



ADMINISTRATIVE RULES OF MONTANA



36.12.906 EAST VALLEY CONTROLLED GROUNDWATER AREA

- (1) There is designated an East Valley Controlled Groundwater Area for purposes of water quality. East Valley Controlled Groundwater Area (EVCGWA) means an area of approximately 1,924 acres or three square miles located in and around East Helena, Montana, consisting of two zones and is generally described as follows:
 - (a) Zone 1 beginning at the southeast corner of the NESE Section 36 T10N R3W, proceeding north along the section line and Montana Avenue to the alley north of the intersection of King Street and Montana Avenue, then proceeding west to Prickly Pear Creek passing just north of the East Helena Pool, then proceeding northwest along Prickly Pear Creek to the southeast corner of the NWSE of Section 23 T10N R3W, then proceeding north to the Helena Valley Irrigation Canal, then following the canal southwest to the intersection with the western edge of the SWNE of Section 23 T10N R3W, then proceeding south to the southeast corner of the SENW of Section 26 T10N R3W, then proceeding east, then south along the edge of the Seaver Park subdivision to Highway 12, then east along Highway 12 to the edge of section 26, then south to Smelter Road, then following Smelter Road approximately 135 yards southeast to a private driveway and the north edge of Section 36, then proceeding west to the northwest corner of Section 36, then proceeding south to the southwest corner of the NWSW of Section 36 T10N R3W, then proceeding east to the starting point.
 - (i) Within the lateral boundaries described in (1)(a), there exists vertical boundaries south of the section line between Sections 23 and 26 T10N R3W from the top of the water table to a depth of 200 feet and north of the section line between Sections 23 and 26 T10N R3W from the top of the water table to a depth of 300 feet; and
 - (b) Zone 2 beginning at the alley north of the intersection of King Street and Montana Avenue in East Helena, then proceeding west to Prickly Pear Creek passing just north of the East Helena Pool, then proceeding northwest along Prickly Pear Creek to the southeast corner of the NWSE of Section 23 T10N R3W, then proceeding north to the Helena Valley Irrigation Canal, then following the canal southwest to the intersection with the western edge of the SWNE of Section 23 T10N R3W, then proceeding south to the southeast corner of the SENW of Section 26 T10N R3W, then proceeding west to the southwest corner of the SENW of Section 26 T10N R3W, then proceeding north to Canyon Ferry Road, then following Canyon Ferry Road east to Wylie Drive, then following Wylie Drive south to the north edge of Section 25, then proceeding east to Valley Drive/Montana Avenue, then following Valley Drive/Montana Avenue south to the starting point.
- (2) A map of the area within the EVCGWA described in (1) is posted on the department's website.
- (3) The following controls apply in Zone 1 of EVCGWA.

- (a) Except as provided in (3)(b), no new groundwater developments or changes to existing groundwater appropriations are allowed, and the department may not accept or process any of the following for groundwater:
 - (i) a Notice of Completion pursuant to 85-2-306(3), MCA;
 - (ii) a Replacement Well Notice, Form 634;
 - (iii) an Application for Beneficial Water Use Permit, Form 600; and
 - (iv) an Application for Change of Appropriation Right, Form 606.
 - (b) The department may accept and process the following applications and forms pursuant to 85-2-311 and 85-2-402, MCA, when the application or form is accompanied by documentation of prior written approval from 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:
 - (i) a Redundant Well Construction Notice, Form 635, for a redundant well;
 - (ii) an Application for Change of Appropriation Right, Form 606, for the limited purpose of a replacement well; and
 - (iii) an Application for Change of Appropriation Right, Form 606, for the retirement of a well limited to the purpose of mitigation or marketing for mitigation.
- (4) The following controls apply in Zone 2 of EVCGWA.
- (a) No new groundwater developments pursuant to 85-2-306(3), MCA, are allowed and the department may not accept or process Notices of Completion.
 - (b) New groundwater developments or changes to existing groundwater appropriations are allowed and the department may accept and process the following applications and forms pursuant to 85-2-306(2), 85-2-311, and 85-2-402, MCA, when the application or form is accompanied by documentation of prior written approval from 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:
 - (i) an Application for Beneficial Use Permit, Form 600;
 - (ii) an East Valley Controlled Groundwater Area Permit Application, Form EVCGWA 600, up to 35 GPM and 10 AF per year;
 - (iii) an Application for Change of Appropriation Right, Form 606; and
 - (iv) a Redundant Well Construction Notice, Form 635.
- (5) In addition to conditions necessary to satisfy the criteria in 85-2-306(2), 85-2-311, and 85-2-402, MCA, a department order authorizing a new groundwater development or change to existing groundwater appropriation must include conditions consistent with the recommendations included in the prior written approval from 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 prior written approval pursuant to (3)(b) and (4)(b) must include recommendations for:

- (a) well design and construction requirements necessary to measure the water level and water quality for any new well;
 - (b) water level measurement and water quality sample reporting requirements for any new well; and
 - (c) any other requirements necessary to ensure new wells can be operated in a manner consistent with the purpose of the EVCGWA.
- (6) 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 may establish a technical advisory group consisting of delegates from each for purposes of reviewing, monitoring, and making recommendations regarding applications and water use within the boundaries of the EVCGWA. Prior written approval by the technical advisory group satisfies the prior written approval required pursuant to (3)(b) and (4)(b).

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

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

History: NEW, 2016 MAR p. 224, Eff. 2/6/16; AMD, 2024 MAR p. 2064, Eff. 8/24/24.