

**BEFORE THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION
OF THE STATE OF MONTANA**

APPLICATION TO CHANGE WATER)	DRAFT PRELIMINARY
RIGHT NOS. 42J 30164475 AND 42J)	DETERMINATION TO GRANT
30165246 BY DEBRA L. HAYES)	CHANGE

On September 16, 2024, the Billings Regional Office of the Department of Natural Resources and Conservation (Department or DNRC) received Application to Change Water Right No. 42J 30164475 for Powder River Declaration 42J 772-00, by Debra L. Hayes (Applicant). Change Application No. 42J 30165246 was created for the temporary portion of the change application. No scoping or preapplication meetings were held. The Department published the receipt of the application on its website. Cassey Strebeck, for the Department, spoke with the Applicant via phone on October 10, 2024, who assigned Quentin Rumph as the contact person for the change application. The Department sent Applicant a deficiency letter under §85-2-302, Montana Code Annotated (MCA), dated October 29, 2024. The Applicant’s contact, Quentin Rumph, responded with information up to and on January 30, 2025. The Application was determined to be correct and complete as of January 31, 2025. The Department-completed Technical Analyses were delivered to the Applicant with this Draft Preliminary Determination. An Environmental Assessment for this application was completed on May 12, 2025.

INFORMATION

The Department considered the following information submitted by the Applicant, which is contained in the administrative record.

Application as filed:

- Application to Change a Water Right, Additional Stock Tanks, Form 606-ST, received September 16, 2024
- Attachments:
 - General Abstract for Powder River Declaration 42J 772-00

- MT DNRC – Trust Lands Management Division (TLMD) – Authorization for Temporary Change in Appropriation Right Consent Form – State Lease No. 827, contracted from March 1, 2021, to February 28, 2031
- Maps:
 - Map titled: Water Right 42J 772-00 with Temporary Change in Appropriation Overview, completed by TLMD for Applicant – with Public Land Survey System (PLSS), showing proposed stock tank on state land, historical well, and pipeline from well to stock tank
 - Map, untitled, completed by TLMD for Applicant – white background, showing proposed stock tank on state land, historic well, and pipeline from well to stock tank
 - Map, untitled, completed by TLMD for Applicant – topographic map showing proposed stock tank on state land parcel and pipeline

Information Received after Application Filed

- Applicant’s deficiency response received January 30, 2025.
- Correspondences to resolve deficiencies:
 - Emails to Ms. Hayes and/or Mr. Rumph, dated October 30, 2024; November 6, 2024; November 12, 2024; November 14, 2024; December 28, 2024; January 22, 2025; January 23, 2025; January 30, 2025
 - Emails from Mr. Rumph, dated November 7, 2025; December 31, 2024; January 30, 2025
- MT DNRC – Trust Lands Management Division (TLMD) – Land Use License No. 310-2500013, contracted from August 24, 2024, to February 28, 2035. Received from DNRC Eastern Land Office Land Use Specialist Aaron Kneeland, on May 23, 2025.
- MT DNRC – Trust Lands Management Division (TLMD) – Ag. and Grazing Lease of State Lands, Agreement (Lease) No. 827, contracted from April 02, 2021, to March 28, 2031. Received from DNRC Eastern Land Office Land Use Specialist Aaron Kneeland, on May 23, 2025.

Information within the Department’s Possession/Knowledge

- Water right file for Powder River Declaration 42J 772-00.
- DNRC water rights information system (WRIS)

- DNRC permit and change manual
- Department-completed technical analyses based on information provided in the application and deficiency response, dated May 27, 2025.

The Department has fully reviewed and considered the evidence and argument submitted in this Application and preliminarily determines the following pursuant to the Montana Water Use Act (Title 85, chapter 2, part 3, part 4, MCA).

For the purposes of this document, Department or DNRC means the Department of Natural Resources & Conservation; AC means acres; AF means acre-feet; AF/YR means acre-feet per year; AU means animal units; CFS means cubic feet per second; GPM means gallons per minute; HP means horsepower; POD means point of diversion; POU means place of use; and PST means proposed stock tank.

WATER RIGHTS TO BE CHANGED

FINDINGS OF FACT

1. The Applicant proposes a permanent and temporary change to the POU of Powder River Declaration 42J 772-00. Powder River Declaration 42J 772-00 was decreed on May 31, 1983, through Decree #76, for a flow rate of 15.0 GPM, up to 1.5 AF per year, for use by stock of 50 AU, from January 1 to December 31. This water right has a priority date of December 31, 1943. The POD is an 80-foot deep well located in the SWSENW of Section 2, Township 8 South, Range 50 East, Powder River County. The water was historically conveyed by a pump and pipeline, no more than 6 feet long, to a stock tank located in the SWSENW of Section 2, Township 8 South, Range 50 East, Powder River County. The project is approximately 11.9 miles WNW of Biddle, MT. The historical description of Powder River Declaration 42J 772-00 is shown below in Table 1.

Table 1: Water Right Proposed for Change

Water Right No.	Purpose	Place of Use	Point of Diversion	Flow Rate	Diverted Volume	Priority Date	Period Of Use
42J 772-00	Stock	SWSENW Sec. 2, T8S, R50E	SWSENW Sec. 2, T8S, R50E	15.0 GPM	1.5 AF	12/31/1943	01/01 – 12/31

2. Prior to these Applications, Powder River Declaration 42J 772-00 had no overlapping or supplemental water rights. If this change is granted, Powder River Declaration 42J 772-00 will be supplemental to two other water rights: (1) Powder River Declaration 42J 778-00 is for stock, with two POUs including the NENENW of Sec. 10, 8S, R50E, having the same POU as proposed stock tank no. two (PST2, Figure 1); (2) Powder River Declaration 42J 779-00 is for stock in the NESENE of Sec. 9, 8S, R50E, having the same POU as proposed stock tank no. three (PST3, Figure 1). Both rights are for dams on an unnamed tributary of Butte Creek. The water will be used by the same herd. These changes in authorizations have become necessary for the Applicant due to the lack of surface water previously available to the stock at these POUs. The volumes for Powder River Declarations 42J 772, 42J 778, and 42J 779 were all decreed on May 31, 1983, through Decree #76. Using the Department standard for Livestock Claims, volume for livestock is calculated at 30GPD/AU or 0.034 AF/YR, times the number of AU. Powder River Declarations 42J 772, 42J 778, and 42J 779, treated as Statements of Claims for pre-July 1, 1973, appropriations, have appropriated volumes of 1.5 AF, 11.2 AF, and 11.7 AF, respectively, for 44 AU, 329 AU, and 344 AU. The Applicant has claimed 50 AU on this Application. The 1.5 AF volume for Powder River Declaration 42J 772-00 is less than the standard of what would be calculated for 50 AU. However, 1.5 AF has been decreed; therefore, it is accepted by the Department. These supplemental water rights are shown in Table 2.

Table 2: Supplemental Water Rights to Powder River Declaration 42J 772-00

Water Right No.	Purpose	Place of Use	Point of Diversion	Diversion & Source	Diverted Volume	Calculated Stock	Priority Date	Period Of Use
42J 778 00	STOCK	NENENW Sec. 10 T8S R50E	NWNWNE Sec. 10 T8S R50E	Dam on UT of Butte Creek	11.2 AF	329	12/31/1932	01/01- 12/31
42J 779 00	STOCK	NESENE Sec. 9 T8S R50E	NESENE Sec. 9 T8S R50E	Dam on UT of Butte Creek	11.7 AF	344	12/31/1945	01/01- 12/31

3. There have been no previous changes authorized on Powder River Declaration 42J 772-00.

CHANGE PROPOSAL

FINDINGS OF FACT

4. The Applicant proposes a permanent and temporary change to the POU for Powder River Declaration 42J 772-00, in order to add six (6) permanent POUs and one temporary POU to Powder River Declaration 42J 772-00. The historical POU located in the SWSENW of Sec. 2, T8S, R50E will remain in use, resulting in a total of 8 POU. No other aspect of the water right is proposed for change.

5. Through Permanent Change Application No. 42J 30164475, the Applicant proposes to permanently add six (6) stock tanks to six (6) POUs on private property owned by the Applicant. The proposed permanent POUs for Change Application No. 42J 30164475 are shown in Table 3.

Table 3: Permanent proposed POU for Powder River Declaration 42J 772-00, under Permanent Change Application 42J 30164475

POU#	Map Place Name	Quarter Sections	Section	Township	Range	Change Type	Land Owner
1	Historical & Proposed	SWSENW	2	8S	50E	Permanent	Applicant
2	PST1	NWSWSW	2	8S	50E	Permanent	Applicant
3	PST2	NENENW	10	8S	50E	Permanent	Applicant
4	PST3	NESENE	9	8S	50E	Permanent	Applicant
5	PST4	SESENW	10	8S	50E	Permanent	Applicant
6	PST5	SESWNE	2	8S	50E	Permanent	Applicant
7	PST7	Lot 1 (NWNENE)	1	8S	50E	Permanent	Applicant

6. Through Temporary Change Application No. 42J 30165246, the Applicant proposes to permanently add seven (7) stock tanks to seven (7) POUs. Six (6) of the stock tanks are on land owned by the Applicant (and are the proposed POUs shown in Table 3, as part of Permanent Change Application No. 42J 30164475); one stock tank is on land owned by the State of Montana and managed by DNRC School Trust Lands Management Division (TLMD). The proposed temporary POU for Change Application No. 42J 30165245 are shown in Table 4.

Table 4: Temporary proposed POU for Powder River Declaration 42J 772-00, under Temporary Change Application 42J 30165246

POU#	Map Place Name	Quarter Sections	Section	Township	Range	Change Type	Land Owner
1	Historical & Proposed	SWSENW	2	8S	50E	Permanent	Applicant
2	PST1	NWSWSW	2	8S	50E	Permanent	Applicant
3	PST2	NENENW	10	8S	50E	Permanent	Applicant
4	PST3	NESENE	9	8S	50E	Permanent	Applicant
5	PST4	SESENE	10	8S	50E	Permanent	Applicant
6	PST5	SESWNE	2	8S	50E	Permanent	Applicant
7	PST7	Lot 1 (NWNENE)	1	8S	50E	Permanent	Applicant
8*	PST6*	NESESW	36	7S	50E	Temporary*	State of Montana

*Temporary Place of Use

7. To utilize State Land, the Applicant must have a lease on record. The Applicant has provided an Authorization for Temporary Change in Appropriation Right Consent Form from TLMD. The authorization was signed by the Applicant on August 1, 2024; by Elizabeth Miller for DNRC Ag & Grazing Bureau on August 2, 2024; by Aaron Kneeland for DNRC State Lands – Eastern Land Office on August 5, 2024; and was received by DNRC Water Resources Division with the Application on September 16, 2024. State land lease No. 827 took effect March 1, 2021, for a term of 10 years with an expiration date of February 28, 2031. If the Applicant renews the lease, they must apply to renew the temporary change authorization to continue using this temporary POU.

8. To convey water to the stock tank located in the NENW of Lot 1, in Sec. 1, T8S, R50E, the Applicant leased from TLMD (Land Use License No. 310-2500013 August 24, 2024, to February 28, 2035) a strip of land in Sec. 36 of T7S, R50E, for the purpose of a stock water pipeline. This License expires four (4) years after the Applicant’s State Land Lease and Authorization for Temporary Change in Appropriation Right Consent Form, giving the Applicant a time-buffer to extend the Lease and Appropriation Right, or otherwise make other arrangements, while continuing to convey water to the NENW of Lot 1, in Sec. 1, T8S, R50E for stock purposes.

9. The six (6) tanks being permanently added through Change Application No. 42J 30164475 are included in the seven (7) tanks being added as proposed temporary POU for Change

Application No. 42J 30165246. Temporary Change Authorization No. 42J 30165246 will be the active version of the water right, and the POU for the temporary change will be eight (8) tanks.

10. In the instance that Temporary Change Authorization 42J 30165246 is not renewed, expires, or is terminated, Powder River Declaration 42J 772-00 will be used in accordance with the terms set forth in Permanent Change Authorization No. 42J 30164475.

11. Should Permanent Change Authorization No. 42J 30164475 and Temporary Change Authorization No. 42J 30165246 be authorized, the following condition will be added to the water right to satisfy the possessory interest criterion:

IN THE PRESENT CASE, THE APPLICANTS ARE THE OWNER OF POWDER RIVER DECLARATION 42J 772-00. THE APPLICANTS PROPOSE TO TAKE WATER DIVERTED FROM THE WELL LOCATED ON PRIVATE PROPERTY, AND TEMPORARILY USE IT FOR STOCK USE ON STATE TRUST LAND FOR THE DURATION OF AGRICULTURAL & GRAZING LEASE OF STATE LANDS NO 827. THE APPLICANTS OBTAINED WRITTEN CONSENT FROM THE DNRC TRUST LAND MANAGEMENT DIVISION TO TEMPORARILY USE POWDER RIVER DECLARATION 42J 772-00 ON THE STATE TRUST LAND FOR THE DURATION OF AGRICULTURAL & GRAZING LEASE OF STATE LANDS NO. 827. EXPIRATION OR TERMINATION OF AGRICULTURAL & GRAZING LEASE OF STATE LANDS NO. 827 WILL RESULT IN THE REVOCATION OF TEMPORARY CHANGE AUTHORIZATION 42J 30165246, AND POWDER RIVER DECLARATION 42J 772-00 WILL REVERT TO THE PERMANENT CHANGE VERSION AUTHORIZED BY CHANGE AUTHORIZATION 42J 30164475.

Hayes 42J 30164475 & 42J 30165246 - Historical & Proposed

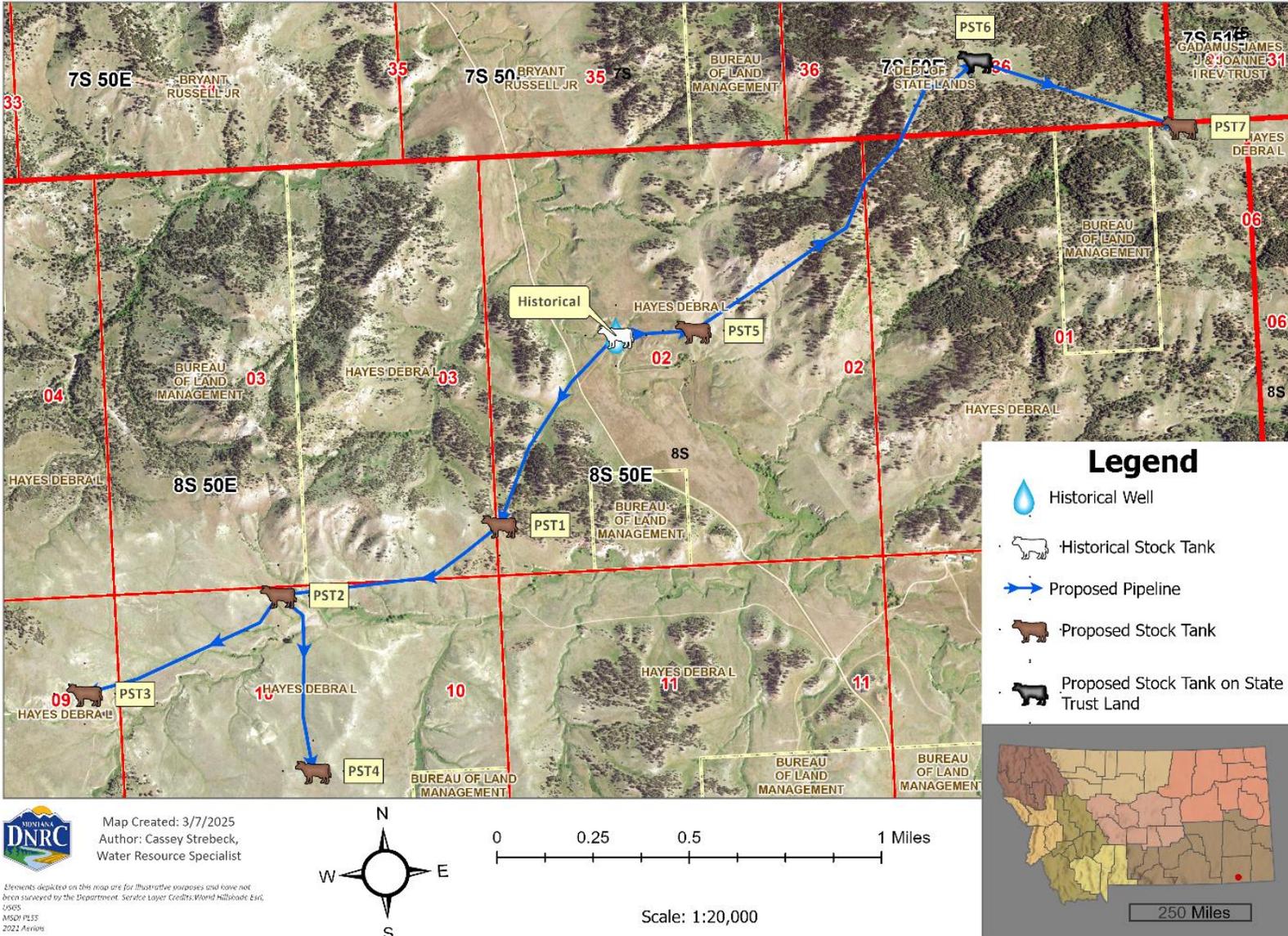


Figure 1. Historical and Proposed infrastructure for Powder River Declaration 42J 772-00, to provide water to stock.

CHANGE CRITERIA

12. The Department is authorized to approve a change if the Applicant meets its burden to prove the applicable § 85-2-402, MCA, criteria by a preponderance of the evidence. *Matter of Royston*, 249 Mont. 425, 429, 816 P.2d 1054, 1057 (1991); *Hohenlohe v. DNRC*, 2010 MT 203, ¶¶ 33, 35, and 75, 357 Mont. 438, 240 P.3d 628 (an Applicant's burden to prove change criteria by a preponderance of evidence is "more probable than not."); *Town of Manhattan v. DNRC*, 2012 MT 81, ¶ 8, 364 Mont. 450, 276 P.3d 920. Under this Preliminary Determination, the relevant change criteria in § 85-2-402(2), MCA, are:

(2) Except as provided in subsections (4) through (6), (15), (16), and (18) and, if applicable, subject to subsection (17), the department shall approve a change in appropriation right if the appropriator proves by a preponderance of evidence that the following criteria are met:

(a) The proposed change in appropriation right will not adversely affect the use of the existing water rights of other persons or other perfected or planned uses or developments for which a permit or certificate has been issued or for which a state water reservation has been issued under part 3.

(b) The proposed means of diversion, construction, and operation of the appropriation works are adequate, except for: (i) a change in appropriation right for instream flow pursuant to 85-2-320 or 85-2-436; (ii) a temporary change in appropriation right for instream flow pursuant to 85-2-408; or (iii) a change in appropriation right pursuant to 85-2-420 for mitigation or marketing for mitigation.

(c) The proposed use of water is a beneficial use.

(d) The Applicant has a 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 or, if the proposed change involves a point of diversion, conveyance, or place of use on national forest system lands, the Applicant has any written special use authorization required by federal law to occupy, use, or traverse national forest system lands for the purpose of diversion, impoundment, storage, transportation, withdrawal, use, or distribution of water. This subsection (2)(d) does not apply to: (i) a change in appropriation right for instream flow pursuant to 85-2-320 or 85-2-436; (ii) a temporary change in appropriation right for instream flow pursuant to 85-2-408; or (iii) a change in appropriation right pursuant to 85-2-420 for mitigation or marketing for mitigation.

13. The evaluation of a proposed change in appropriation does not adjudicate the underlying right(s). The Department's change process only addresses the water right holder's ability to make a different use of that existing right. *E.g., Hohenlohe*, ¶¶ 29-31; *Town of Manhattan*, ¶ 8; *In the Matter of Application to Change Appropriation Water Right No.41F-31227 by T-L Irrigation Company* (DNRC Final Order 1991).

14. In addition to the § 85-2-402(2), MCA, an Applicant for a temporary change authorization must comply with the requirements and conditions set forth in § 85-2-407, MCA. Section 85-2-441, MCA, provides that a water right owner may temporarily apply water diverted from a well or developed spring located on private land to beneficial use on state trust land for the duration of a state land lease held by the water right owner. Pursuant to § 85-2-407, MCA, a temporary change may be approved for a period not to exceed 10 years. Upon expiration of the temporary change, the water right will automatically revert to its original terms. This temporary change may be renewed an indefinite number of times but may not exceed 10 years for each renewal. An application for renewal requires the written consent of the DNRC Trust Land Management Division.

HISTORICAL USE

FINDINGS OF FACT

15. The water right being proposed for change is Powder River Declaration 42J 772-00, with a priority date of December 31, 1943. This water right was filed on December 20, 1963, in Powder River County, as a groundwater well with a 15.0 GPM appropriation. Historically, water was pumped from the well by a ½ HP electric well pump through an 8-inch steel well casing and conveyed through a 1-5/8 inch (1.625 inches) steel galvanized pipe for 6 feet, to fill a 12-foot-diameter by 2-foot-deep wooden stock tank. The period of diversion is from January 1 to December 31, at 15 GPM (0.03 CFS), up to 1.5 AF/YR. Direct pumping and conveyance via steel infrastructure means there was no conveyance loss for the transportation of water from the well to the stock tank. The historical POD and POU - well, pump, pipeline, and stock tank - were field investigated and field verified on August 30, 1976, by DNRC's former employee, Michael Peterson, who confirmed the flow rate and priority date.

16. Powder River Declaration 42J 772-00 diverts groundwater from a well located in the SWSENW of Sec. 2, T8S, R50E, at 15.0 GPM, up to 1.5 AF from January 1 to December 31, to be used from January 1 to December 31 by stock in the SWSENW of Sec. 2, T8S, 50E, Powder River County. This information was decreed on May 31, 1983, through Decree #76, and is therefore accepted by the Department.

17. Prior to this Application, there has been no mention of AU in the historical documents with regards to Powder River Declaration 772-00. The Applicant has claimed 50 AU on this Application. The 1.5 AF volume for Powder River Declaration 42J 772-00 is less than the standard of what would be calculated for 50 AU at 30GPD/AU or 0.034 AF/YR, times the number of AU. The calculated volume for 50 AU is 1.7 AF (0.034 x 50 AU = 1.7 AF). However, 1.5 AF has been decreed; therefore, it is accepted by the Department. Stock use is considered 100% consumptive; therefore, the historical consumed volume and historical diverted volume are the same, and the Department finds the historical consumed and diverted volume is 1.5 AF, as shown in Table 5.

Table 5: Historic Consumed & Diverted Volume of Powder River Declaration 42J 772-00

Purpose	Animal Units (AU)	Consumed Volume	Diverted Volume
Stock	50 AU	1.5 AF	1.5 AF

18. Prior to these Applications, Powder River Declaration 42J 772-00 had no overlapping or supplemental water rights. If this change is granted, Powder River Declaration 42J 772-00 will be supplemental to two other water rights: (1) Powder River Declaration 42J 778-00 is for stock, with two POU's including the NENENW of Sec. 10, 8S, R50E, having the same POU as proposed stock tank no. two (PST2, Figure 1); (2) Powder River Declaration 42J 779-00 is for stock in the NESENE of Sec. 9, 8S, R50E, having the same POU as proposed stock tank no. three (PST3, Figure 1). Both rights are for dams on an unnamed tributary of Butte Creek. Butte Creek is classified by Montana DEQ as a C-3 and as intermittent by USGS. The source has become unreliable, and added stock tanks have become necessary for the herd to obtain water. The Applicants' herd will use the various sources as available to them.

19. The Department finds the historical use for Powder River Declaration 772-00, as shown in Table 6.

Table 6: Summary of the historical use of Powder River Declaration 42J 772-00.

WR Number	Purpose	Flow Rate	Volume	Period of Use	Point of diversion	Place of use	Priority date
42J 772-00	Stock	15 GPM	1.5 AF	01/01 – 12/31	SWSENW Sec 2, T8S, R50E, Powder River County	SWSENW Sec 2, T8S, R50E, Powder River County	12/31/1943

ADVERSE EFFECT

FINDINGS OF FACT

20. The historical use for Powder River Declaration 42J 722-00 is for 15.0 GPM, up to 1.5 AF for stock purposes from January 1 to December 31 (Table 1, FOF 1). In Change Application No. 42J 30164475, the Applicant proposes to permanently supply water from the existing well to the existing stock tank and six (6) proposed stock tanks, for a total of seven (7) tanks supplied through the pipeline system. In Change Application No. 42J 30165246, the Applicant proposes to temporarily supply water to seven (7) proposed stock tanks, for a total of eight (8) tanks supplied through the pipeline system.

21. In Permanent Change Application 42J 30164475, the Applicants propose to supply water from the existing well to six (6) additional stock tanks for a total of seven (7) tanks supplied through the pipeline system. In Temporary Change Application 42J 30165246, the Applicants propose to temporarily supply water to seven (7) additional stock tanks, for a total of eight (8) tanks supplied through the pipeline system. In both the Permanent Change Application 42J 30164475 and Temporary Change Application 42J 30165246, the herd size will not increase under the proposed change. Neither the flow rate nor the volume will increase as part of these changes. There will be no change in the rate or timing of stock use. Only the place of use will change due to the addition of stock tanks. Water will be conveyed to the proposed stock tanks through a pipeline, so there will be no conveyance losses. The Applicant proposes equipping each stock tank with float/shut-off valves to control flow to the tanks. The Applicant can shut off the well pump if a call is made. There are no plans or requirements to measure diversion or use from this system.

22. Because no change in the POD is proposed, the area of potential impact is the Applicant's well. The only water right on the well is the one in this Application, Powder River Declaration 772-00. The Applicant's changes will not increase the flow rate or the volume diverted and will remain under the amount decreed and historically appropriated.

23. The Department finds there will be no adverse effect as a result of this change.

BENEFICIAL USE

FINDINGS OF FACT

24. For both the Change Application No. 42J 30164475 and 42J 30165246, the Applicant proposes to use water for stock, which is recognized as a beneficial use under the Montana Water

Use Act §85-2-102 (4), MCA. The Applicant proposes a flow rate of 15.0 GPM, up to 1.5 AF of diverted volume from January 1 to December 31, for stock use for 50 AU. This amount is less than Department standards for 50 AU but is beneficial to the Applicant (FOF 17). The volume of 1.5 AF is the maximum amount claimed and decreed for the Applicant's livestock.

25. These changes will make Powder River Declaration 772-00 supplemental to two rights that have become unreliable (FOF 2).

26. The Department finds that stock is a beneficial use, and the flow rate and volume are the necessary amounts of water for that use.

ADEQUATE DIVERSION

FINDINGS OF FACT

27. The Applicant diverts water via a well with a depth of 80 ft, located in the SWSNW of Sec. 2, T8S, R50E, Powder River County. The water will be withdrawn by a 1.5HP Grundfos pump, through 1.25 Poly-pipe, to the stock tanks. The Applicant has tested the conveyance utilizing the 5-gallon bucket test to measure the flow rate at the well and each of the stock tanks. The Applicant's measurements show 4.5 GPM at the last stock tank, approximately 1.8 pipeline miles from the well.

28. The Applicant proposes a pipeline system moving south-westward, with four stock tanks. From the well, the pipeline will travel approximately 0.6 miles to the first stock tank on this line (PST1, Figure 1), that will provide water for the stock in the NWSWSW of Sec. 2, T8S, R50E. This tank will be regulated with a valve and float. The pipeline will then travel approximately 0.6 miles to the second stock tank on this line (PST2, Figure 1), that will provide water for the stock in the NENENW of Sec. 10, T8S, R50E. This tank will be regulated with a valve and float. From the second tank on this line, the pipeline will tee off to the third and fourth stock tanks. From this tee, the pipeline will travel approximately 0.6 miles to the third stock tank (PST3, Figure 1), that will provide water to the stock in the NESENE of Sec. 9, T8S, R50E. This tank will be regulated with a valve and float. From the T located near the second stock tank, the pipeline will travel approximately 0.5 miles to the last stock tank on this line. The fourth stock tank (PST4, Figure 1) will provide water to the stock in the SESENE of Sec. 10, T8S, R50E. This tank will be regulated with a valve and float. These four POUs will be permanent through Change Authorization 42J 30164475.

29. The Applicant proposes a pipeline system moving northeastward, with one tank on the Applicant's property. From the well, the pipeline will travel approximately 0.2 miles to this stock tank on this line (PST5, Figure 1). This stock tank will provide water to the stock in the SESWNE of Sec. 2, T8S, R50E. This tank will be regulated with a valve and float. This place of use will be permanent through Change Authorization 42J 30164475.

30. The Applicant proposes adding a stock tank and pipeline starting from the stock tank in the SESWNE of Sec. 2, T8S, R50E, which will travel over a mile (upgradient) to State Land in Sec. 36, T7S, R50E, to bypass BLM land. Use of State Lands for a stock water pipeline has been granted by TLMD through Land Use License No. 310-2500013. The pipeline will then travel approximately 0.6 miles, returning to private property, to the second permanent stock tank on this line (PST7, Figure 1). The stock tank will provide water to the stock in the NENW of Lot 1, in Sec. 1, T8S, R50E. This tank will be regulated with a valve and float, and will be the last tank to fill. This place of use will be permanent through Change Authorization 42J 30164475.

31. The Applicant proposes to add one tank on State Land. This stock tank (PST6, Figure 1) will be connected to the pipeline that moves northeastward from the well. This tank is located on State Land and is temporary under Change Authorization 42J 30165246. This stock tank will provide water to the NESESW and NWSWSE of Sec. 36, T7S, R50E. This tank will be regulated with a valve and float. This place of use will be permanent through Change Authorization 42J 30165246. Use of a water right on State Lands has been granted through TLMD Authorization for Temporary Change in Appropriation Right Consent Form – for Lease No. 827.

32. The entire system will consist of 8 stock tanks on approximately 4.1 miles of pipeline, to expand across three of the Applicant's parcels and one parcel belonging to State Lands. The system measures approximately 3.5 linear miles from the most south-westward tank to the most eastward tank.

33. The Department finds that the proposed diversion and conveyance are capable of carrying the flow rate of 15.0 GPM and diverted volume up to 1.5 AF.

POSSESSORY INTEREST

FINDINGS OF FACT

34. The Applicant signed the affidavit on the application form affirming the Applicant has 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. The affidavit will be kept on file with the Department.

35. The following condition is proposed to satisfy the possessory interest criterion:

IN THE PRESENT CASE, THE APPLICANT IS THE OWNER OF POWDER RIVER DECLARATION 42J 772-00. THE APPLICANT PROPOSES TO TAKE WATER DIVERTED FROM THE WELL LOCATED ON PRIVATE PROPERTY, AND TEMPORARILY USE IT FOR STOCK USE ON STATE TRUST LAND FOR THE DURATION OF AGRICULTURAL & GRAZING LEASE OF STATE LANDS AGREEMENT NO. 827. THE APPLICANT OBTAINED WRITTEN CONSENT FROM THE DNRC TRUST LAND MANAGEMENT DIVISION TO TEMPORARILY USE POWDER RIVER DECLARATION 42J 772-00 ON THE STATE TRUST LAND FOR THE DURATION OF AGRICULTURAL & GRAZING LEASE OF STATE LANDS AGREEMENT NO. 827. EXPIRATION OR TERMINATION OF AGRICULTURAL & GRAZING LEASE OF STATE LANDS AGREEMENT NO. 827 WILL RESULT IN THE REVOCATION OF TEMPORARY CHANGE AUTHORIZATION 42J 30165246, AND POWDER RIVER DECLARATION 42J 772-00 WILL REVERT TO THE PERMANENT CHANGE AUTHORIZATION 42J 30164475.

CONCLUSIONS OF LAW

HISTORICAL USE AND ADVERSE EFFECT

36. Montana's change statute codifies the fundamental principles of the Prior Appropriation Doctrine. Sections 85-2-401 and -402(1)(a), MCA, authorize changes to existing water rights, permits, and water reservations subject to the fundamental tenet of Montana water law that one may change only that to which he or she has the right based upon beneficial use. A change to an existing water right may not expand the consumptive use of the underlying right or remove the well-established limit of the appropriator's right to water actually taken and beneficially used. An increase in consumptive use constitutes a new appropriation and is subject to the new water use permit requirements of the MWUA. *McDonald v. State*, 220 Mont. 519, 530, 722 P.2d 598, 605 (1986) (beneficial use constitutes the basis, measure, and limit of a water right); *Featherman v.*

Hennessy, 43 Mont. 310, 316-17, 115 P. 983, 986 (1911) (increased consumption associated with expanded use of underlying right amounted to new appropriation rather than change in use); *Quigley v. McIntosh*, 110 Mont. 495, 103 P.2d 1067, 1072-74 (1940) (appropriator may not expand a water right through the guise of a change – expanded use constitutes a new use with a new priority date junior to intervening water uses); *Allen v. Petrick*, 69 Mont. 373, 222 P. 451(1924) (“quantity of water which may be claimed lawfully under a prior appropriation is limited to that quantity within the amount claimed which the appropriator has needed, and which within a reasonable time he has actually and economically applied to a beneficial use. . . . it may be said that the principle of beneficial use is the one of paramount importance . . . The appropriator does not own the water. He has a right of ownership in its use only”); *Town of Manhattan*, ¶ 10 (an appropriator’s right only attaches to the amount of water actually taken and beneficially applied).¹

37. Sections 85-2-401(1) and -402(2)(a), MCA, codify the prior appropriation principles that Montana appropriators have a vested right to maintain surface and ground water conditions substantially as they existed at the time of their appropriation; subsequent appropriators may insist that prior appropriators confine their use to what was actually appropriated or necessary for their originally intended purpose of use; and, an appropriator may not change or alter its use in a manner that adversely affects another water user. *Spokane Ranch & Water Co. v. Beatty*, 37 Mont. 342, 96 P. 727, 731 (1908); *Quigley*, 110 Mont. at 505-11, 103 P.2d at 1072-74; *Matter of Royston*, 249 Mont. at 429, 816 P.2d at 1057; *Hohenlohe*, ¶¶ 43-45.²

38. The cornerstone of evaluating potential adverse effect to other appropriators is the determination of the “historic use” of the water right being changed. *Town of Manhattan*, ¶10 (recognizing that the Department’s obligation to ensure that change will not adversely affect other water rights requires analysis of the actual historic amount, pattern, and means of water use). A change Applicant must prove the extent and pattern of use for the underlying right proposed for change through evidence of the historic diverted amount, consumed amount, place of use, pattern

¹ DNRC decisions are available at: <https://dnrc.mt.gov/Directors-Office/HearingOrders>

² See also *Holmstrom Land Co., Inc., v. Newlan Creek Water District*, 185 Mont. 409, 605 P.2d 1060 (1979); *Lokowich v. Helena*, 46 Mont. 575, 129 P. 1063 (1913); *Thompson v. Harvey*, 164 Mont. 133, 519 P.2d 963 (1974) (plaintiff could not change his diversion to a point upstream of the defendants because of the injury resulting to the defendants); *McIntosh v. Graveley*, 159 Mont. 72, 495 P.2d 186 (1972) (appropriator was entitled to move his point of diversion downstream, so long as he installed measuring devices to ensure that he took no more than would have been available at his original point of diversion); *Head v. Hale*, 38 Mont. 302, 100 P. 222 (1909) (successors of the appropriator of water appropriated for placer mining purposes cannot so change its use as to deprive lower appropriators of their rights, already acquired, in the use of it for irrigating purposes); and, *Gassert v. Noyes*, 18 Mont. 216, 44 P. 959 (1896) (change in place of use was unlawful where reduced the amount of water in the source of supply available which was subject to plaintiff’s subsequent right).

of use, and return flow because a statement of claim, permit, or decree may not include the beneficial use information necessary to evaluate the amount of water available for change or potential for adverse effect.³ A comparative analysis of the historic use of the water right to the proposed change in use is necessary to prove the change will not result in expansion of the original right, or adversely affect water users who are entitled to rely upon maintenance of conditions on the source of supply for their water rights. *Quigley*, 103 P.2d at 1072-75 (it is necessary to ascertain historic use of a decreed water right to determine whether a change in use expands the underlying right to the detriment of other water user because a decree only provides a limited description of the right); *Royston*, 249 Mont. at 431-32, 816 P.2d at 1059-60 (record could not sustain a conclusion of no adverse effect because the Applicant failed to provide the Department with evidence of the historic diverted volume, consumption, and return flow); *Hohenlohe*, ¶ 44-45; Town of Manhattan v. DNRC, Cause No. DV-09-872C, Montana Eighteenth Judicial District Court, *Order Re Petition for Judicial Review*, Pgs. 11-12 (proof of historic use is required even when the right has been decreed because the decreed flow rate or volume establishes the maximum appropriation that may be diverted, and may exceed the historical pattern of use, amount diverted or amount consumed through actual use); Matter of Application For Beneficial Water Use Permit By City of Bozeman, *Memorandum*, Pgs. 8-22 (Adopted by DNRC *Final Order* January 9, 1985)(evidence of historic use must be compared to the proposed change in use to give effect to the implied limitations read into every decreed right that an appropriator has no right to expand his appropriation or change his use to the detriment of juniors).⁴

³A claim only constitutes *prima facie* evidence for the purposes of the adjudication under § 85-2-221, MCA. The claim does not constitute *prima facie* evidence of historical use in a change proceeding under § 85-2-402, MCA. For example, most water rights decreed for irrigation are not decreed with a volume and provide limited evidence of actual historic beneficial use. Section 85-2-234, MCA

⁴ Other western states likewise rely upon the doctrine of historic use as a critical component in evaluating changes in appropriation rights for expansion and adverse effect: Pueblo West Metropolitan District v. Southeastern Colorado Water Conservancy District, 717 P.2d 955, 959 (Colo. 1986)(“[O]nce an appropriator exercises his or her privilege to change a water right ... the appropriator runs a real risk of requantification of the water right based on actual historical consumptive use. In such a change proceeding a junior water right ... which had been strictly administered throughout its existence would, in all probability, be reduced to a lesser quantity because of the relatively limited actual historic use of the right.”); Santa Fe Trail Ranches Property Owners Ass'n v. Simpson, 990 P.2d 46, 55 -57 (Colo., 1999); Farmers Reservoir and Irr. Co. v. City of Golden, 44 P.3d 241, 245 (Colo. 2002)(“We [Colorado Supreme Court] have stated time and again that the need for security and predictability in the prior appropriation system dictates that holders of vested water rights are entitled to the continuation of stream conditions as they existed at the time they first made their appropriation”); Application for Water Rights in Rio Grande County, 53 P.3d 1165, 1170 (Colo. 2002); Wyo. Stat. § 41-3-104 (When an owner of a water right wishes to change a water right ... he shall file a petition requesting permission to make such a change The change ... may be allowed provided that the quantity of water transferred ... shall not exceed the amount of water historically diverted under the existing use, nor increase the historic rate of diversion under the existing use, nor increase the historic amount consumptively used under the existing use, nor decrease the historic

39. An Applicant must also analyze the extent to which a proposed change may alter historic return flows for purposes of establishing that the proposed change will not result in adverse effect. The requisite return flow analysis reflects the fundamental tenant of Montana water law that once water leaves the control of the original appropriator, the original appropriator has no right to its use and the water is subject to appropriation by others. *E.g., Hohenlohe*, ¶ 44; *Rock Creek Ditch & Flume Co. v. Miller*, 93 Mont. 248, 17 P.2d 1074, 1077 (1933); *Newton v. Weiler*, 87 Mont. 164, 286 P. 133 (1930); *Popham v. Holloron*, 84 Mont. 442, 275 P. 1099, 1102 (1929); *Galiger v. McNulty*, 80 Mont. 339, 260 P. 401 (1927); *Head v. Hale*, 38 Mont. 302, 100 P. 222 (1909); *Spokane Ranch & Water Co.*, 37 Mont. at 351-52, 96 P. at 731; *Hidden Hollow Ranch v. Fields*, 2004 MT 153, 321 Mont. 505, 92 P.3d 1185; ARM 36.12.101(56) (Return flow - that part of a diverted flow which is not consumed by the appropriator and returns underground to its original source or another source of water - is not part of a water right and is subject to appropriation by subsequent water users).⁵

40. Although the level of analysis may vary, analysis of the extent to which a proposed change may alter the amount, location, or timing return flows is critical in order to prove that the proposed change will not adversely affect other appropriators who rely on those return flows as part of the source of supply for their water rights. *Royston*, 249 Mont. at 431, 816 P.2d at 1059-60; *Hohenlohe*, at ¶¶ 45-46 and 55-6; *Spokane Ranch & Water Co.*, 37 Mont. at 351-52, 96 P. at 731.

41. In *Royston*, the Montana Supreme Court confirmed that an Applicant is required to prove lack of adverse effect through comparison of the proposed change to the historic use, historic consumption, and historic return flows of the original right. 249 Mont. at 431, 816 P.2d at 1059-60. More recently, the Montana Supreme Court explained the relationship between the fundamental principles of historic beneficial use, return flow, and the rights of subsequent appropriators as they relate to the adverse effect analysis in a change proceeding in the following

amount of return flow, nor in any manner injure other existing lawful appropriators.); *Basin Elec. Power Co-op. v. State Bd. of Control*, 578 P.2d 557, 564 -566 (Wyo,1978) (a water right holder may not effect a change of use transferring more water than he had historically consumptively used; regardless of the lack of injury to other appropriators, the amount of water historically diverted under the existing use, the historic rate of diversion under the existing use, the historic amount consumptively used under the existing use, and the historic amount of return flow must be considered.)

⁵ The Montana Supreme Court recently recognized the fundamental nature of return flows to Montana's water sources in addressing whether the Mitchell Slough was a perennial flowing stream, given the large amount of irrigation return flow which feeds the stream. The Court acknowledged that the Mitchell's flows are fed by irrigation return flows available for appropriation. *Bitterroot River Protective Ass'n, Inc. v. Bitterroot Conservation Dist.*, 2008 MT 377, ¶¶ 22, 31, 43, 346 Mont. 508, 198 P.3d 219,(citing *Hidden Hollow Ranch v. Fields*, 2004 MT 153, 321 Mont. 505, 92 P.3d 1185).

manner:

The question of adverse effect under §§ 85-2-402(2) and -408(3), MCA, implicates return flows. A change in the amount of return flow, or to the hydrogeologic pattern of return flow, has the potential to affect adversely downstream water rights. There consequently exists an inextricable link between the “amount historically consumed” and the water that re-enters the stream as return flow. . . .

An appropriator historically has been entitled to the greatest quantity of water he can put to use. The requirement that the use be both beneficial and reasonable, however, proscribes this tenet. This limitation springs from a fundamental tenet of western water law—that an appropriator has a right only to that amount of water historically put to beneficial use—developed in concert with the rationale that each subsequent appropriator “is entitled to have the water flow in the same manner as when he located,” and the appropriator may insist that prior appropriators do not affect adversely his rights.

This fundamental rule of Montana water law has dictated the Department’s determinations in numerous prior change proceedings. The Department claims that historic consumptive use, as quantified in part by return flow analysis, represents a key element of proving historic beneficial use.

We do not dispute this interrelationship between historic consumptive use, return flow, and the amount of water to which an appropriator is entitled as limited by his past beneficial use.

Hohenlohe, at ¶¶ 42-45 (internal citations omitted).

42. The Department’s rules reflect the above fundamental principles of Montana water law and are designed to itemize the type of evidence and analysis required for an Applicant to meet its burden of proof. ARM 36.12.1901 through 1903. These rules forth specific evidence and analysis required to establish the parameters of historic use of the water right being changed. ARM 36.12.1901 and 1902. The rules also outline the analysis required to establish a lack of adverse effect based upon a comparison of historic use of the water rights being changed to the proposed use under the changed conditions along with evaluation of the potential impacts of the change on other water users caused by changes in the amount, timing, or location of historic diversions and return flows. ARM 36.12.1901 and 1903.

43. Based upon the Applicant’s evidence of historic use, the Applicant has proven by a preponderance of the evidence the historic use of Powder River Declaration 772-00 to be a diverted volume of 1.5 AF, a historically consumed volume of 1.5 AF, and flow rate of 15 GPM. (FOF Nos. 15-19)

44. Based upon the Applicant's comparative analysis of historic water use and return flows to water use and return flows under the proposed change, the Applicant has proven that the proposed change in appropriation right will not adversely affect the use of the existing water rights of other persons or other perfected or planned uses or developments for which a permit or certificate has been issued or for which a state water reservation has been issued. Section 85-2-402(2)(a), MCA. (FOF Nos. 20-23)

BENEFICIAL USE

45. A change Applicant must prove by a preponderance of the evidence the proposed use is a beneficial use. Sections 85-2-102(4) and -402(2)(c), MCA. Beneficial use is and has always been the hallmark of a valid Montana water right: "[T]he amount actually needed for beneficial use within the appropriation will be the basis, measure, and the limit of all water rights in Montana . . ." McDonald, 220 Mont. at 532, 722 P.2d at 606. The analysis of the beneficial use criterion is the same for change authorizations under §85-2-402, MCA, and new beneficial permits under §85-2-311, MCA. ARM 36.12.1801. The amount of water that may be authorized for change is limited to the amount of water necessary to sustain the beneficial use. *E.g., Bitterroot River Protective Association v. Siebel, Order on Petition for Judicial Review*, Cause No. BDV-2002-519 (Mont. 1st Jud. Dist. Ct.) (2003) (*affirmed on other grounds*, 2005 MT 60, 326 Mont. 241, 108 P.3d 518); *Worden v. Alexander*, 108 Mont. 208, 90 P.2d 160 (1939); *Allen v. Petrick*, 69 Mont. 373, 222 P. 451(1924); *Sitz Ranch v. DNRC*, DV-10-13390,, *Order Affirming DNRC Decision*, Pg. 3 (Mont. 5th Jud. Dist. Ct.) (2011) (citing *BRPA v. Siebel*, 2005 MT 60, and rejecting Applicant's argument that it be allowed to appropriate 800 acre-feet when a typical year would require 200-300 acre-feet); *Toohey v. Campbell*, 24 Mont. 13, 60 P. 396 (1900) ("The policy of the law is to prevent a person from acquiring exclusive control of a stream, or any part thereof, not for present and actual beneficial use, but for mere future speculative profit or advantage, without regard to existing or contemplated beneficial uses. He is restricted in the amount that he can appropriate to the quantity needed for such beneficial purposes."); § 85-2-312(1)(a), MCA (DNRC is statutorily prohibited from issuing a permit for more water than can be beneficially used).

46. Applicant proposes to use water for stock, which is a recognized beneficial use. Section 85-2-102(5), MCA. Applicant has proven by a preponderance of the evidence that stock is a beneficial use and that a 15.0 GPM flow rate of water, up to 1.5 AF of diverted volume requested

is the amount needed to sustain the beneficial use and is within the standards set by DNRC Rule. Section 85-2-402(2)(c), MCA (FOF Nos. 24-26).

ADEQUATE MEANS OF DIVERSION

47. Pursuant to § 85-2-402 (2)(b), MCA, the Applicant must prove by a preponderance of the evidence that the proposed means of diversion, construction, and operation of the appropriation works are adequate. This codifies the prior appropriation principle that the means of diversion must be reasonably effective for the contemplated use and may not result in a waste of the resource. *Crowley v. 6th Judicial District Court*, 108 Mont. 89, 88 P.2d 23 (1939); *In the Matter of Application for Beneficial Water Use Permit No. 41C-11339900 by Three Creeks Ranch of Wyoming LLC* (DNRC Final Order 2002) (information needed to prove that proposed means of diversion, construction, and operation of the appropriation works are adequate varies based upon project complexity; design by licensed engineer adequate).

48. Pursuant to § 85-2-402 (2)(b), MCA, Applicant has proven by a preponderance of the evidence that the proposed means of diversion, construction, and operation of the appropriation works are adequate for the proposed beneficial use. (FOF Nos. 24-33)

POSSESSORY INTEREST

49. Pursuant to § 85-2-402(2)(d), MCA, the Applicant must prove by a preponderance of the evidence that it has a 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. See also ARM 36.12.1802.

50. The Applicant has proven by a preponderance of the evidence that it has a 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. (FOF Nos. 34-35)

PRELIMINARY DETERMINATION

Application to Change Water Right No. 42J 30164475

Subject to the terms and analysis in this Preliminary Determination Order, the Department preliminarily determines that this Permanent Application to Change Water Right No. 42J 30164475 should be granted subject to the following:

The Department determines the Applicant may change Powder River Declaration 42J 772-00 by permanently adding six (6) POUs. The Applicant is authorized to add new stock tanks in the NWSWSW Sec. 2, T8S, R50E; NENENW Sec. 9, T8S, R50E; NESENE Sec. 9, T8S, R50E; SESENE Sec. 10, T8S, R50E; SESWNE Sec. 2, T8S, R50E; and Lot 1 (NWNENE) Sec. 1, of T8S, R50E, Powder River County, for stock use, up to 50 AU. Powder River Declaration 772-00 will continue to use the historical and decreed POD located in the SWSENE of Sec. 2, T8S, R50E, Powder River County, for a period of diversion from January 1 to December 31, and a period of use from January 1 to December 31, at a flow rate of 15 GPM, up to 1.5 AF in volume, for stock purposes.

Application to Change Water Right No. 42J 30165246

Subject to the terms and analysis in this Preliminary Determination Order, the Department preliminarily determines that this Application to Change Water Right No. 42J 30165246 should be GRANTED subject to the following:

The Department determines the Applicant may change Powder River Declaration 42J 772-00 by temporarily adding seven (7) POUs. The Applicant is authorized to add stock tanks in the NWSWSW Sec. 2, T8S, R50E; NENENW Sec. 9, T8S, R50E; NESENE Sec. 9, T8S, R50E; SESENE Sec. 10, T8S, R50E; SESWNE Sec. 2, T8S, R50E; Lot 1 (NWNENE) Sec. 1, of T8S, R50E; and NESESW Sec. 36, T7S, R50E, Powder River County, for stock use up to 50 AU. In the instance that Temporary Change Authorization 42J 30165246 is not renewed, expires, or is terminated, Powder River Declaration 42J 772-00 will be used in accordance with the terms set forth in Permanent Change Authorization No. 42J 30164475. Powder River Declaration 772-00 will continue to use the historical and decreed POD located in the SWSENE of Sec. 2, T8S, R50E, Powder River County, for a period of diversion from January 1 to December 31, and a period of use from January 1 to December 31, at a flow rate of 15 GPM, up to 1.5 AF in volume, for stock purposes. If granted, Permanent Change Authorization No. 42J 30164475 and Temporary Change Authorization 42J 30165246 will be subject to the following conditions:

IN THE PRESENT CASE, THE APPLICANT IS THE OWNER OF POWDER RIVER DECLARATION 42J 772-00. THE APPLICANT PROPOSES TO TAKE WATER DIVERTED FROM THE WELL LOCATED ON PRIVATE PROPERTY AND TEMPORARILY USE IT FOR STOCK USE ON STATE TRUST LAND FOR THE DURATION OF AGRICULTURAL

& GRAZING LEASE OF STATE LANDS AGREEMENT NO 827. THE APPLICANT OBTAINED WRITTEN CONSENT FROM THE DNRC TRUST LAND MANAGEMENT DIVISION TO TEMPORARILY USE POWDER RIVER DECLARATION 42J 772-00 ON THE STATE TRUST LAND FOR THE DURATION OF THE AGRICULTURAL & GRAZING LEASE OF STATE LANDS AGREEMENT NO. 827. EXPIRATION OR TERMINATION OF AGRICULTURAL & GRAZING LEASE OF STATE LANDS AGREEMENT NO. 827 WILL RESULT IN THE REVOCATION OF TEMPORARY CHANGE AUTHORIZATION 42J 30165246, AND POWDER RIVER DECLARATION 42J 772-00 WILL REVERT TO THE PERMANENT CHANGE VERSION AUTHORIZED BY CHANGE AUTHORIZATION 42J 30164475.

NOTICE

The Department will provide a notice of opportunity for public comment on this Application and the Department’s Draft Preliminary Determination to grant pursuant to § 85-2-307, MCA. The Department will set a deadline for public comments to this Application pursuant to §§ 85-2-307 and -308, MCA. If this Application receives public comment, the Department shall consider the public comments, respond to the public comments, and issue a preliminary determination to grant the application, grant the application in modified form, or deny the application. If no public comments are received pursuant to § 85-2-307(4), MCA, the Department’s preliminary determination will be adopted as the final determination.

Dated this 27th day of May, 2025.



Mark Elison
Manager, Billings Regional Office,
Department of Natural Resources and
Conservation

CERTIFICATE OF SERVICE

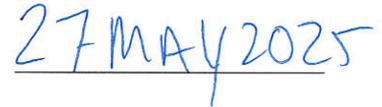
This certifies that a true and correct copy of the DRAFT PRELIMINARY DETERMINATION TO GRANT was served upon all parties listed below on this 27th day of May, 2025, by first class United States mail.

MS. DEBRA L. HAYES
1093 THREE RUNS PLANTATION DRIVE
AIKEN, SC, 29803
DEBRALHAYES@OUTLOOK.COM

QUINTEN RUMPH
PO BOX 342
BIDDLE, MT, 59314
QUENTINRUMPH@GMAIL.COM



CASSEY STREBECK
Billings Regional Office, Department of
Natural Resources and Conservation
Cassey.Strebeck@mt.gov
406-247-4422



DATE