



BEFORE THE GALLATIN CONSERVATION DISTRICT

IN THE MATTER OF THE DECLARATORY)
RULING BY THE GALLATIN) ORDER ACCEPTING
CONSERVATION DISTRICT) JURISDICTION OVER PETITION
) FOR DECLARATORY RULING
RE: SPRING CREEK AND POND)
(PFEIL))

At its June 18, 2020, regular board meeting, the Gallatin Conservation District Board of Supervisors (GCD) reviewed a petition filed by Matthew Williams with the MW Law Firm PLLC, on behalf of Pfeil Acquisitions LLC (Petitioners) requesting a declaratory ruling pertaining to GCD's jurisdiction over a spring creek and pond located on property at W1/2SW1/4NW1/4 of Section 11, T3S, R4E, in Tract 2, in Gallatin County, Montana (hereinafter referred to as "Pfeil spring creek" and "Pfeil pond"). The petition is filed pursuant to Mont. Code Ann. § 75-7-125 and the GCD implementing rules.

In accordance with GCD's rules governing its administration of the Natural Streambed and Land Preservation Act (hereinafter 310 Law) GCD currently asserts jurisdiction on the Pfeil spring creek and Pfeil pond. The petition seeks determinations the Pfeil spring creek and Pfeil pond is not a jurisdictional stream under the 310 Law, except insofar as maintenance or modification of the spring creek is conducted on the immediate banks of the Gallatin River at the point of discharge of the ditch into the Gallatin River.

Based on the petition and GCD's determinations as to the applicability, interpretation, or implementation of the 310 Law and the implementing rules, GCD accepts jurisdiction over the petition.

Robert Logar - Chair

6/18/20
Date