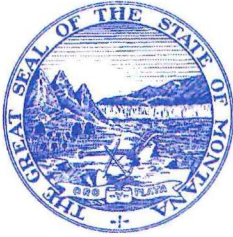


DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION

Glasgow Water Resources Regional Office



GREG GIANFORTE, GOVERNOR

222 6<sup>TH</sup> ST SOUTH  
PO BOX 1269

PHONE: (406) 228-2561

GLASGOW, MONTANA 59230-1269

November 8, 2024

Shane Schwenke & Thornhill Ranch Partnership  
2210 Power Plant Ferry Rd  
Zortman, MT 59546

Subject: Correct and Complete Application for Change No. 40EJ 30164552

Dear Applicant,

The Department of Natural Resources and Conservation (Department) has determined that your application is correct and complete pursuant to ARM 36.12.1601. Please remember that correct and complete **does not mean that your application will be granted**. The purpose of this letter is to indicate that the Department has enough information to analyze your water right application.

The Department will issue a Draft Preliminary Determination document and Technical Analyses within 120 days of the date of this letter per §85-2-307(2)(b), MCA.

Following issuance of the Draft Preliminary Determination, you (Applicant) will have 15 business days to request an extension of time to submit additional information, if desired pursuant to §85-2-307(3)(a), MCA.

If no extension of time is requested and the Draft Preliminary Determination decision is to grant your application or grant your application in modified form, the Department will prepare a notice of opportunity to provide public comment, per §85-2-307(4)(a), MCA.

If no extension of time is requested and the Draft Preliminary Determination decision is to deny your application, the Department will adopt the Draft Preliminary Determination as the final determination per §85-2-307(3)(d)(ii), MCA.

**If the pending land transfer is completed before the Draft Preliminary Determination, an agreement/easement for the shared point of diversion will be needed. Two proposed places of use are also on the land being sold. The new owner may need to be added as an Applicant/co-owner during the ownership update process.**

If you have any questions or concerns about the application process, please contact me.

Best,

A handwritten signature in blue ink, appearing to read "Ashley Kemmis".

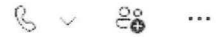
Ashley Kemmis  
Water Resource Specialist  
Glasgow Regional Office  
[Ashley.kemmis@mt.gov](mailto:Ashley.kemmis@mt.gov)  
406-808-7075

40EJ 30164552



**Hair, Daniel**

Chat Shared



Hair, Daniel 12:15 PM



Hi Ms. Yang, Daniel from the Sage Grouse Program here. Thought I would reach out regarding your question rather than emailing

Looking back at your Project for those stock tanks, that was just a clerical change to add the existing stock tanks to the water rights

Even better to have that one moving to its true location on private land vs BLM

Since the letter was just updating the water rights with the existing stock tanks, theres no additional consultation needed

12:21 PM

Perfect. Thank you Daniel for letting me know! 😊



*Ms Yang*  
*10/30/2024*

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**Sage grouse letter Project No. 6758**

---

**From** Yang, Lih-An <Lih-An.Yang@mt.gov>

**Date** Wed 10/30/2024 10:10 AM

**To** Hartman, Therese <THartman@mt.gov>

**Cc** djwood@blm.gov <djwood@blm.gov>; Kemmis, Ashley <Ashley.Kemmis@mt.gov>

Good morning Therese:

Hope this email finds you well. I wanted to update a stock tank location discussed in our Sept. 5, 2024 review letter for Project No. 6758, Shane Schwenke application:

My consultation request had included a stock tank in SWNENW Section 19, T24N R24E, which is BLM. The Applicant discovered that this legal description is incorrect—the tank is located on his private land in SESWSE Section 18, T24N R24E. The DNRC will proceed to process his water right application with this corrected legal description. I hope this clears the BLM from the sage grouse consideration for this project.

I'm also hoping that a redo of the consultation is not necessary because the Sept. 5 review already assessed Section 18? Please let me know if this is not the case.

I appreciate your assistance! Please feel free to reach out if you have any questions. Have a good day,



**Lih-An Yang** | Regional Manager  
Glasgow Water Resources Regional Office  
Montana Department of Natural Resources and Conservation  
222 6<sup>th</sup> St S/PO Box 1269 Glasgow, MT 59230-1269  
**OFFICE:** 406-228-2561 **DESK:** 406-808-7076 **EMAIL:** [lih-an.yang@mt.gov](mailto:lih-an.yang@mt.gov)  
[Website](#) | [Facebook](#) | [X \(Twitter\)](#) | [Instagram](#)  
**How did we do? Let us know here:** [Feedback Survey](#)



Received

SEP 30 2024

DNRC Water Resources  
Glasgow Regional Office

FOR DEPARTMENT USE ONLY



606-ST: APPLICATION TO  
CHANGE A WATER RIGHT  
Additional Stock Tanks

Complete this form to add stock tanks to a water right, move existing stock tanks, or change to stock tanks from an instream direct water right. This form can only be used for water rights which have an existing stock purpose listed.

FILING FEE \$400.00

This form cannot be used if the amount of water diverted from the source or the number of animal units will be increased.

Application No. 30164552 Basin 40ET  
Date Received 9/30/24  
Time 11:01 AM/PM  
Rec'd by AK  
Fee Rec'd \$ 400.00 Check No. 5174  
Deposit Receipt # 61152504427  
Payor (if different from Applicant name(s))  
Thornhill Ranch Partnership  
Refund \$ \_\_\_\_\_ Date \_\_\_\_\_

Applicant Name SHANE SCHWENKE + THORNHILL RANCH PARTNERSHIP  
Mailing Address 2210 POWER PLANT RD, FERRY City ZORTMAN State MT Zip 59546  
Phone Numbers: Home \_\_\_\_\_ Work \_\_\_\_\_ Cell 406-839-6391  
Email Address thornhillranch@gmail.com

Contact Person:  Contact is Applicant  Contact is Consultant  Contact is Attorney  Contact is Other  
Contact Name \_\_\_\_\_  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone Numbers: Home \_\_\_\_\_ Work \_\_\_\_\_ Cell \_\_\_\_\_  
Email Address \_\_\_\_\_

NOTE: If a contact person is identified as an attorney, all communication will be sent only to the attorney unless the attorney provides written instruction to the contrary. If a contact person is identified as a consultant, employee, or lessee, the individual filing the water right form or objection form will receive all correspondence and a copy may be sent to the contact person.

CHANGE APPLICATION INFORMATION

This application may only be used for the following:

- A change to allow stock tanks to be added to a livestock direct from source right which does not increase the livestock use. The maximum allowable flow rate for this change will be 35 GPM.
- A change which adds additional stock tanks to an existing stock watering system and does not increase historical use.
- A change which moves stock tank locations on an existing stock watering system and does not increase historical use.

If you are adding a stock tank rather than having the animals drink from the source, you can divert water to the tank, but the diversion must shut off when the tank is full. If you will not have an automatic shut off on the tank, overflow water must be immediately directed back to the source.

If you are increasing the number of animal units using the stock watering system, please consult your regional Water Resources Office on how to proceed.

You must provide a written notice of the application to each owner of an appropriation right sharing the point of diversion or means of conveyance (canal, ditch, flume, pipeline, or other constructed waterway).

- Have you sent this notice?  N/A  Yes  No If no, your application cannot be deemed correct and complete until you have sent the notice. § 85-2-302 (4)(c), MCA

**ST.1 APPLICATION DETAILS**

**ST.1.A** Identify the water right number(s) proposed for change:

40EJ 30103397

If you do not have a DNRC water right number, you may have an existing exempt water use. Water for stock use from groundwater sources (well or developed spring) or drinking directly from a surface water source were exempt from the general adjudication filing requirements for claims of existing water rights if they met either of the following criteria:

- For wells, the water was put to use prior to January 1, 1962, or if water was put to use between January 1, 1962, and July 1, 1973, and a notice was filed in the courthouse records.
- For stock drinking directly from the source, the water was put to use prior to July 1, 1973.

If your stock use meets one of the above criteria, complete this form and a Non-Filed Water Project Addendum. The addendum can be obtained from the DNRC Website. <http://www.dnrc.mt.gov/wrd/>. If your use does not meet these criteria, call the regional office serving your area.

**ST.1.B** How many stock tanks do you wish to add through this change? 5

**ST.1.C** Will the existing place of use continue to be used? Yes

**ST.1.D** What are the number and type of stock that will be watered on the proposed stock watering system?

# 900 Type CATTLE # \_\_\_\_\_ Type \_\_\_\_\_ # \_\_\_\_\_ Type \_\_\_\_\_

**ST.1.E** Place of Use: Please provide the following: SEE ATTACHED

GEOCODE(S) of the place of use (17 digits) \_\_\_\_\_

If there are multiple places of use, list the geocode for each parcel on an attached sheet. The geocodes can be found at the County Clerk and Recorder's Office or by visiting <http://svc.mt.gov/msl/mtcadastral>.

LEGAL LAND DESCRIPTION: Include additional places of use on a separate sheet.

\_\_\_\_ 1/4 \_\_\_\_ 1/4 \_\_\_\_ 1/4 Sec \_\_\_\_ Twp \_\_\_\_ N/S Rge \_\_\_\_ E/W County \_\_\_\_\_

\_\_\_\_ 1/4 \_\_\_\_ 1/4 \_\_\_\_ 1/4 Sec \_\_\_\_ Twp \_\_\_\_ N/S Rge \_\_\_\_ E/W County \_\_\_\_\_

\_\_\_\_ 1/4 \_\_\_\_ 1/4 \_\_\_\_ 1/4 Sec \_\_\_\_ Twp \_\_\_\_ N/S Rge \_\_\_\_ E/W County \_\_\_\_\_

**ST.1.F** Attach a narrative explaining specific details of the requested change to the water right(s) and why it is being requested. Please label attachment **ST.1.F Application Details**.

**ST.1.G**  Yes  No Are you proposing to change all of the water right(s) associated with the place of use? If no, attach an explanation of why not and how those rights will be operated to ensure no increase in use. Please label attachment **ST.1.G Application Details**.

**ST.1.H**  Yes  No Are you proposing to add stock tanks on State of Montana school trust land? If yes, you must include a copy of written approval from DNRC Trust Lands Management Division. A change authorization to add stock tanks on school trust land will be temporary for the duration of the lease term. Throughout this application, make clear which tanks are on school trust land. You may use the same application to add permanent stock tanks on private land and temporary stock tanks on school trust land.

**ST.2 ADEQUATE DIVERSION MEANS AND OPERATION**

**ST.2.A** How will water be diverted from the source?

Well  Pump  Gravity Flow  Other 2-HP FPS SERIES 5

**ST.2.B** Identify the flow rate you will be diverting: 20 GPM

**ST.2.C** How was the diverted flow rate determined? PREVIOUSLY DETERMINED  
IN PERMIT 40EJ 30103397

**ST.2.D** Provide evidence to show that the flow rate will be adequate for the new/proposed system. Please label attachment **ST.2.D Adequate Diversion Means and Operation**.



**ST.2.E**  Yes  No Will a pipeline be used to convey water to the new tanks? If no, please explain the new means of conveyance. \_\_\_\_\_

**ST.2.F** Provide design plans for the proposed stock tank system from the point of diversion to the place of use (tanks). Include pump information, pipe size, pipe length, pipe material, any valves or booster pumps used, depth pipelines will be buried, etc. Please label the attachment **ST.2.F Adequate Diversion Means and Operation**.

**ST.3 MAP**

**ST.3.A** Provide a map or maps depicting the historical and proposed water system. Aerial photos may be available from DNRC, NRIS, NRCS, USGS, or other sources. Depending on the size of the project, one map showing all items listed below may be acceptable. If using one map, be sure to indicate which tanks are currently authorized and which tanks are being added via this change.

- Note the section corners, township, range, and add a north arrow to the map for all maps submitted.
- Historical Use - for each water right being changed, provide a map depicting the historical point(s) of diversion, means of conveyance, and stock tank locations.
- Proposed Use - provide a map which clearly identifies the proposed point(s) of diversion, means of conveyance, and stock tanks which are being added via this change. For partial changes, the map should reflect the entire water right including the proposed change and the remaining historical use.

**ST.4 HISTORICAL USE**

Historical diverted volume will be calculated using DNRC standards for the right(s) to be changed.

**ST.4.A** What is the historical number and type of livestock served under the water right(s) to be changed?

# 900 Type Cattle # \_\_\_\_\_ Type \_\_\_\_\_ # \_\_\_\_\_ Type \_\_\_\_\_

**ST.4.B** What is the historical diverted flow rate of your stock watering system? 20 GPM

**ST.4.C** How was the flow rate determined? Hand tested + pump curves

**ST.4.D** Attach a description of the historical operation of the stock watering system. Include information on diversion operation, means of conveyance (size, type), booster pumps, and any control structures such as valves, discharge piping, etc. Please label attachment **ST.4.D Historical Use**

**ST.5 ADVERSE EFFECT**

**ST. 5.A**  Yes  No Will float or shut off valves be used to control flow into the new tank(s)? If yes, attach information on what types of valves will be used and where they will be located. Please label attachment **ST.5.A Adverse Effect**.

**ST.5.B** If no, how will flow into the tanks be controlled? \_\_\_\_\_

**ST.5.C** Attach an explanation of how your diversion can be controlled to not create an adverse effect to existing water users on the source. Please label attachment **ST.5.B Adverse Effect**.

**ST.6 SAGE GROUSE HABITAT PROJECT REVIEW**

Required if the diversion and/or place of use are located within an area designated as sage grouse habitat, (<https://sagegrouse.mt.gov>).

**ST.7 PROJECT COMPLETION**

The Department will assign 3 years for completion of the project unless the application states otherwise. If you wish to have a different project completion period, provide an attachment that identifies the time period requested for project completion and an explanation of why this time period is necessary. Please label attachment **ST.7.A Project Completion**. If you are unable to complete the project within the time assigned, you may apply for an Extension of Time.

**ST.8 AFFIDAVIT & CERTIFICATION**

All undivided interest owners must sign as applicants. Read carefully before you sign and review with legal counsel if you have any questions.

I affirm the information provided for this application is to the best of my knowledge true and correct. I also affirm I have possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use.

I understand that making a false statement under oath or affirmation in this application and official proceedings throughout the examination of my application may subject me to prosecution under §45-7-202, MCA, a misdemeanor punishable by a jail term not to exceed 6 months or a fine not to exceed \$500, or both. I have read this Affidavit and understand the terms and conditions.

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

Printed Name

Applicant Signature

*Shane Schwabe*  
*Shane Schwabe*

Date: *9-27-2024*

Printed Name

Applicant Signature

*Vicki Schwabe*  
*Vicki Schwabe - Partner*  
*Shane Schwabe Partner*

Date: *09-27-24*

**WATER RESOURCES OFFICES**

Billings: 1371 RIMTOP DR., BILLINGS MT 59105-1978  
PHONE: 406-247-4415  
FAX: 406-247-4416  
EMAIL: [DNRCBillingsWater@mt.gov](mailto:DNRCBillingsWater@mt.gov)  
SERVING: Big Horn, Carbon, Carter, Custer, Fallon, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, and Yellowstone Counties

Helena: 1424 9TH AVE., PO BOX 201601, HELENA MT 59620-1601  
PHONE: 406-444-6999  
FAX: 406-444-9317  
EMAIL: [DNRCHelenaWater@mt.gov](mailto:DNRCHelenaWater@mt.gov)  
SERVING: Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis and Clark, Powell, and Silver Bow Counties

Bozeman: 2273 BOOT HILL COURT, SUITE 110, BOZEMAN MT 59715  
PHONE: 406-586-3136  
FAX: 406-587-9726  
EMAIL: [DNRCBozemanWater@mt.gov](mailto:DNRCBozemanWater@mt.gov)  
SERVING: Gallatin, Madison, and Park Counties

Kalispell: 655 TIMBERWOLF PARKWAY, SUITE 4, KALISPELL MT 59901-1215  
PHONE: 406-752-2288  
FAX: 406-752-2843  
EMAIL: [DNRCKalispellWater@mt.gov](mailto:DNRCKalispellWater@mt.gov)  
SERVING: Flathead, Lake, Lincoln, and Sanders Counties

Glasgow: 222 6TH STREET SOUTH, PO BOX 1269, GLASGOW MT 59230-1269  
PHONE: 406-228-2561  
FAX: 406-228-8706  
Email: [DNRCGlasgowWater@mt.gov](mailto:DNRCGlasgowWater@mt.gov)  
SERVING: Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties

Lewistown: 613 NORTHEAST MAIN ST., SUITE E, LEWISTOWN MT 59457-2020  
PHONE: 406-538-7459  
FAX: 406-538-7089  
EMAIL: [DNRCLeWistownWater@mt.gov](mailto:DNRCLeWistownWater@mt.gov)  
SERVING: Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum, and Wheatland Counties

Havre: 210 6TH AVENUE, PO BOX 1828, HAVRE MT 59501-1828  
PHONE: 406-265-5516  
FAX: 406-265-2225  
EMAIL: [DNRCHavreWater@mt.gov](mailto:DNRCHavreWater@mt.gov)  
SERVING: Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton, and Toole Counties

Missoula: 2705 SPURGIN RD., BLDG. C, PO BOX 5004, MISSOULA MT 59806-5004  
PHONE: 406-721-4284  
FAX: 406-542-5889  
EMAIL: [DNRCMissoulaWater@mt.gov](mailto:DNRCMissoulaWater@mt.gov)  
SERVING: Granite, Mineral, Missoula, and Ravalli Counties

**ST.1.E**

**Historical POU**

Quarter Sec	Section	Township	Range	County	Geocode	Landowner
SWNWSW	8	24N	24E	PHILLIPS	11-3517-08-3-01-01-0000	Thornhill Ranch Partnership
SENWSW (2 Stock Tanks)	8	24N	24E	PHILLIPS	11-3517-08-3-01-01-0000	Thornhill Ranch Partnership
SESENW	17	24N	24E	PHILLIPS	11-3517-17-4-01-01-0000	Shane Schwenke
SEENW	17	24N	24E	PHILLIPS	11-3517-17-4-01-01-0000	Shane Schwenke
NENENW	17	24N	24E	PHILLIPS	11-3517-17-4-01-01-0000	Shane Schwenke
NENWNW	17	24N	24E	PHILLIPS	11-3517-17-2-01-01-0000	Thornhill Ranch Partnership
NENWNE (2 Stock Tanks)	20	24N	24E	PHILLIPS	11-3517-20-2-01-01-0000	Shane Schwenke

**Additional Stock Tanks**

Quarter Sec	Section	Township	Range	County	Geocode	Landowner
NENENW	18	24N	24E	PHILLIPS	11-3517-18-2-01-01-0000	Shane Schwenke
SESWSE	18	24N	24E	PHILLIPS	11-3517-18-4-01-01-0000	Shane Schwenke
NWNWNE	20	24N	24E	PHILLIPS	11-3517-20-2-01-01-0000	Shane Schwenke
NESWNE	13	24N	23E	PHILLIPS	11-3516-13-4-01-01-0000	Shane Schwenke
SWSESW	13	24N	23E	PHILLIPS	11-3516-13-4-01-01-0000	Shane Schwenke

**ST.1.F**

The source (reservoir) and part of the original POU is being sold (NENWNE, Section 20, T24N, R24E). There is an easement with the new buyer. The 5 stock tanks to be added were originally supplied by groundwater certificates 40EJ 30103397 and 40EJ 30000128, are not adequately being supplied due to inadequate pressure. The 5 stock tanks POU will be removed from the



groundwater certificates and will be supplied by the reservoir instead. The reservoir is a more reliable source for the stock tanks.

#### **ST.2.D**

Pump curves are supplied in the original permit 40EJ 30103397 and has adequately diverted water historically. The permit has been verified.

#### **ST.2.F**

Water is diverted from Siparyann Creek at a single diversion point using a 2-HP FPS Series Five Submersible pump (Model 20F2S4-PE). The system will feed a total of 14 rubber, winterized stock tanks (9 historically and 5 new) via a 1.5-inch PVC pipeline that is buried 6 feet deep. There are float tank valves at each stock tanks. Each tank can be shut off via the float valves or manual shut off valves that are underground. The pump runs at a continuous rate and can be shut off if a flow rate reduction is needed.

The pump feeds water up to section 8 via the 1.5-inch PVC pipeline (see map). The new POUs are supplied via an additional pipeline that runs from section 8 through section 18, where it ends. Water is gravity fed through this additional portion (Section 8 – 18). The elevation decreases by approximately 185 feet from section 8 to 18. The pipeline branches at section 18 to section 13. A drain line runs from section 8 down to section 17. This is used when all tanks are full, before the pump is shut off, for spillover water. Water is returned to the Siparyann Creek from this drain line. The pump has to manually be shut off when tanks are full.

The stock tanks are black, rubberized, and covered with dirt. There is a 4-foot opening for the cattle to drink. There is a small valve to allow for circulation to prevent freezing. No more than 900 cattle will be ran with this stock tank system. Approximately 600 head will be run by the new owner, and 300 by the original owner.

#### **ST.4.D**

The Applicant historically diverted water from Siparyann Creek at a single diversion point using a 2 -HP FPS Series Five submersible pump (Model 20FV2S4-PE). The pump was placed into an existing reservoir but does not use stored water, only natural flow. The system feeds 9 stock tanks via a 1.5-inch pipeline. The water line travels from the source and tees into an existing line that travels under Siparyann Creek. The line travels NW about 2 miles to section 8, T24N, R24E and gains about 300 feet in elevation. The tanks in section 8 and 20 are pump fed and the remaining pumps in section 17 are gravity fed. The pump has historically been capable of delivering the requested flow rate of 20 GPM.

The stock tanks are black, rubberized and covered with dirt. There has historically been float valves at each tank, and a drain line if overflow occurs.

#### **ST.5.A Ritchie Float Valves**

#### **ST.5.C**

The pump can be shut off manually, there are float and manual valves on every tank. Each tank can be shut off via the valves. There is also a drain line if overflow occurs. If a call from a senior water right holder occurred, pumping would cease.



## MONTANA SAGE GROUSE HABITAT CONSERVATION PROGRAM



GREG GIANFORTE, GOVERNOR

1539 ELEVENTH AVENUE

STATE OF MONTANA

PHONE: (406) 444-0554  
FAX: (406) 444-6721

PO BOX 201601  
HELENA, MONTANA 59620-1601

Project No. 6758  
Governor's Executive Orders 12-2015 and 21-2015  
Shane Schwenke Additional Stock Tanks Water Right Change Application

Lih-An Yang  
DNRC Water Resources Regional Office  
PO Box 1269  
Glasgow, MT 59230

September 5, 2024

Dear Ms. Yang,

The Montana Sage Grouse Habitat Conservation Program received a request for consultation and review of your Project or proposed activity on September 4, 2024. Based on the information provided, portions of this project are located within either a Core Area or General Habitat for sage grouse. The Bureau of Land Management (BLM) classifies a portion of this area as a Priority Habitat Management Area (PHMA).

Executive Orders 12-2015 and 21-2015 set forth Montana's Sage Grouse Conservation Strategy. Montana's goal is to maintain viable sage grouse populations and conserve habitat so that Montana maintains flexibility to manage our own lands, our wildlife, and our economy and ensure that a listing under the federal Endangered Species Act is not warranted in the future. Similarly, the BLM has incorporated sage grouse conservation measures into their Resource Management Plans.

The Program has completed its review, including:

**Project Description:**

**Project Type:** Agriculture - Water

**Project Disturbance:** Water Rights Use Change/Clerical; No New Disturbance

**Construction Timeframe:** No Construction Phase

**Operations Timeframe:** No Operations Phase



**Project Location:**

**Legal:** Township 24 North, Range 23 East, Section 13  
Township 24 North, Range 24 East, Sections 7, 8, 17, 18, 19, 20, 21  
**County:** Phillips  
**Ownership:** Bureau of Land Management, Private

**Project Description and Executive Orders 12-2015 and 21-2015 Consistency:**

Shane Schwenke proposes to update the water rights for an existing livestock watering system in both a Core Area and General Habitat for sage grouse.

The purpose of the Project is to amend the water rights for an existing livestock watering system on Bureau of Land Management (BLM) and private property approximately 35 miles northeast of Winifred, Montana in Phillips County. This amendment will add an additional five stock tanks and associated buried pipeline to water right 40EJ 30103397. These upgrades have already been completed and are currently in operation. The livestock watering system will continue to function the same as its historical purpose for supplying water to livestock. There are no new construction activities associated with this Project.

This Project amends an existing water right and no new surface disturbance will occur. Based on the information you provided, your Project is 2.32 miles from the nearest active sage grouse lek in a Core Area. The Project is not within two miles of any active sage grouse lek in General Habitat. See Figure 1 (Shane Schwenke Additional Stock Tanks Water Right Change Application Project and Lek Location Map).

**Discussion:**

The activity described for the Project is considered a clerical change to update existing water rights for an existing livestock watering system located on BLM and private land. Amendments to the existing water rights will be intended for continued historical use as a livestock watering system. The water rights will continue to serve the same function for supplying water to livestock. Therefore, the Project is not expected to result in direct habitat loss to sage grouse and will not be assessed mitigation.

**Program Recommendations:**

The State of Montana appreciates and welcomes the opportunity to collaborate with BLM to implement Executive Orders 12-2015 and 21-2015 and the BLM land use plans, respectively. We have a shared goal to conserve sage grouse and the habitats upon which they depend, consistent with the “all lands, all hands, all threats” approach.

I encourage BLM to give full consideration to guidance within its own land use plans with respect to sage grouse and implement any special considerations or stipulations consistent with Montana Executive Order 12-2015 as appropriate.



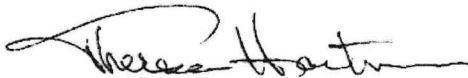


Your proposed project or activity may need to obtain additional permits or authorization from other Montana state agencies or possibly federal agencies. They are very likely to request a copy of this consultation letter, so please retain it for your records.

If the location or boundaries of your proposed project or activity change in the future, or if new activities are proposed within one of the designated sage grouse habitat areas, please visit <https://sagegrouse.mt.gov/> and submit the new information.

Thanks for your interest in sage grouse and your commitment to taking the steps necessary to ensure Montana's Sage Grouse Conservation Strategy is successful.

Sincerely,



Therese Hartman  
Montana Sage Grouse Habitat Conservation Program Manager

Attachments:

1. Figure 1. Shane Schwenke Additional Stock Tanks Water Right Change Application Project and Lek Location Map

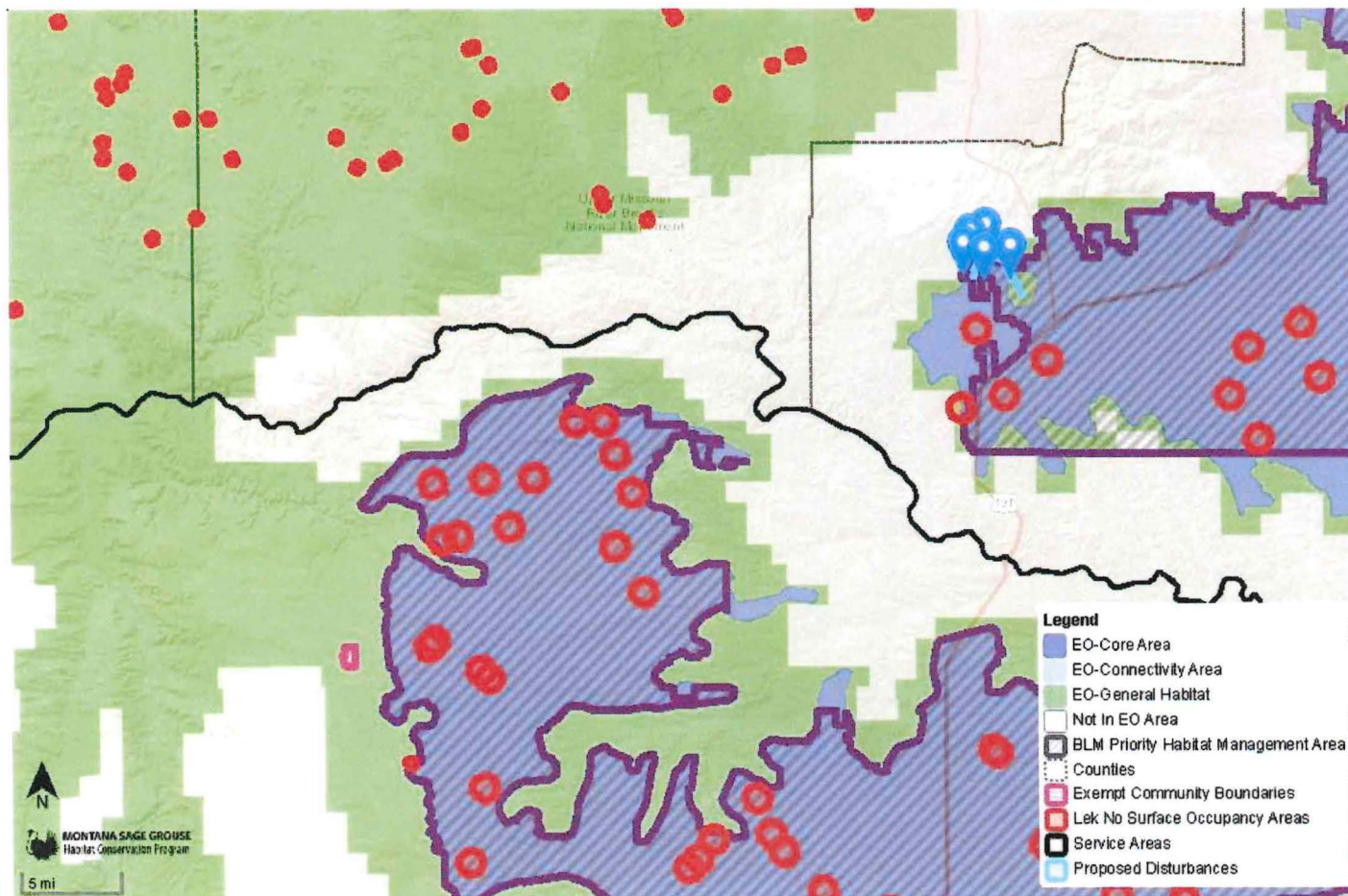
cc: David J.A. Wood, PhD  
Conservation Biologist  
Bureau of Land Management  
Montana/Dakotas State Office  
(406) 896-5246  
[djwood@blm.go](mailto:djwood@blm.go)





Figure 1

6758\_Shane Schwenke Additional Stock Tanks Water Right Change Application Project and Lek Location





2, 2 = ID#2 has 2 tanks

40EJ 30103371

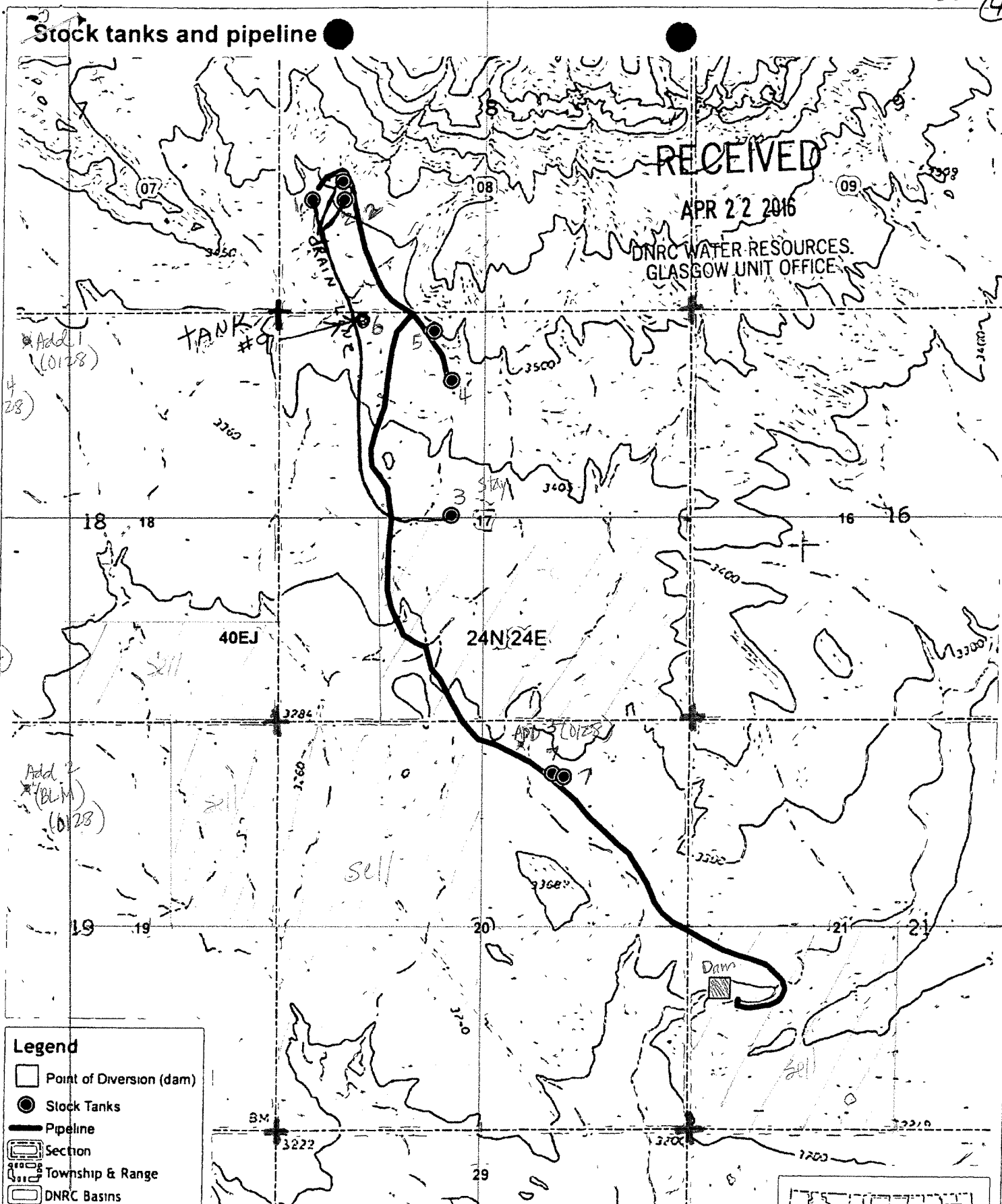
4

# Stock tanks and pipeline

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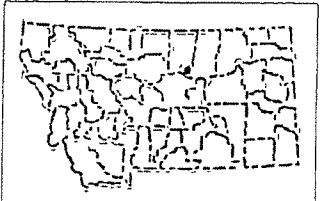
**Legend**

- Point of Diversion (dam)
- Stock Tanks
- Pipeline
- Section
- Township & Range
- DNRC Basins

N 1:19,192 Map Created: 3/25/2016

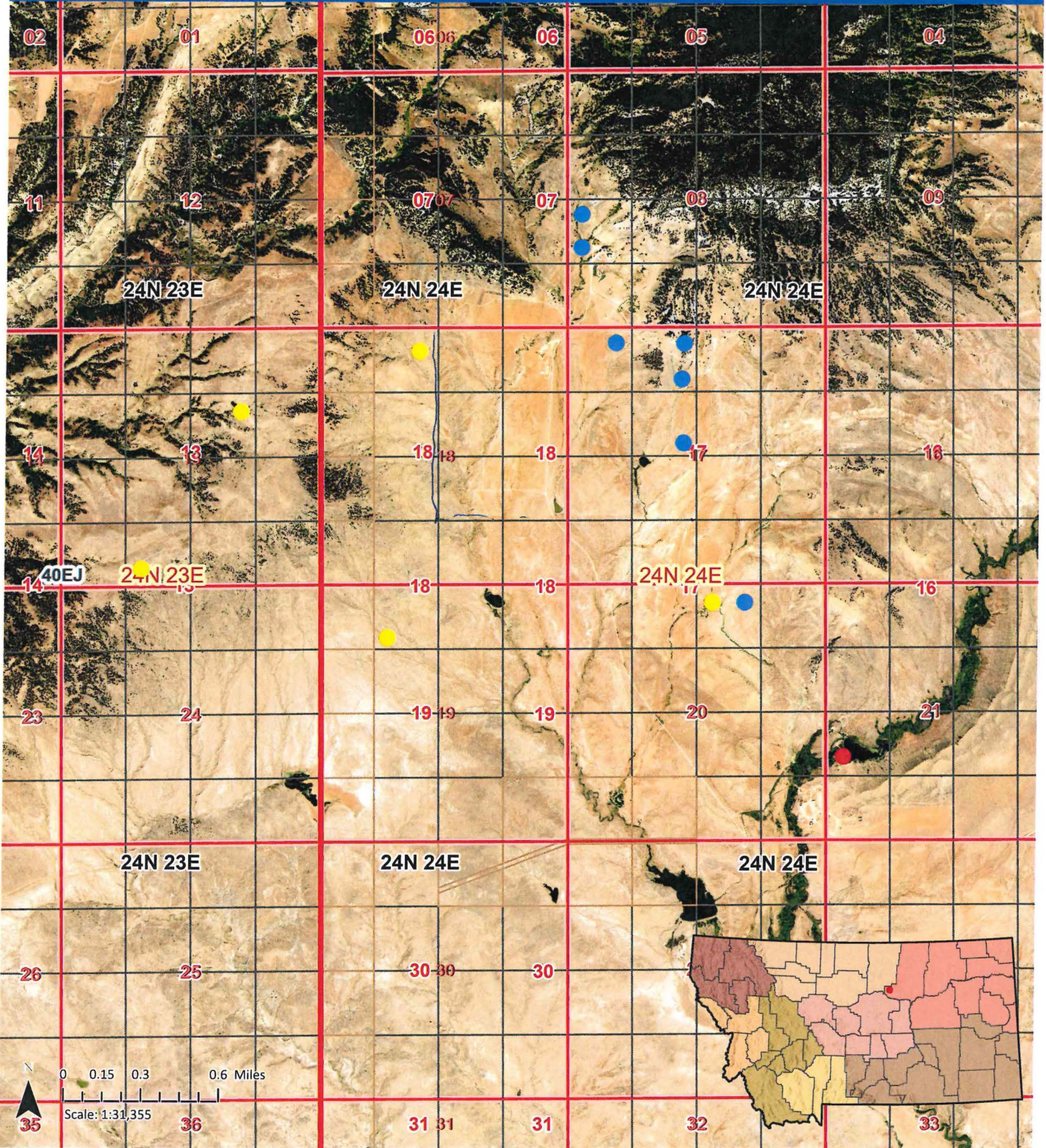
0 0.1 0.2 0.4 Miles

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# 40EJ 30000128



Map Created: 9/25/2024  
Author: Ashley Kemmis,  
Water Resource Specialist

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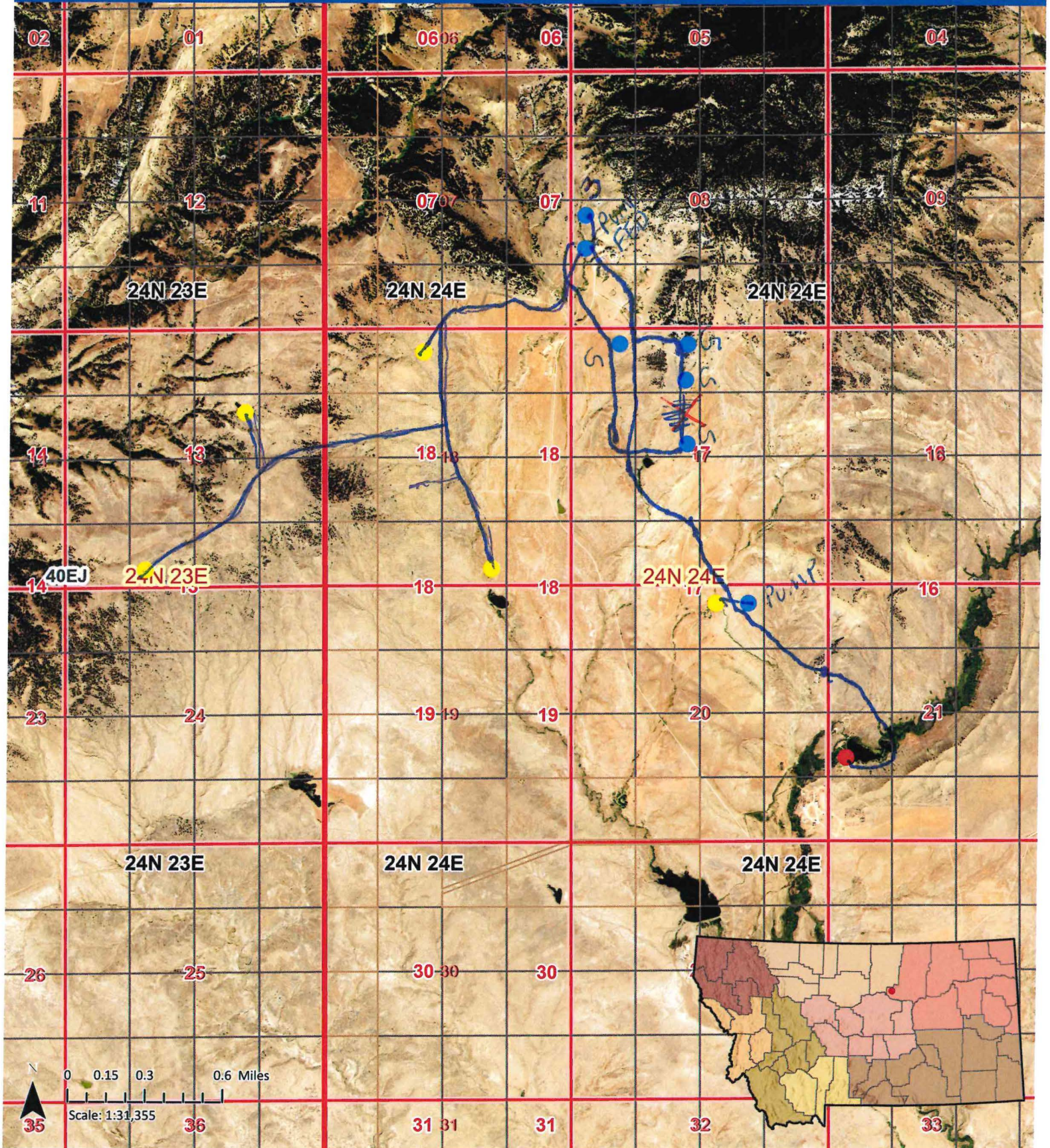
-  Section
-  Township & Range
-  DNRC Basins

-  State Boundary
-  Additional Stock Tanks
-  POD
-  Historical Stock Tanks









# 40EJ 30000128



Map Created: 9/26/2024  
 Author: Ashley Kemmis,  
 Water Resource Specialist

*Elements depicted on this map are for illustrative purposes and have not been surveyed by the Department. MSDI PLSS: 2017 Aerrink*

-  Section
-  Township & Range
-  DNRC Basins

-  State Boundary
-  Additional Stock Tanks
-  POD
-  Historical Stock Tanks

