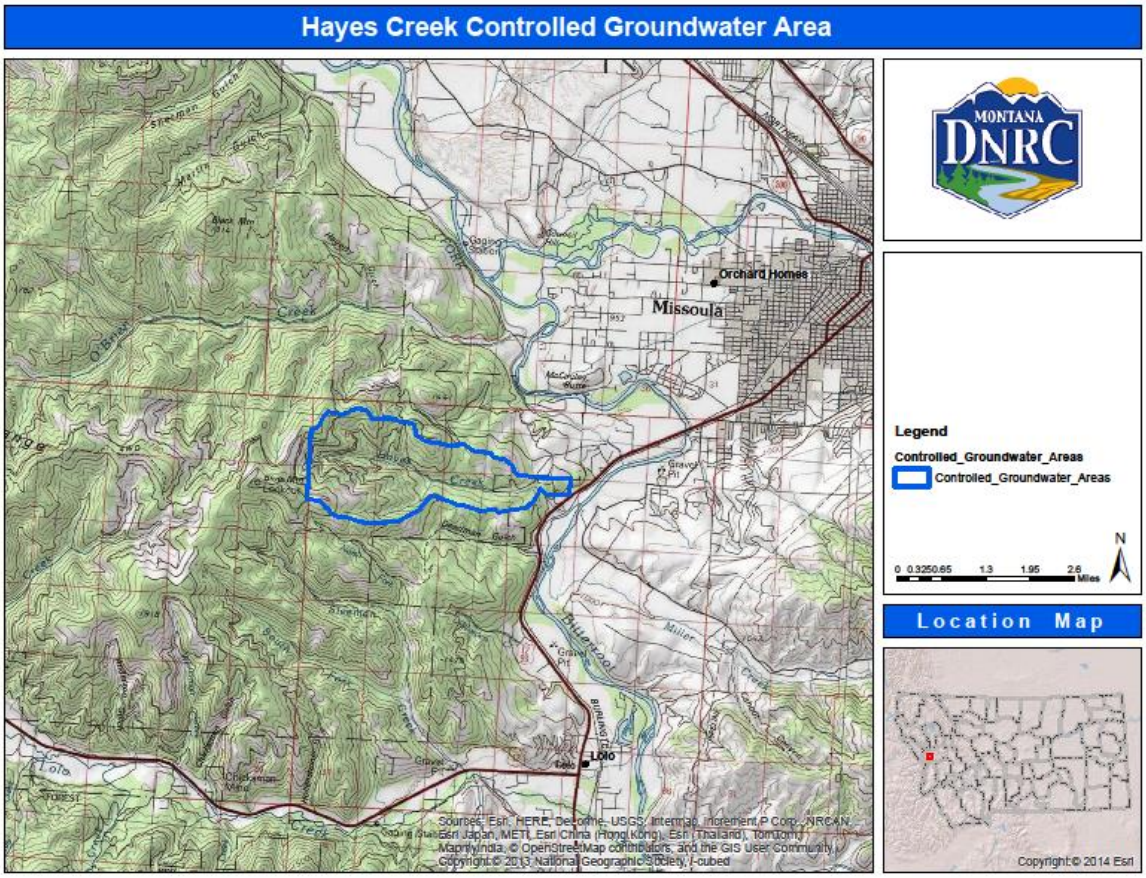
*Location*: Woodland Heights Lots 1-12 Block 1, Lots 1-6 Block 2, and Lots 1-11 Block 3
Woodland Park Lots 1-10
Tracts 1-4 adjacent to original Woodland Heights
NWNE Section 10 Township 12N Range 20W, Missoula County
NENW Section 10 Township 12N Range 20W,Missoula County

*Effective Date*: May 25, 1995

*Information:*

- This is a permanent controlled groundwater area which includes both the shallow alluvial and deep fractured bedrock aquifers.
- All new groundwater appropriations in this permanent controlled groundwater area require a Permit for Beneficial Water Use.
- On December 1, 1998, a final order was approved adopting the remainder of the Hayes Creek drainage as a permanent controlled groundwater area. This is approximately 2,465 acres in the following locations:
    - SWSWSW Section 3
    - S2S2, S2NWSE, S2N2SW Section 4
    - S2, S2NW, W2SWNE Section 6
    - N2, N2NWSW, NESW, N2SE, N2S2SE Section 7
    - N2, N2SW, N2S2SW, NWSE, Section 8
    - 2, NENESW, N2N2SE, Section 9
    - N2NWSW, NW Section 10

  All in Township 12N Range 20W, Missoula County.
- DNRC may not grant a permit in the new controlled groundwater area section if the withdrawal would be beyond the capacity of the aquifers to yield ground- water within a reasonable or feasible lift.
- There cannot be more than one well on each lot and new groundwater permits will be conditioned with the possibility of limiting withdrawals in the future. Replacement wells may be installed, provided the older well is properly abandoned.
- DNRC shall, in cooperation with the property owners within the controlled groundwater area, select a “groundwater supervisor” who will monitor groundwater levels, take water samples, administer any water use restrictions, and may require metering if necessary.
- Static water levels shall be measured monthly during the spring and summer of each year. Written records must be submitted to the Department by November 30 of each year.
- See map next page.

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## Larson Creek Controlled Groundwater Area

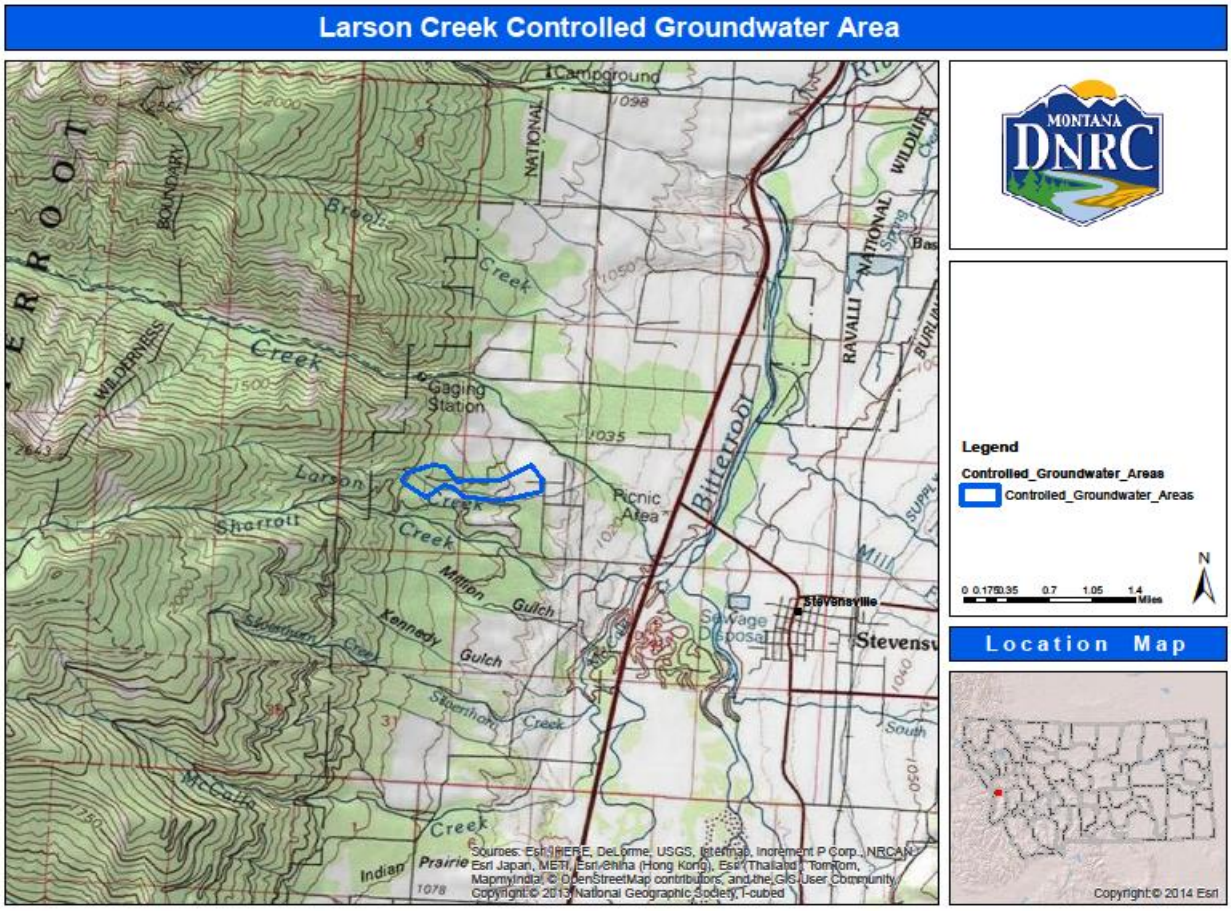
*Location*: Center East ½ Section 19 Township 9N Range 20W, Ravalli County West ½ Section 20 Township 9N Range 20W, Ravalli County

*Effective Date*: November 14, 1988

*Information*:

- This is a controlled groundwater area for the shallow aquifer from the surface of the ground to a depth of 70 feet.
- The shallow aquifer is closed to further appropriations except for applicants for a Permit for Beneficial Water Use who:
  a. Prove the criteria of Section 85-2-311, MCA by clear and convincing evidence, and
  b. Submit a plan for water augmentation of Larson Creek or prove that augmentation is not necessary.
- Applicants for wells greater than 70 feet shall also be required to apply for and receive a permit.

- All wells greater than 70 feet deep must be constructed so that the controlled aquifer is sealed off with grout to prohibit leakage from the controlled aquifer to other aquifers.




## Bitterroot Valley Sanitary Landfill Controlled Groundwater Area

*Location*: Approximately 328 acres located south of the town of Victor in Ravalli County within the following legal description:
Township 7N Range 20W, Sections 2 & 6
Township 6N Range 20W, Sections 31 & 31

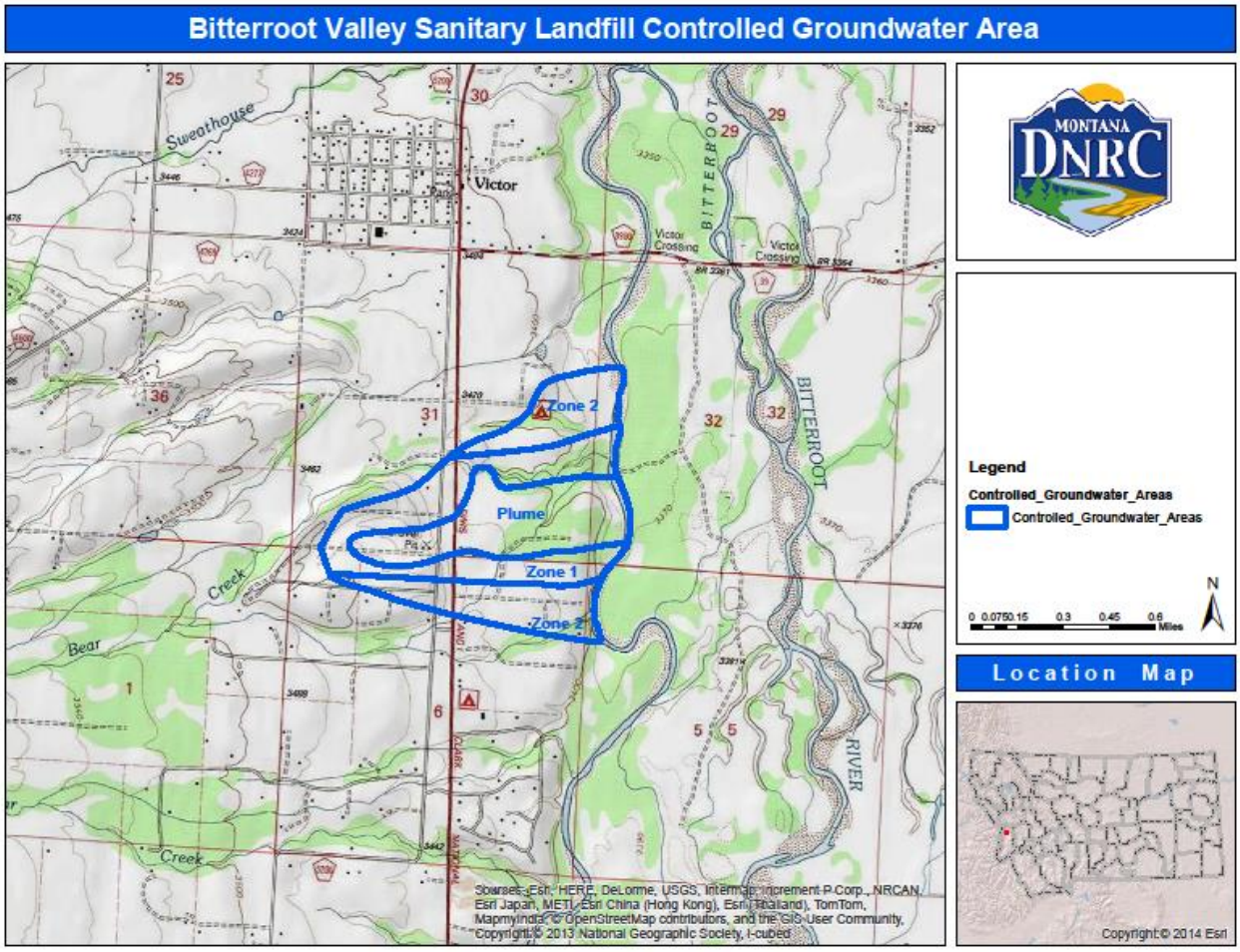
*Effective Date*: February 9, 2004

*Information*:

- This controlled groundwater area was designated in response to concerns about pollution.
- Groundwater appropriation is by permit only.
- No potable water wells may be drilled in any groundwater aquifer that underlies the area within the Plume, (identified as Plume and Zone 1 on attached map).
- Wells for non-potable water use may be drilled in zone 1 if it can be demonstrated that

the well will not contribute to expansion of the Plume boundary.

- See Final Order for additional details.




## Warm Springs Ponds Controlled Groundwater Area

*Location*: Portions of Sections 1, 11, and 12 Township 4N Range 10W
Portions of Sections 17-20 and 29-31 Township 5N Range 9W
Portions of Sections 25 and 36 Township 5N Range 10W
All in Deer Lodge County

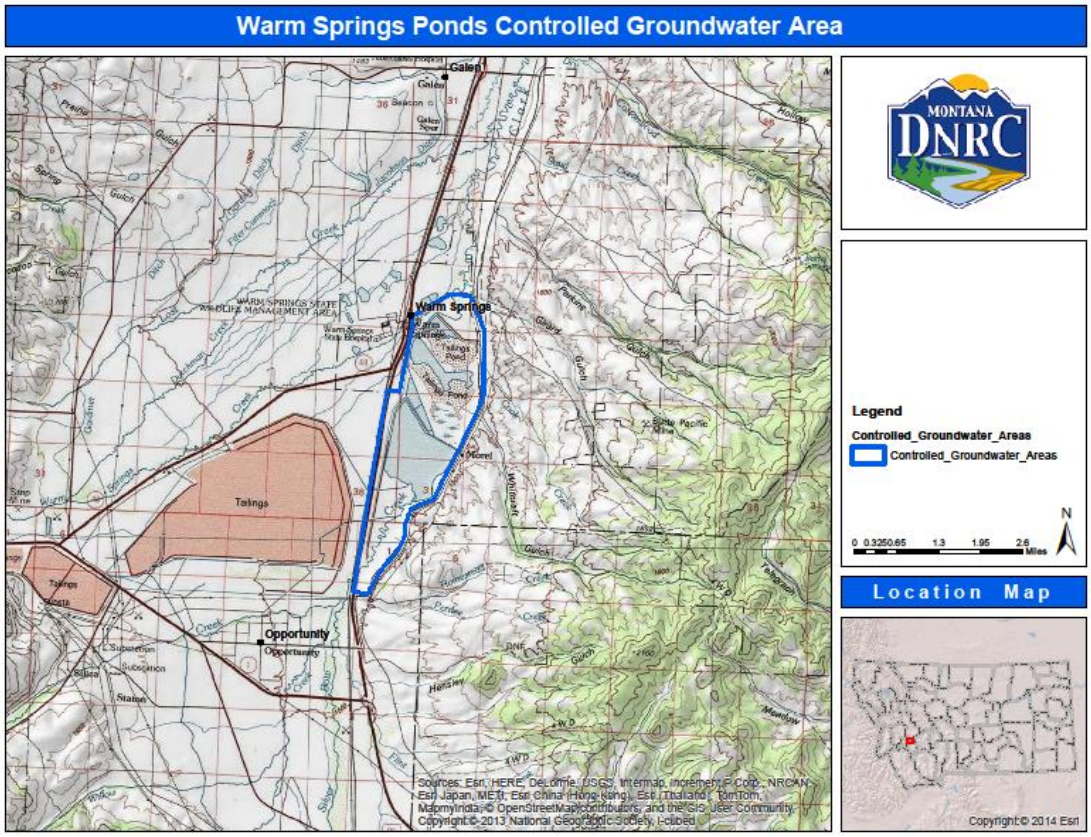
*Effective Date*: May 25, 1995

*Information*:

- The reason for establishing this controlled groundwater area was contamination of the shallow aquifer to a depth of 40 feet.
- Its establishment does not affect remediation or response actions.
- DNRC cannot accept any applications for a Permit for Beneficial Water Use to divert water from 0-40 feet in depth.
- Wells greater than 40 feet deep must be constructed to include a grouted conductor

casing maintained to a depth of 40 feet. It must be terminated and sealed in a minimum 6 foot thick clay aquitard.

- This is not a permanent controlled groundwater area. If the Environmental Protection Agency (EPA) rescinds or modifies the Warm Springs Ponds Active Area, that may modify or delete current requirements for a water well ban. In this case, the controlled groundwater area designation may be modified, suspended, or revoked.




## Rocker Controlled Groundwater Area

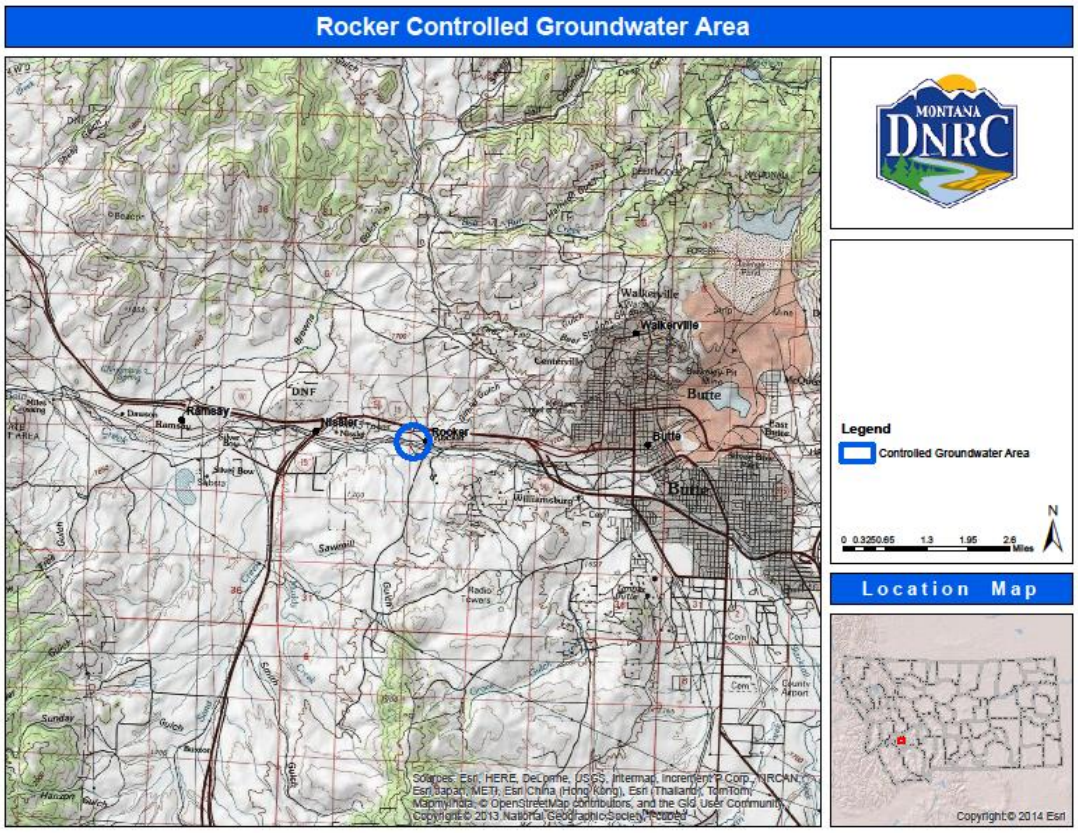
*Location*: SW Section 16, Township 3N Range 8W SE Section 17, Township 3N Range 8W NE Section 20, Township 3N Range 8W NW Section 21, Township 3N Range 8W All in Silver Bow County

*Effective Date*: May 30, 1997

*Information*:

- The reason for establishing this controlled groundwater area is contamination of the groundwater in three aquifers:
  a. The Rocker Timber Framing Treatment Plant Operable Unit of the Silver Bow Creek-Butte Area Superfund Site,
  b. A small portion of the Streamside Tailings Operable Unit Superfund Site, and
  c. A 1/4 mile buffer zone radius around the contaminated groundwater area.

- This area is closed to all new appropriations of groundwater.
- This is not a permanent controlled groundwater area. During this closure, quarterly monitoring is being done to determine the effectiveness of remediation actions on the groundwater. The results of this monitoring are being reported to DNRC.
- Once the determination is made that the Rocker plume has been effectively mitigated to halt the threat of further migration, the Butte-Silver Bow Health Department will re-petition DNRC to remove the controlled groundwater area designation.




## Old Butte Landfill/Clark Tailings Site Controlled Groundwater Area

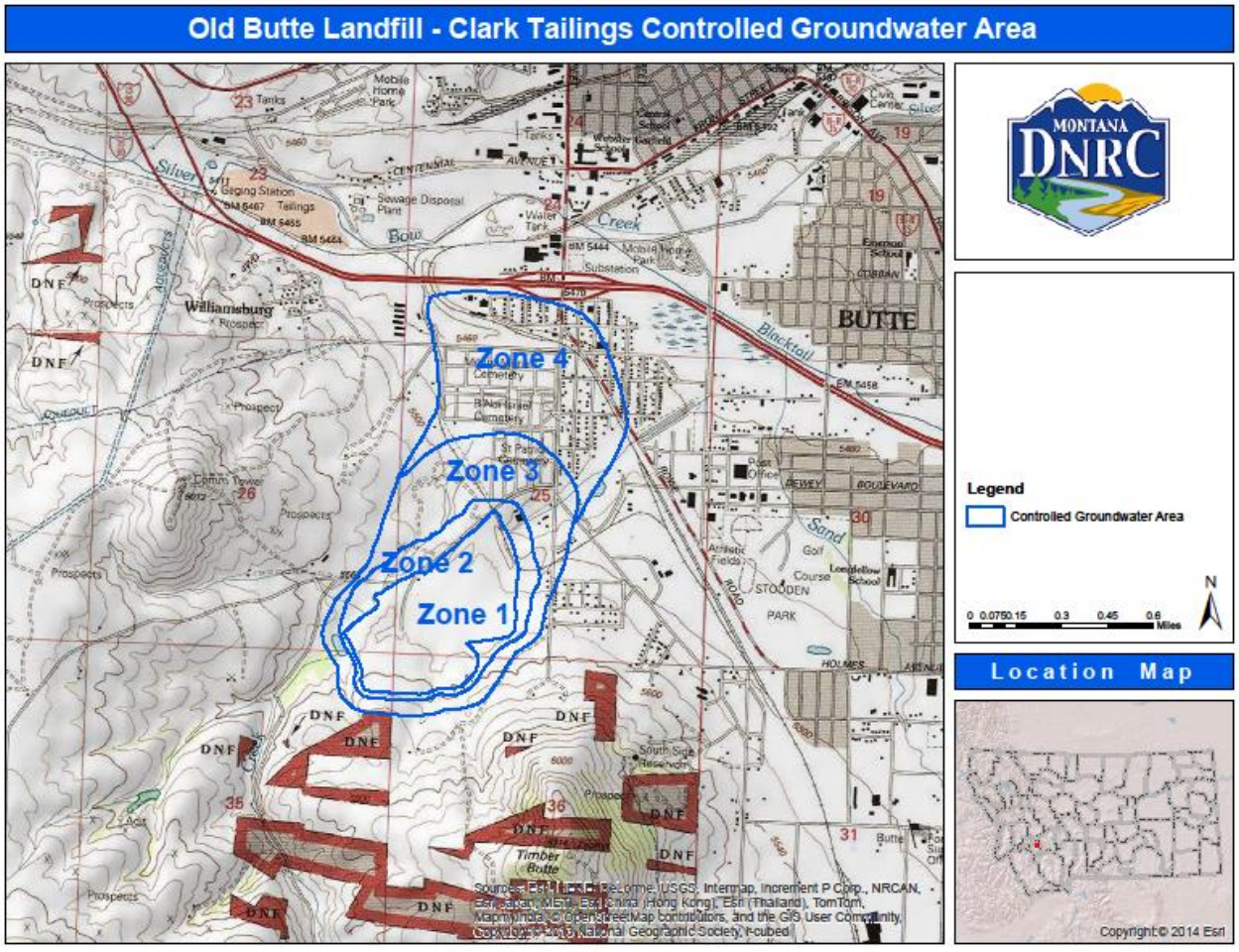
*Location*: S1/2SW1/4 and SW1/4SE1/4 of Section 24 NW1/4, W1/2NE1/4, SW1/4, and W1/2W1/2SE1/4 of Section25, E1/2SE1/4 and SE1/4SE1/4NE1/4 of Section 26,NE1/4NE1/4 of Section 35, N1/2NW1/4 of Section 26, All in Township 3N Range 8W within the Grove Gulch drainage in Silver Bow County, Montana.

*Effective Date*:December 17, 1999

*Information*:

- Drilling and installation of water wells is prohibited without first obtaining a permit from DNRC.

- Wells will be permitted or excluded within the respective zones as follows:
  1. No new wells within zones 1 and 2;
  2. No new wells pumping more than 10 gallons per minute within zone 3; and
  3. No new wells pumping more than 200 gallons per minute within zone 4.
- All new wells must be sampled and analyzed for the following:
  1. Landfill groundwater monitoring analysis list, table 1 constituents;
  2. Volatile organic carbons long list – EPA method 8260 constituents;
  3. Phthalate esters – EPA methods 8270 constituents; and
  4. Chlorinated acid herbicides EPA method 515.1 constituents.
- New wells permitted for human consumption must produce water that meets all applicable WQB-7 water quality standards or other updated human health standards.
- New monitoring wells shall be installed in accordance with EPA-approved Standard Operating Procedure (SOP)
- See Map Next Page



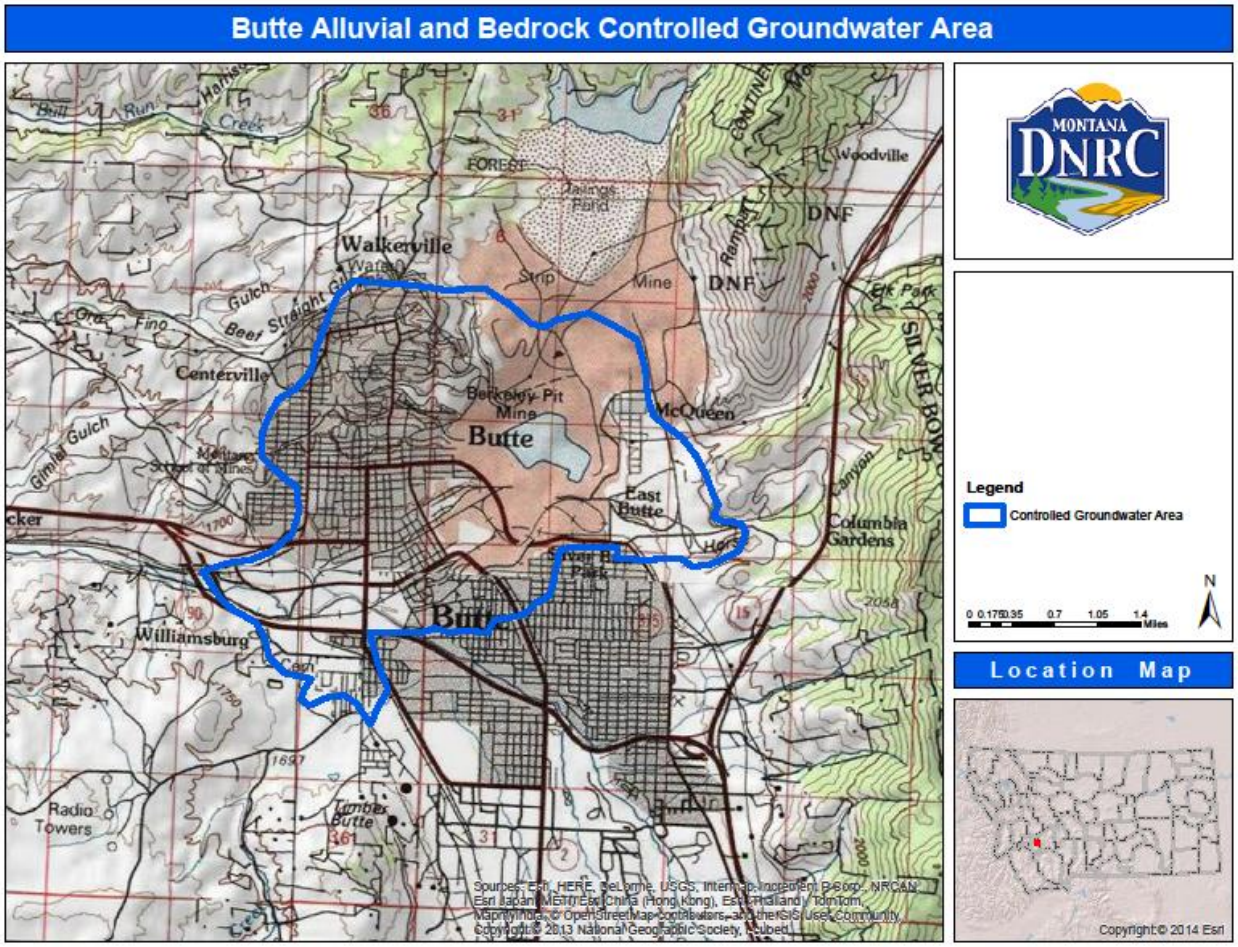
## Butte Alluvial & Bedrock Controlled Groundwater Area

*Location*: Approximately 5,488 acres or approximately 8.5 square miles located in and around the town of Butte in Silver Bow County including portions of the following legal description:
Township 3N Range 7W, Sections 6, 7, 8, 16, 17, 18, 19, 20, 21
Township 3N Range 8W, Sections 1, 11, 12, 13, 14, 23, 24, 25, 26

*Effective Date*: October 30, 2009

*Information*:

- This controlled groundwater area was designated in response to concerns over water quality.
- New groundwater wells that access the Butte Aluvial and Bedrock aquifers will only be allowed after approval of the Butte-Silver Bow Board of Health.
- Use of existing wells for human consumption shall cease unless it can be proven through approved testing that the water is safe to drink.
- See final order for additional details.



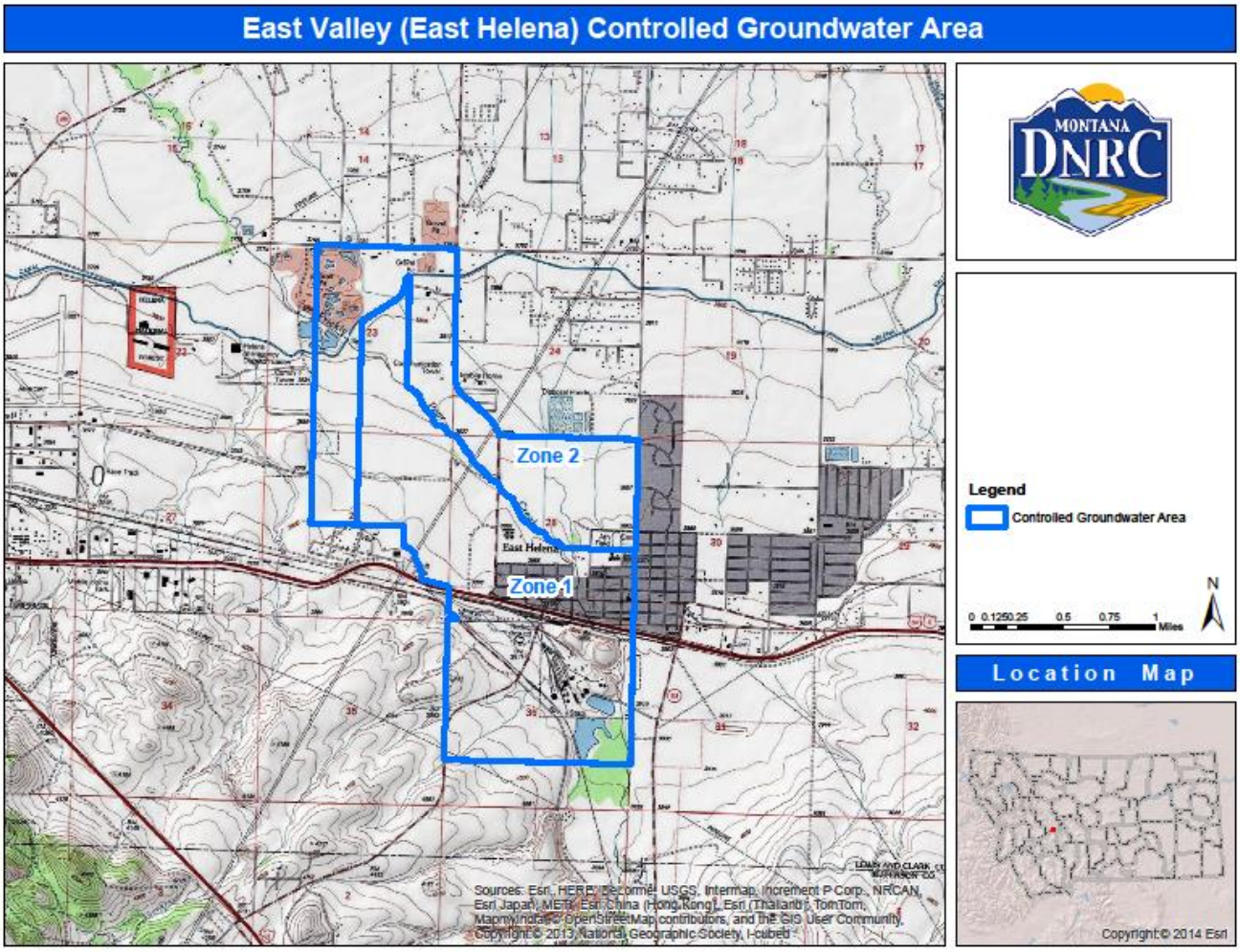
## East Valley Controlled Groundwater Area (East Helena)

*Location*: E2W2, E2 Section 23; SWSW Section 24; Section 25; NE, E2NW, E2SE Section 26; N2, N2S2 Section 36
All in Township 10N Range 3W, Lewis & Clark County

*Effective Date*: February 6, 2016

*Information*:

- This closure was designated in response to concerns over water quality.
- The controlled groundwater area is generally located on the east edge of East Helana Montana extending north from the old ARARCO mill site on both sides of Prickly Pear Creek and consists of two zones.
- The following controls apply in Zone 1:
    - No new groundwater developments or changes to existing groundwater appropriations are allowed. Exceptions include redundant wells, replacement wells and changes in purpose for mitigation and marketing for mitigation if the applicant provides documentation of prior written approval from the Lewis and Clark County Board of Health, the Lewis and Clark County Water Quality Protection District, the U.S. Environmental Protection Agency, the Montana Department of Environmental Quality, and the Montana Department of Natural Resources and Conservation.
- The following controls apply in Zone 2:
    - All new groundwater developments or changes to existing groundwater appropriations must be accompanied by documentation of prior written approval from the Lewis and Clark County Board of Health, the Lewis and Clark County Water Quality Protection District, the U.S. Environmental Protection Agency, the Montana Department of Environmental Quality, and the Montana Department of Natural Resources and Conservation.
- Prior written approval must include recommendations for well construction, water level measurement, quality sampling and any other requirements deemed necessary fto ensure new wells can be operated in a manner consistent with the purpose of the closure.
- See map next page.

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## Bozeman Solvent Site Controlled Groundwater Area

*Location*: W2NW, SENW, SW, SWSE Section 25; E2 Section 26; E2 Section 35; Section 36
All in Township 1S Range 5E, Gallatin County
W2, W2E2 Section 1; E2E2 Section 2; E2NE Section 11; NW, N2SW Section 12
All in Township 2S Range 5E, Gallatin County

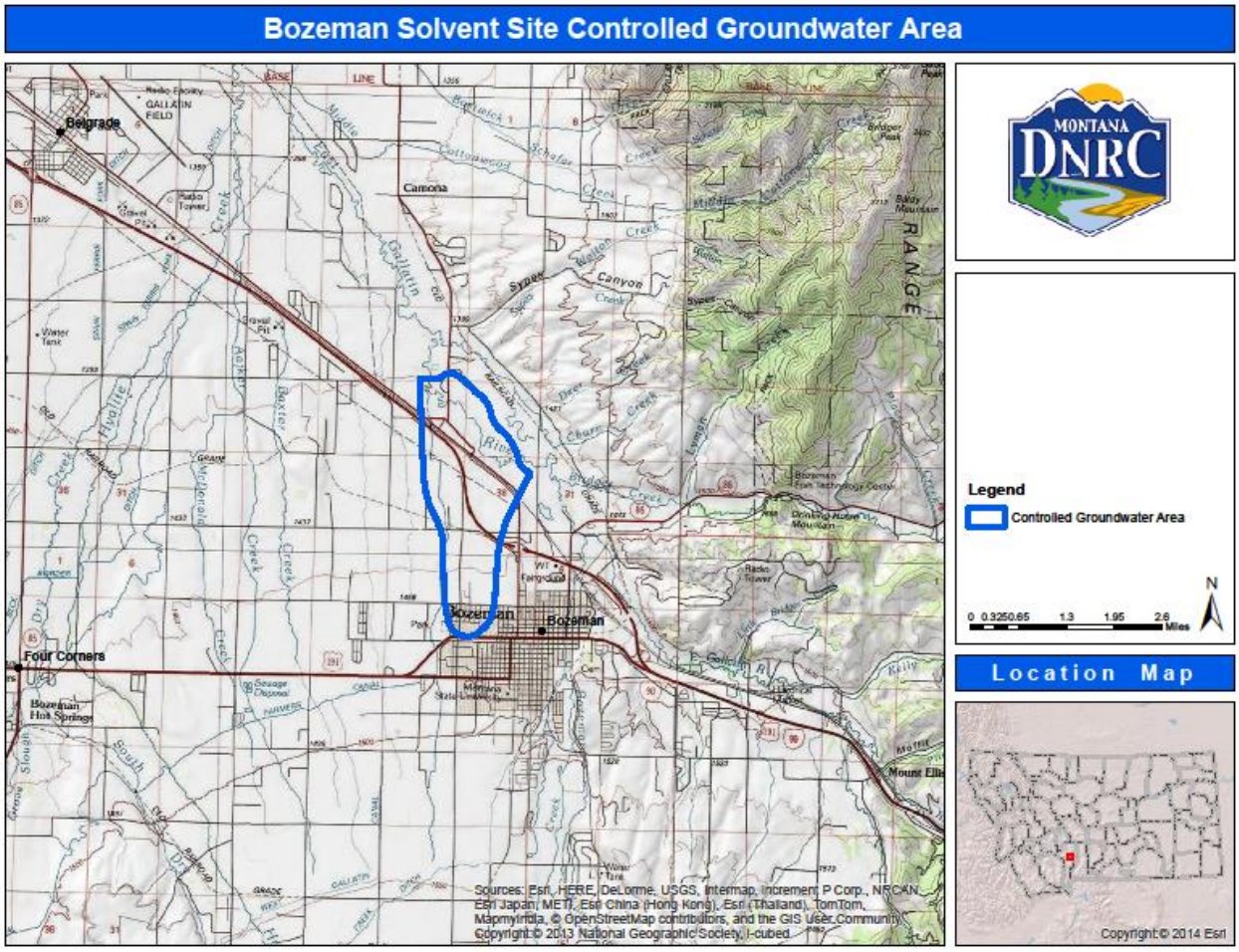
*Effective Date*:July 20, 1998

*Information*:

- This controlled groundwater area is generally located from West Main Street between North 20th and North 11th Streets (City of Bozeman) extending north of the East Gallatin River to the Riverside Golf Course.
- Drilling and installing water wells within this controlled groundwater area is prohibited without receiving an interim permit from DNRC first.

- Permit will require providing mitigation water as per basin closure.

- Permits will not be issued by DNRC for the following conditions:
  a. The proposed well is located within the zone of highest contamination (100 parts per billion or greater of chlorinated solvents in the groundwater).
  b. Groundwater pumping from the individual well or in combination with nearby wells is likely to induce or redirect contaminated groundwater plume migration.
  c. Water supply from the City of Bozeman municipal water supply system is or will soon be available.
  d. The proposed well has a design capacity of 100 gallons per minute or greater.
- DNRC may approve a permit subject to certain conditions such as water treatment requirements.
- Replacement Wells must file for a change in appropriation, (Form 606).
- Monitor wells used just for monitoring water quality or quantity are excluded from the controlled groundwater area permit requirements.
- If there is ever evidence that part of the controlled groundwater area is not contaminated and will most likely never be contaminated, procedures may be initiated to remove that part from the controlled groundwater area.
- See map next page.



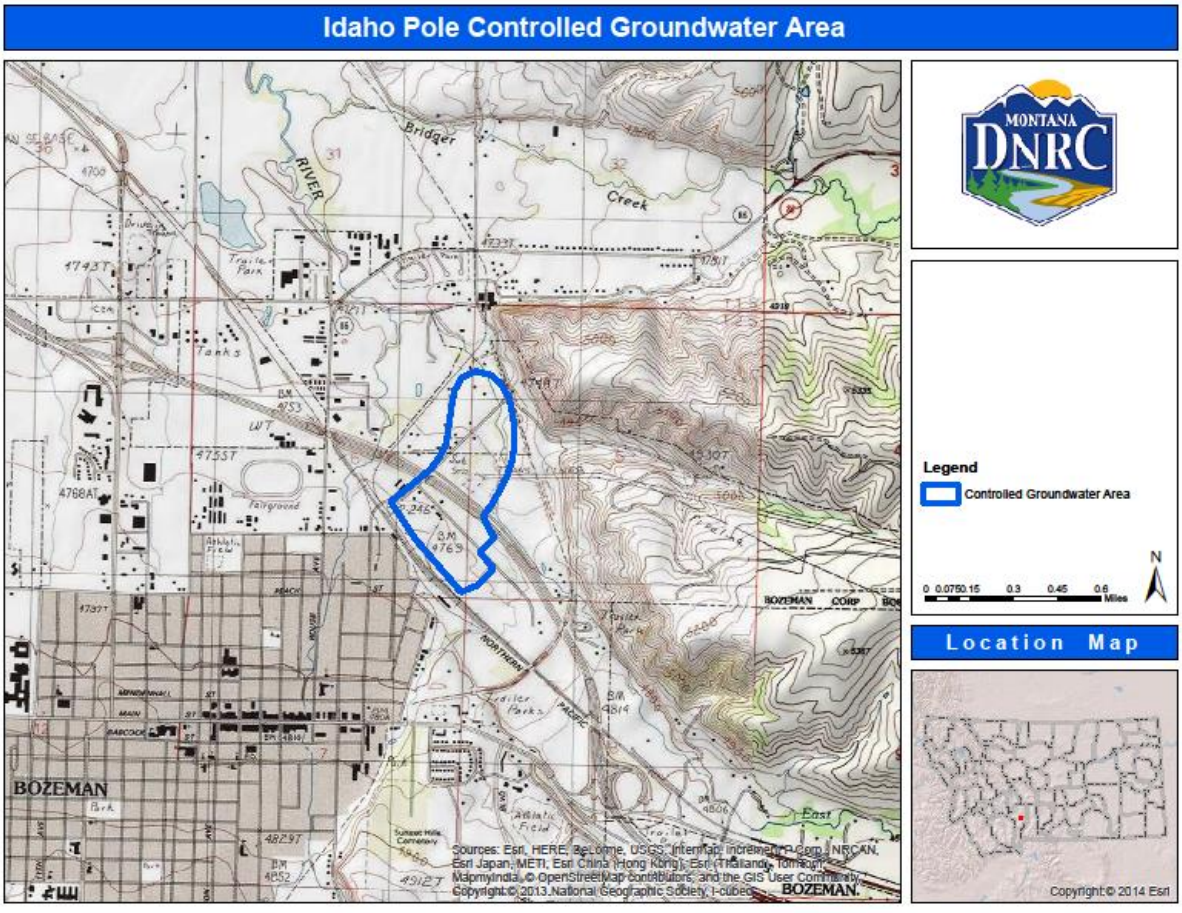
## Idaho Pole Company Site Controlled Groundwater Area

*Location*: W½SW¼, W½NW¼ of Section 5 and the SE¼NE¼, SE¼ of Section 6, both in Township 2 South, Range 6 East in Gallatin County, Montana.

Effective Date: November 30, 2001

*Information*:

- A controlled groundwater area is designated for the Idaho Pole Company Site generally described as approximately 62 acres in the east half of Section 6 and the west half of Section 5, both in Township 2 South Range 6 East, Gallatin County.
- Wells for new appropriations are prohibited.
- Replacement wells for existing appropriations will be allowed as authorized by the department.
- This controlled groundwater area does not apply to wells for remedial, response, or restoration actions authorized or undertaken by the United States Environmental Protection Agency or the State of Montana.
- All new monitoring wells drilled within Controlled Ground- water Area 41H-114172 shall be installed in accordance with the EPA-approved Standard Operating Procedure (SOP GROUNDWATER-3) for monitoring well design and construction.



## U.S. National Park Service-Montana Compact Yellowstone

## Controlled Groundwater Area

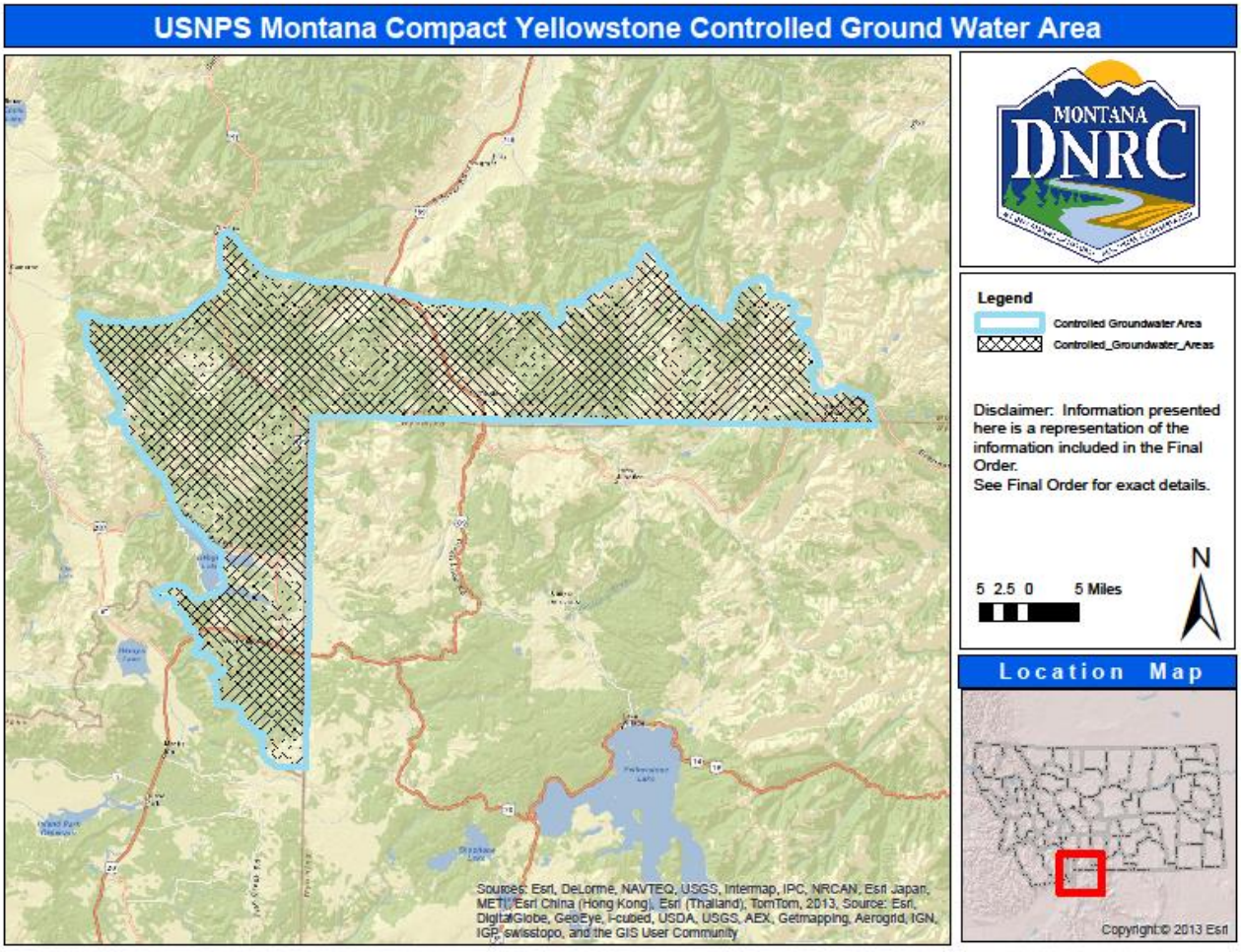
*Location*: North and West of Yellowstone National Park

*Effective Date*: January 31, 1994

*Information*:

- The controlled groundwater area was established to regulate groundwater development adjacent to Yellowstone National Park in an effort to preserve its natural hydrothermal features.
- Anyone wishing to appropriate groundwater from this area must apply for a Permit for Beneficial Water Use.
- All permit applications must include a statement of whether the proposed water used will be a temperature of 60o Fahrenheit or more.
- All permit applications must include information on "specific conductance" by measuring electrical conductivity using a device provided by the Water Resources Regional Office.
- All new appropriations are required to have meters installed to measure the total volume of water used. The meters are provided by DNRC. Measurements must be reported to Montana Bureau of Mines and Geology (MBMG) annually.
- Special additional requirements must be met based on the temperature of the water in the well:
  1. Appropriations of groundwater with a temperature of less than $60^0$ F.
     a) An applicant may complete drilling of a 35 GPM or less and 10 acre-feet per year or less well but cannot put the water to use until a permit is issued.
     b) Applications for permits for greater than 35 GPM or 10 acre-feet per year must comply with state laws for permit issuance. An applicant may complete drilling of a well for greater than 35 GPM or 10 acre-feet per year once he has received an interim permit, but cannot put the water to use until a provisional permit is issued.
     c) A well log must be provided to DNRC within 60 days of drilling a well. The well log must include well location to 2½ acres, or ¼ ¼ ¼ ¼ section, ground elevation at the wellhead, well depth, water level, flow rate or maximum pump rate, water temperature at the wellhead, and specific conductance.
  2. Appropriations of groundwater with a temperature of greater than $60^0$ F.
     a) For appropriations of groundwater between 60º F and 85ºF, the proposed appropriation must meet all of these criteria:
        I. The water temperature is the result of the normal thermal gradient of the earth, plus the mean annual air temperature at the site, plus 14º F,
        II. The concentration of soluble chloride is less than 10 ppm,
        III. The well does not contain a production zone completed within the Madison Group of formations.
     b) Groundwater with a temperature of 85º F or more is presumed to be hydrothermal discharge water. DNRC will not process or grant an application for a permit unless the application contains credible information that the proposed appropriation does not include contribution by hydrothermal discharge water, is reviewed and approval recommended by the Technical Oversight Committee, and a contested-case hearing is held with the application approved by the hearings officer. If the application is denied, the well must be temporarily or permanently abandoned according to the Montana

Board of Water Well Contractors Rules.




## South Pine Controlled Groundwater Area

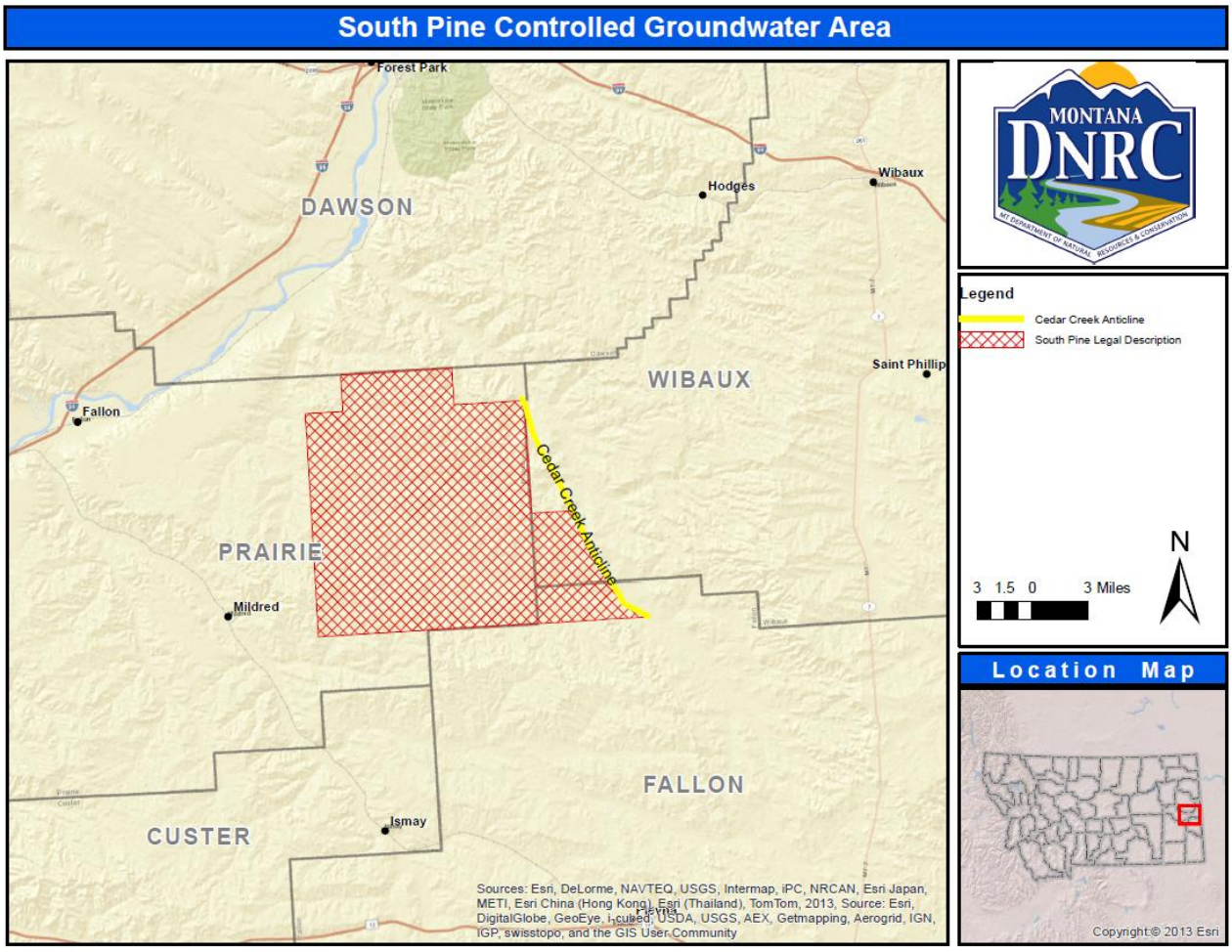
*Location*: Township 12N Range 55E,
Township 11N Range 55E
Township 11N Range 56E
Township 12N Range 56E, west of Cedar Creek Anticline,
Township 13N Range 55E in Prairie County
Township 11N Range 57E, west of Cedar Creek Anticline in Fallon and Wibaux Counties

*Effective Date*: November 1, 1967

*Information*:

- No new appropriations of groundwater may be made except by permit request (regardless of size).
- No presently inactive well may be used except with the approval of DNRC.

- No presently active well may increase its flow rate except with the DNRC approval.




## Powder River Basin Controlled Groundwater Area

*Location*: All sections in Township 6N Ranges 45E and 46E
All sections in Township 5N Ranges 40E and 47E
All sections in Township 4N Ranges 38E and 39E, 41 E through 46E, and 48E
All sections in Township 3N Ranges 37E through 49E
All sections in Township 2N Ranges 36E through 50E
All sections in Township 1N Ranges 36E through 50E
All sections in Township 1S Ranges 37E through 50E
All sections in Township 2S Ranges 37E through 51E
All sections in Township 3S Ranges 37E through 51E
All sections in Township 4S Ranges 37E through 51E
All sections in Township 5S Ranges 36E through 50E
All sections in Township 6S Ranges 36E through 51E

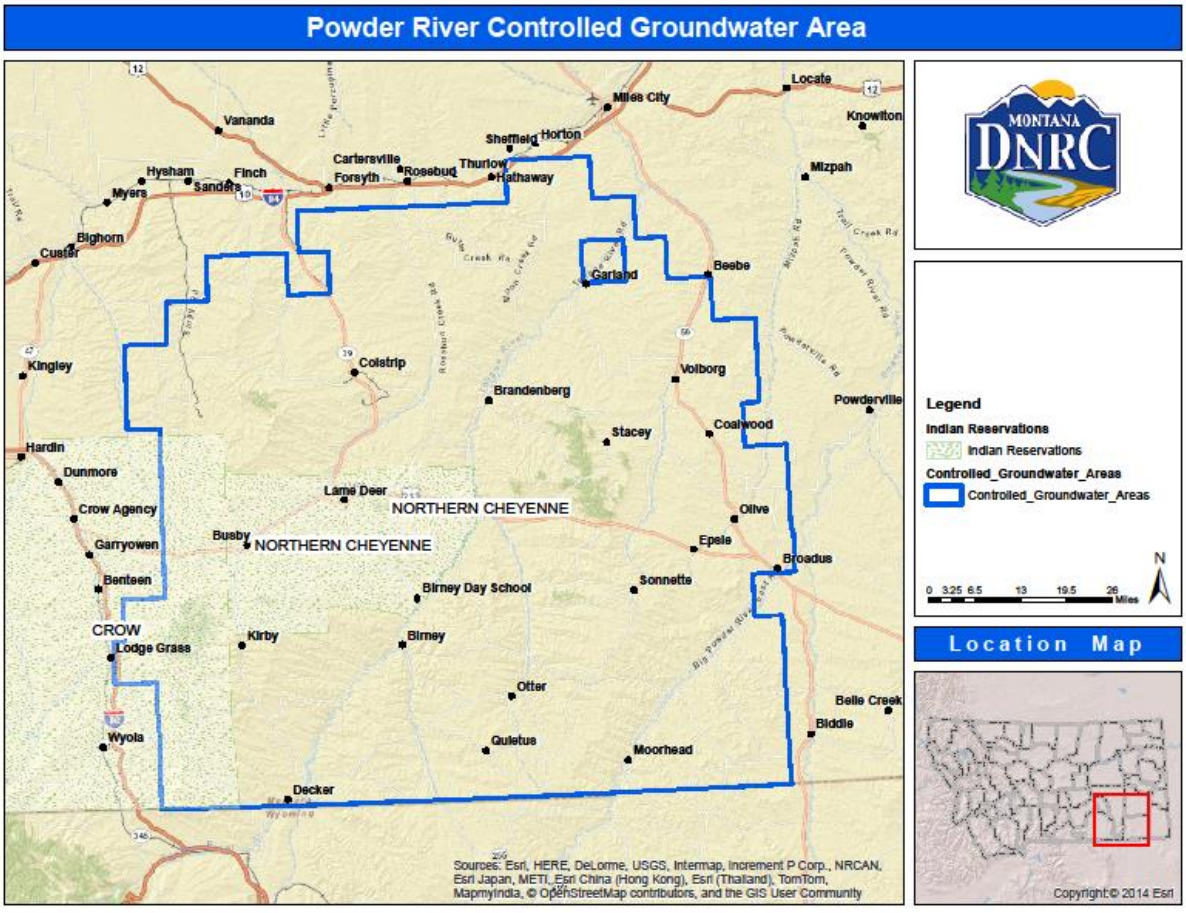
All sections in Township 7S Ranges 37E through 51E
All sections in Township 8S Ranges 37E through 51E
All sections in Township 9S Ranges 37E through 51E

The area includes all formations above the Lebo member of the Fort Union Formation.

*Effective Date*: December 15, 1999

*Information*:

- Applies only to wells designed and installed for the extraction of coalbed methane (CBM).
- CBM development must follow the standards for drilling, completing, testing, and production of CBM wells as adopted by the Board of Oil and Gas Conservation.
- CBM operators must offer water mitigation agreements to owners of water wells or natural springs within one-half mile of a CBM operation or within the area that the operator reasonably believes may be impacted by the CBM operation, whichever is greater. This area will automatically be extended one-half mile beyond any well adversely affected.
- DNRC will designate a Technical Advisory Committee to oversee groundwater characteristics and monitoring, and reporting requirements.



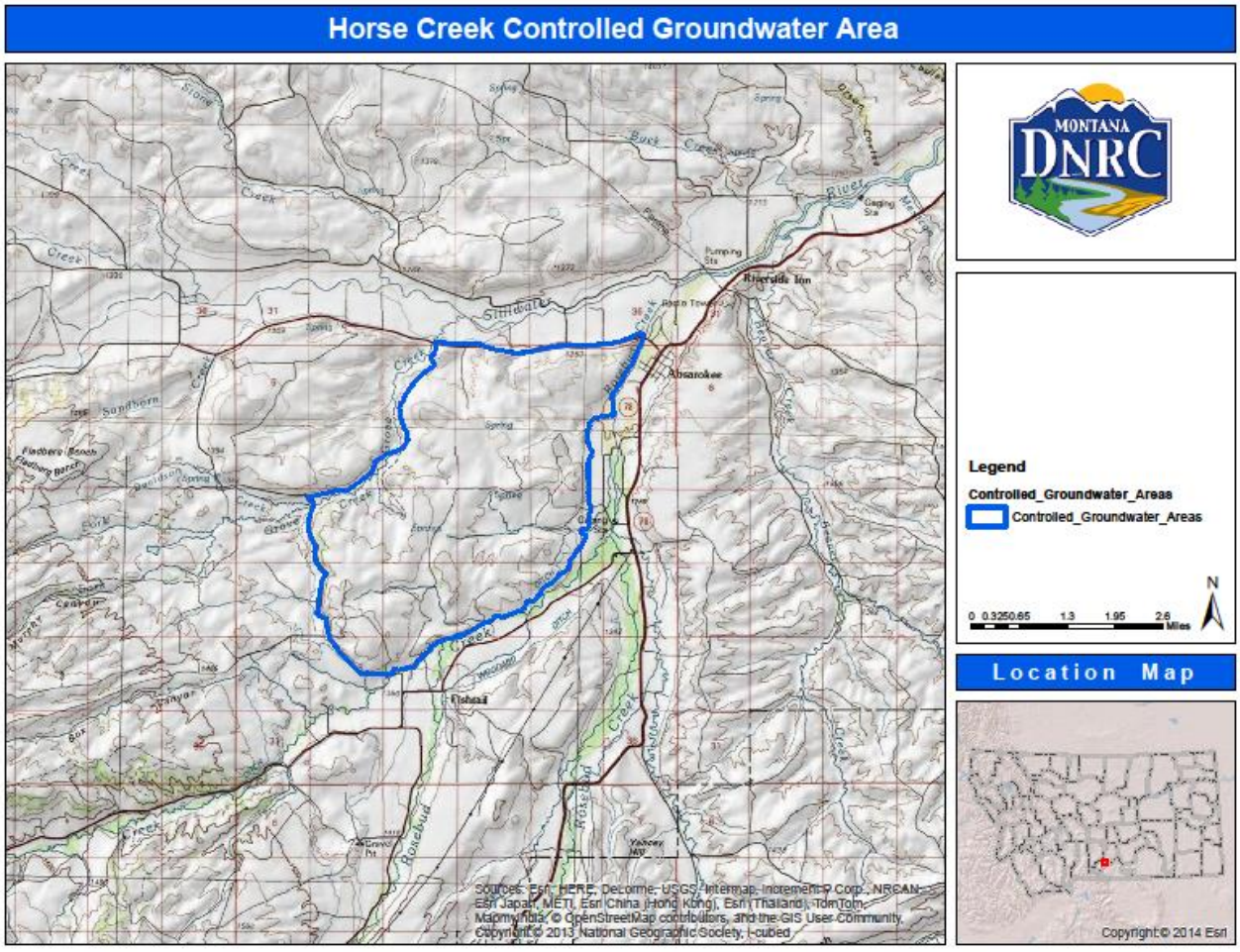
## Horse Creek Controlled Groundwater Area

*Location*: Approximately 7,995 acres or approximately 12 square miles, located southwest of the town of Absarokee in Stillwater County within the following legal description:
Township 4S Range 18E, Sections 2, 3, 4, 9, 10, 11, 14,15, 16, 17, 20, 21, 22, 23, 28, 29

*Effective Date*:January 3, 2012

*Information*:

- All new appropriations of groundwater are by permit only and are limited to one well per parent track as identified on a map provided on the DNRC website: http://dnrc.mt.gov/divisions/water/water-rights/controlled-ground-water-areas/horse-creek
- The maximum appropriation is limited to 35 gallons per minute or less up to a volume not greater than one acre-foot per year for a purpose of domestic, multiple domestic, lawn and garden, (which includes shelterbelts), or stock.
- Appropriations exceeding the above must provide a mitigation plan.
- Additional conditions exist.



# ADMINISTRATIVE RULE CLOSURES

For DNRC to adopt administrative rules to close a drainage basin, special conditions must exist in the basin (85-2-319, MCA). These conditions are that during certain times of the year: there is no unappropriated water in the source of supply, the rights of prior appropriators would be adversely affected by further appropriation, new uses would interfere with other planned uses, the water quality of an appropriator would be adversely affected by further appropriation, additional new uses would affect water quality so that the source will not meet its classification under 75-5-301(1), MCA (this law provided for the establishment of classification of all state waters in accordance with their present and future most beneficial uses and relates to water quality), and additional new uses would aversely affect the ability of holders of discharge permits to satisfy their effluent limitations.

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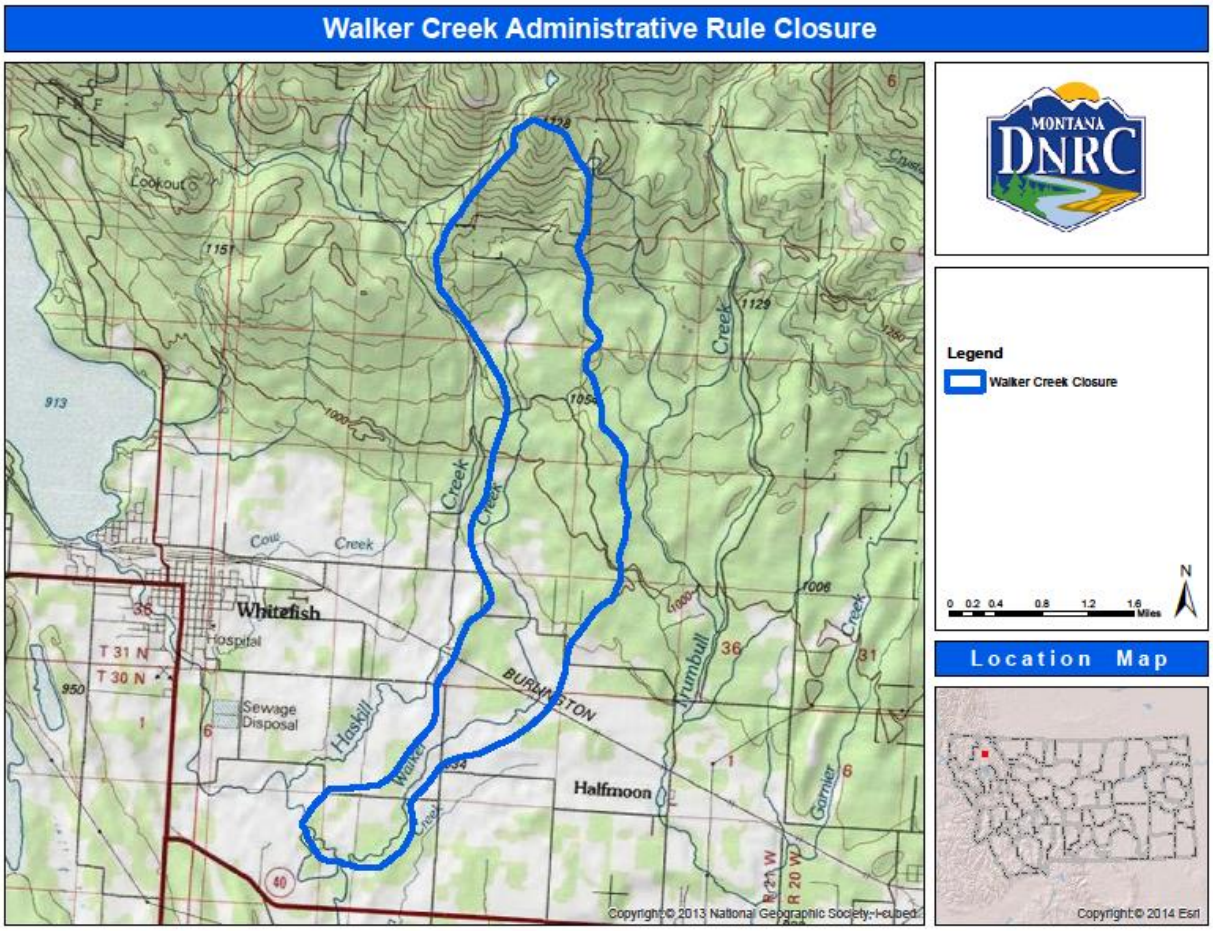
## Walker Creek Basin Administrative Closure

*Location*: Walker Creek is a tributary of the Whitefish River in Flathead County.

*Effective Date*: September 28, 1990

*Information*:

- The entire Walker Creek drainage, from its headwaters to its confluence with the Whitefish River, is contained in the closure area.
- No new appropriations of surface water for consumptive use can be made from July 1 - March 31 of each year.
- Permits for nonconsumptive use during the closure period will be conditioned to provide that they will not decrease the source of supply, disrupt stream conditions below the point of return, or adversely affect prior appropriators between the point of diversion and point of return. Permits for nonconsumptive use are also subject to special conditions involving the measuring of inflow and outflow, construction of ponds and conveyance facilities to reduce loss by seepage, and filling of ponds during spring runoff or by June 1 (whichever comes first).
- See Map Next Page




## Truman Creek Basin Administrative Closure

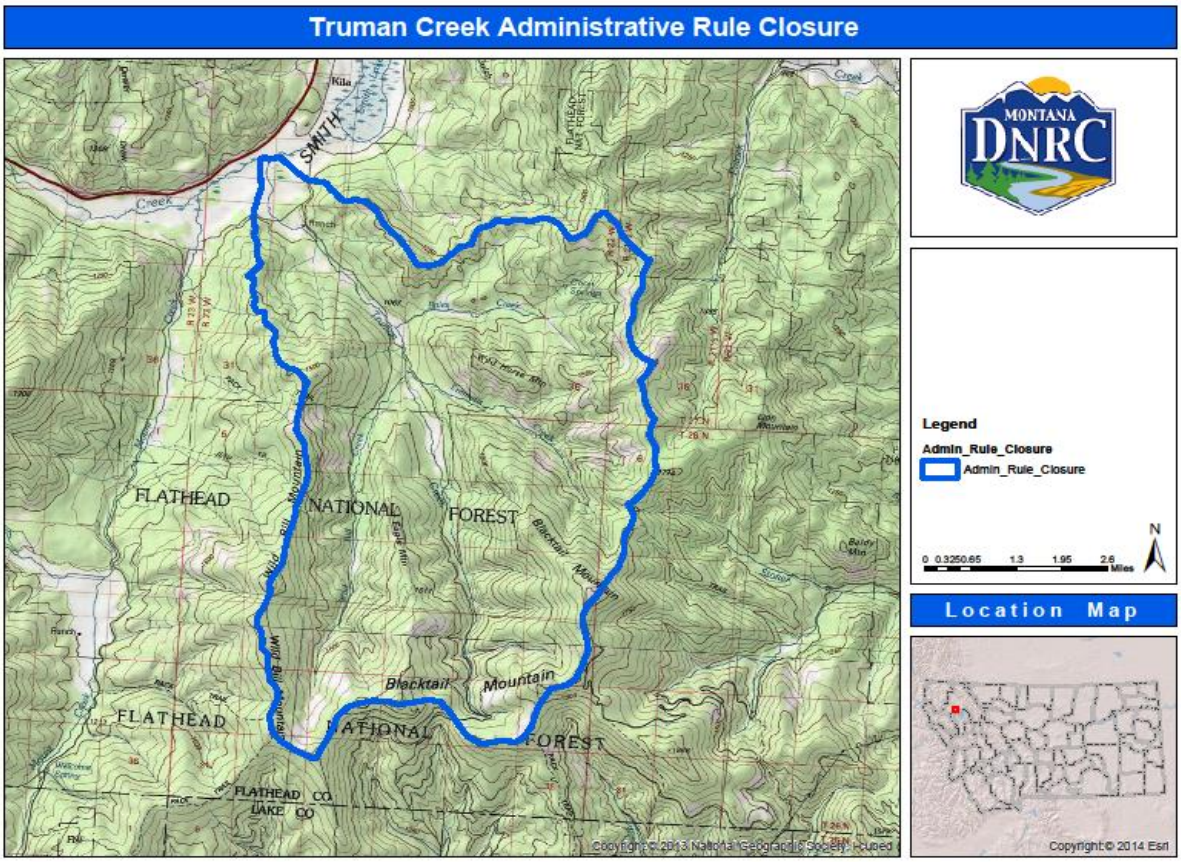
*Location*: Truman Creek is a tributary of Ashley Creek in Flathead County.

*Effective Date*: February 10, 1995

*Information*:

- The entire Truman Creek drainage from its headwaters to its confluence with Ashley Creek, including Bales Creek, Emmons Creek, Wild Bill Creek, and all unnamed tributaries, is contained in the closure area.
- No new appropriations of surface water for consumptive use can be made from July 15 - August 31 of each year.
- Permits for nonconsumptive use will be conditioned to provide that they will not decrease the source of supply, disrupt stream conditions below the point of return, or adversely affect prior appropriators between the point of diversion and the point of return.
- Applicants for groundwater appropriations within the closure area must prove the

groundwater is not substantially or directly connected to surface water. Applications for groundwater that would cause a calculable reduction in surface water flow during the closure period will be rejected.




## Sixmile Creek Basin Administrative Closure

*Location*: Sixmile Creek is a tributary of the Clark Fork River in Missoula County.

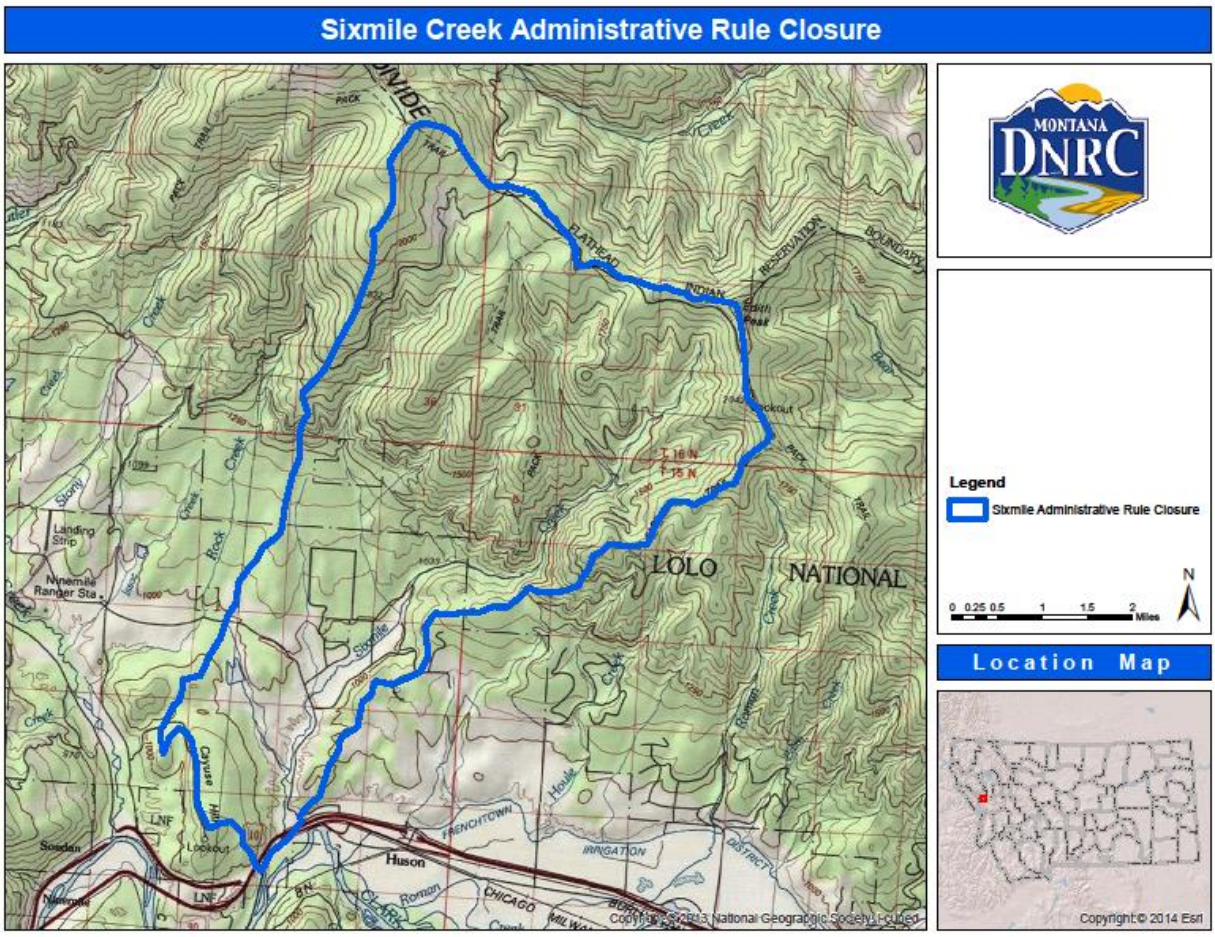
*Effective Date*: December 8, 1995

*Information*:

- The entire Sixmile Creek Drainage, including the West Fork of Sixmile Creek and all unnamed tributaries, is contained in the closure area.
- No new appropriations of surface water for consumptive use can be made from June 1 - September 15 of each year.
- Permits for nonconsumptive use will be conditioned to provide that they will not decrease the source of supply, disrupt stream conditions below the point of return, or not adversely affect prior appropriators between the point

of diversion and the point of return.

- Stockwater pits and reservoirs will not be permitted, (DNRC form 605).




## Grant Creek Basin Administrative Closure

*Location*: Grant Creek is a tributary of the Clark Fork River inMissoula County.

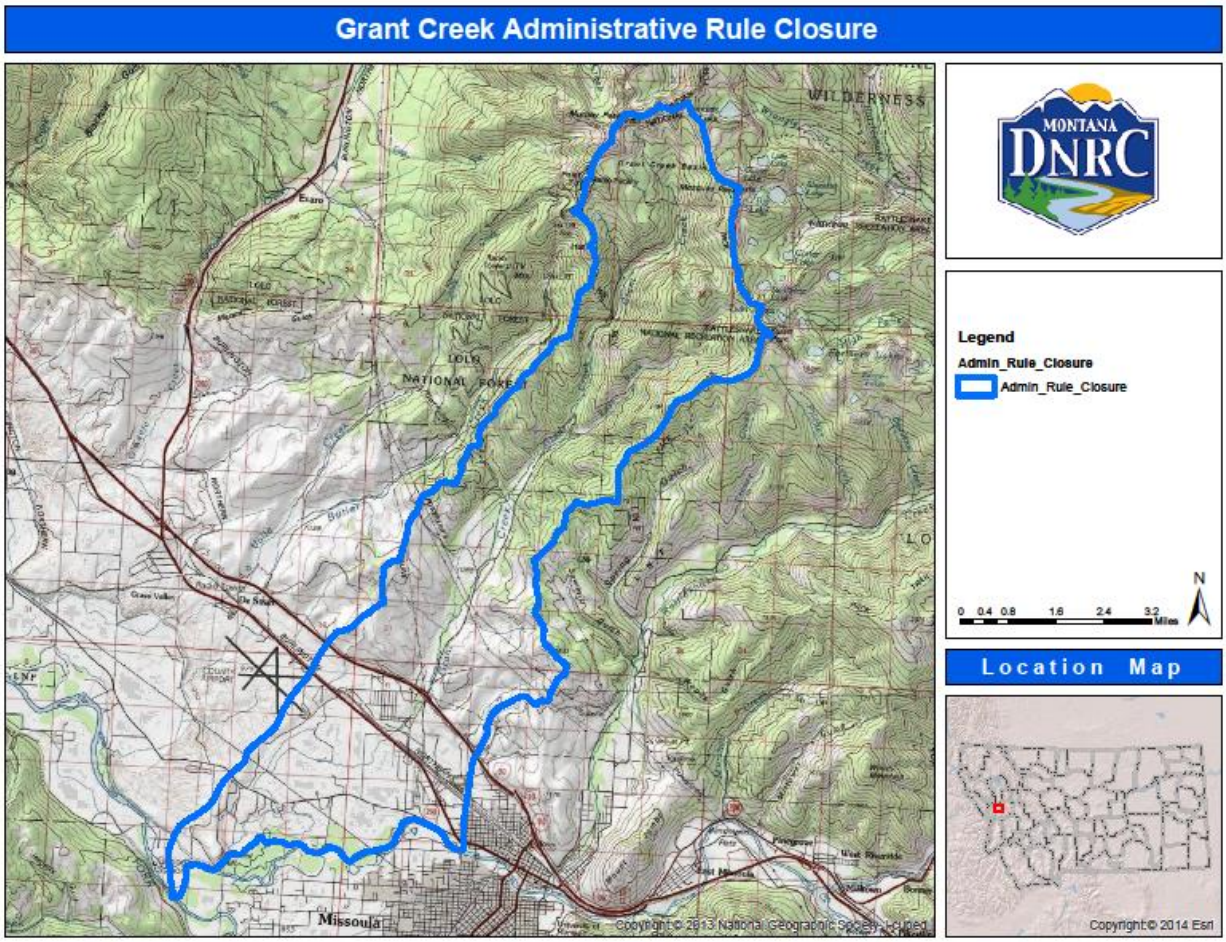
*Effective Date*: January 26, 1990

*Information*:

- The entire Grant Creek drainage, from its headwaters to its confluence with the Clark Fork River, including all named and unnamed tributaries, is contained in the closure area.
- No new appropriations of surface water for consumptive use can be made from July 1 - September 30 of each year.
- Permits for nonconsumptive use during the closure period will be conditioned to provide that they will not decrease the source of supply, disrupt stream conditions

below the point of return, or adversely affect prior appropriators between the point of diversion and the point of return.

- Stockwater pits and reservoirs will not be permitted, (DNRC form 605).




## Sharrott Creek Basin Administrative Closure

*Location*: Sharrott Creek is a tributary of McCalla Creek and is located in the Bitterroot River hydrologic basin in Ravalli County.

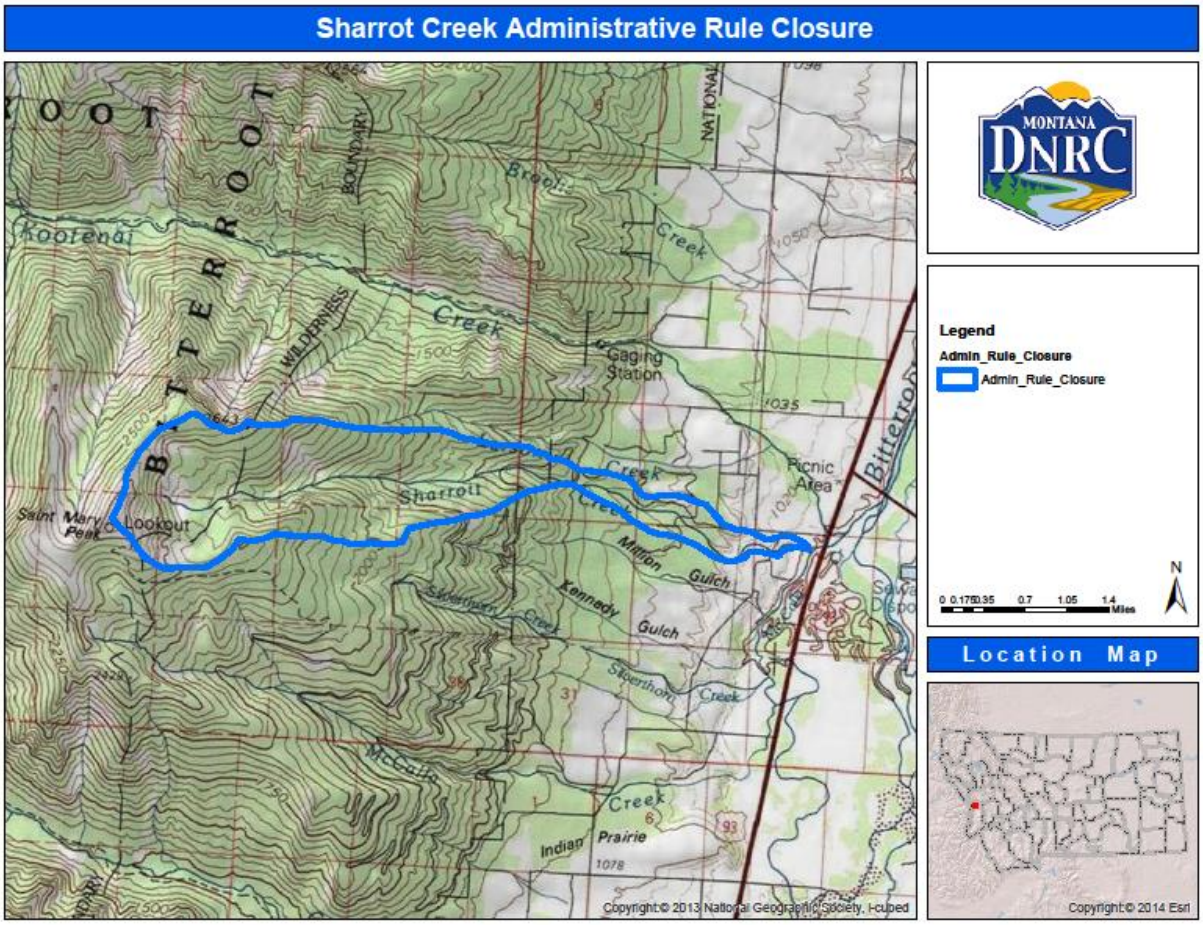
*Effective Date*: July 16, 1993

*Information*:

- The closure area is the entire Sharrott Creek drainage from its headwaters to its confluence with McCalla Creek, including all tributaries.
- No new appropriations of surface water for consumptive use can be made at any time of the year.
- Permits for nonconsumptive use will be conditioned to provide that they will not

decrease the source of supply, disrupt stream conditions below the point of return, or adversely affect prior appropriators between the point of diversion and the point of return.

- Applicants for groundwater appropriations within the closure area must prove the groundwater is not substantially or directly connected to surface water. Applications for groundwater that would cause a calculable reduction insurface water flow will be rejected.




## Willow Creek Basin Administrative Closure

*Location*: Willow Creek is a tributary of the Bitterroot River in Ravalli County.

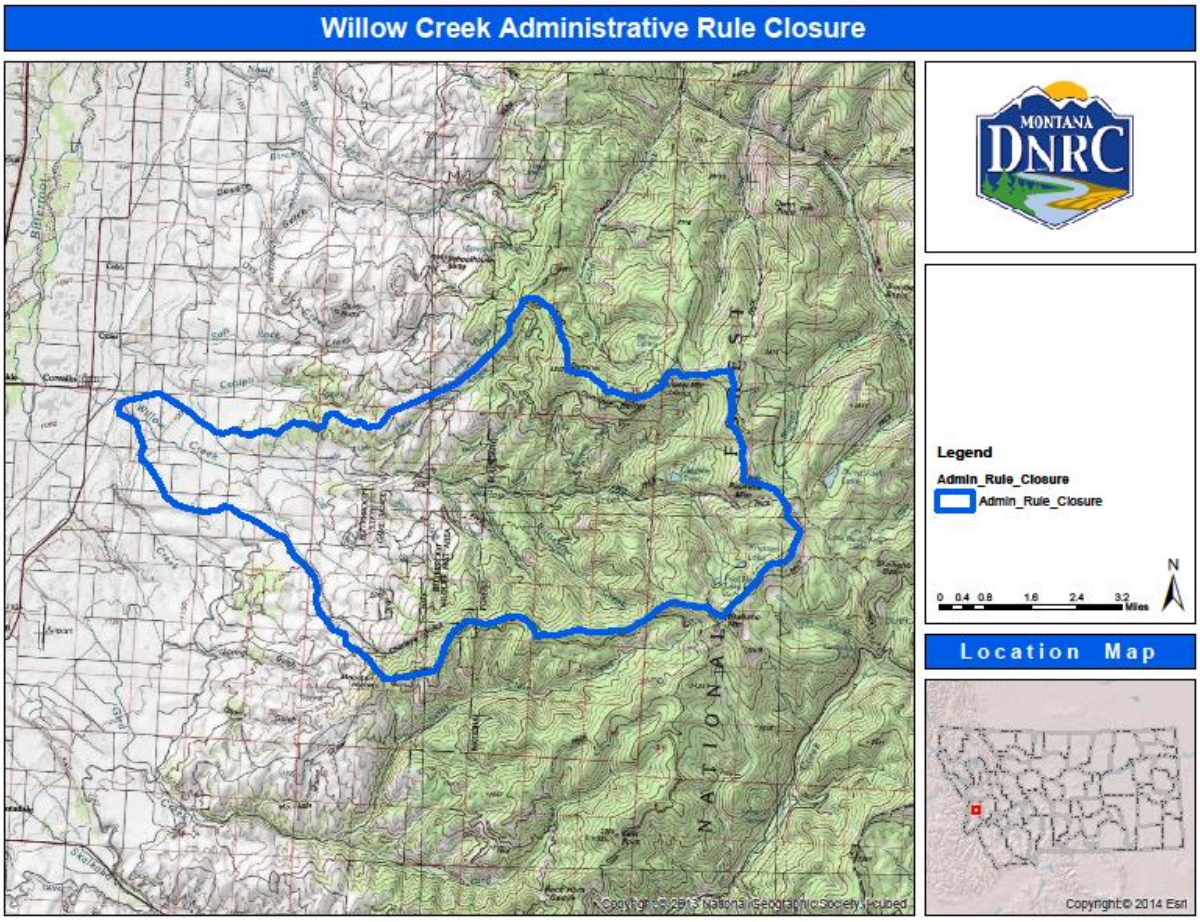
*Effective Date*: September 23, 1994

*Information*:

- The entire Willow Creek drainage from it headwaters to its confluence with the Republican Ditch, including all tributaries, is contained in the closure area.
- No new appropriations of surface water for consumptive use can be made from May 1 -

September 30 of each year.

- Permits for nonconsumptive use will be conditioned toprovide that they will not decrease the source of supply, disrupt stream conditions below the point of return, or adversely affect prior appropriators between the point of diversion and the point of return.
- Applicants for groundwater appropriations within the closure area must prove that groundwater is not substantially or directly connected to surface water. Applications for groundwater that would cause a calculable reduction in surface water during the closure period will be rejected.



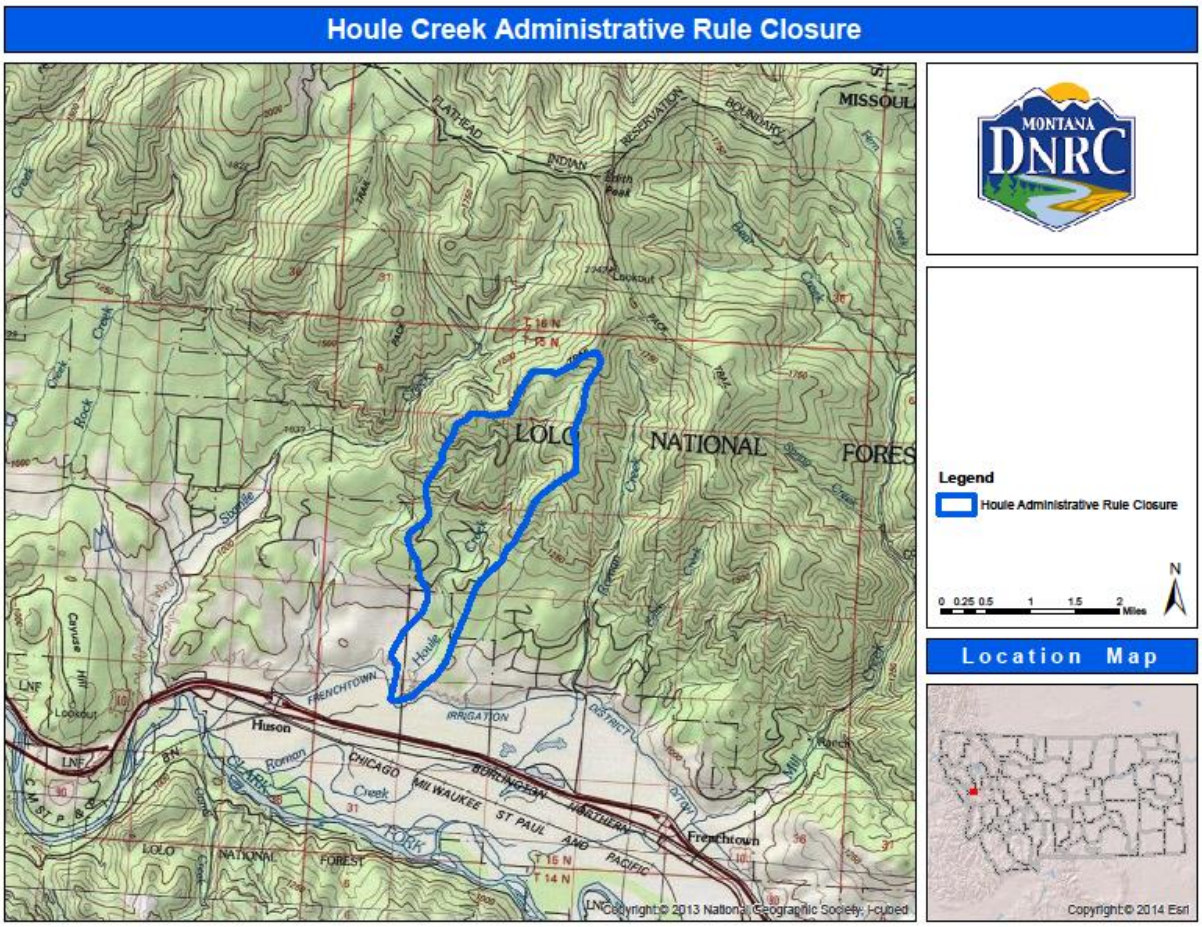

## Houle Creek Basin Administrative Closure

*Location*: The Houle Creek basin is located in Missoula County.

*Effective Date*: September 20, 1996

*Information*:

- The entire Houle Creek drainage, from its headwaters to its confluence with the Frenchtown Irrigation District ditch, including all unnamed tributaries, is included in the closure area.
- No new appropriations of surface water for consumptive use can be made during any time of the year.
- Permits for nonconsumptive use will be conditioned to provide that they will not decrease the source of supply, disrupt stream conditions below the point of return, or adversely affect prior appropriators between the point of diversion and the point of return.
- Applicants for groundwater in excess of 35 GPM or 10 acre- feet within the closure area must prove the groundwater is not part of, or substantially or directly connected to surface water. Applications for groundwater that would cause a calculable reduction in surface water flow at any time during the year will be rejected.



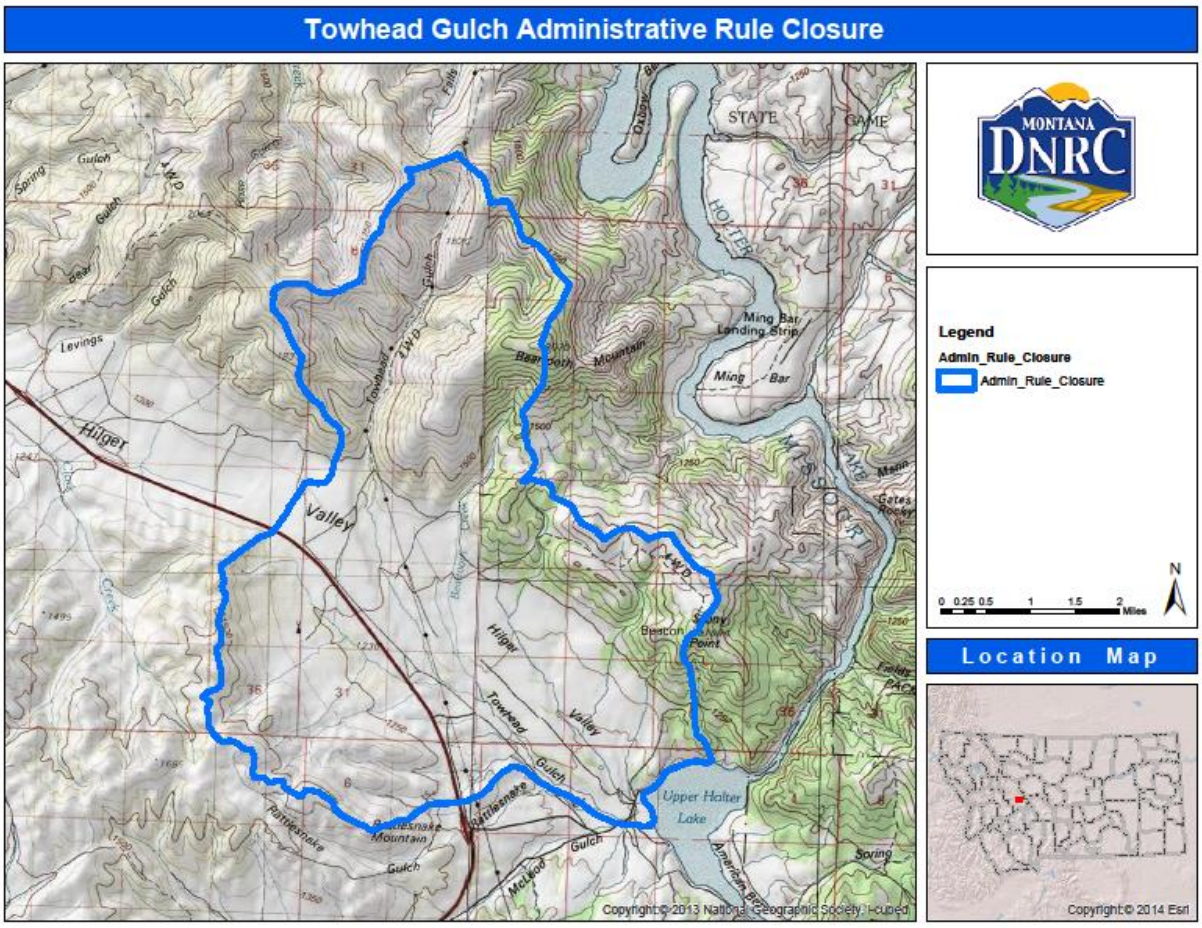
## Towhead Gulch Administrative Closure

*Location*: The Towhead Gulch drainage area is a tributary of the Missouri River at Upper Holter Lake in Lewis and Clark County.

*Effective Date*: January 17, 1992

*Information*:

- The entire Towhead Gulch drainage, from its headwaters to its confluence with the Missouri River, including Beartooth Creek and all unnamed tributaries, is contained in the closure area.
- Rattlesnake Gulch, McLeod Gulch, and their tributaries are not included in the basin closure.
- No new appropriations of surface water for consumptive use can be made during any time of the year.
- Permits for nonconsumptive use will be conditioned to provide that they will not decrease the source of supply, disrupt stream conditions below the point of return, or adversely affect prior appropriators between the point of diversion and the point of return.



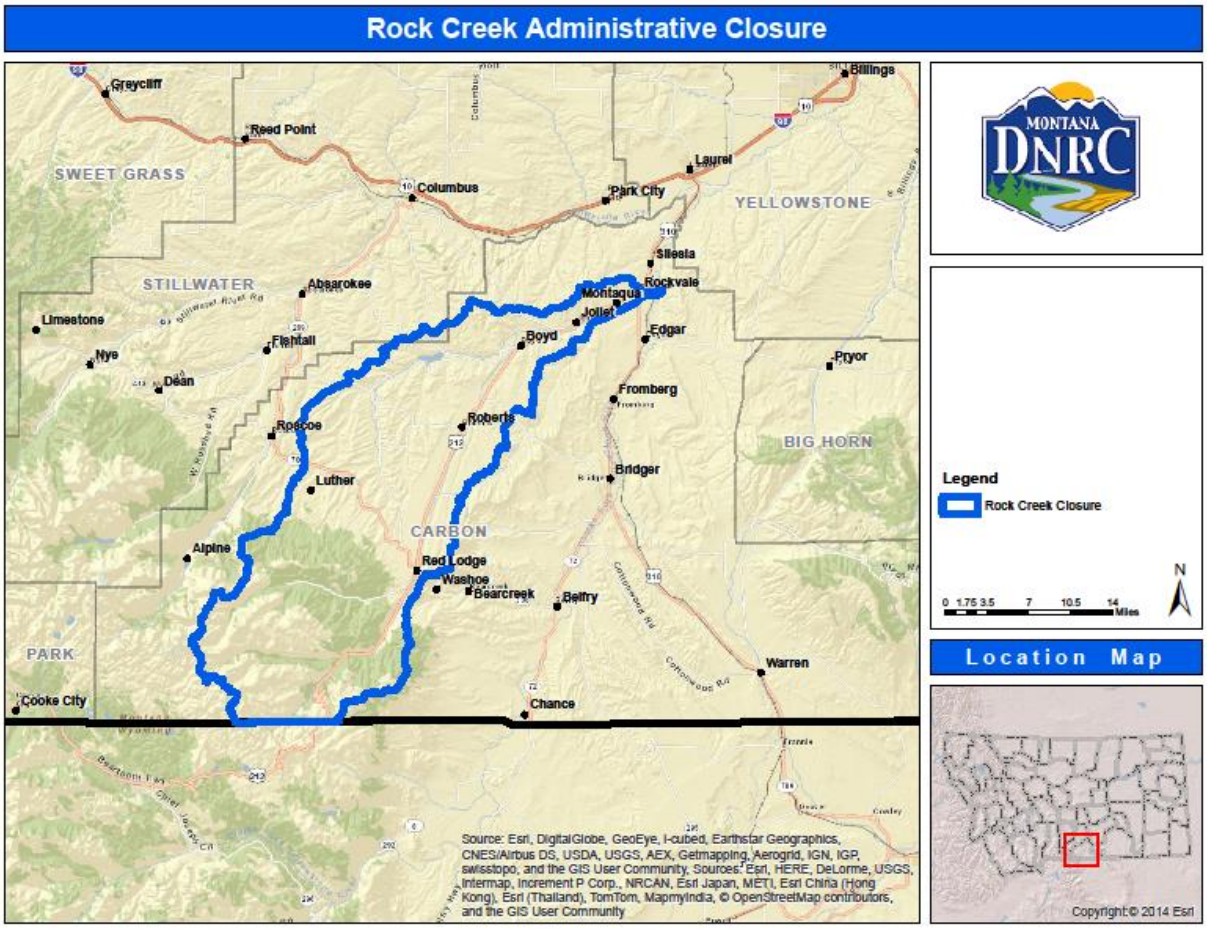
## Rock Creek Basin Administrative Closure

*Location*: Rock Creek is a tributary of the Clarks Fork of the Yellowstone River in Carbon County.

*Effective Date*: February 9, 1990

*Information*:

- The entire Rock Creek drainage, from its headwaters to its confluence with the Clarks Fork of the Yellowstone River, including Red Lodge, Spring, Dry, Willow, and Clear Creeks, the West Fork of Rock Creek, and all unnamed tributaries, are included in the closure area.
- No new appropriations of surface water for consumptive use can be made from June 1 - September 30 of each year.
- Permits for nonconsumptive uses during the closure period will be conditioned to provide that they will not decrease the source of supply, disrupt stream conditions below the point of return, or adversely affect prior appropriators between the point of diversion and the point of return.



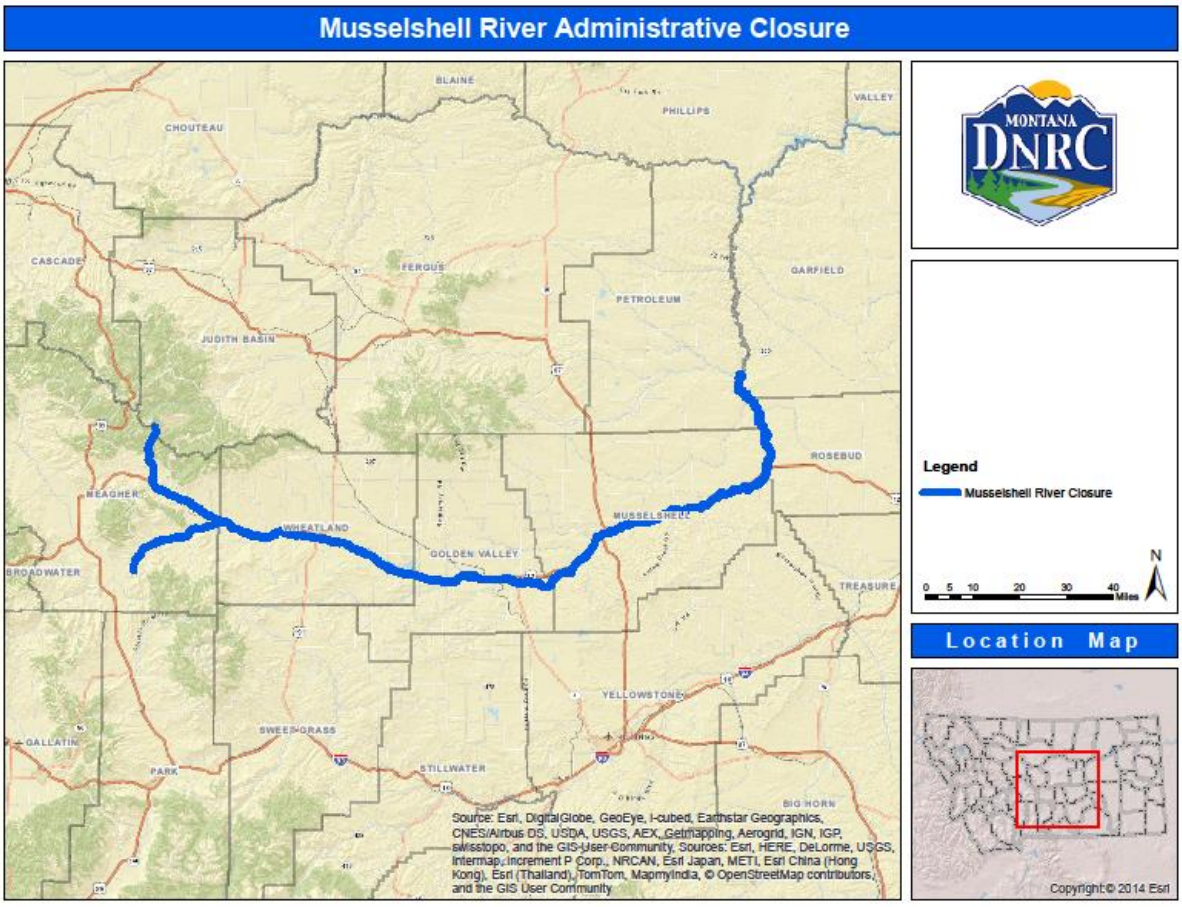
## Musselshell River Administrative Closure

*Location*: The Musselshell River, from the headwaters of the North and South Forks (Meagher County), flows through Wheatland, Golden Valley, and Musselshell Counties, and forms an east-west boundary for Petroleum, Garfield, and Rosebud Counties.

*Effective Date*: June 26, 1992

*Information*:

- The closure area contains the mainstems of the North and South Forks of the Musselshell River, and the Musselshell River downstream to the mouth of Flatwillow Creek.
- No new appropriations of surface water for consumptive use can be made during the period of July 1 - August 31 of each year.
- During the period of September 1 - September 30, the only applications for consumptive use that will be accepted will be for supplemental irrigation.
- Permits for nonconsumptive use during the closure period will be conditioned to provide that they will not decrease the source of supply, disrupt stream conditions below the point of return, or adversely affect prior appropriators between the point of diversion and the point of return.



# DEPARTMENT ORDERED MILK RIVER CLOSURES

The legislature gave authority to DNRC to order closures within the Milk River drainage basin in statute 85-2-321, MCA. The following factors were considered in the DNRC orders: new water use from the source for certain types of applications will adversely affect prior users or developments that are already planned, and significant disputes or enforcement problems regarding the priority of rights or amounts or duration of water in use exist or will arise. An individual or a public agency can request that DNRC modify or revoke an order. The request must show that the criteria in 85-2-311, MCA can be met by an application or type of application. Also, DNRC can hold a hearing and modify or revoke its order.

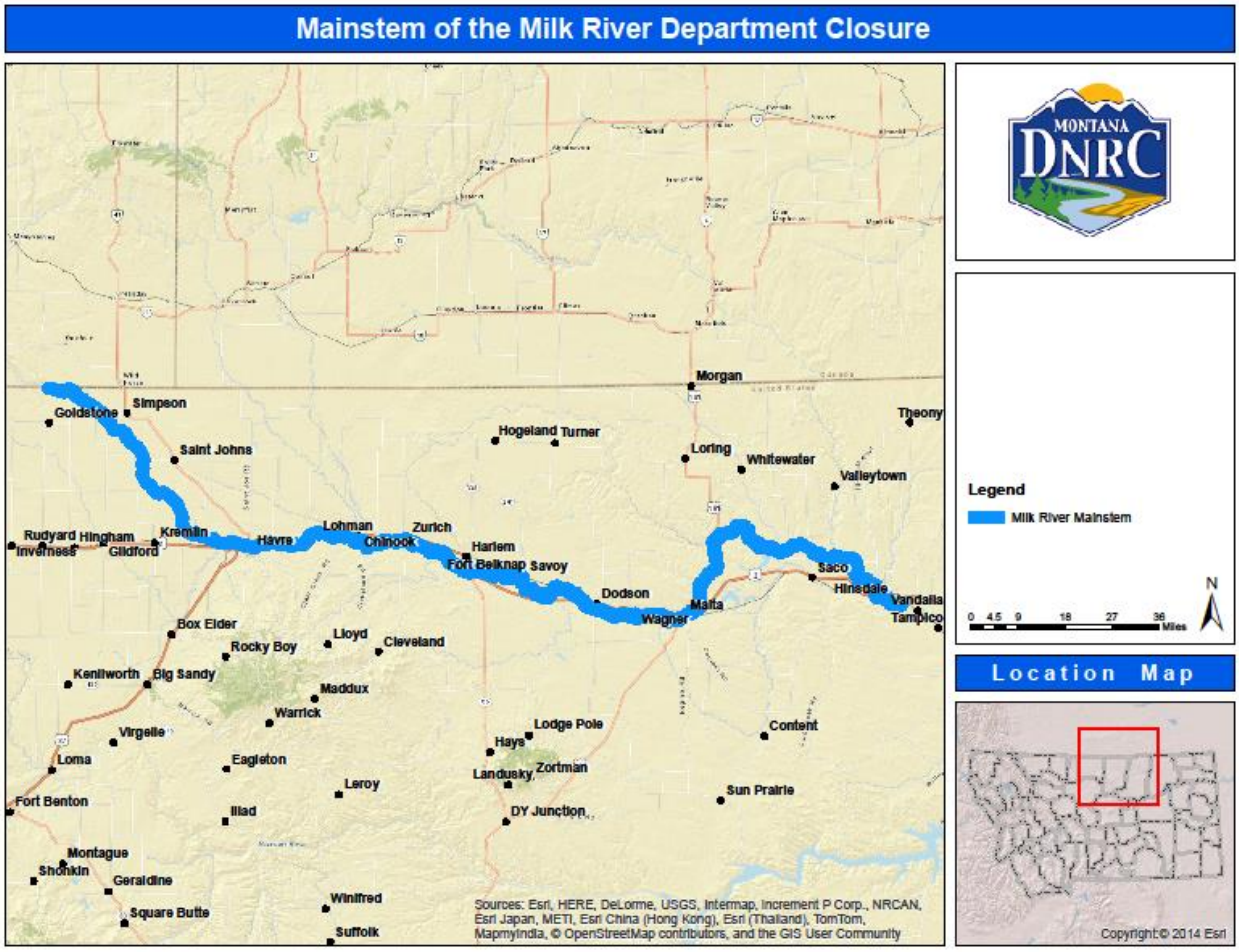
## Mainstem of the Milk River Department Closure

*Location*: The mainstem of the Milk River, from Eastern Crossing (at the Canadian border), through Hill, Blaine, Phillips, and Valley Counties to the Vandalia Diversion Dam.

*Effective Date*: January 1, 1983

*Information*:

- This DNRC order closes the area to new appropriations that are direct diversions without storage for irrigation or any other consumptive use.
- The periods of closure for the above type of appropriations are:
  1. Year-round from Eastern Crossing to Fresno Dam,
  2. June 15 - September 30 from Fresno Dam to Dodson Dam,
  3. June 15 - September 30 from Dodson Dam to Vandalia Dam.
- This area is closed because the occurance of unappropriated water is so infrequent that any new appropriation from the source of the type described above will adversely affect the rights of prior appropriators on the source.
- This closure is for surface water only and not for any groundwater appropriations, whether or not the water is hydrologically related to surface stream flow.
- See map on next page.




## Southern Tributaries of the Milk River Department Closure

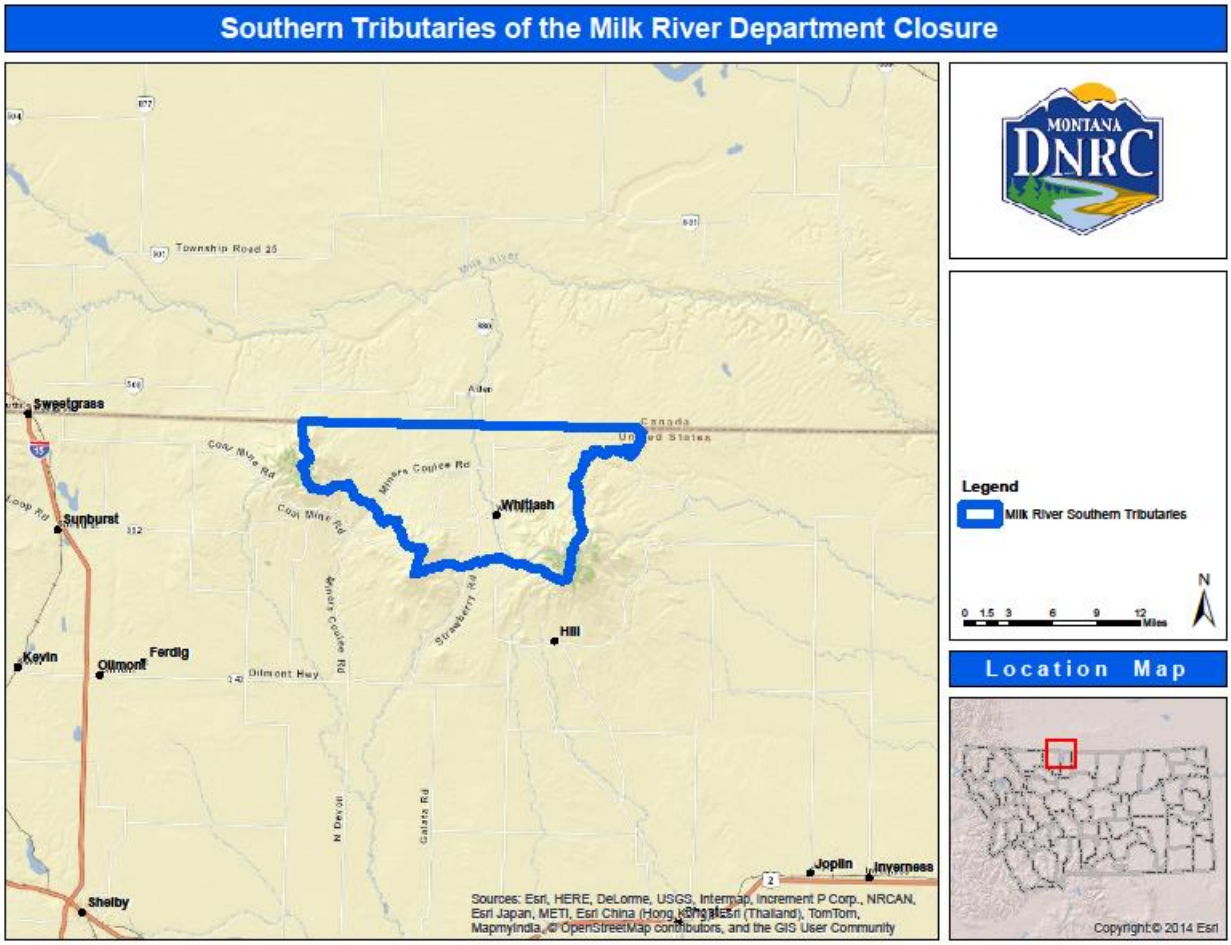
*Location*: Miners Coulee, Halfbreed Coulee, Bear Creek, and all their respective tributaries in Toole and Liberty Counties.

*Effective Date*: September 1, 1991

*Information*:

- This DNRC order closes the area to new appropriations of surface water that are direct diversions without an on-source storage facility for irrigation or any other consumptive use during any time of the year.
- The area is closed because unappropriated water occurs so infrequently that any new appropriation from the source of the type described above will adversely affect the rights of prior appropriators on the source.
- Applications of up to 3 acre-feet per year for new domestic and stock watering purposes

will be accepted.




# LEGISLATIVE CLOSURES

Statute 85-2-319, MCA gives the legislature the authority to stop applications for new appropriations and applications for state water reservations in highly appropriated basins. The following closures were enacted by law.

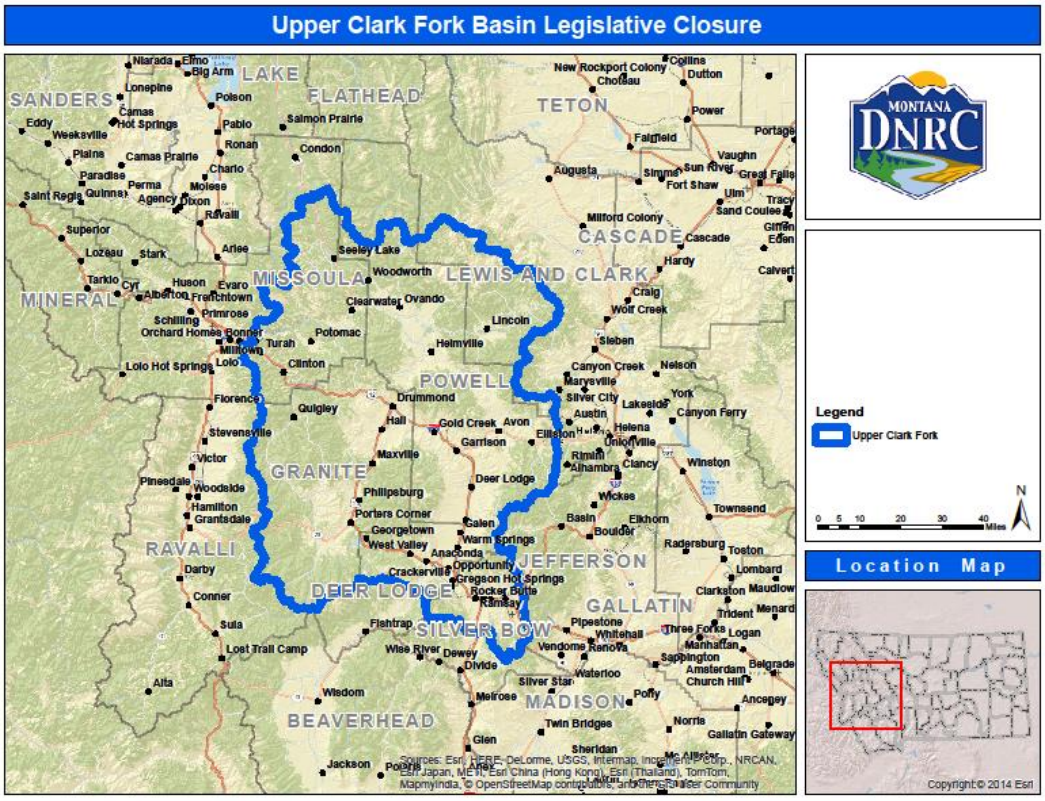
## Upper Clark Fork River Basin Legislative Closure

*Location*: The Upper Clark Fork River basin is the drainage area of the Clark Fork River and its tributaries above Milltown Dam.

*Effective Date*: April 14, 1995

*Information*:

- DNRC may not process or grant an application for a permit to appropriate water within the Upper Clark Fork River basin.
- There are exceptions where DNRC may process or grant permit applications. These are:
  1. Applications filed before January 1, 2000 for permits to conduct environmental response actions or remedial actions at specially designated sites,
  2. Applications for permits for stock use,
  3. Applications for permits to store water,
  4. Applications for power generation at existing hydroelectric dams, and
  5. Applications for groundwater appropriations.
- Permits for remedial action may not be used for dilution and are limited to the time needed to complete the action. The total flow rate for all permits issued for remediation may not exceed 10 cubic feet per second.
- Applications for permits for groundwater appropriation must meet the criteria in 85-2-311, MCA. They must also contain a report prepared by a professional engineer or hydrologist addressing the hydrologic connection between the groundwater and surface water. The source of groundwater cannot be part of or connected to surface water. The applicant must also provide an augmentation plan for replacing depletions to senior water rights.
- The legislature also created the Upper Clark Fork River Basin Steering Committee to review the closure every 5 years, and prepare reports on the instream flow pilot program and the relationship between the surface water and groundwater. The steering committee is also involved in water management and planning efforts, dispute resolution, and finding funding for new and expanded water storage sites.



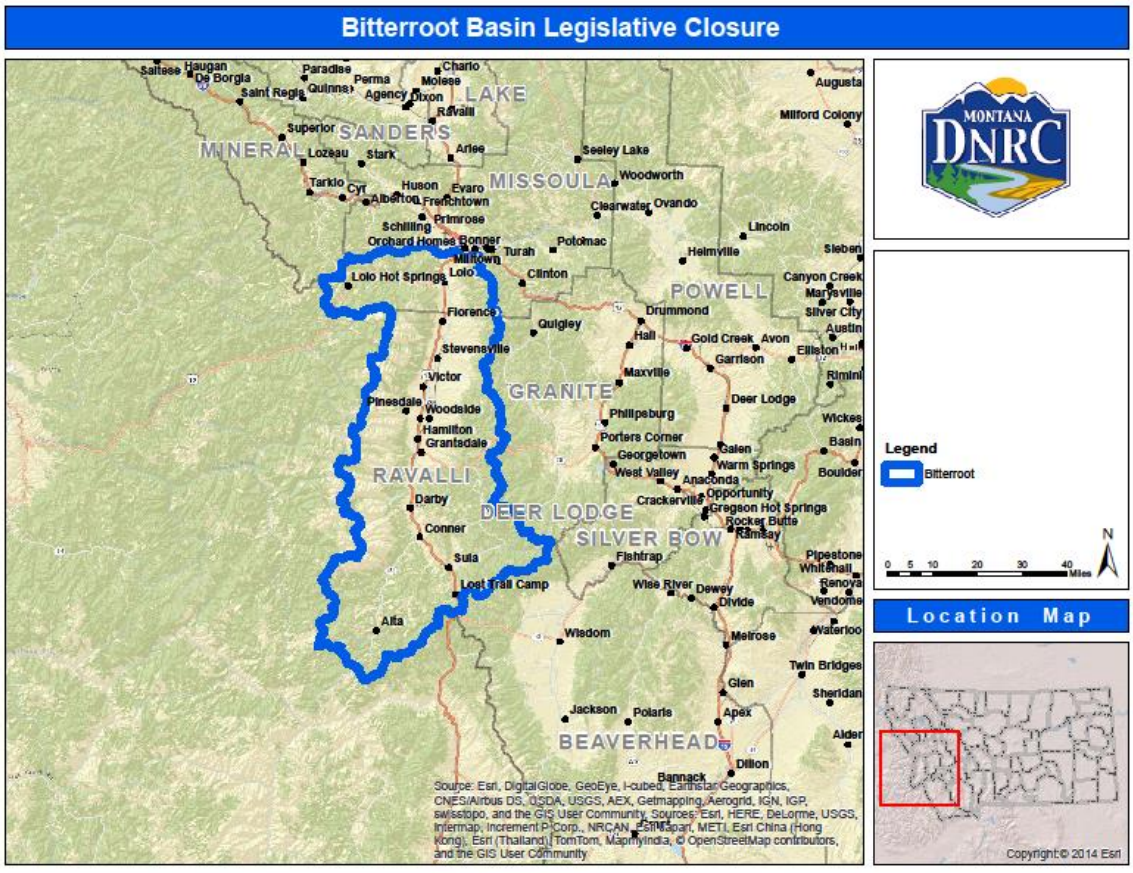
## Bitterroot River Basin Legislative Closure

*Location*: The drainage area of the Bitterroot River and its tributaries above the confluence of the Bitterroot River and Clark Fork of the Columbia River and designed as "Basin 76H". The subbasins include the following hydrologically related portions of the Bitterroot River basin: mainstem subbasin 76HA; north end subbasin 76HB; east side subbasin 76HC; southeast subbasin 76HD; south end 76HE; southwest subbasin 76HF; west central subbasin 76HG; and northwest subbasin 76HH.

*Effective Date*: March 29, 1999 Terminates – 2 years after all water rights in the subbasin arising under the laws of the state are subject to an enforceable sand administrable decree as provided in 85-2-406(4).

*Information*:

- DNRC may not process or grant an application for a permit to appropriate water or for a state water reservation. The exceptions include:
  1. An application for a permit to appropriate groundwater.
  2. An application for a permit to appropriate water for a municipal water supply.
  3. Temporary emergency appropriations as provided in 85-2-113(3).
  4. An application to store water during high spring flow in an impoundment with a capacity of 50 acre feet or more.



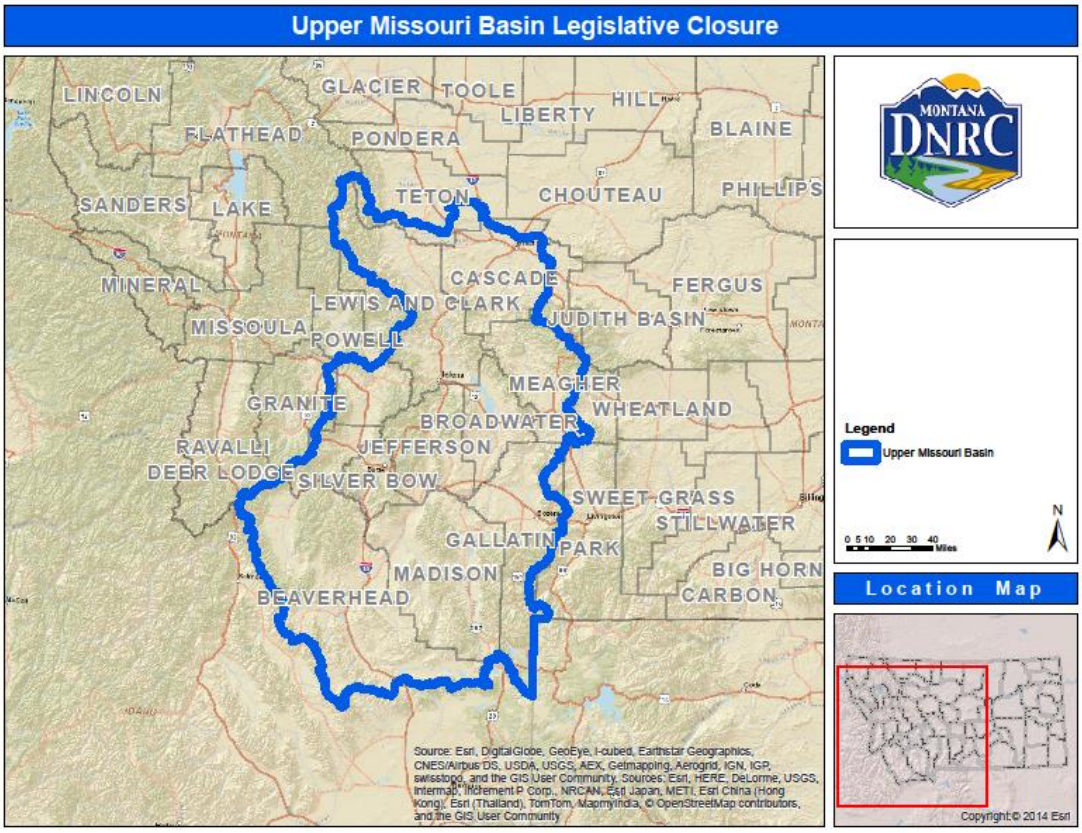
## Upper Missouri River Basin Legislative Closure

*Location*: The Upper Missouri River basin is the drainage area of the Missouri River and its tributaries above Morony Dam.

*Effective Date*: April 16, 1993

*Information*:

- DNRC may not process or grant applications for permits to appropriate water or applications for state water reservations within the Upper Missouri River basin.
- This closure is temporary until final decrees have been issued for all of the subbasins of the Upper Missouri River basin.
- There are exceptions where DNRC may process or grant permit applications. They are:
  1. Applications to appropriate groundwater,
  2. Applications for nonconsumptive uses,
  3. Applications for domestic, municipal, or stock use,
  4. Applications to store water during high spring flows,
  5. Applications to use water from the Muddy Creek drainage in certain situations, and
  6. Temporary emergency appropriations.
- Applications to appropriate water from the Muddy Creek drainage (Muddy Creek drains into the Sun River) will only be approved if the use will help control erosion in the Muddy Creek drainage.



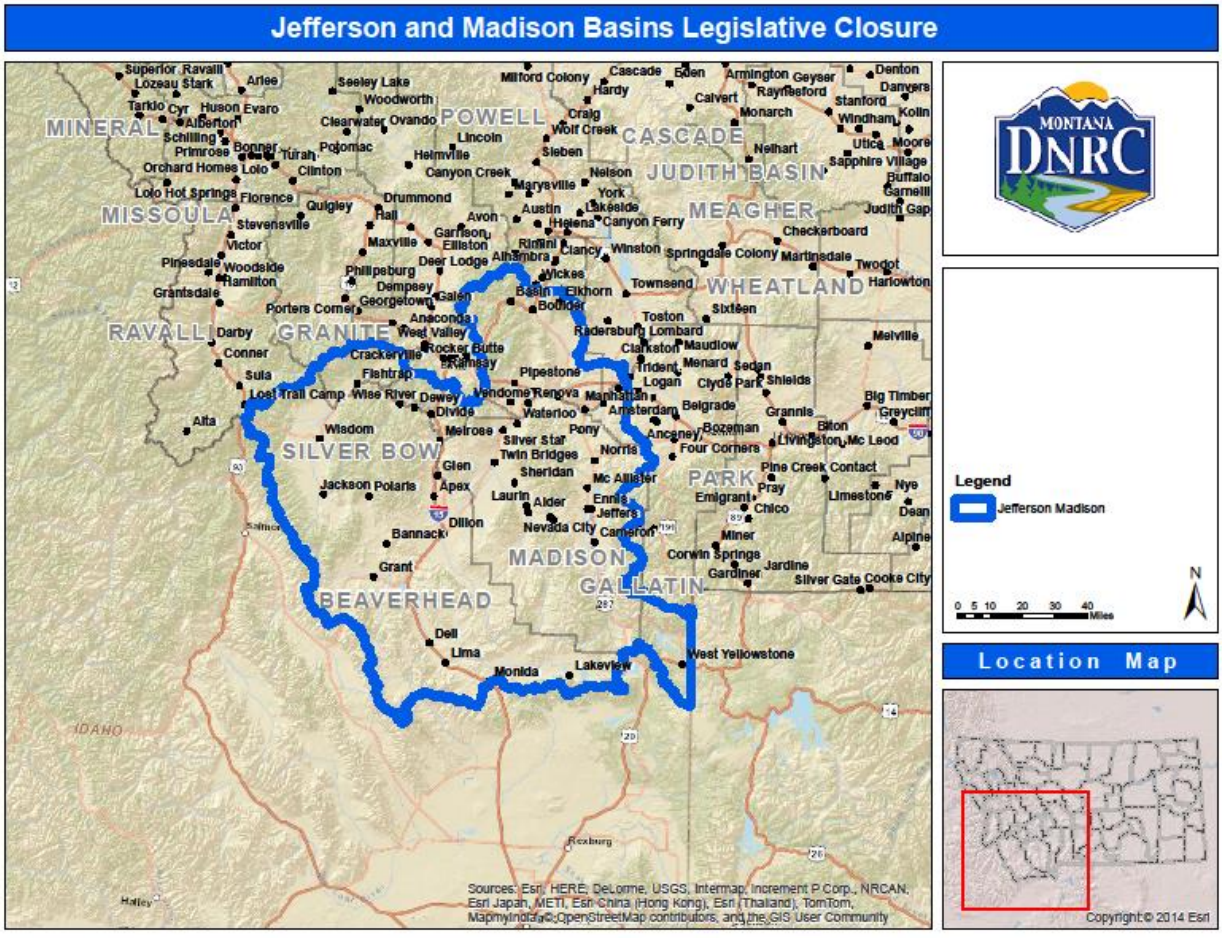
## Jefferson-Madison River Basin Legislative Closure

*Location*: The Jefferson River basin is the drainage area of the Jefferson River and its tributaries above the confluence of the Jefferson and Madison Rivers.
The Madison River basin is the drainage area of the Madison River and its tributaries above the confluence of the Madison and Jefferson Rivers.

*Effective Date*: April 1, 1993

*Information*:

- DNRC may not process or grant applications for permits to appropriate water or applications for state water reservations within the Jefferson River basin or the Madison River basin.
- There are exceptions where DNRC may process or grant permit applications. These are:
  1. Applications for permits for groundwater,
  2. Applications for permits for nonconsumptive use,
  3. Applications for permits for domestic, municipal, or stock use,
  4. Applications to store water during high spring flows, and
  5. Temporary emergency appropriations.



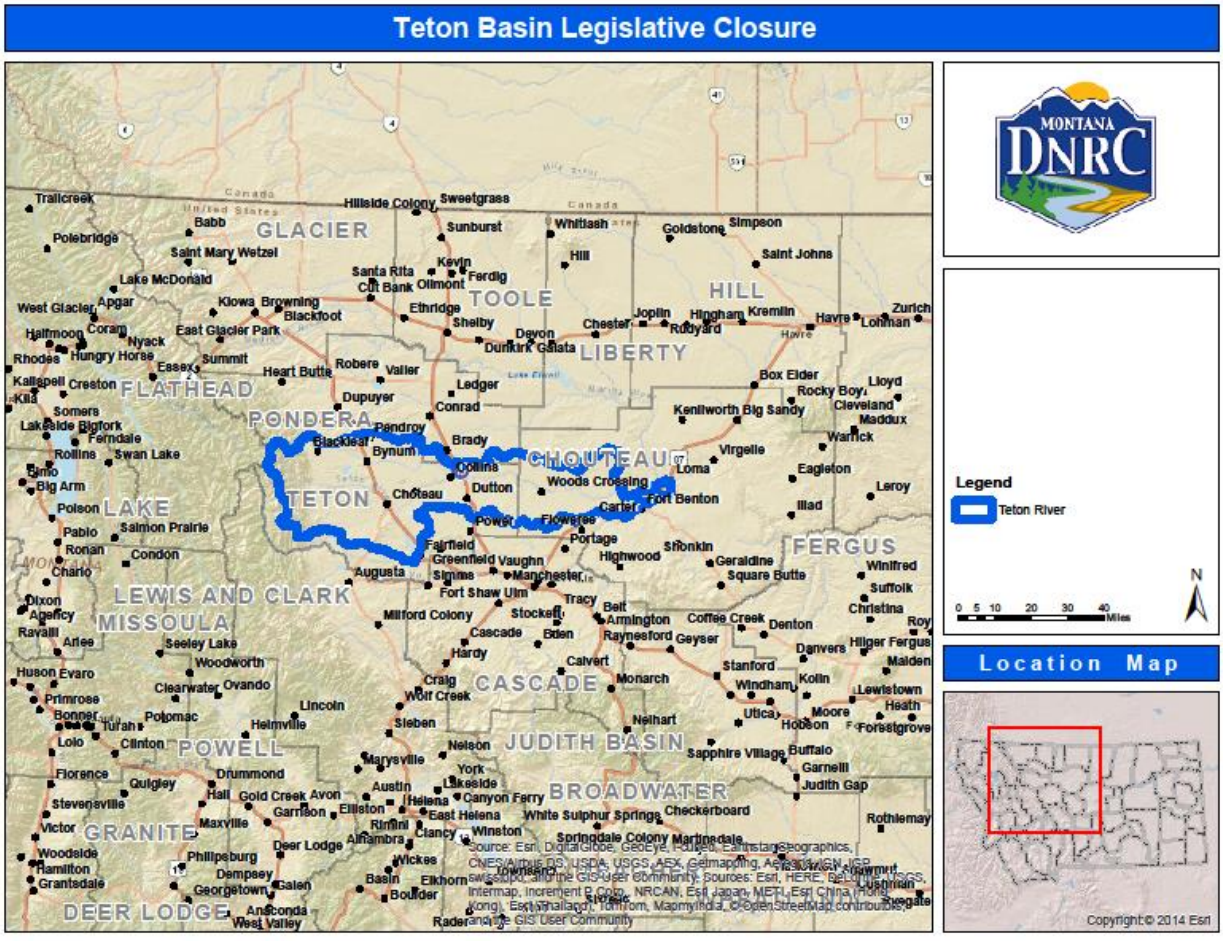
## Teton River Basin Legislative Closure

*Location*: The Teton River basin is the drainage area of the Teton River and its tributaries above the confluence of the Teton and Marias Rivers.

*Effective Date*: April 21, 1993

*Information*:

- DNRC may not process or grant applications for permits to appropriate water or applications for state water reservations within the Teton River basin.
- There are exceptions where DNRC may process or grant permit applications. These are:
    1. Applications for groundwater appropriations,
    2. Applications for nonconsumptive uses,
    3. Applications for domestic, municipal, or stock use,
    4. Applications to store water during high spring flows, and
    5. Temporary emergency appropriations.



# COMPACT CLOSURES

The State of Montana is negotiating with federal agencies and Indian tribes to determine the extent of the water rights claimed by the federal government and the tribes. The Reserved Water Rights Compact Commission (RWRCC) acts on behalf of the governor of Montana, facilitating the proceedings and participating in the negotiations.
When a compact is reached by RWRCC and the tribe or federal agency involved in negotiations, it must be ratified by the legislature of Montana, the tribal governing body, and the appropriate federal authority. When the compact becomes effective it is binding on all parties. Compacts are included in Montana's adjudication of existing water rights.

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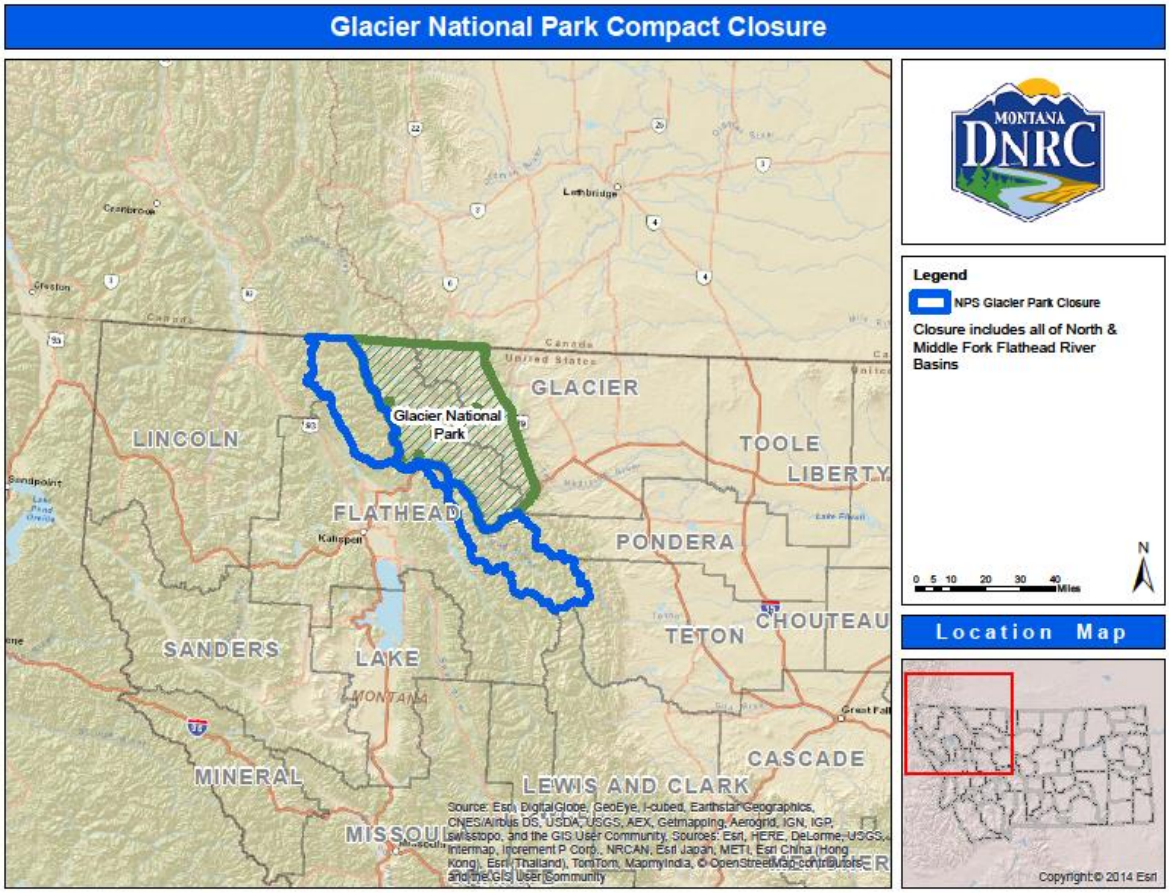
## U.S. Park Service - Montana Compact
## Glacier National Park Compact Closure

*Location:* Middle and North Fork drainages of the Flathead River
*Effective Date*: January 3, 1994
*Information*:

- This compact set future consumptive use limits in certain areas around Glacier National Park. DNRC may issue permits in these areas, subtracting the new appropriation amounts from the future consumptive use limits. No more new permits may be issued once these limits have been met.
- The following drainage basins upstream of the point where the river exits the park boundary will be closed to new appropriations when the future consumptive use limits have been reached: (significant water remains available for new appropriations)
    1. Middle Fork Flathead River basin.
    2. North Fork Flathead River basin.
- Applications for groundwater appropriations of greater than 35 GPM or 10 acre-feet per year must contain a report prepared by a professional qualified in groundwater hydrology verifying the appropriation is not hydrologically connected to surface flow. If the report shows there is a connection and the future consumptive use limit has not been reached, the permit application can be approved but the amount of water will be subtracted from the limit. If the future consumptive use limit has been reached, the permit cannot be issued.
- A groundwater application for 35 GPM or less and 10 acre- feet per year or less shall register for a permit. A hydrologic report addressing connectivity to surface water is not required. The application will be approved unless the United States files a valid objection. The amount of water will not be subtracted from the future consumptive use limits unless a valid objection is received.
- Additional restrictions exist. See your regional DNRC office.
- See Map Next Page



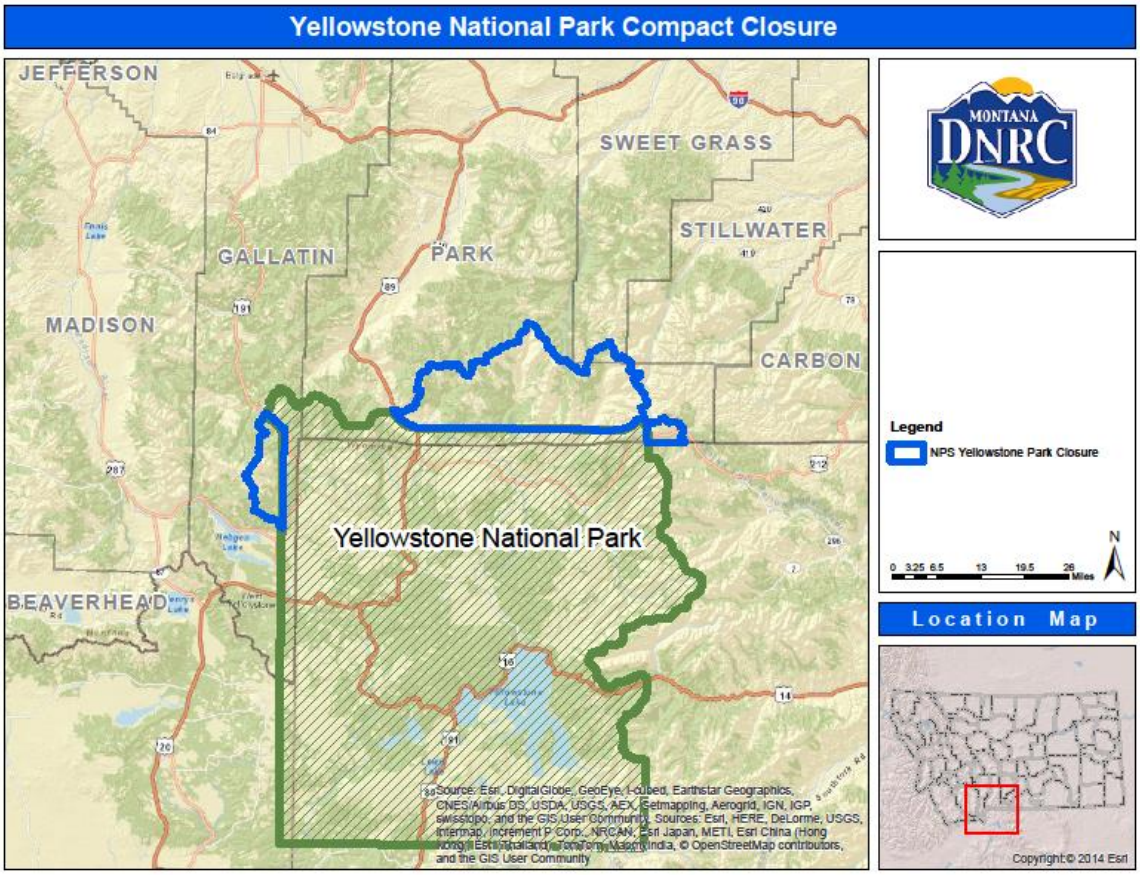

## U.S. Park Service - Montana Compact
## Yellowstone National Park Compact Closure

*Location:* Numerous drainage basins adjoining Yellowstone National Park
*Effective Date*: January 3, 1994
*Information*:

- The following closure is in addition to the "Controlled Ground Water Area" described earlier in this document.
- This compact set future consumptive use limits in certain areas around the part of Yellowstone National Park that is in Montana. DNRC may issue permits in these areas, subtracting the new appropriation amounts from the future consumptive use limits. No more new permits may be issued once these limits have been met.
- The following drainage basins upstream of the point where the water body exits the park boundary will be closed to new appropriations when the future consumptive use limits have been reached: (significant water remains available for new appropriations on all but Soda Butte Creek)
    1. Bacon Rind Creek
    2. Buffalo Creek
    9. Slough Creek
    10. Snowslide Creek

3. Cottonwood Creek
4. Coyote Creek
5. Crevice Creek
6. Dry Canyon Creek
7. Hellroaring Creek
8. Little Cottonwood Creek,
11. Soda Butte Creek
12. Tepee Creek
13. Gallatin River
14. Madison River
15. Yellowstone River

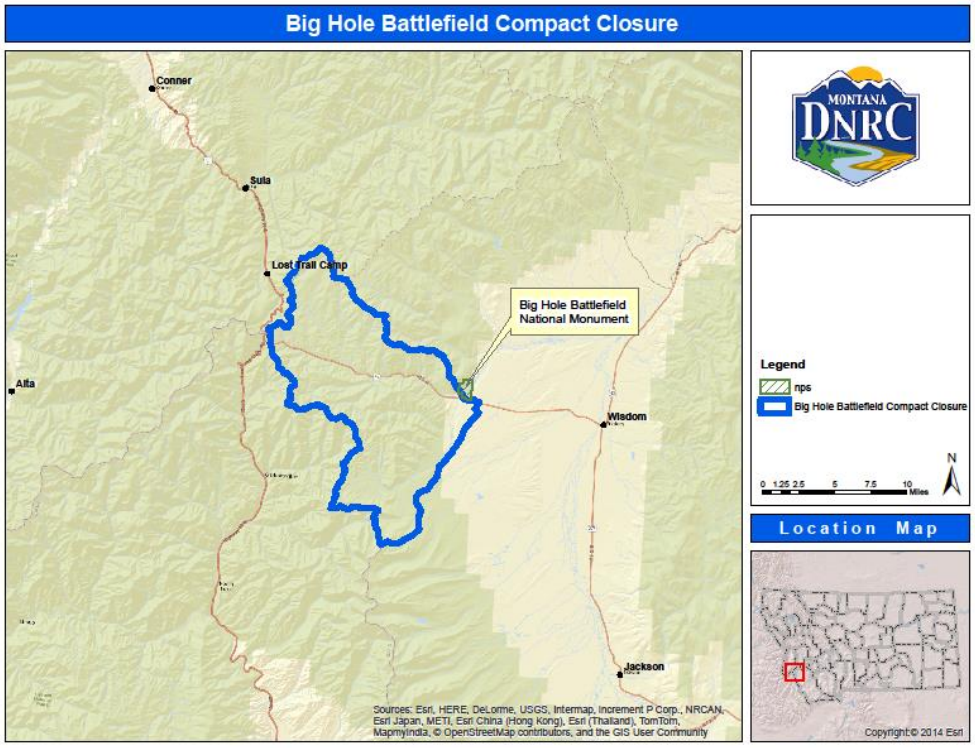
- In addition to restrictions imposed through the groundwater closure described earlier in this document, applications for groundwater appropriations of greater than 35 GPM or 10 acre-feet per year must contain a report prepared by a professional qualified in groundwater hydrology verifying the appropriation is not hydrologically connected to surface flow. If the report shows there is a connection and the future consumptive use limit has not been reached, the permit application can be approved but the amount of water will be subtracted from the limit. If the future consumptive use limit has been reached, the permit cannot be issued.
- In addition to restrictions imposed through the groundwater closure described earlier in this document, a groundwater application for 35 GPM or less and 10 acre- feet per year or less shall register for a permit. A hydrologic report addressing connectivity to surface water is not required. The application will be approved unless the United States files a valid objection. The amount of water will not be subtracted from the future consumptive use limits.
- Additional restrictions exist. See your regional DNRC office.



## U.S. Park Service - Montana Compact
## Big Hole Battlefield National Monument Compact Closure

*Location:* North Fork of the Big Hole River and tributaries upstream from Big Hole Battlefield
*Effective Date*: January 3, 1994
*Information*:

- This compact set future consumptive use limits in certain areas around Bighole National Battlefield. DNRC may issue permits in these areas, subtracting the new appropriation amounts from the future consumptive use limits. No more new permits may be issued once these limits have been met.
- Applications for groundwater appropriations of greater than 35 GPM or 10 acre-feet per year must contain a report prepared by a professional qualified in groundwater hydrology verifying the appropriation is not hydrologically connected to surface flow. If the report shows there is a connection and the future consumptive use limit has not been reached, the permit application can be approved but the amount of water will be subtracted from the limit. If the future consumptive use limit has been reached, the permit cannot be issued.
- A groundwater application for 35 GPM or less and 10 acre- feet per year or less shall register for a permit. A hydrologic report addressing connectivity to surface water is not required. The application will be approved unless the United States files a valid objection. The amount of water will not be subtracted from the future consumptive use limits.
- Additional restrictions exist. See your regional DNRC office.



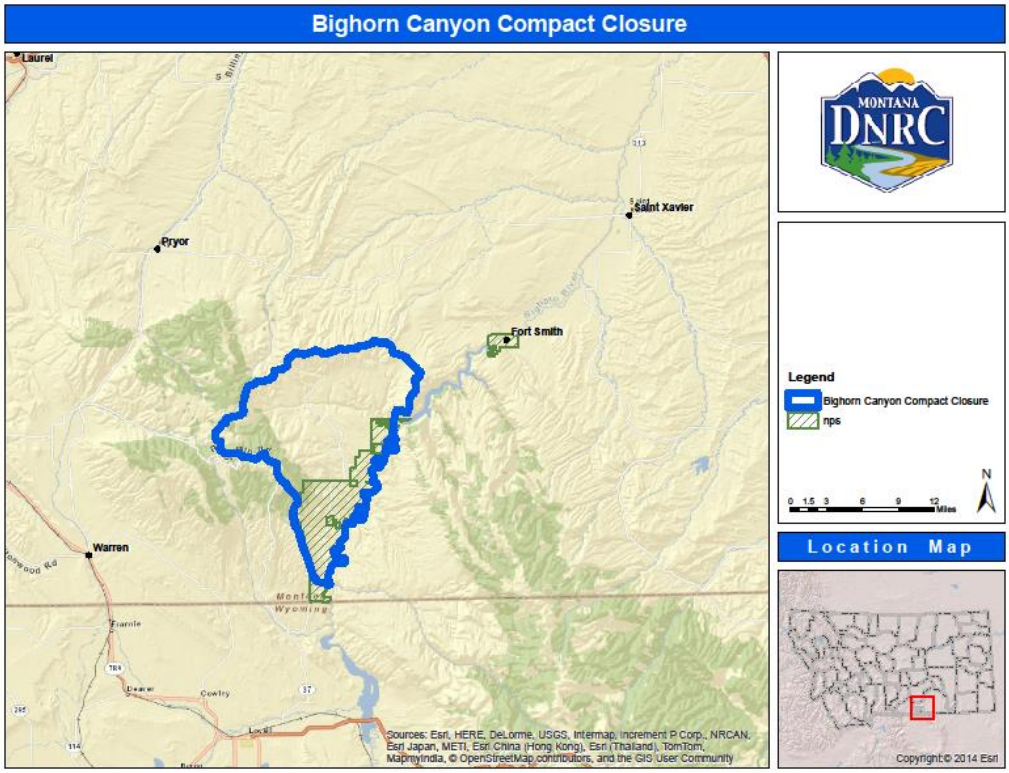
## U.S. Park Service - Montana Compact
## Bighorn Canyon National Recreation Area Compact Closure

*Location:* Tributary basins adjoining the west side of the Bighorn Canyon National Recreation Area.

*Effective Date*: January 3, 1994

*Information*:

- The compact set future consumptive use limits on four (4) streams in this area. They are Dry Head Creek, Deadman Creek, Davis Creek (also known as Medicine Creek), and Layout Creek. DNRC may issue permits on these streams, subtracting the amount of water appropriated from the future consumptive use limits. Once these limits are met, no more permits may be issued on these streams.
- There are exceptions in this area where DNRC may issue new water rights without considering future consumptive use limits. These exceptions are:
  1. Nonconsumptive uses,
  2. Instream stock watering, and
  3. Stockwater and domestic uses from wells or developed springs with an appropriation of 35 GPM or less and 10 acre-feet per year or less.
- For applications for groundwater appropriations of greater than 35 GPM or 10 acre-feet per year, if the United States shows the proposed appropriation is hydrologically connected to surface water and the Future Consumptive Use limits have not been reached, the permit may be issued, but the amount of water will be subtracted from the limits. If the limits have been reached, the permit will not be granted.
- Additional restrictions exist. See your regional DNRC office.

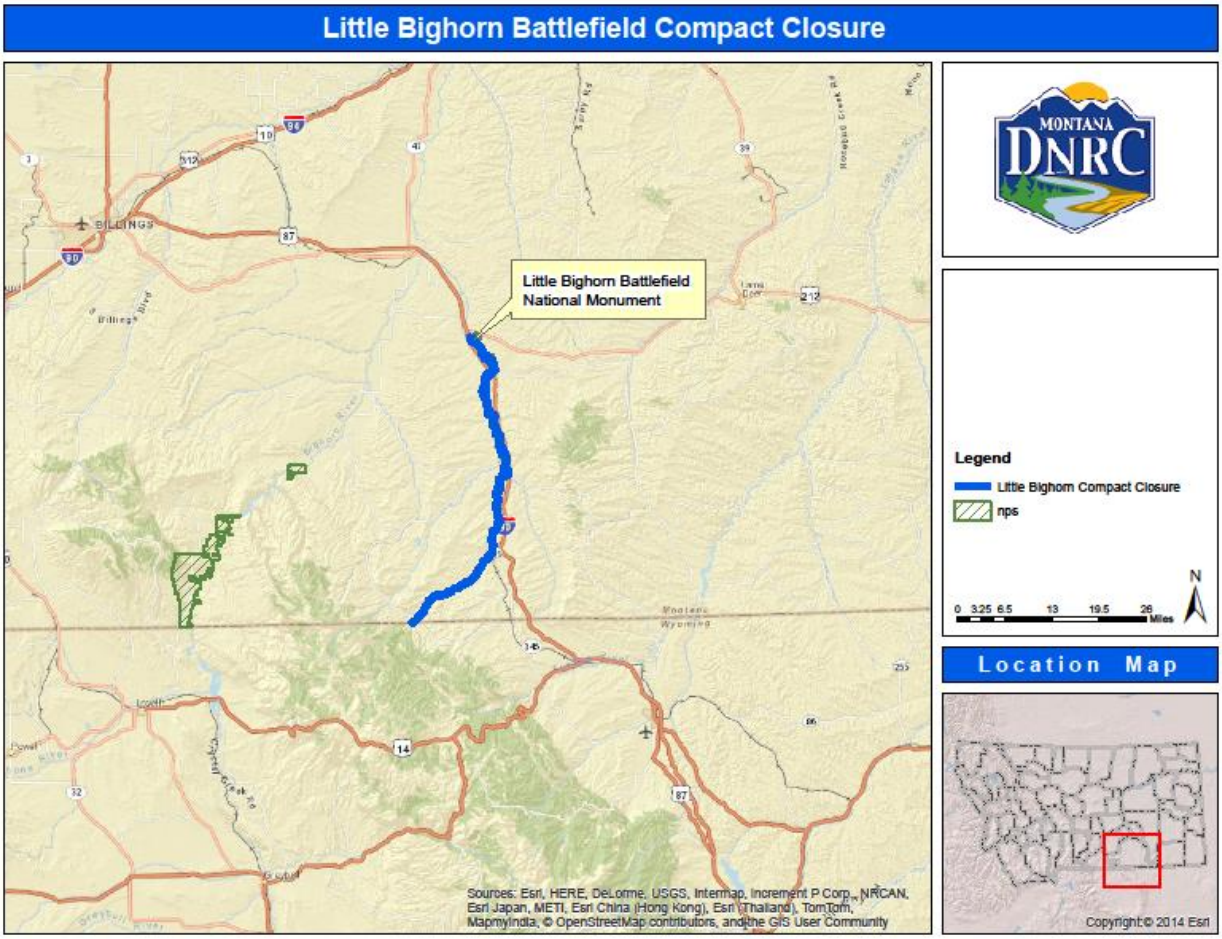


## U.S. Park Service - Montana Compact
## Little Bighorn Battlefield National Monument Compact Closure

*Location:* Little Bighorn River above the Little Bighorn Battlefield
*Effective Date*: January 3, 1994
*Information*:

- This is a Legislative closure within the Compact.
- The United States has a reserved right for instream flow from the Little Bighorn River. The amount is 51 cubic-feet per second from January 1 - December 31, and 950 cubic-feet per second for 15 days during the period of May 1 - June 30.
- When flow in the river drops below these amounts, the diversions of junior appropriators upstream from the Little Bighorn Battlefield and to whom the United States is not subordinate may be curtailed so that the flow rate in the river increases back to the reserved amount.

- Water rights with priority dates junior to the United States reserved right that are not subordinate to the United States and not affected by potential curtailment are:
  1. Instream stock use,
  2. Use of groundwater from wells or developed springs that is 35 GPM or less and 10 acre-feet per year or less,
  3. Nonconsumptive use,
  4. Use of groundwater from wells that are outside of the Quaternary Alluvium or Quaternary Terrace Deposits of the Little Bighorn River and its tributaries, or the Parkman Sandstone,
  5. Use of groundwater from wells that are greater than 35 GPM or 10 acre-feet per year, within the Quaternary Alluvium, Quaternary Terrace Deposits, or Parkman Sandstone, but are not determined to be hydrologically connected to the Little Bighorn River or its tributaries.
- Additional restrictions exist. See your regional DNRC office.
- See map next page.

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## U.S. Fish and Wildlife Service - Montana Compact

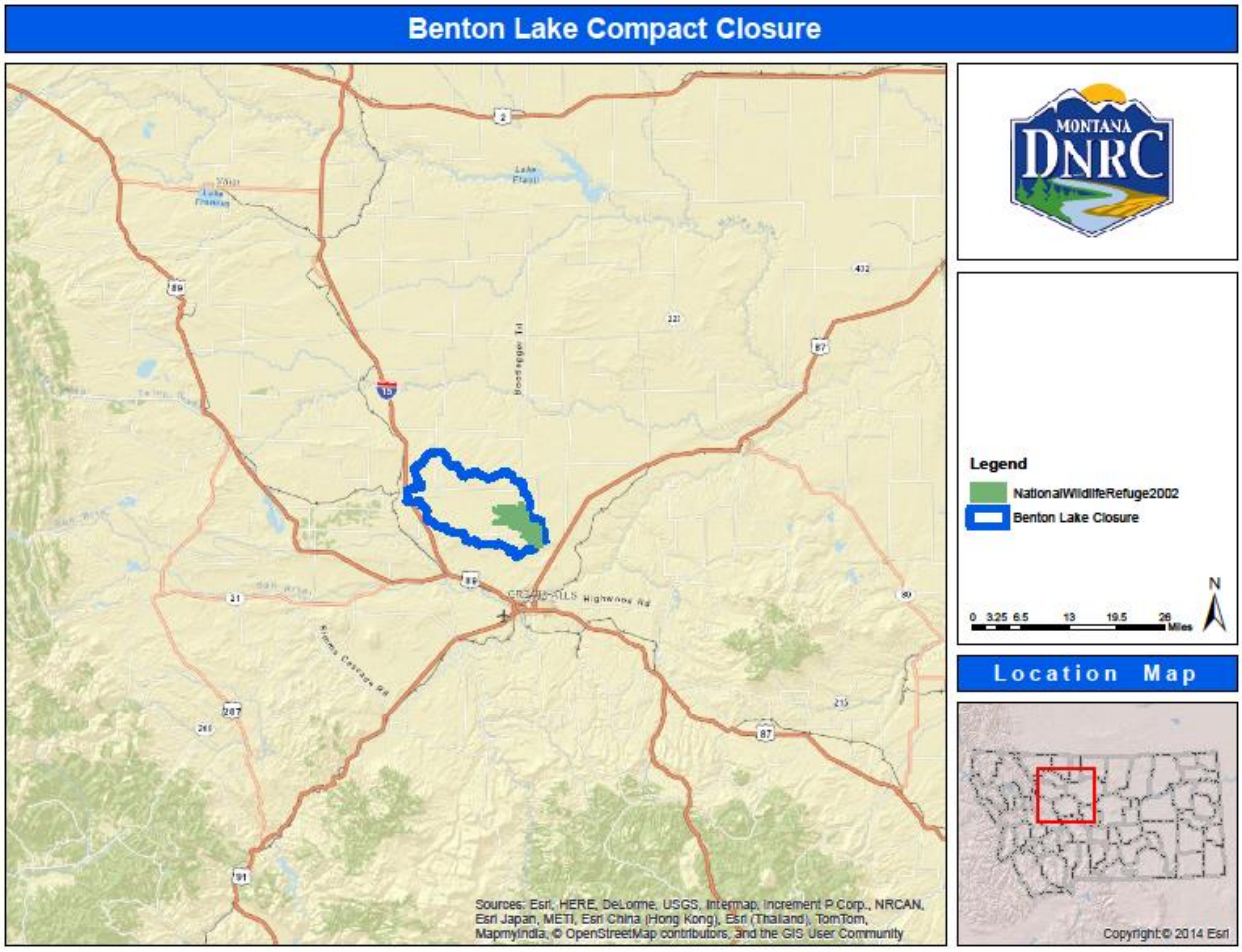
## Benton Lake Compact Closure

*Location:* Tributary basins upstream from Benton Lake Wildlife Refuge.

Effective Date: July 17, 1991

*Information*:

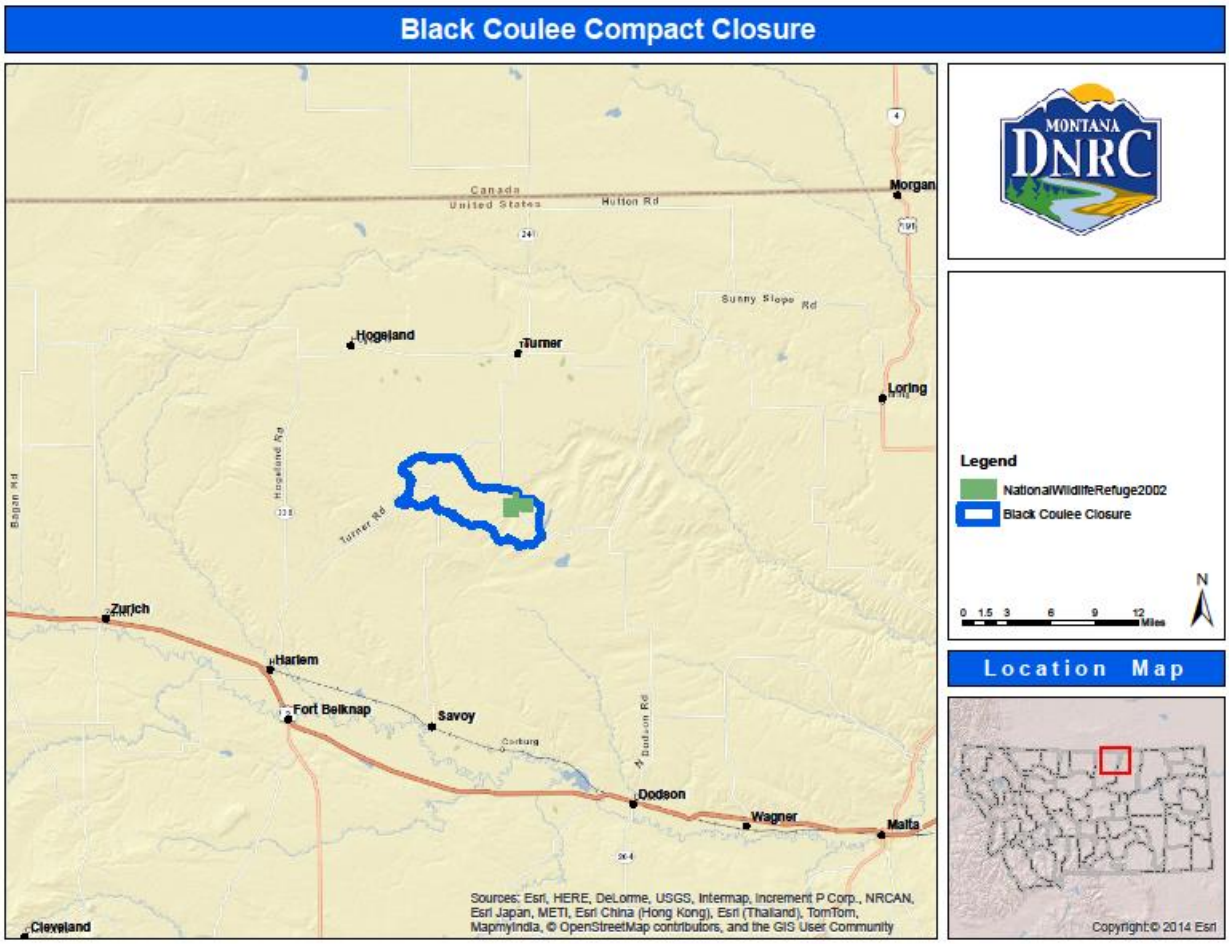
- DNRC may not issue permits or water reservations for consumptive use in the Lake Creek watershed, including the unnamed tributaries of Benton Lake upstream from the refuge.
- DNRC may issue certificates for groundwater wells and developed springs with a maximum appropriation of 35 GPM and 10 acre-feet per year.
- DNRC may issue permits for stock watering ponds and pits with a maximum capacity of less than 15 acre-feet and a maximum appropriation of less than 30 acre-feet per year from a source other than a perennial flowing stream.




## U.S. Fish and Wildlife Service - Montana Compact
## Black Coulee Compact Closure

*Location:* Black Coulee watershed above Black Coulee Wildlife Refuge.
Effective Date: April 17, 1991
*Information*:

- DNRC may not issue permits or water reservations for consumptive use in the Black Coulee watershed upstream from the refuge.
- DNRC may issue certificates for groundwater wells and developed springs with a maximum appropriation of 35 GPM and 10 acre-feet per year.
- DNRC may issue permits for stock watering ponds and pits with a maximum capacity of less than 15 acre-feet and a maximum appropriation of less than 30 acre-feet per year from a source other than a perennial flowing stream.




## U.S. Fish and Wildlife Service - Montana Compact

## Red Rock Lake Closure

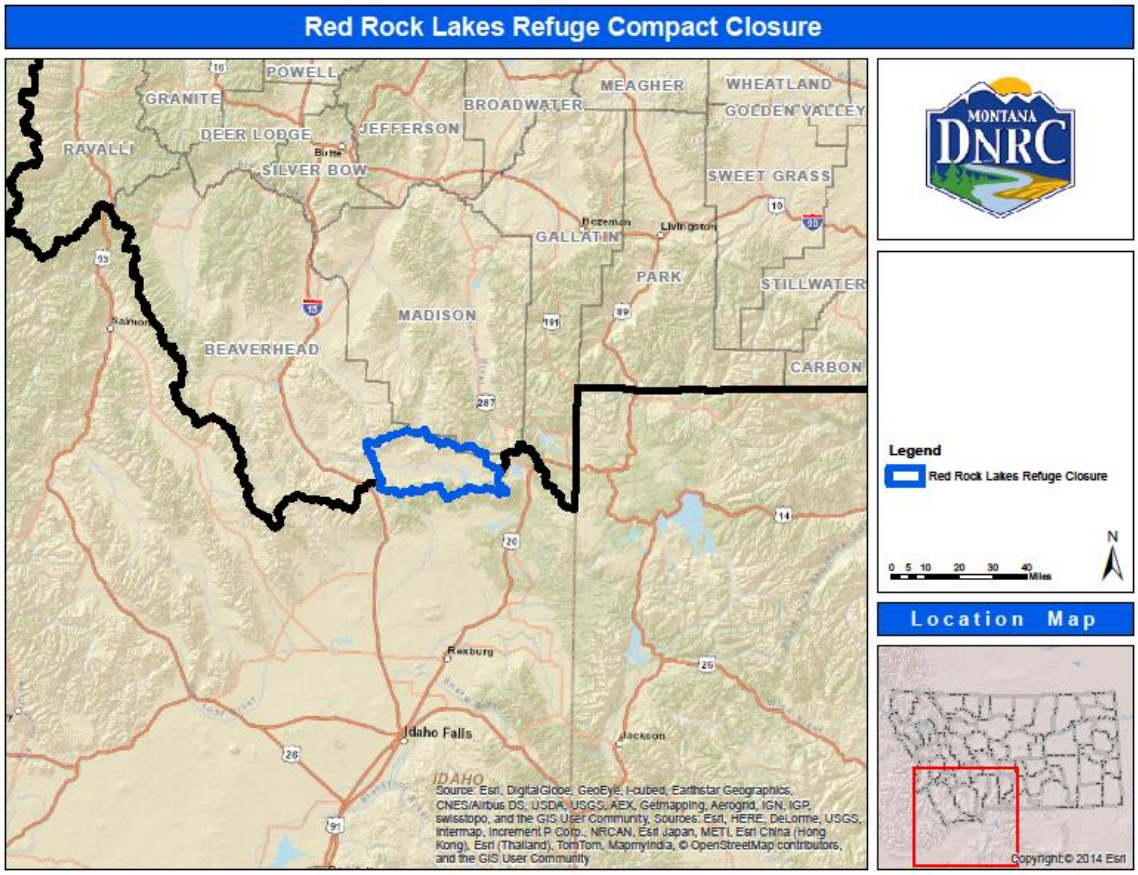
*Location:* Red Rock River basin and tributaries above the downstream boundary of Red Rock Lake Wildlife Refuge.

Effective Date: February 1, 2000

*Information*:

- DNRC may not issue permits or water reservations for consumptive use in the drainage basins upstream from the most downstream point on the refuge. Exceptions from this closure include:
    1. Certificates for groundwater wells and developed springs with a maximum appropriation of 35 GPM and 10 acre-feet per year.
    2. Permits for groundwater wells and developed springs with a maximum appropriation of greater than 35 GPM and 10 acre-feet per year if it can be determined that the groundwater is not hydrologically connected to surface water.
    3. Permits or changes for appropriation of groundwater for irrigation purposes if an equal number of acres located upstream from the refuge are retired.

4. Permits for stock ponds with a maximum capacity of less than 15 AF and a total appropriation of less than 30 AF/Yr from a source other than a perennial flowing stream.
5. Permits for domestic use.
6. Permits for nonconsumptive use.
7. Temporary emergency appropriations.




## U.S. Fish and Wildlife Service - Montana Compact
## CM Russell National Wildlife Refuge Closure

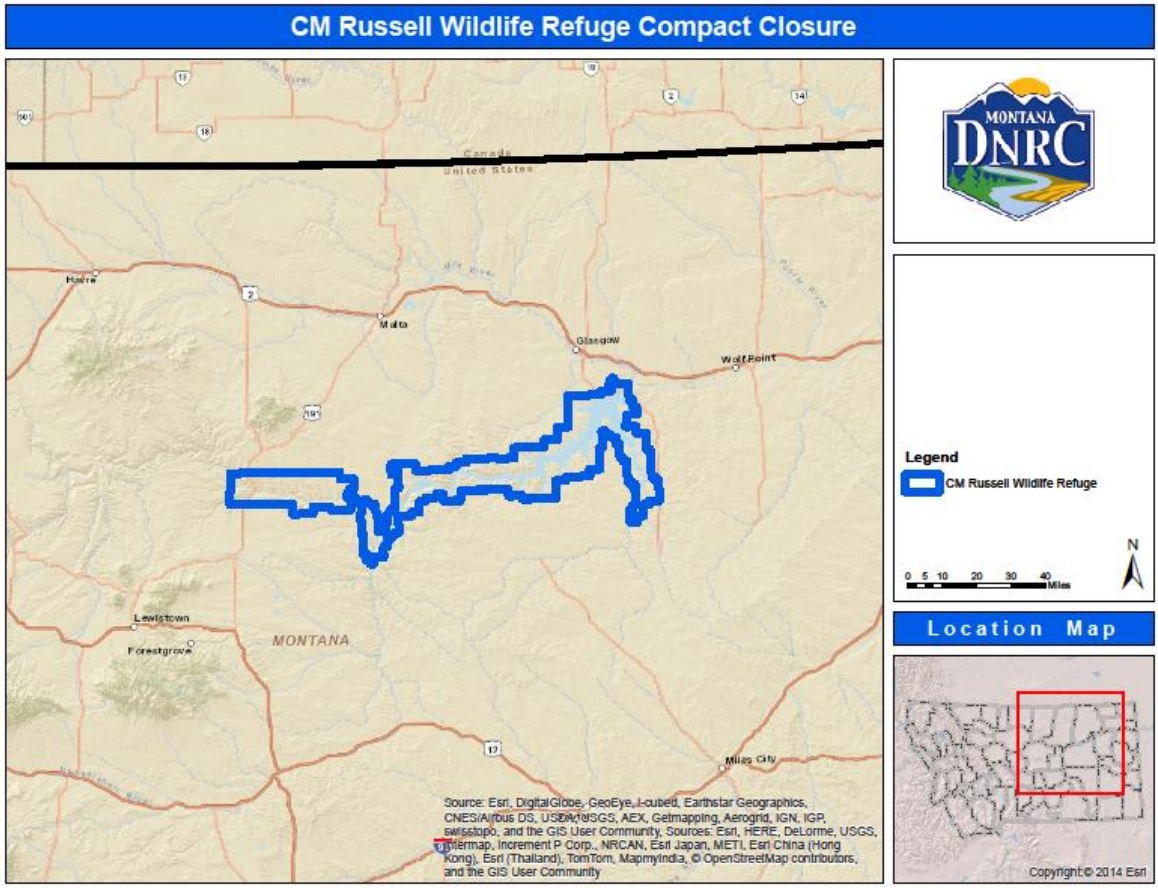
*Location:* Inside the boundary of the CM Russell Wildlife Refuge.
Effective Date: May 11, 2015

*Information*:

- Within the boundary of the refuge, no new on-stream impoundments with a capacity of 15 AF or greater may be constructed on any stream identified in the compact as having a protected reach in Table 2, Article III, 85-20-1701. This includes the majority of named streams within the refuge. Exceptions include on-stream diversion works to serve off-stream impoundments 15 AF or larger.
- Uses Exempted and thus allowed include:

1. Non-consumptive uses located upstream of the instream reaches identified in Table 2.
2. Groundwater uses of 35 gallons per minute or less not to exceed ten acre-feet per year.
3. Stockwater impoundments of less than fifteen acre-feet capacity and total appropriation less than 30 acre-feet per year.
4. Temporary emergency appropriations.

Additional exempted uses exist, see 85-20-1701, Article IV(D)




## U.S. Bureau of Land Management - Montana Compact
## Upper Missouri National Wild & Scenic River Closure

*Location:* Missouri River Basin and tributaries above the designated Upper Missouri Wild & Scenic River

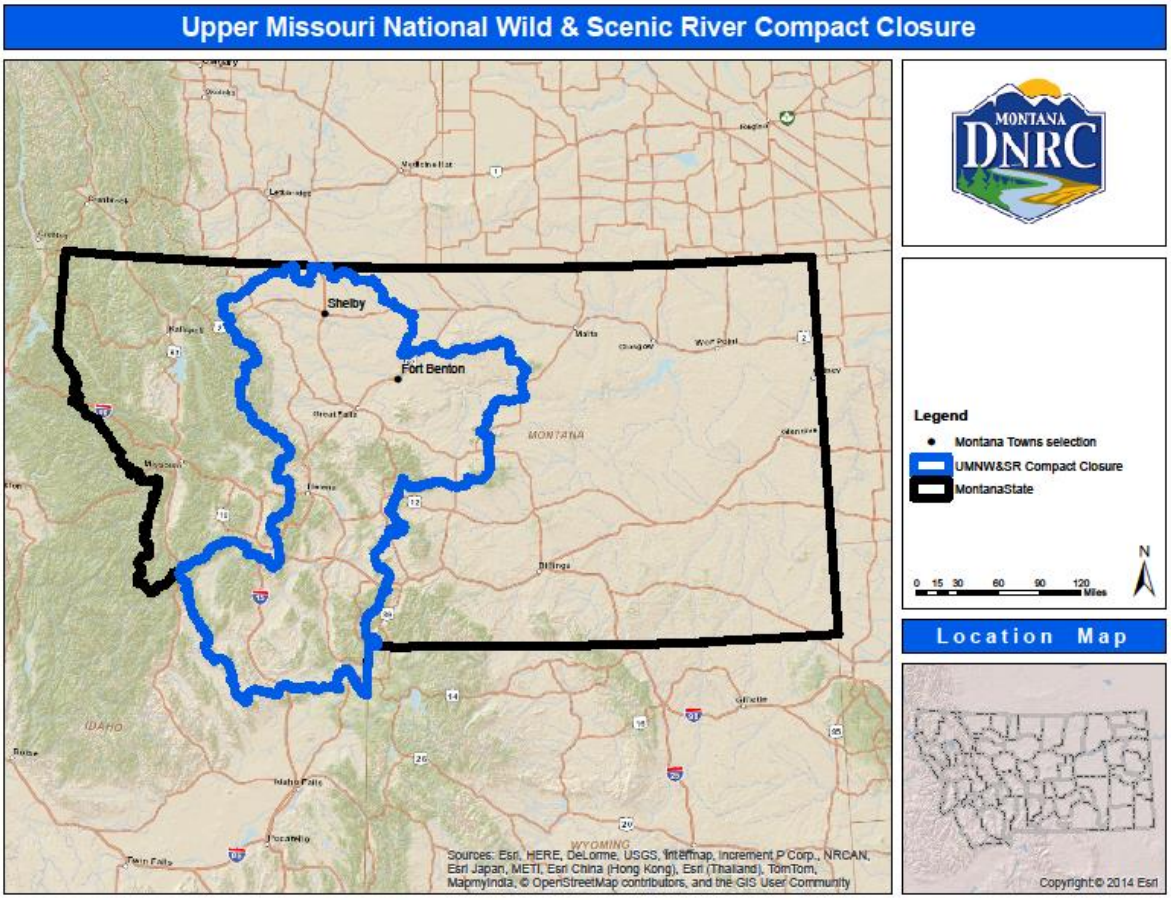
Effective Date: September 10, 1997

*Information*:

- DNRC shall not grant an appropriation in the Missouri River basin upstream from where the river leaves the boundary of the Upper Missouri National Wild & Scenic River, (UMNWSR), in any month in which the water volume designated for the Available Water Supply has been exhausted, (significant water remains available for new appropriations). Exceptions include:
    1. Non-consumptive use.

2. Uses of 35 GPM or less not to exceed 10 AF/YR.
3. Supplemental water use for existing appropriations.
4. Lawn & Garden use.
5. Instream stock use.
6. Late claims as defined by 85-2-221.
7. Federal & tribal water rights.

- No new impoundments on the mainstem of the Missouri River upstream from the UMNWSR.

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## U.S. Bureau of Land Management - Montana Compact
## Upper Missouri Breaks National Monument Closure

*Location:* Judith River and Arrow Creek
Effective Date: June 1, 2015

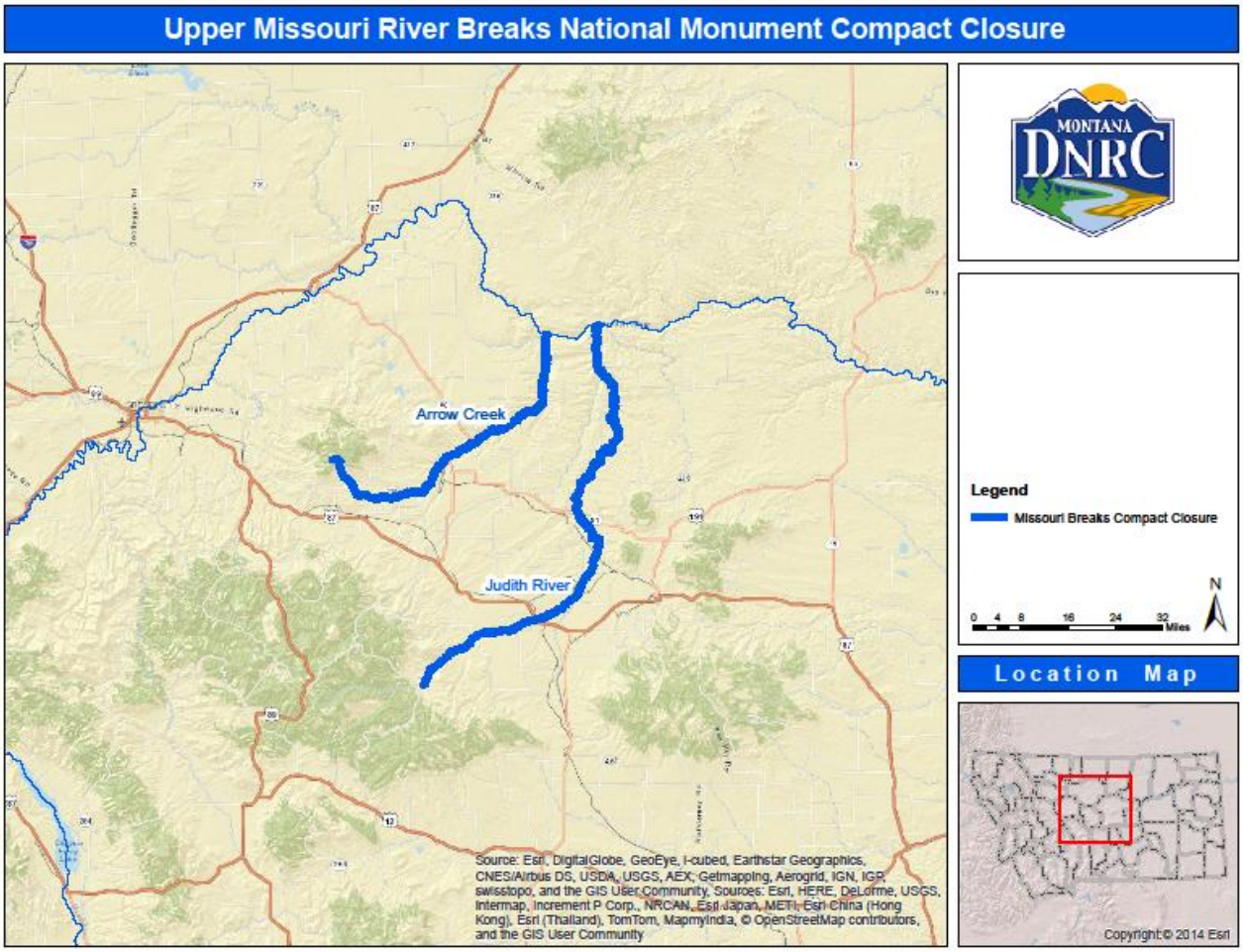
*Information*:

- No new mainstem impoundments will be permitted on the following reaches of the Judith River and Arrow Creek unless otherwise excepted from permitting requirements under Montana law.
    - Judith River from the confluence of the Middle and South Forks downstream to

its confluence with the Missouri River.

- Arrow Creek from its confluence with Hay Creek downstream to its confluence with the Missouri River.

- Off stream impoundments will continue to be permitted under DNRC permitting procedures.

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## Fort Belknap Tribe – Montana Compact Closure

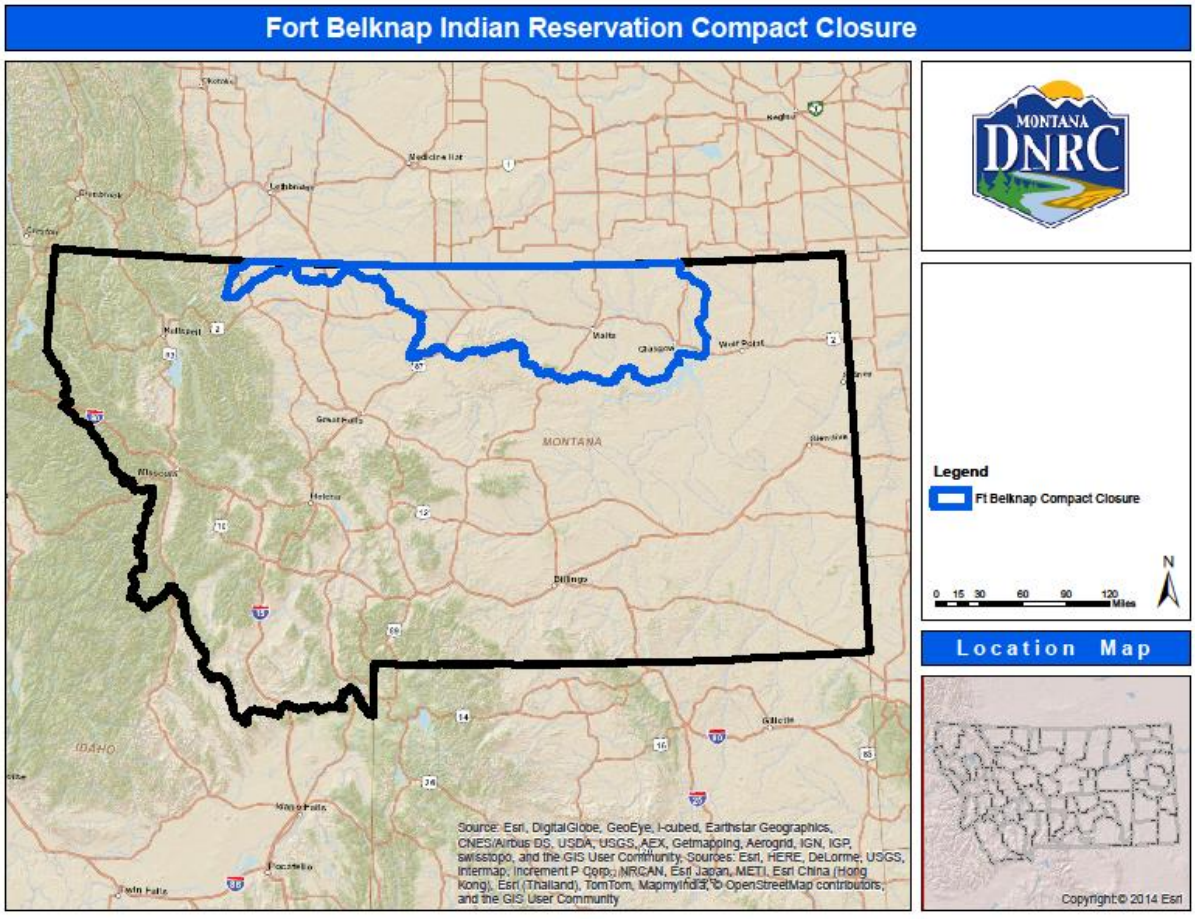
*Location:* Milk River Basins along Montana Canada border

*Location:* Effective Date: April 16, 2001

*Information*:

- The DNRC shall not process or grant an appropriation of water in the Milk River basin from the Eastern Crossing to the confluence between the Milk River and the Missouri River comprised of Basins 40F, 40G, 40H, 40I, 40J, 40K, 40l, 40M, 40N, and 40O (both above the Western Crossing and below the Eastern Crossing.
- Exceptions Include:
    1. Appropriations for Municipal Use

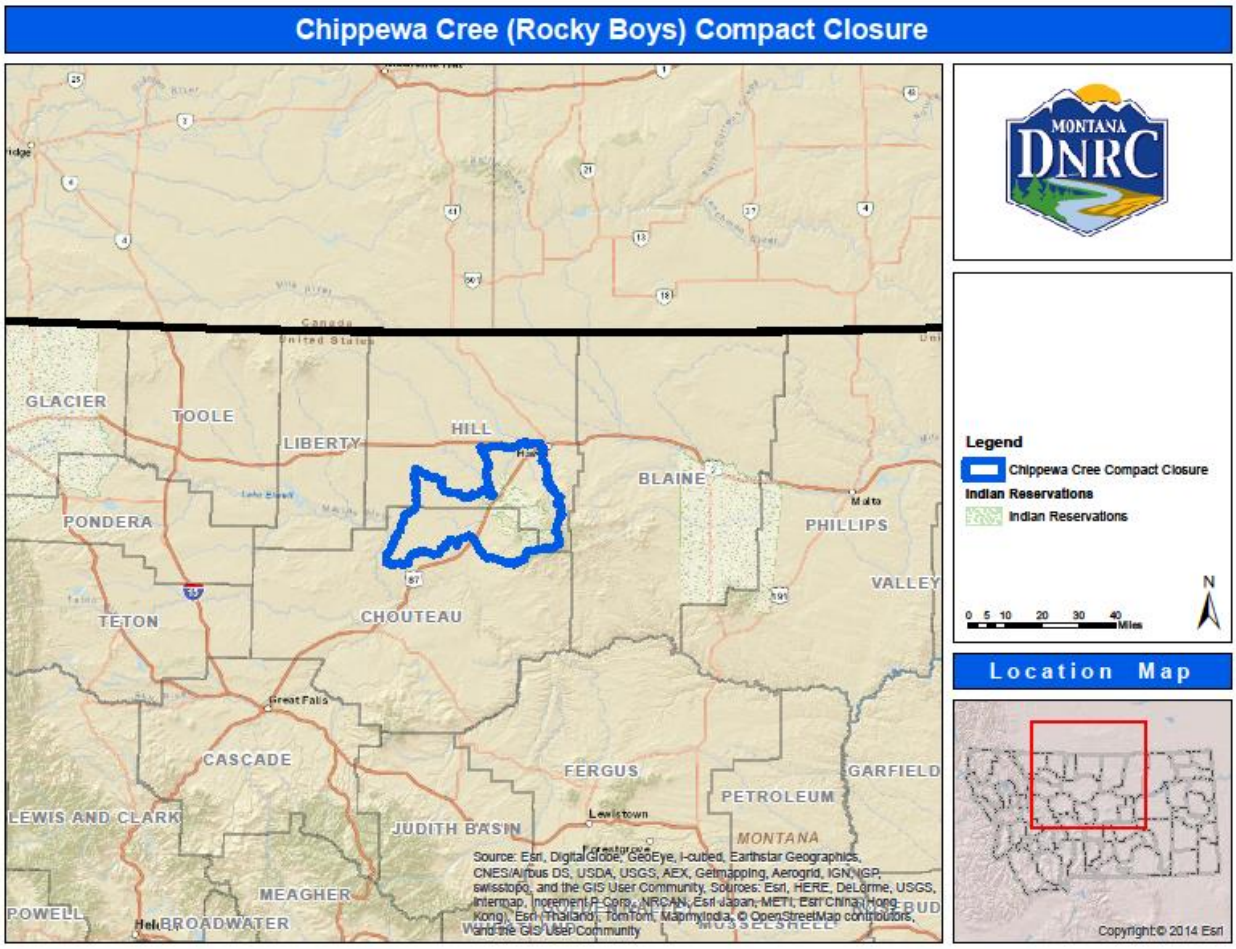
2. Appropriations of groundwater that is not hydrologically connected to surface water.
3. An appropriation of groundwater by means of a well or developed spring with a maximum appropriation of 35 GPM up to a maximum volume of 10 AF/YR.
4. An appropriation of water for use by livestock if the maximum capacity of the impoundment is less than 15 AF and the appropriation less than 30 AF/YR.
5. An appropriation of instream use by livestock.
6. Appropriations for non-consumptive uses.
7. Temporary emergency appropriations as provided in Montana law.
8. Certain appropriations approved by the Milk River Coordinating Committee.
9. Appropriations for fish ponds not to exceed 15 AF times the number of square miles owned by the applicant in the Water Court Basin where the pond is located, (does not apply to Basin 40I upstream from the Fort Belknap Reservation).



## Chippewa Cree Tribe (Rocky Boys Reservation) – Montana Compact Closure

*Location:* Big Sandy Creek and Beaver Creek drainages
Effective Date: December 9, 1999
*Information*:

- The DNRC shall not process or grant an application for a permit to appropriate water from a source in the Big Sandy Creek Basin (excluding Sage Creek and Lonesome Lake Coulee, and in the Beaver Creek drainage.
- Exceptions:
    1. An appropriation of groundwater by means of a well or developed spring with a maximum appropriation of 35 GPM not to exceed 10 AF/YR unless the appropriation is a combined appropriation from the same source from two or more wells or developed springs exceeding the limitation.
    2. An appropriation of water for use by livestock if the maximum capacity of the impoundment or pit is less than 15 AF and the appropriation is less than 30 AF/YR and is from a source other than a perennial flowing stream.
    3. An appropriation of groundwater from any deep aquifer not hydrologically connected to surface water.



## Blackfeet Tribe – Montana – United States Compact Closure

*Location:* Entire Blackfeet Reservation

Effective Date: Pending as of August 2015

*Information*:

- The DNRC shall not process or grant any application for an appropriation of water within the boundary of the Blackfeet Indian Reservation or from the mainstems of the Reservation boundary streams, (Birch Creek, Cut Bank Creek, and the Two Medicine River).
- Temporary exceptions may apply.
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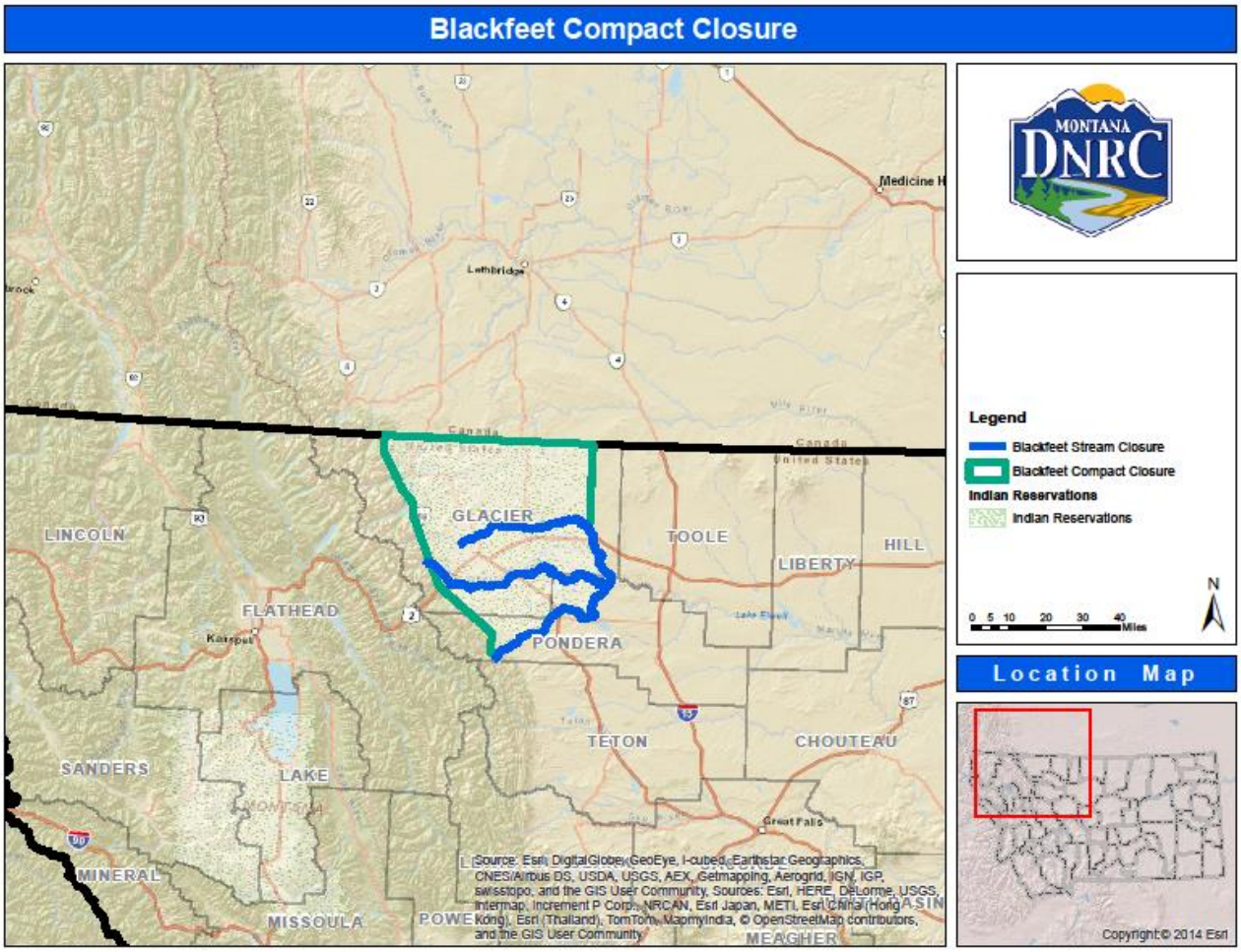


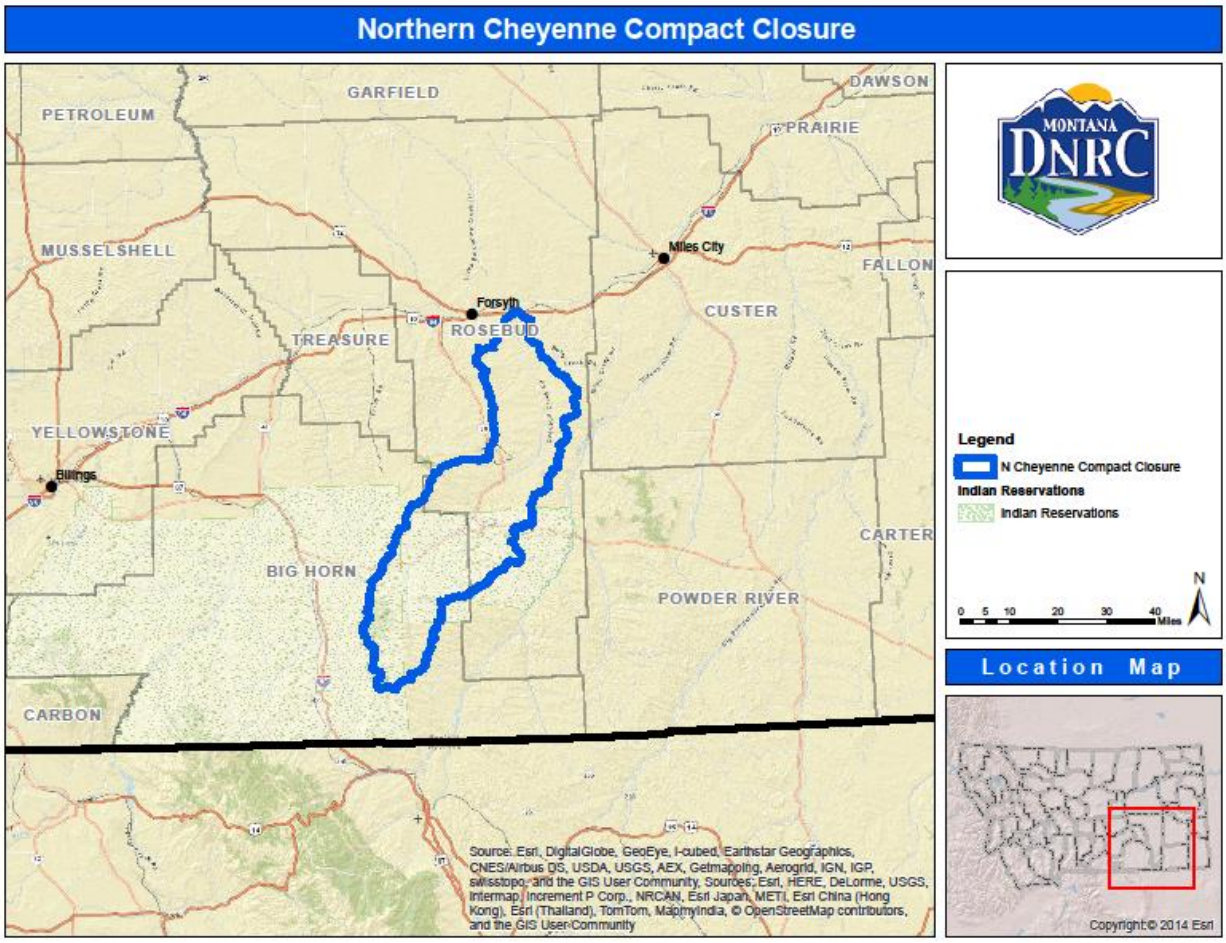
## Northern Cheyenne Tribe – Montana Compact

*Location:* Rosebud Creek drainage

Effective Date: May 20, 1991

*Information*:

- The DNRC shall not issue a permit in the Rosebud Creek basin, (no mention is made regarding issuance of a certificate).



## Crow Tribe – Montana Compact Closure

*Location:* Bighorn River, Little Bighorn River, Pryor Creek and Rosebud Creek drainages
Effective Date: April 27, 2012
*Information*:

- The DNRC shall not process or grant an application for an appropriation of water within the Bighorn River Basin, the Little Bighorn Basin, the Prior Creek Basin, or that portion of the Rosebud Creek Basin upstream from the point that Rosebud Creek or any tributary of Rosebud Creek leaves the reservation. However, the DNRC may issue a certificate of water right on fee land within the aforementioned basins for:
    1. An appropriation of groundwater by means of a well or developed spring with a maximum appropriation of 35 GPM or less, not to exceed 10 AF/YR, unless the appropriation is a combined appropriation from the same source from two or more wells or developed springs exceeding the limitation.
    2. An appropriation of water for use by livestock if the maximum capacity of the impoundment or pit is less than 15 AF and the appropriation is less than 30 AF/YR and is from a source other than a perennial flowing stream.
    3. Temporary emergency appropriations as provided in 85-2-113(3), MCA.