



ADMINISTRATIVE RULES OF MONTANA



36.12.908 BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S SOMERS RAILYARD SITE CONTROLLED GROUNDWATER AREA

- (1) There is designated a Burlington Northern and Santa Fe Railway Company's Somers Railyard Controlled Groundwater Area (BNSF Somers CGWA). The BNSF Somers CGWA means an area of approximately 86.4 acres located in the unincorporated town of Somers, Montana, and is generally described as follows:
 - (a) the proposed BNSF Somers CGWA covers an area approximately 0.135 square miles and is generally located in the unincorporated town of Somers. The boundaries are wholly within: SW Section 24, T27N, R21W; and NW Section 25, T27N, R21W and further described as:

A parcel of land located in the Southwest quarter of Section 24 and in the Northwest quarter of Section 25, Township 27 North, Range 21 West, P.M., M., Flathead County, Montana, being more particularly described as follows:

Commencing at the Northeast corner of the Southwest quarter of the Southwest quarter of said Section 24 and the POINT-OF-BEGINNING; thence S 03°25'04" W a distance of 153.61 feet; thence S 86°27'32" E a distance of 188.36 feet; thence S 28°32'30" E a distance of 492.78 feet; thence S 09°32'26" E a distance of 763.33 feet; thence S 03°25'56" W a distance of 663.91 feet; thence N 86°30'48" W a distance of 593.14 feet; thence S 02°38'58" W a distance of 730.90 feet; thence S 61°40'25" E a distance of 210.96 feet; thence S 06°10'44" E a distance of 47.13 feet; thence S 65°31'51" W a distance of 541.91 feet; thence S 55°10'30" W a distance of 88.93 feet; thence N 01°28'21" E a distance of 436.94 feet; thence N 04°09'55" E a distance of 81.46 feet; thence N 08°26'19" W a distance of 81.44 feet; thence N 20°52'32" W a distance of 67.04 feet; thence N 28°38'20" W a distance of 74.04 feet; thence N 29°37'53" W a distance of 73.85 feet; thence N 20°06'06" W a distance of 106.72 feet; thence N 18°48'22" W a distance of 227.77 feet; thence N 17°03'46" W a distance of 344.14 feet; thence N 08°00'21" W a distance of 83.55 feet; thence N 06°12'39" W a distance of 80.22 feet; thence with a curve turning to the right with a delta angle of 05°05'40", with an arc length of 19.39 feet, with a radius of 218.11 feet, with a chord bearing of N 74°31'22" W, with a chord length of 19.39 feet; thence N 71°58'32" W a distance of 102.00 feet; thence with a curve turning to the right with a delta angle of 08°07'00", with an arc length of 157.94 feet, with a radius of 1114.92 feet, with a chord bearing of N 67°55'02" W, with a chord length of 157.81 feet; thence N 63°51'32" W a distance of 108.50 feet; thence with a curve turning to the left with a central angle of 05°59'28", with an arclength of 86.46 feet, with a radius of 826.85 feet, with a chord bearing of N 66°51'16" W, with a chord length of 86.42 feet; thence N 04°51'10" E a distance of 55.89 feet; thence N 57°40'48" W a distance of 157.39 feet; thence N 03°25'15" E a distance of 1497.92 feet; thence S 42°24'16" E a distance of 11.60 feet; thence S 03°51'59" W a distance of 15.18 feet; thence S

60°44'54" E a distance of 395.49 feet; thence S 86°08'05" E a distance of 950.31 feet to the POINT-OF-BEGINNING, containing 86.491 acres.

- (b) a map of the area within the BNSF Somers CGWA described in (1)(a) is posted at <http://dnrc.mt.gov/divisions/water/water-rights/controlled-ground-water-areas/burlington-northern-and-santa-fe-railway-companys-somers-railyard>.
- (2) No new groundwater appropriations or changes to existing groundwater appropriations are allowed within the lateral boundaries of the BNSF Somers CGWA as shown above.
- (3) New and existing groundwater monitoring wells and remediation wells approved by the United States Environmental Protection Agency are allowed within the boundaries of the BNSF Somers CGWA. New and existing monitoring wells and remediation wells within the BNSF Somers CGWA must comply with the well construction standards set forth in ARM Title 36, chapter 21.
- (4) Recorded deed restrictions to replace the prior deed notifications, and to restrict use of all property within the subject area will be done by BNSF.
- (5) Once the site is remediated, and the groundwater is restored to acceptable conditions, the petitioner or other qualifying petitioners may request the CGWA designation be lifted or changed in size.
- (6) This rule revokes and replaces the department's May 9, 2003 Order Designating Controlled Groundwater Area In the Matter of Petition No. 76LJ-30005258.

Authorizing statute(s): 85-2-506, 85-2-508, MCA

Implementing statute(s): 85-2-506, 85-2-508, MCA

History: NEW, 2018 MAR p. 2408, Eff. 12/8/18.