Environmental Assessment & Public Notice for Public Comment

- Environmental Assessment & supporting documents
- Public Notice for Public Comment package
  - Notice Area List
  - Notice Area Map
  - Form Checklist
  - PN- Letter to applicant
  - PN- Letter to editor
  - PN- Certificate of service
  - PN- Invoice & tear sheet
  - PN- Return mail
  - Public Comment files

Environmental Assessment & Public Notice for Public Comment

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address:
   PARK CONSERVATION DISTRICT
   5242 US HWY 89 S
   LIVINGSTON, MT 59047

2. Type of action: Application to Change Water Right No. 43B 30164489, by Park Conservation District

3. Water source name: Yellowstone River

4. Location affected by project: The proposed POU for irrigation is located in Sections 33 and 34, T6S, R7E, and Sections 3 and 4, T7S, R7E, all in Park County.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: Applicant submitted Change Application 43B 30164489 on February 12, 2025, to the Bozeman DNRC Water Resources Office. The Applicant proposes to change the place of use (POU) of a portion of Park Conservation District (Park CD) Water Reservation No. 43B 10004-00 (CD Record No. 43B 30164990). No change in the point of diversion (POD), purpose, or place of storage is proposed. A flow rate of 2.6 CFS and a maximum volume of 161.2 AF/YR of the Park CD water reservation will be used for irrigation on 189.6 acres. The requested period of diversion is April 15 to October 19. A map of the proposed project is shown in Figure 1 on the following page. The DNRC shall issue a change authorization if an Applicant proves the criteria in 85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:
   - Montana Department of Fish, Wildlife & Parks (FWP)- Dewatered Streams Page 3 of 4 FISHMT :: Waterbody Search
   - Montana Department of Environmental Quality (DEQ)- Clean Water Act Information Center (CWAIC) Clean Water Act Information Center
   - Montana National Heritage Program (MTNHP)- National Heritage Map Viewer NHP Generalized Observations
   - U.S. Fish & Wildlife Service (USFWS)- National Wetlands Inventory Wetlands Mapper Web Soil Survey
   - Natural Resource Conservation Service (NRCS)- Web Soil Survey (WSS) National Wetlands Inventory

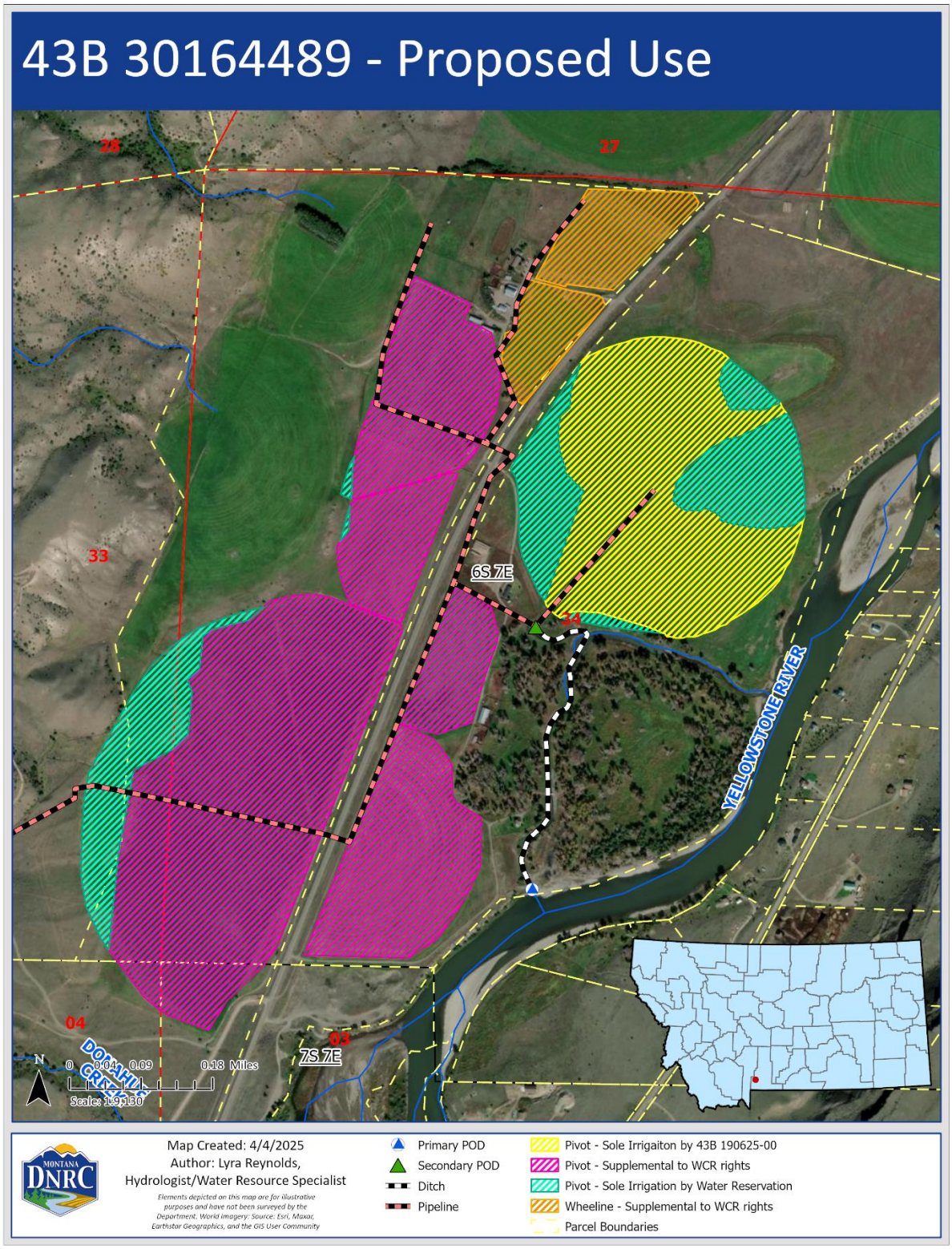


Figure 1. Proposed use for Change Application 43B 30164489

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity *- Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: No significant impact.

An April 11, 2025, search of DFWP data does not list the stretch of the Yellowstone River adjacent to the project as periodically or chronically dewatered. The new project will utilize a portion of the Park Conservation District's water reservation from the Yellowstone River to supply water for irrigation of 189.6 acres. This application is to change a non-perfected proportion of the Park Conservation District water reservation granted by the Order of the Boad of Natural Resources Establishing Water Reservations. No impact to water quantity is expected as a result of this change.

Water quality *- Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: No significant impact.

An April 11, 2025, search of DEQ Impaired Waters 2020 data on the CWAIC identified the Yellowstone River, from Reese Creek to Bridger Creek, was assessed for impairments. Agricultural use, Drinking Water use, and Primary Contact Recreation use were not assessed, but the search showed the source to be not fully supporting Aquatic Life use. The impairments are suspected to be caused by alteration in streamside or littoral vegetative covers and physical substrate habitat alterations from the following:

- Loss of Riparian Habitat
- Site Clearance
- Streambank Modifications/destabilization

The proposed project involves changing the POU of a non-perfected proportion of the Park Conservation District water reservation granted by the Order of the Boad of Natural Resources Establishing Water Reservations. The withdrawal of 2.6 CFS for irrigation use from the Yellowstone River is unlikely to change water quality.

Groundwater *- Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: No significant impact.

The proposed use does not involve a groundwater component.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: No significant impact.

The proposed project does not involve a change in POD. The Applicant will use a diversion works that is a stem and handwheel headgate opening into a three-foot culvert on the northwest bank of the Yellowstone River. The diversion is currently in use under the West Creek Ranch's irrigation Statement of Claim 43B 190625-00. Water is conveyed from the POD through a ditch to a pump site, where two separate pumps are located. From each of the pumps, water is pumped from the ditch into a system of pipelines, which supplies water to the various pivots and sprinkler systems across the POU. The diversion works have already been constructed and have been in use for over 50 years under other water rights. The diversion works have little possibility of creating barriers to wildlife of modifications to channel flow.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: No significant impact identified.

An April 11, 2025, search of the Montana Heritage Program's website for T6S, R7E, Park County returned the following results:

- 54 Animal Species of Concern: Canada Lynx, Grizzly Bear, Little Brown Myotis, Long-eared Myotis, Long-legged Myotis, Merriam's Shrew, Northern Hoary Bat, Silver-haired Bat, Wolverine, American Bittern, American Goshawk, American White Pelican, Black-Rosy Finch, Black Swift, Black-beaked Woodpecker, Black-necked Stilt, Bobolink, Brewer's Sparrow, Brown Creeper, Burrowing Owl, Caspian Tern, Cassin's Finch, Chestnut-collard Longspur, Clark's Grebe, Clark's Nutcracker, Common Loon, Common Tern, Evening Grosbeak, Ferruginous Hawk, Foster's Tern, Franklin's Gull, Golden Eagle, Gray-crowned Rosy-Finch, Great Blue Heron, Green-tailed Towhee, Harlequinn Duck, Horned Grebe, Lewis's Woodpecker, Loggerhead Shrike, Long-billed Curlew, Pacific Wren, Pinyon Jay, Piping Plover, Sage Thrasher, Sharp-tailed Grouse, Solitary Sandpiper, Trumpeter Swan, Varied Thrush, Veery, White-faced Ibis, Whooping Crane, Western Toad, Rock Mountain Cutthroat Trout, Westslope Cutthroat Trout
- 12 Animal Potential Species of Concern: Uinta Ground Squirrel, Barrow's Goldeneye, Black-and-white Warbler, Boreal Owl, Broad-tailed Hummingbird, Common Poorwill, Great Gray Owl, Hooded Merganser, Ovenbird, Rufous Hummingbird, Tennessee Warbler, Western Screech-Owl, Brook Stickleback
- 1 Animal Special Status Species: Bald Eagle
- 12 Plant Species of Concern: Nevada Clubrush, Sitka Columbine, Wedge-leaf Saltbush, Slender Indian Paintbrush, Slim Larkspur, Marsh Horsetail, Meadow Horsetail, Beautiful

Fleabane, Mountain Lousewort, Whitebark Pine, Spiny Skeletonweed, Kruckeberg's Swordfern

- 3 Plant Potential Species of Concern: Electric Peak Larkspur, Suksdorf Monkeyflower, Austin's Knotweed
- 0 Plant Special Status Species

The proposed project will use existing POD infrastructure. The diversion has not been reported to create a barrier to the migration or movement of aquatic species. The proposed project is not anticipated to have a significant impact on endangered or threatened species.

Wetlands *- Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: No significant impact.

An April 21, 2025, search on the National Wetlands Inventory Mappers shows some freshwater emergent wetland in the project area. No significant impacts on wetlands in the area are expected as a result of the proposed change.

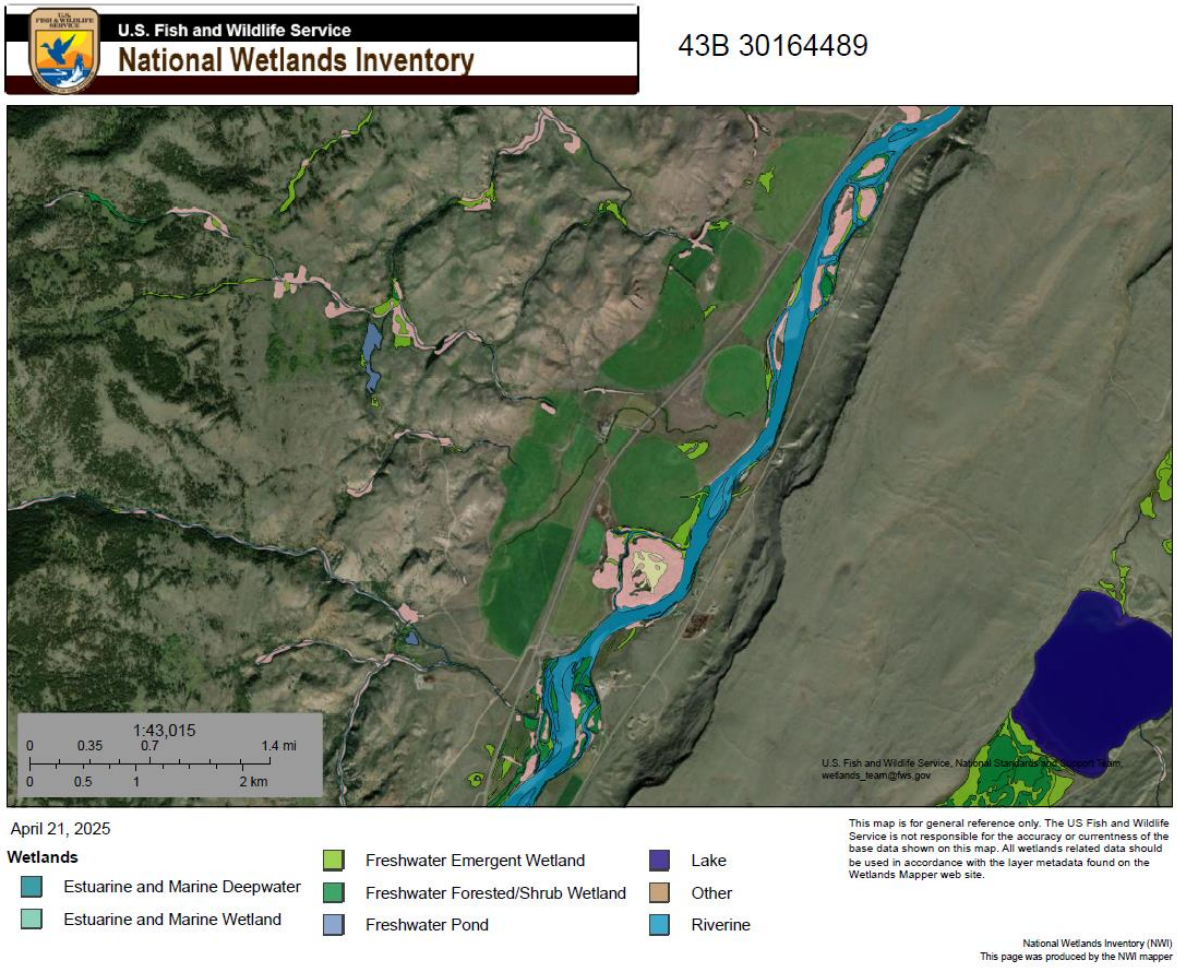


Figure 2. Wetlands in the proposed project area

Ponds **-** *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: No significant impact.

There are no ponds involved in the proposed project.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: An April 21, 2025, search of the NRCS Web Soil Survey identified high surface salinization risk, low surface salination risk, and areas that are already saline. The proposed project of the water reservation overlaps POUs for privately owned irrigation water rights and will not further increase salination of soils. The proposed change to irrigation use is not predicted to increase soil salinization risk.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: No significant impact.

The proposed irrigation should not promote the establishment of noxious weeds. Under Montana law, private landowners are responsible for noxious weed control on their property.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No significant impact.

The proposed project will not impact air quality.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: No significant impacts.

The proposed project is not located on State or Federal Lands. The Applicant did not mention significant historical or archeological sites on the property.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No significant impact identified.

No impacts on environmental resources of land, water, or energy not already addressed.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: No significant impact identified.

This change application is to change the POU of Water Reservation No. 43B 10004-00 for irrigation use, which is recognized beneficial use of water within the State of Montana a (§85-2-102(5), MCA).

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: No significant impact identified.

The proposed change is located entirely on private property and will not affect access to recreational activities or the quality of recreational and wilderness activities.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No significant impact identified.

The project will not impact human health.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
*Yes___ No_**X**_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights*.

Determination: No significant impact identified.

This project does not impact government regulations on private property rights.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

1. Impacts on:

(a) Cultural uniqueness and diversity? No significant impact identified.

(*b) Local and state tax base and tax revenues?* No significant impact identified.

(c) *Existing land uses?* No significant impact identified.

(d) *Quantity and distribution of employment?* No significant impact identified.

(e) *Distribution and density of population and housing?* No significant impact identified.

(f) *Demands for government services?* No significant impact identified.

(g) *Industrial and commercial activity?* No significant impact identified.

(h) *Utilities?* No significant impact identified.

(i) *Transportation?* No significant impact identified.

(j) *Safety?* No significant impact identified.

(k) *Other appropriate social and economic circumstances?* No significant impact identified.

2. Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts No significant secondary impacts identified.

Cumulative Impacts No significant cumulative impacts identified.

3. Describe any mitigation/stipulation measures: The Park Conservation District is proposing to add a new POU to their water reservation. The Park Conservation District Authorization requires the water user to keep written records of the flow rate and volume of all water diverted and to submit the report to the Conservation District annually by November 1. The portion of the water reservation proposed for change, reflected on Conservation District Record No. 43B 30164490, will be supplemental to private water rights owned by the end user of the Park Conservation District water (West Creek Ranch, LLC). For the change authorization to be granted by the DNRC, the Applicant must prove the criteria in §85-2-402 MCA are met.

4. Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider: The "no action" alternative would prevent the producer from increasing agricultural production and does not make progress towards the Conservation District from fulfilling its responsibility with respect to the water reservation.

PART III. Conclusion

1. ***Preferred Alternative:*** The preferred alternative is to grant the change application if the Applicant has proven the criteria of §85-2-402, MCA.
2. ***Comments and Responses:*** None at this time
3. ***Finding:*** *Yes___ No_**X**_ Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain <u>why</u> the EA is the appropriate level of analysis for this proposed action: The EA is the appropriate level of analysis because the proposed project is to change the POU of a portion of Park Conservation District Water Reservation No. 43B 10004-00. The Applicant proposes to use the water right for irrigation use and will use a maximum diverted volume of 161.2 AF and up to a maximum 2.6 CFS flow rate. No change in the POD, purpose, or place of storage is proposed. Irrigation is consistent with state and local plans. None of the identified impacts for any of the alternatives are significant as defined in ARM 36.2.524.

Name of person(s) responsible for preparation of EA:

Name: Kendrew Ellis
Title: Water Resource Specialist
Date: April 21, 2025

NOTICE AREA

Application No. **43B 30164489** Regional Office # **10**

Applicant's Name **Park Conservation District**

Indian Reservation [ ] Yes [X] No If yes, Reservation _____

Irrigation District [ ] Yes [x] No If yes, District _____

Specialist **Kendrew Ellis** Date **6/2/2025**

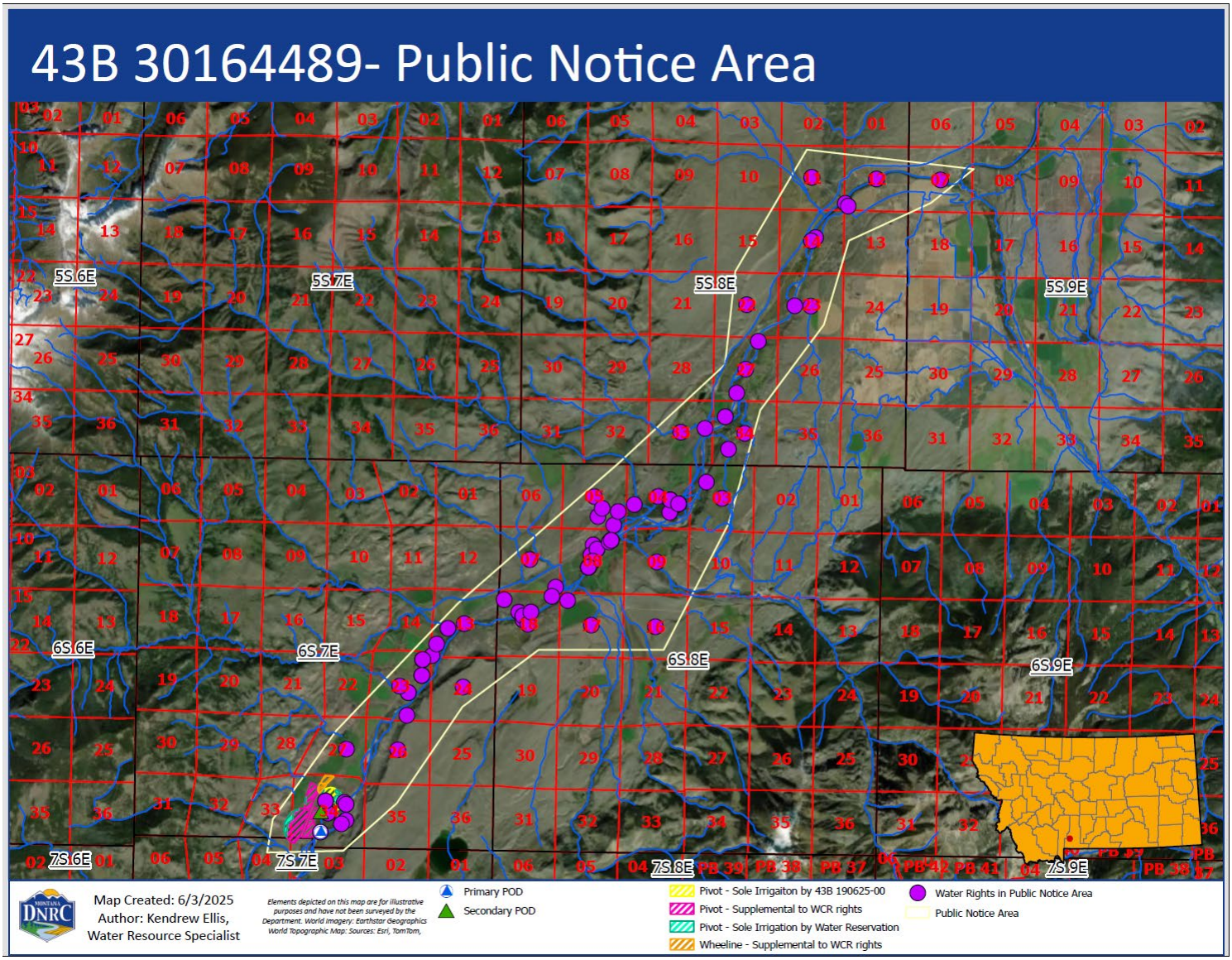


Figure 1. Map of Public Notice Area for **Change Application 43B 30164489**. The public notice area is marked with the **yellow** polygon; water rights in the polygon were identified for public notice. See the Remarks Section on the next page for a description of the notice area and which owners were noticed.

Water Right Owner	Water Right # (Basin, ID, and Number)
Applicant: Park Conservation District	43B 30164990
Consultant/Attorney: Confluence Consulting Inc	OU ID: 271144
0BZM DEPT OF NATURAL RESOURCES & CONSERVATION	
1BIA BUREAU OF INDIAN AFFAIRS	
1BOR US DEPT OF INTERIOR	
1DSL MONTANA BOARD OF LAND COMMISSIONERS	
1EQC ENVIRONMENTAL QUALITY COUNCIL	
1FWP DEPT OF FISH WILDLIFE & PARKS	
1NWE NORTHWESTERN ENERGY	
1SCH CANYON FERRY PROJECT OFFICE	
1TUL MT TROUT UNLIMITED	
1WQB DEPT OF ENVIRONMENTAL QUALITY	
2FWP DEPT OF FISH WILDLIFE & PARKS	
5FWS US FISH & WILDLIFE SERVICE	
YELLOW RIVER LLC	43B 108829 00
PARK BRANCH WATER USERS ASSOC	43B 119331 00
PARADISE CANAL USERS ASSN	43B 119351 00
EMIGRANT PEAK RANCH LLC	43B 125043 00
AARON CAIN; GLENDA CAIN; CHRISTOPHER FANUZZI; GLACIER BANK; WESLEY VENTURES LLC	43B 131378 00
AUDREY T COLL; GOODMAN RESOURCES LTD	43B 143287 00
STORY RANCH CO	43B 18665 00
WEST CREEK RANCH LLC	43B 190625 00
MONTANA STATE BOARD OF LAND COMMISSIONERS	43B 192649 00
MURPHYS OX YOKE RANCH LP	43B 193534 00
MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS	43B 194349 00
YSR ACQUISITION CO LLC	43B 194419 00
JEFFREY T REED	43B 194630 00
161 HIDDEN VALLEY ROAD LLC	43B 194673 00
ESTANCIA 45 NORTH LLC; YELLOWSTONE RIVER RANCH ESTATES LLC	43B 23533 00
JUDITH POWELL; TIMOTHY POWELL	43B 30001745
G KIMBALL HART; PARK CONSERVATION DIST	43B 30009947
JOHN L LAKE	43B 30045005
SCOTT W BRADY	43B 30120804
JEFFREY C HENRY; JENNY WOLFE	43B 30152558
CLAIR A ROBERTS	43B 52998 00
ADAM BRITTON; AMBER MARBLE	43B 70900 00
BILLIE I KRENZLER; DAN L KRENZLER	43B 74927 00

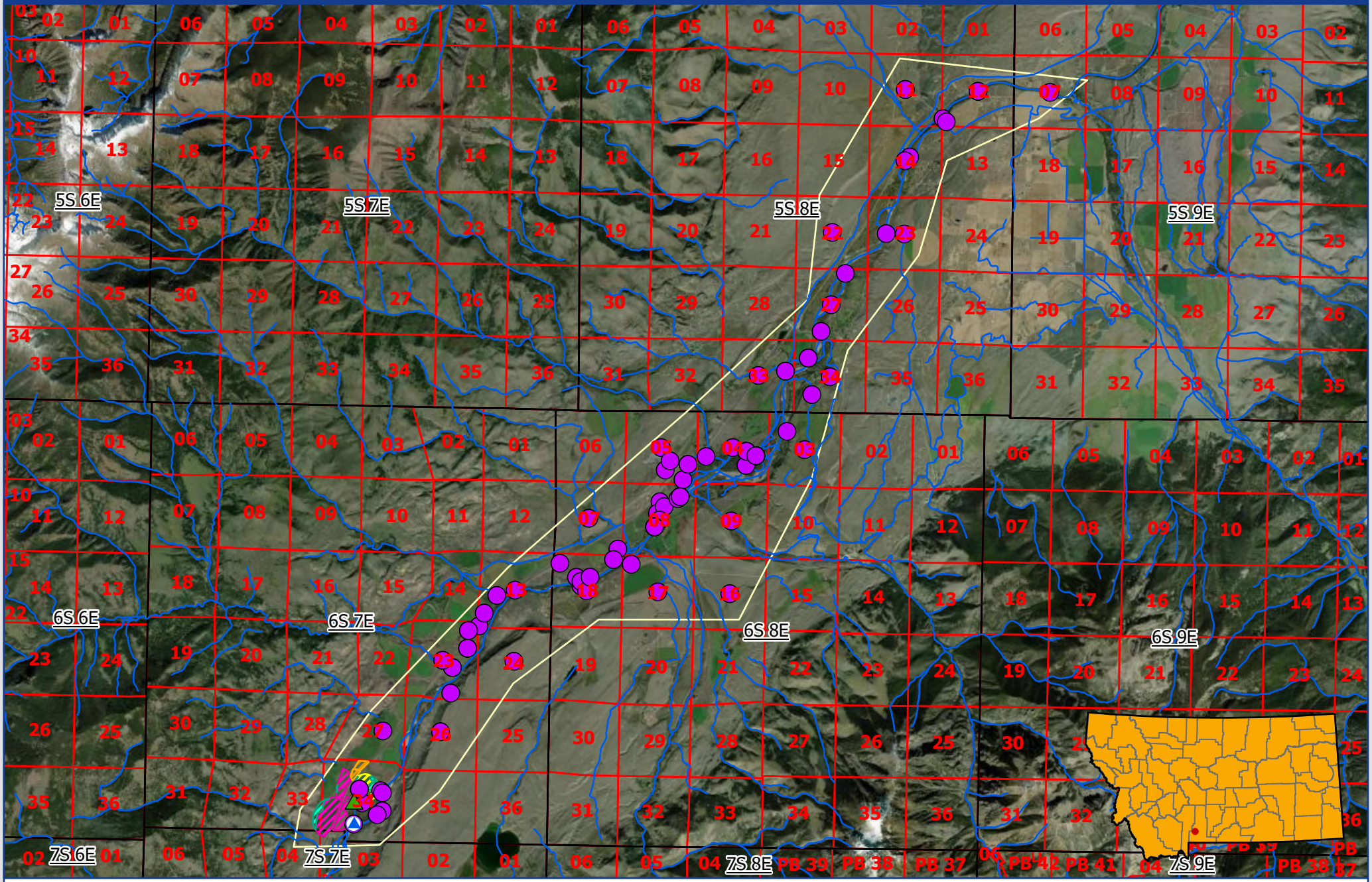
PUBLISHED IN: Livingston Enterprise

REMARKS: The following methodologies were employed to determine an appropriate public notice area:

1. All Bozeman Regional Office public notice standard for Park County were included in the mailing.
2. The following method was used to identify water rights for public notice:

   The public notice area included an area of potential adverse effect beginning at the POD in Gov't Lot 10, NWSESW Section 34, T6S, R7E, in Park County downstream approximately 15 miles the confluence of Mill Creek and the Yellowstone River in Gov't Lot 8 SWNESE, Section 7, T5S, R9E, in Park County. The Mill Creek confluence was chosen because Mill Creek is a major tributary to the Yellowstone River as well as a gaged source, so its contributions to the Yellowstone River can be estimated. Water rights within the reach were identified using the Department's Water Right Query System and GIS application Converge. A total of **36** water rights are within the public notice area. After removing duplicate owner names, **23** water rights were included in the public notice.

43B 30164489- Public Notice Area



Map Created: 6/3/2025
Author: Kendrew Ellis,
Water Resource Specialist

Elements depicted on this map are for illustrative purposes and have not been surveyed by the Department. World Imagery: Earthstar Geographics World Topographic Map: Sources: Esri, TomTom,

- Primary POD
- Secondary POD
- Pivot - Sole Irrigaiton by 43B 190625-00
- Pivot - Supplemental to WCR rights
- Pivot - Sole Irrigation by Water Reservation
- Wheeline - Supplemental to WCR rights
- Water Rights in Public Notice Area
- Public Notice Area

Draft Preliminary Determinations

- Draft PD
- Draft PD cover letter
- Updated Draft PD
- Updated Draft PD cover letter
- Any correspondence with the applicant regarding the draft PDs

Draft Preliminary Determinations

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

*** * * * * * ***

APPLICATION TO CHANGE WATER RIGHT NO. 43B 30164489 by PARK CONSERVATION DISTRICT	**DRAFT PRELIMINARY DETERMINATION TO GRANT CHANGE**

*** * * * * * ***

On February 12, 2025, Park Conservation District (Applicant) submitted Application to Change Water Right No. 43B 30164489 (Producer- West Creek Ranch, LLC) to change Water Reservation No. 43B 10004-00 (Conservation District Record No. 43B 30164990) to the Bozeman Regional Office of the Department of Natural Resources and Conservation (Department or DNRC). The Department published receipt of the application on its website. A preapplication meeting was held between the Department and the Applicant on September 17, 2024, in which the Applicant designated that the technical analyses for this application would be completed by the Department. The Applicant returned the completed Preapplication Meeting Form on October 29, 2024. The Department delivered the Technical Analyses on December 13, 2024. The Application was determined to be correct and complete as of March 6, 2025. An Environmental Assessment for this application was completed on April 25, 2025.

INFORMATION

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

Application as filed:

- Form 606CD, Conservation District Application to Change Water Reservation
- Attachments:
    - Addendum B.1.a: Signed Copy of Conservation District Application from Producer
    - B.1.b: Amendment to Original Application
    - B.2: Signed Copy of Reserved Water Use Authorization from the Conservation District
    - B.3: Copy of the CD Public Notice from the Conservation District
    - B.4: Copy of the Affidavit of Publication from the Conservation District
    - B.5: Copy of the Public Notice Certificate of Service from the Conservation District
    - C.2: POU List
- Maps:

- E.1.a: Exhibit A-4, Updated Proposed Place of Use, base map 2021 NAIP aerial photo, produced by DMS Natural Resources LLC, dated 3/12/2024
- E.1.b: Exhibit C-4, Updated Place of Use Irrigation Type, base map 2021 NAIP aerial photo, by DMS Natural Resources LLC, dated 3/12/2024
- E.2: Exhibit B-3, Current Irrigation Water Rights, base map 2021 NAIP aerial photo, produced by DMS Natural Resources LLC, dated 11/7/2023

- Department-completed technical analyses based on information provided in the Preapplication Meeting Form, dated 12/13/2024
- Notice of Errata for technical analyses report for Change Preapplication No. 43B 30164489, dated 5/5/2025.

Information within the Department's Possession/Knowledge

- DNRC Irrigation Change Application 43B 30164489 Technical Report dated December 13, 2024.
- Water Reservation 43B 10004-00 file
- *Order of Board of Natural Resources Establishing Water Reservations* dated December 15, 1978

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; CFS means cubic feet per second; GPM means gallons per minute; AF means acre-feet; AC means acres; and AF/YR means acre-feet per year.

WATER RIGHTS TO BE CHANGED

FINDINGS OF FACT

Table 1. Water right proposed for change

WR TYPE	WR NUMBER	WR PRIORITY DATE	WR SOURCE
Water Reservation	43B 10004-00	12/15/1978 4:18 pm	Yellowstone River
CD Record	43B 30164990 PA-2301	11/28/2023 1:00 pm (internal priority date)	Yellowstone River

CHANGE PROPOSAL

FINDINGS OF FACT

1. This application is to change the place of use (POU) of a portion of Park Conservation District (Park CD) Water Reservation No. 43B 10004-00 (CD Record No. 43B 30164990). No change in the point of diversion (POD), purpose, or place of storage is proposed. A flow rate of 2.6 CFS and a maximum volume of 161.2 AF/YR of the Park CD water reservation will be used for irrigation on 189.6 acres. The requested period of diversion is April 15 to October 19. The proposed place of use for irrigation is located in Sections 33 and 34, T6S, R7E, and Sections 3 and 4, T7S, R7E, all in Park County[1].

2. The proposed place of use overlaps portions of the places of use for Statements of Claim 43B 190621-00, 43B 190622-00, 43B 190623-00, 43B 190624-00, 43B 190625-00, 43B 190626-00, and 43B 190627-00 and Permits 43B 26291-00 and 43B 30041630[2]. The supplemental water rights are diverted from Donahue Creek, West Creek, Little Donahue Creek, and the Yellowstone River to irrigate 154.6 acres of the proposed 189.6 acres. By mid-to-late June, flows in Little Donahue, Donahue, and West Creeks begins to decrease and the producer proposes to supplement the irrigation with water from the Yellowstone River. West Creek Ranch, LLC (producer) also has two reservoirs on West Creek, which store water from Little Donahue Creek and West Creek under water right permits 43B 26291-00 and 43B 30041630, which are presently used for late-season irrigation. The Conservation District Yellowstone River water will supplement the water from the tributaries as the flow in the tributaries recedes. The Applicant proposes to change Yellowstone River water to allow the producer to have a longer period of irrigation, resulting in more crop growth and production. Following the proposed change, the Applicant proposes to use water to irrigate 35 new acres and supplement 154.6 acres currently irrigated by existing water rights.

3. The Applicant proposes to divert 2.6 CFS from the Yellowstone River by a means of a stem and handwheel headgate opening into a three-foot culvert on the northwest bank of the Yellowstone River in Government Lot 10, NWSESW of Section 34, T6S, R7E, in Park County. Following the proposed change, the water right will share a POD from the Yellowstone River with Statement of Claim 43B 190625-00. From the POD, water will be conveyed through a ditch to a pump site which will pump water into pipelines to deliver water to sprinkler systems for field application.

[1] Legal land description for the place of use is as described in the Preapplication and application materials, with the Department's typographical errors corrected in the Notice of Errata for technical analyses report for Change Preapplication No. 43B 30164489, dated 5/5/2025.
[2] The supplemental water rights are owned by West Creek Ranch, LLC (WCR).

4. The Park Conservation District has 438.07 CFS flow rate and 63013.60 AF volume remaining in their water reservation prior to this application.

5. The Conservation District granted the producer a right to use a portion of their water reservation on 11/28/2023 under application number PA-2301.

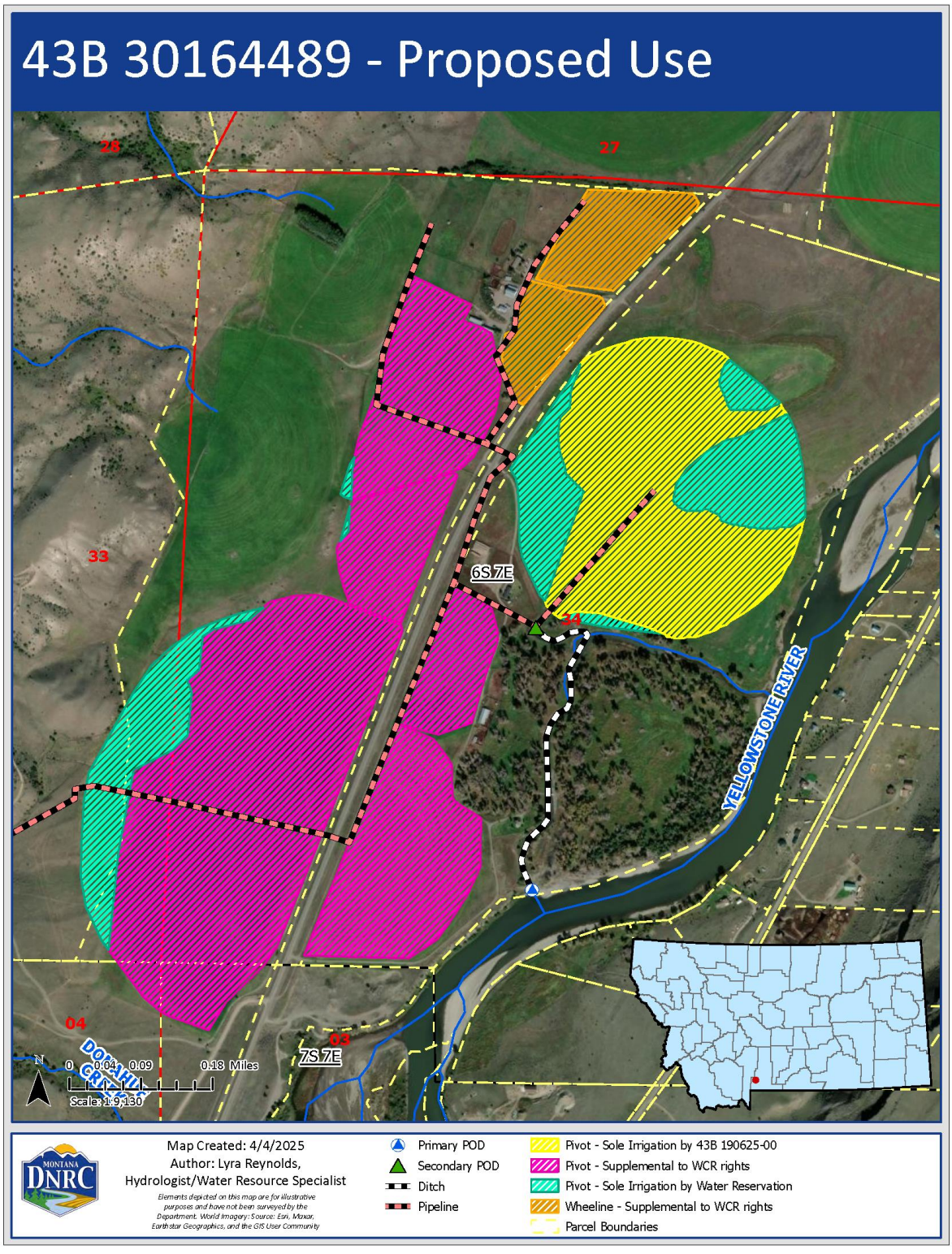


Figure 1. Proposed Use for Change Application 43B 30164489

CHANGE CRITERIA

6. 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.

7. 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).

WATER RESERVATION CRITERIA

FINDINGS OF FACT

8. An authorization for change is required in § 85-2-316(12), MCA, because a proportion the producer's proposed place of use is outside the project areas identified in the original water reservation application's public notice.

9. The purpose for the water reservation was established by the Board of Natural Resources and the conclusions are contained in the *Order of Board of Natural Resources Establishing Water Reservations* dated December 15, 1978.

10. The need for the water reservation was established by the Board of Natural Resources and the conclusions are contained in the *Order of Board of Natural Resources Establishing Water Reservations* dated December 15, 1978.

11. The amount of water necessary for the purposes of the water reservation was established by the Board of Natural Resources and the conclusions are contained in the *Order of Board of Natural Resources Establishing Water Reservations* dated December 15, 1978.

12. That the water reservation was in the public interest was established by the Board of Natural Resources and the conclusions are contained in the *Order of Board of Natural Resources Establishing Water Reservations* dated December 15, 1978.

13. This change authorization proposal is consistent with the purpose, need, amount, and public interest established by the Board of Natural Resources.

HISTORICAL USE AND ADVERSE EFFECT

FINDINGS OF FACT - Historical Use

14. The Board of Natural Resources granted the Park Conservation District a water reservation (No. 43B 10004-00) for 445.9 CFS and 64,125 AF for use on approximately 21,664 acres for future irrigation development out of the Yellowstone River. The Board chairman signed the *Order of Board of Natural Resources Establishing Water Reservations* and granted a priority date of December 15, 1978, at 4:18 PM to conservation districts.

15. This application is to change a portion of the water reservation not yet put to use, so no historical use exists.

ADVERSE EFFECT

FINDINGS OF FACT

16. Park Conservation District is proposing to add a new place of use to their water reservation. The new project will utilize a portion of the Park Conservation District's water reservation from the Yellowstone River to supply water for irrigation of three pivots east of

Highway 89 in Section 34, T6S, R7E, as well as for three pivots and two wheeline sprinkler systems west of Highway 89 in Sections 33 and 34, T6S, R7E, and Sections 3 and 4, T7S, R7E, all in Park County. The Applicant proposes to divert up to 2.6 CFS up to 161.2 AF for irrigation of 189.6 acres in the proposed POU.

17. Water is still available under the Park Conservation District water reservation.

18. The Conservation District published notice of the Conservation District Record PA-2301 (DNRC CD Record 43B 30164990) on January 27, 2024, in the Livingston Enterprise and set a deadline for objections.

19. The CD sent individual public notices to water users downstream of the proposed point of diversion and to the entities on the DNRC standardized list to notice. No objections were received. DNRC will also provide public notice for this change application.

20. The Park Conservation District Authorization requires the water user to keep written records of the flow rate and volume of all water diverted and to submit the report to the Conservation District annually by November 1.

21. This application represents a non-perfected portion of the Park Conservation District water reservation granted by the Order of the Boad of Natural Resources Establishing Water Reservations.

22. No historical use exists for this portion of the water reservation so no comparison of historical and proposed consumptive use or return flows can be made.

Physical and Legal Availability

23. The Department analyzed physical and legal availability for this application, because the place of use is not within the original public notice area identified in the Yellowstone Reservation proceedings in July of 1977.

24. The Applicant proposes to change the POU of a non-perfected portion of the Park Conservation District Water Reservation No. 43B 10004-00 (CD Record 43B 30164990). The proposed POU was not part of the original public notice area identified in the Park Conservation District Yellowstone River water reservation. All existing water rights must be considered in order to determine whether this proposed project would adversely affect other water right holders. The Department found the physical availability of the Yellowstone River at the POD using the following gages:

USGS gage name
USGS 06192500 Yellowstone River near Livingston, MT
USGS 06191500 Yellowstone River at Corwin Springs MT

Period of record
Yellowstone River at Corwin Springs: Approved data, August 1889 – July 2024
Yellowstone River near Livingston: Approved data, May 1897 – July 2024
(Data retrieved on 12/5/2024)

25. The POD is located between the two gaging station on the Upper Yellowstone River. The POD is located approximately 11.1 miles downstream of the USGS Yellowstone River at Corwin Springs gage and approximately 26.69 miles upstream of the USGS Yellowstone River near Livingstone gage. Both stream gages have periods of record exceeding 10 years and are maintained by the USGS.

26. The Department found the physical availability using a logarithmic interpolation method. A logarithmic interpolation is useful when the proposed POD is located between two stream gages. This method estimates a streamflow characteristic at an intermediate location based on basin drainage area at the gaged sites and the ungaged site (POD). Several assumptions must be met in order for this method to be appropriate: 1) the ratio of the contributing drainage area to the ungaged site must be within 0.5 to 1.5 of the drainage areas for the stream gages, 2) periods of record at both gages must be similar, 3) streamflow conditions must be similar at both stream gage locations. The ratio of the contributing drainage area at the proposed point of diversion is 0.80 and 1.09 to the Yellowstone River near Livingston and Yellowstone River at Corwin Springs gages respectively. Both gages have a similar period of record, beginning in 1889 for the Corwin Springs gage and 1897 for the Livingston gage. Both gages exhibit similar streamflow characteristics. As a result, the logarithmic interpolation is suitable for estimating physical water availability at the point of diversion.

27. The following equation describes the logarithmic interpolation method, described further in DNRC (2019).

$$\log Q_u = \log Q_{g1} + \left(\frac{logQ_{g2} - logQ_{g1}}{logA_{g2} - logA_{g1}}\right)\left(logA_u - logA_{g1}\right)$$

Where: Q = streamflow characteristic

A = drainage area

Subscripts *g1* and *g2* are gaged sites 1 and 2 respectively

Subscript u = point of interest (proposed point of diversion)

28. Basin drainage area at the point of diversion was delineated using USGS Streamstats. Drainage area at the gage locations was retrieved from the gaging station information web page. The results are shown in Table 2 below.

Table 2. Basin drainage area at the gaged sites and ungagged site on the Yellowstone River.

LOCATION	DRAINAGE AREA (SQUARE MILES)	DRAINAGE AREA RATIO OF UNGAGED SITE TO GAGE LOCATION
USGS Yellowstone River near Livingston	3551.0	0.80
USGS Yellowstone River at Corwin Springs	2616.0	1.09
Yellowstone River at the POD	2849.6	1.00

29. The following table displays the streamflow data for the two stream gages on the Yellowstone River and the results of the interpolation analysis. The interpolated data represents the estimated streamflow rate and volume physically available at the POD on Yellowstone River in Gov't Lot 10 NWSESW Section 34, T6S, R7E, in Park County.

Table 3. Median of the mean monthly flows of the Yellowstone River. The last two columns in the table display the results of the interpolation method used to estimate physical water availability at the point of diversion.

	USGS Gage 06192500: Yellowstone River nr Livingston MT		USGS Gage 06191500: Yellowstone River at Corwin Springs MT		Interpolation	
Month	Median of the Mean Monthly Flow at Gage 06192500 (CFS)	Median of the Mean Monthly Volume at Gage 06192500 (AF)	Median of the Mean Monthly Flow at Gage 06191500 (CFS)	Median of the Mean Monthly Volume at Gage 06191500 (AF)	Physically Available Water at POD (CFS)	Physically Available Water at POD (AF)
January	1191	73103.58	837.3	51393.47	924.09	56720.63
February	1185	68042.70	813.1	46688.20	903.50	51878.98
March	1293	79364.34	907.8	55720.76	1002.27	61519.36
April	1903	113038.20	1496	88862.40	1600.23	95053.79
May	7207	442365.66	6145	377180.10	6425.40	394390.90
June	13315	790911.00	11045	656073.00	11638.22	691310.35
July	7408	454703.04	6418	393936.84	6680.94	410076.26
August	3333	204579.54	2938.5	180365.13	3043.96	186838.22
September	2274	135075.60	1845	109593.00	1956.18	116197.28
October	1916.5	117634.77	1425	87466.50	1548.23	95030.50
November	1637	97237.80	1158	68785.20	1275.82	75783.56
December	1359.5	83446.11	959.6	58900.25	1057.88	64932.59

30. The Department analyzed the legal availability of an area of potential adverse effect that spans from the POD in Gov't Lot 10 NWSESW Section 34, T6S, R7E, in Park County downstream approximately 15 miles the confluence of Mill Creek and the Yellowstone River in Gov't Lot 8

SWNESE, Section 7, T5S, R9E, in Park County. The Department quantified the flow rate and volume of junior surface water rights in the reach for the legal availability analysis. A total of seven water rights with priority dates junior to the water reservation exist in this reach, as seen in Table 4. The flow rate and volume for each water right was taken from the face value on the abstract.

Table 4. Junior water rights in reach

WATER RIGHT NUMBER	ALL OWNERS	MEANS OF DIVERSION	FLOW RATE (GPM)	FLOW RATE (CFS)	VOLUME (AF)	ACRES	PRIORTIY DATE
43B 52998-00	CLAIR A ROBERTS	PUMP	50.00	0.11	2.70	1.50	4/20/1983
43B 30001745	JUDITH PWELL; TIMOTHY POWELL	PUMP	15.00	0.03	2.50	1.00	4/11/1989
43B 70900-00	ADAM BRITTON; AMBER MARBLE	PUMP	15.00	0.03	1.15	0.07	4/11/1989
43B 74927-00	BILLIE I KRENZLER; DAN L KRENZLER	PUMP	50.00	0.11	1.25	0.50	7/13/1990
43B 108829-00	YELLOW RIVER LLC	PUMP	15.00	0.03	1.24	1.00	7/16/1999
43B 30045005	JOHN L LAKE	PUMP	2001.64	4.46	198.50	95.90	5/7/2009
43B 30152558	JEFFERY C HENRY; JENNY WOLFE	PUMP	30.00	0.06	0.55	0.22	6/24/2021

31. To find legal availability the legal demands of the downstream junior water users were subtracted from the physical availability of the source at the POD. The legal availability is shown in Table 5.

Table 5. Comparison of physical availability and legal demand

	Physical Availability			Downstream Junior Legal Demands			Legal Availability	
Month	Physically Available Water at POD (CFS)	Physically Available Water at POD (AF)		Flow (CFS)	Volume (AF)		Flow (CFS)	Volume (AF)
JAN	924.09	56720.63		0.00	0.00		924.09	56720.63
FEB	903.50	51878.98		0.00	0.00		903.50	51878.98
MAR	1002.27	61519.36		0.00	0.00		1002.27	61519.36
APR	1600.23	95053.79		0.11	13.36		1600.12	95040.43
MAY	6425.40	394390.90	-	4.77	36.85	=	6420.63	394354.05
JUNE	11638.22	691310.35		4.83	35.80		11633.39	691274.55
JULY	6680.94	410076.26		4.83	36.99		6676.11	410039.27
AUG	3043.96	186838.22		4.83	36.99		3039.13	186801.23
SEPT	1956.18	116197.28		4.83	35.80		1951.35	116161.48
OCT	1548.23	95030.50		4.63	12.10		1543.60	95018.40
NOV	1275.82	75783.56		0.00	0.00		1275.82	75783.56
DEC	1057.88	64932.59		0.00	0.00		1057.88	64932.59

32. The Department finds that water is legally available in the months of the requested period of diversion.

33. The Department finds that the proposed change to the portion of the water reservation (CD Record 43B 30164990) will not create an adverse effect.

34. The Conservation District granted the approval subject to the installation of a measurement device to satisfy any measurement conditions resulting from this application. As such, the Department will add the following condition if the proposal is granted:

WATER MEASUREMENT – MEETS CONSERVATION DISTRICT REQUIREMENT

THIS RIGHT IS SUBJECT TO THE TYPE OF WATER USE MEASURING DEVICE OR WATER USE ESTIMATION TECHNIQUE REQUIRED BY THE CONSERVATION DISTRICT. THE APPROPRIATOR SHALL KEEP WRITTEN RECORDS OF THE FLOW RATE AND VOLUME OF WATER USED. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF THE CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE. THE WATER USER SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE AND VOLUME ACURATELY.

BENEFICIAL USE

FINDINGS OF FACT

35. The Applicant proposes to use water for irrigation of 189.6 acres. Of these 189.6 acres, 35 acres are new pivot irrigation, 138.1 acres are pivot irrigation supplemental with West Creek Ranch, LLC's existing water rights, and 16.5 acres are wheeline irrigation supplemental with West Creek Ranch, LLC's existing water rights. Irrigation is recognized as beneficial use under the Montana Water Use Act. §85-2-102, MCA.

36. The Yellowstone River water will be used to supplement Donahue Creek claims (43B 190622-00 and 43B 190623-00), Little Donahue Creek claims (43B 190621-00, 43B 26291-00, and 43B 30041630), and West Creek claims (43B 190624-00, 43B 190626-00, and 43B 190627-00) on 138.1 acres of pivot irrigation, shown in pink in Figure 1. A portion of the Yellowstone River water is proposed to be used to supplement Donahue Creek claims (43B 190622-00 and 43B 190623-00), Little Donahue Creek claims (43B 190621-00, 43B 26291-00, and 43B 30041630), and West Creek claims (43B 190624-00, 43B 190626-00, and 43B 190627-00) on 16.5 acres of wheeline irrigation, shown in orange in Figure 1. The Yellowstone River water is proposed to solely irrigate 35 acres of pivot irrigation, shown in green in Figure 1.

37. The Applicant stated flows in Donahue, Little Donahue, and West Creeks begin to decrease by mid-to-late June. By using Yellowstone River to irrigate the producer's property, the Applicant will have more flexibility for irrigation and will be able to irrigate further into the season. The Yellowstone River is a more reliable source of supply, so the Applicant proposes to utilize the water reservation as a supplemental water supply for a total 154.6 acres and sole supply for 35 acres. The total proposed acres used for irrigation in this change are 189.6 acres.

38. This change will benefit the CD by allowing them to authorize use of a portion of their water reservation. The Park County Conservation District must authorize projects to fulfill the purpose of the reservation.

39. The Applicant proposes to use 2.6 CFS up to 161.2 AF for irrigation of 189.6 acres. This flow rate and volume were agreed upon by the Conservation District and the producer. The volume requested is 161.2 AF. The requested volume was determined by the producer based on the water use standards found in ARM 36.12.115 for Climatic Area IV[3] (Addendum B.1.b in

[3] The producer's property appears to be located on the border of Climatic Areas IC (moderately low consumptive use) and VI (mountain areas). Because the proposed POU is located along the river bottom and as there are no standards proposed in ARM 36.12.115 for Climatic Region VI, the volume for the use assumes the POU is within Climatic Area IV. Calculations are based on sprinkler irrigation standards of 2.07 AF/acre in Climatic Area IV.

application materials). Following the proposed change, water will be used to provide full-service irrigation on 35 acres and supplement 154.6 acres. The requested flow rate, 2.6 CFS, was based upon the capacities of the two pumps at the secondary POD.

40. The Department finds the proposed change in place of use for a portion of Water Reservation No. 43B 10004-00 is a beneficial use of water.

ADEQUATE DIVERSION

FINDINGS OF FACT

41. The Applicant proposes to divert water from the Yellowstone River by means of a stem and handwheel headgate opening into a three-foot culvert on the northwest bank of the Yellowstone River in Gov't Lot 10 NWSESW of Section of 34, T6S, R7E, in Park County. The diversion is currently in use under the West Creek Ranch, LLC's irrigation Statement of Claim 43B 190625-00. Water is conveyed from the POD through a ditch to a pump site in the SW of Section 34, T6S, R7E, within parcels 4 and 4A of Certificate of Survey 1400. At the pump site there are two separate pumps. Both pumps were installed between 1998 and 2004. From each of the pumps, water is pumped from the ditch into a system of pipelines, which supplies water to the various pivots and sprinkler systems across the POU. Excess water not diverted at the pumping site is returned to the Yellowstone River via a natural channel/ditch.

42. Statement of Claim 43B 190625-00 also utilizes the POD. The Department determined the capacity of the diversion structure based on the three-foot culvert at the headgate. The capacity of the culvert structure was found to be greater than the total flow rate diverted through the headgate (9.3 CFS), based on provided dimensions of the culvert and channel slope estimated using Google Earth Pro. Claim 43B 190625-00 uses the same POD and side channel as the proposed use. The headgate and side channel are sufficiently sized to convey 43B 190625-00 plus the proposed use of a portion of the CD water right proposed to change. While the two pumps are shared with other water rights, the Applicant plans that the CD water reservation could be used solely at times. With this in mind, the two pumps together can pump 2.6 CFS, and this is the basis for the flow rate in this application. The western pump is bigger, pumping 1.4 CFS, while the eastern pump has a 1.2 CFS capacity.

43. The eastern pump is a WEG Electric Motors Corporation 25 HP electric pump. This pump supplies water to the two half pivots in the SW of Section 34, T6S, R7E, Park County as well as wheelines and the Section 33, T6S, R7E, Park County half pivot to the west of the highway. The western pump is a General Electric 15 HP, 1,760 RPM electric pump. This pump supplies water to the full pivot in the NW of Section 34, T6S, R7E, in Park County. The pump flow capacity is

capable of diverting the water proposed for change by itself or the private right along with a portion of the proposed change flow rate. The entire system does not operate at the same time; the Applicant will rotate which pivot or wheeline is running at any given time.

44. The Applicant will install flow meters in the system to satisfy the measurement conditions resulting from this application.

45. The Department determines the diversion and conveyance infrastructure is adequate for the proposed change in POU to a portion of Water Reservation No. 43B 10004-00.

POSSESSORY INTEREST

FINDINGS OF FACT

46. The affidavit on the Application to Change a Water Right form was signed by Ned Zimmerman, Conservation District chairman, for the Park Conservation District. The submission of the Application for Reserved Water (Form 500) was signed by the producer, Jon Martin, and implies written consent.

CONCLUSIONS OF LAW

WATER RESERVATION CRITERIA

47. The Applicant has proven by a preponderance of the evidence that the purpose, need, amount, and public interest are consistent with the 1978 *Order of Board of Natural Resources Establishing Water Reservations*. Sections 85-2-316(12), 85-2-402(2)(d), MCA (FOF 8-13).

HISTORICAL USE AND ADVERSE EFFECT

48. 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).[4]

49. 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.[5]

50. 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 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.[6] 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

[4] DNRC decisions are available at: https://dnrc.mt.gov/Directors-Office/HearingOrders

[5] *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).

[6] A 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

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).[7]

51. 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.

[7] 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 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.)

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).[8]

52. 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.

53. 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 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

[8] 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).

> 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).

54. The Department's rules reflect the above fundamental principles of Montana water law and are designed to itemize the type 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.

55. There is no historical use because the water being changed in this application is for future irrigation development pursuant to § 85-2-316, MCA. (FOF Nos. 14-15)

56. 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. §85-2-402(2)(b), MCA. (FOF Nos. 16-34)

BENEFICIAL USE

57. 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).

58. Applicant proposes to use water for irrigation which is a recognized beneficial use. Section 85-2-102(5), MCA. Applicant has proven by a preponderance of the evidence irrigation is a beneficial use and that 161.2 acre-feet of diverted volume and 2.6 CFS flow rate of water requested is the amount needed to sustain the beneficial use. Section 85-2-402(2)(c), MCA (FOF Nos. 35-40).

ADEQUATE MEANS OF DIVERSION

59. 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).

60. 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. 41-45)

POSSESSORY INTEREST

61. 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.

62. 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 No. 46)

PRELIMINARY DETERMINATION

Subject to the terms and analysis in this Preliminary Determination Order, the Department preliminarily determines that this Application to Change Water Right No. 43B 30164489 should be GRANTED subject to the following.

The Applicant is authorized to change the place of use of the Park Conservation District Water Reservation No. 43B 10004-00 (Conservation District Record No. 43B 30164990). A flow rate of 2.6 CFS and a maximum volume of 161.2 AF/YR shall be diverted from the Yellowstone River from a headgate in Gov't Lot 10, NWSESW Section 34, T6S, R7E, Park County from April 15 to October 19 for irrigation of 189.6 acres. Under Conservation District Record No. 43B 30164990, the Applicant is authorized to irrigate 21.1 acres in Section 33, 162.5 acres in Section 34, T6S, R7E, 4.8 acres in Section 3, and 1.2 acres in Section 4, T7S, R7E, all in Park County. The maximum flow rate and volume that will be diverted from the Yellowstone River by the water right proposed for change cannot exceed 2.6 CFS and 161.2 AF.

The application will be subject to the following conditions, limitations or restrictions:

WATER MEASUREMENT – MEETS CONSERVATION DISTRICT REQUIREMENT

THIS RIGHT IS SUBJECT TO THE TYPE OF WATER USE MEASURING DEVICE OR WATER USE ESTIMATION TECHNIQUE REQUIRED BY THE CONSERVATION DISTRICT. THE APPROPRIATOR SHALL KEEP WRITTEN RECORDS OF THE FLOW RATE AND VOLUME OF WATER USED. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF THE CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE. THE WATER USER SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE AND VOLUME ACCURATELY.

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 5 day of May 2025.

_____

Kerri Strasheim, Manager
Bozeman Regional Office
Montana 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 5 day of May, 2025, by first class United States mail.

PARK CONSERVATION DISTRICT
5242 HWY 89 S
LIVINGSTON, MT 59047

WEST CREEK RANCH LLC
602 FERGUSON AVE SUITE 2
BOZEMAN, MT 59718

CONFLUENCE CONSULTING (CONSULTANT)
VIA EMAIL: MSANCTUARY@CONFLUENCEINC.COM
HCANTU@CONFLUENCEINC.COM

DMS NATURAL RESOURCES, LLC (CONSULTANT)
VIA EMAIL: STEPHENSON@DMSNATURALRESOURCES.COM

_____

BOZEMAN Regional Office, (406) 586-3136

DNRC
2273 Boot Hill Ct. Ste 110
Bozeman, MT 59715
406-586-3136

May 5, 2025

Park Conservation District
5242 US Hwy 89 S
Livingston, MT 59047

Subject: Draft Preliminary Determination to Grant Water Right Change Application No. 43B 30164489

Dear Applicant,

The Department of Natural Resources and Conservation (Department or DNRC) has completed a preliminary review of your application. This review consists of an evaluation of the criteria for issuance of a Change authorization found in §85-2-402, MCA. The Department has preliminarily determined that the criteria are met, and this application should be granted. A copy of the Draft Preliminary Determination to Grant your application is attached.

You have the opportunity to request an extension of time to submit additional information for the Department to consider in the decision, within 15 business days of the date of this letter. If no response is received 5/27/2025, the Department will prepare a notice of opportunity to provide public comment per §85-2-307(4), MCA.

Please note that if you are granted an extension of time to submit additional information to the Department, additional information may be considered an amendment to your application, which may reset application timelines pursuant to ARM 36.12.1401.

Please let me know if you have any questions.

Best,

Kendrew Ellis
Water Resources Specialist
Bozeman Water Resources Office
Water Resources Division

Cc, via email:

Mike Sanctuary, Confluence Consulting
msanctuary@confluenceinc.com

Hannah Cantu, Confluence Consulting
hCantu@confluenceinc.com

Deb Stephenson, DMS Natural Resources, LLC, end-user's consultant
stephenson@dmsnaturalresources.com

Outlook

Draft Preliminary Determination to Grant Beneficial Water Right Change Application No. 43B 30164489

From Ellis, Kendrew <Kendrew.Ellis@mt.gov>
Date Mon 5/5/2025 4:14 PM
To kelly.arterburn@mt.nacdnet.net <kelly.arterburn@mt.nacdnet.net>
Cc Rasmussen, Derek <Derek.Rasmussen@mt.gov>; Reynolds, Lyra <Lyra.Reynolds@mt.gov>; Strasheim, Kerri <kstrasheim@mt.gov>; Mike Sanctuary <msanctuary@confluenceinc.com>; Hannah Cantu <hCantu@confluenceinc.com>; Stephenson, Deborah <Stephenson@dmsnaturalresources.com>

4 attachments (3 MB)

PARK CD_DraftPD Letter.pdf; ErrataLetter.pdf; NoticeofErrata_TechnicalAnalysis_43B_30164489__ParkCD.pdf; 606_PD_GRANT_43B_30164489_ParkCD_Signed.pdf;

Hello-

The Department of Natural Resources and Conservation (DNRC) has completed our preliminary review of Change Application 43B 30164489 by Park Conservation District . The Department preliminarily determined that the criteria is met, and the Applications should be **granted**. The Copy of the Preliminary Determination to Grant the application is attached. The next step in the process is for the Department to provide public notice of this application and an opportunity for objection.

I have attached the copy of the PD for the change as well as the letter sent to the Applicant today, May 5, 2025.

The Department also put together a Notice of Errata for the Technical Analyses dated December 13, 2024. The Notice of Errata corrects the legal land description for the place of use in Sections 3 and 4, T7S, R7E, Park County. This is attached.

Please let me know if you have any questions.

Best,

Kendrew

Kendrew Ellis (she/her)| Water Resource Specialist
Bozeman Water Resources Office
Montana Department of Natural Resources and Conservation
2273 Boot Hill Court, Suite 110; Bozeman, MT 59715
DESK: 406-556-4538 **EMAIL**: kendrew.ellis@mt.gov
Website | **Facebook** | **X (Twitter)** | **Instagram**
How did we do? Let us know here: Feedback Survey

Processing Materials

- Work copies of applicant-submitted information
- Deficiency letter
- Deficiency response
- Correct & complete determination
- Any correspondence with the applicant after application receipt and prior to sending the Draft PD

Processing Materials

DNRC
2273 Boot Hill Court, STE 110
Bozeman, MT 59718
406-556-4538
Kendrew.ellis@mt.gov

March 6, 2025

Park Conservation District
5242 US Hwy 89 S
Livingston, MT 59047

Subject: Correct and Complete Application for Change Application 43B 30164489

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 within 60 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 you have any questions or concerns about the application process, please contact me.

Sincerely,

Kendrew Ellis
Water Resources Specialist
Bozeman Water Resources Office
Water Resources Division

Cc, via email:

Mike Sanctuary, Confluence Consulting
msanctuary@confluenceinc.com

Hannah Cantu, Confluence Consulting
hCantu@confluenceinc.com

Deb Stephenson, DMS Natural Resources, LLC, end-user's consultant
stephenson@dmsnaturalresources.com

Outlook

Correct and Complete Application for Change Application 43B 30164489

From Ellis, Kendrew <Kendrew.Ellis@mt.gov>
Date Thu 3/6/2025 10:51 AM
To kelly.arterburn@mt.nacdnet.net <kelly.arterburn@mt.nacdnet.net>
Cc Reynolds, Lyra <Lyra.Reynolds@mt.gov>; Strasheim, Kerri <kstrasheim@mt.gov>; Rasmussen, Derek <Derek.Rasmussen@mt.gov>; Stephenson, Deborah <Stephenson@dmsnaturalresources.com>; Mike Sanctuary <msanctuary@confluenceinc.com>; Hannah Cantu <hCantu@confluenceinc.com>

1 attachment (907 KB)
SIGNED_ Correct and Complete letter.pdf;

Kelly-

The Department of Natural Resources and Conservation (Department) has determined that Change Application 43B 30164489 is correct and complete pursuant to ARM 36.12.1601. Please remember that correct and complete **does not mean that the application will be granted.** The Department will issue a Draft Preliminary Determination within 60 days of the date of this letter per §85-2-307(2)(b), MCA, by May 5, 2025.

I have attached a copy of the letter sent to the Applicant today, **March 6, 2025.**

Please let me know if you have any questions.

Best,

Kendrew

Kendrew Ellis (she/her)| Water Resource Specialist
Bozeman Water Resources Office
Montana Department of Natural Resources and Conservation
2273 Boot Hill Court, Suite 110; Bozeman, MT 59715
DESK: 406-556-4538 **EMAIL**: kendrew.ellis@mt.gov
Website | **Facebook** | **X (Twitter)** | **Instagram**
How did we do? Let us know here: Feedback Survey

Application Materials

- Application
- Any information submitted with Application including maps

Application Materials

CONSERVATION DISTRICT APPLICATION TO CHANGE WATER RESERVATION

§85-2-316, MCA

Form No. 606-CD ***(Revised 01/2024)***

For Department Use Only

RECEIVED

FEB 12 2025

DNRC
Bozeman Water Resources

Application # 30164489 Basin 43B

Priority Date _____ Time 4:48 AM/PM

Rec'd By AC

Fee Rec'd $ 1000 Check # 2145

Deposit Receipt # 3445515135

Payor DMS Nat. Resources LLC

Refund $ _____ Date _____

When to use this form:

- Use Form 606-CD to add a point of diversion, place of use, or place of storage to a Conservation District Water Reservation.
- Complete this form if the point of diversion, or any portion of the proposed place of use or place of storage **was *not*** included in the original public notice.
- For a change in purpose, use Form 606, Application to Change a Water Right, instead.

Filing fee:

- The filing fee for Form 606-CD is $2500 ***without*** *the filing fee reduction.*
- The filing fee for Form 606-CD is $1500 ***with*** *the filing fee reduction.*
- Please make checks payable to DNRC.

Important Information:

- An application will be eligible for a filing fee reduction and expedited timelines if the applicant completes a preapplication meeting with the Department (ARM 36.12.1302(1)), which includes submitting any follow-up information identified by the Department (ARM 36.12.1302(3)(c)) and receiving either Department-completed technical analyses or Department review of applicant-submitted technical analyses (ARM 36.12.1302(4) and (5)). An application for the proposed project also must be submitted within 180 days of delivery of Department technical analyses or scientific credibility review and no element on the submitted application can be changed from the completed preapplication meeting form (ARM 36.12.1302(6)).

---

1. Conservation District (CD): Park

   Mailing Address: 5242 HWY 89 S City Livingston State MT Zip 59047

   Phone Numbers: Work 406-946-3007 Cell _____

   Email Address: Kelly.Arterburn@mt.nacdnet.net

2. Producer Name: West Creek Ranch LLC

   Mailing Address: 602 Ferguson Ave., Suite 2 city Bozeman state MT zip 59718

   Phone Numbers: Home 406-582-4988 Work _____ Cell _____

   Email Address: stephenson@dmsnaturalresources.com

3. Project Completion – The Department will set the project completion deadline to December 31 of the year set by the Conservation District in its authorization.

4. Affidavit – A Conservation District Board Member Must Sign

5. "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/)

CHANGE APPLICATION INFORMATION

This application may only be used to add a point of diversion, place of use, or place of storage to include a project that was not included in the original Water Reservation public notice.

Yes ☒ No ☐ Was the point of diversion included in the original public notice?
Yes ☐ No ☒ Was the entire place of use included in the original public notice? If not, complete this form.

Section A. Water Reservation Details

A.1 749.52 CFS How much flow rate remains for this CD water reservation prior to this application?
A.2 45,237 A-F How much volume remains for this CD water reservation prior to this application?
A.3 04/15-10/19 What is the typical period of diversion the CD authorizes?
A.4 1.5 What volume per acre (AF/AC) does the CD typically authorize?

Section B. Application Details

B.1 ☒ Submit a copy of the Conservation District Application from the Producer.
B.2 ☒ Submit a signed copy of the Reserved Water Use Authorization from the Conservation District.
B.3 ☒ Submit a copy of the CD Public Notice from the Conservation District.
B.4 ☒ Submit a copy of the Affidavit of Publication from the Conservation District
B.5 ☒ Submit a copy of the public notice Certificate of Service from the Conservation District.
B.6 ☐ Yes ____ No X Did the public notice of the Application receive any objections?
If Yes, attach a copy.

Section C. Project Location

C.1 **Point of Diversion:** Describe the location of the proposed diversion(s) to the nearest 10 acres.
Include additional Points of Diversion on a separate sheet.

POD #1 NW 1/4 SE 1/4 SW 1/4 Sec 34 Twp 6S N/S Rge 7E E/W County Park
Lot 10 Block _____ Tract No. _____ Subdivision Name _____
Government Lot _____ Latitude _____ Longitude _____

POD #2 ____ 1/4 ____ 1/4 ____ 1/4 Sec____ Twp ____ N/S Rge ____ E/W County_____
Lot_____ Block_____ Tract No._____ Subdivision Name _____
Government Lot _____ Latitude _____ Longitude _____

C.2 **Place of Use:** Describe the location of the proposed Place of Use to the nearest 10 acres.
Include additional Places of Use on a separate sheet.

ACRES IRRIGATED. Describe to the nearest 10 acres. Include additional Places of Use on a separate sheet.

Please See Addendum C.2
_____ Acres _____ Lot _____ Block _____ 1/4 ____ 1/4 ____ 1/4 Sec____ Twp_____ N/S Rge _____ E/W
_____ Acres _____ Lot _____ Block _____ 1/4 ____ 1/4 ____ 1/4 Sec____ Twp_____ N/S Rge _____ E/W
_____ Acres _____ Lot _____ Block _____ 1/4 ____ 1/4 ____ 1/4 Sec____ Twp_____ N/S Rge _____ E/W
_____ Acres _____ Lot _____ Block _____ 1/4 ____ 1/4 ____ 1/4 Sec____ Twp_____ N/S Rge _____ E/W

Section D. Supplemental Water Rights

When two or more water rights overlap the proposed place of use, the water rights are considered supplemental.

D.1 Yes ☒ No ☐ Are there any water rights that overlap the place of use proposed in this application? If yes, identify those rights. If no, skip to Section D.

Water Right No. & Basin	*Priority Date*
43B 190621 00 / Yellowstone River	07/02/1907
43B 190622 00 / Yellowstone River	11/23/1940
43B 190623 00 / Yellowstone River	04/09/1888

D.2 Why is this water reservation needed to supplement the acres?

The Yellowstone River water supplements the water from the tributaries as the flow in the tributaries recedes. The producer changes to Yellowstone River water to allow for a longer period of irrigation, resulting in more crop growth and production. The crops being grown include alfalfa, the irrigation of grass pastures, and potentially others.

D.3 Explain how all of the supplemental water rights will be collectively operated.

The applicant typically does not operate all of the irrigation systems in the proposed POU at the same time. By mid-to-late June, flows in Little Donahue, Donahue, and West Creek begins to decrease and AMB supplements the irrigation with water from the Yellowstone River. WCR also has two reservoirs on West Creek which store water from Little Donahue Creek and West Creek under 43B 26291 00 and 43B 30041630. These reservoirs can be used to supplement natural flow irrigation later in the season. However, to provide maximum flexibility, WCR often utilizes the Yellowstone River for supplemental irrigation starting in mid-to-late June. According to Kyle Richert, former Land and Livestock Manager for WCR, the Yellowstone River typically provides approximately 1/3 of the water supply from mid-June through the end of the irrigation season, typically in mid-October.

Section E. Map – ARM 36.12.111

E.1 ☒ Provide a map depicting the proposed point of diversion, means of conveyance, place of use, and place of storage.

E.2 ☒ If there are supplemental water rights, provide one map depicting all of the historic points of diversion, means of conveyance, and places of use. Label each point of diversion with the water right number.

Section F. Adverse Effect – ARM 36.12.1903

The determination of whether adverse effect will occur is based on the details of the proposed project. If the CD is adding a point of diversion or place of use, the CD needs to show that the proposed project will not create an adverse effect to junior or senior water rights. In some cases, adding a point of diversion may require the physical and legal demands on the source be known. If a legal demand analysis is needed and the legal demands exceed the amount of water physically available, the CD may need to provide a mitigation plan.

The Department will review the proposed project and contact the CD if mitigation is required or if other information is required to address possible adverse effects.

Section G. Adequate Diversion Means and Operation - ARM 36.12.1904

G.1 Describe the preliminary design plans and specifications for the proposed diversion and conveyance facilities and the equipment used to put the water to beneficial use.

Water will be diverted from the Yellowstone River by means of a stem and handwheel headgate opening into a three-foot culvert on the NW bank of the Yellowstone River in the SW of Section 34, T6S R7E.
AquaTech designed the capacities of the two pumps in the side channel as follows:
15 HP pump: 620 GPM @ 32#. Western of the two pumps which is the pump on the right-hand side of igure 2 and shown in Figure 4 (figures in original November 28, 2023 application). The smaller 15 HP pump only supplies the full pivot on the east side of the highway in NW Section 34.
25 HP pump: 550 GPM @ 60#. Eastern of the two pumps which is the pump on the left-hand side of Figure and shown in Figure 3 (figures in original November 28, 2023 application). The larger 25 HP pump currently supplies all of the structures except the full pivot on the east side of the highway in NW Section 34.

G.2 Yes ☐ No ☐ Are there other water rights that use the same diversion from the source, such as a ditch? If yes, explain why this water right will not exceed the capacity of the diversion works.

The diversion from the river is also a POD under West Creek Ranch, LLC's irrigation claim 43B 190625 00. 43B 190625 00 also utilizes one of the two pumps from the side channel. The headgate and side channel are sufficiently sized to convey 43B 190625 00 plus the proposed use of a portion of the CD water right (2.6 cfs) to the pumps. Although the pump flow rate capacity is smaller than the proposed flow rate in this application (2.6 cfs) plus 43B 190625 00, the entire system does not operate at the same time – meaning the Applicant rotates which pivot/wheelline they will have on at any given time. The Applicant can also rotate diverting 43B 190625 00 or the proposed use of a portion of the CD water right (2.6 cfs) through the pump that goes to the furthest northeastern pivot. The system has been operating this way for many years without any issues.

Section H. Beneficial Use – ARM 36.12.1801

H.1 How does the water use benefit you, other persons, or the public?

It benefits others by increasing financial returns in the area and allows for further agricultural development.

H.2 How did you determine the flow rate needed for the project?

WCR obtained additional information on the two pumps in the side channel from AquaTech. Based on the capacities of these pumps, WCR's requested a flow rate of 2.60 CFS / 1,170 GPM (per CD approval).

H.3 How did you determine the acre-feet needed for the project?

Proposed volume calculated using sprinkler irrigation stats for Climatic Area 4 ARM 36.12.115 (per CD approval).

The information provided for this application is to the best of my knowledge true and correct. 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 declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

Printed Name: Dustin J Homan - Park CD Chair

Applicant Signature: [signature] Date: 2/4/2025

Printed Name: _____

Applicant Signature: _____ Date: _____

Park Conservation District

Local, Common Sense Conservation

5242 Highway 89 South
Livingston, MT 59047

(406) 946-3007
www.parkcd.org

February 10, 2025

Re: Application No. 43B 30164489 - Form No. 606-CD

Dear DNRC Bozeman Water Resources Office Staff,

Enclosed is check #2145 for $1,000 and Form No. 606-CD, with wet signature, for Application No. 43B 30164489 which was submitted digitally by Confluence Consulting on behalf of the Park Conservation District.

If you have any questions, please contact me at 406-223-1048 or kelly.arterburn@mt.nacdnet.net.

Sincerely,

Kelly Arterburn

Kelly Arterburn
District Administrator
Park Conservation District

Enclosures

CC: Dustin Homan, PCD Chair; Scott Opitz, FWP

Addendums for Application No. 43B 30164489

A.1 Surface Water Change Technical Analyses Report

B.1.a Signed Copy of Conservation District Application from Producer
B.1.b Amendment to Original Application
B.2 Signed Copy of Reserved Water Use Authorization from the Conservation District
B.3 Copy of the CD Public Notice from the Conservation District
B.4 Copy of the Affidavit of Publication from the Conservation District
B.5 Copy of the public notice Certificate of Service from the Conservation District

C.2 POU List

E.1.a Aerial Map of Proposed Reserved POU
E.1.b Aerial Map of Proposed POU by Irrigation Type
E.2 Aerial Map of Proposed POU with Current Irrigation Water Rights

Addendum A.1
Surface Water Change Technical Analyses Report
Application No. 43B 30164489
Provided by DNRC's Water Resources Division of the Bozeman Regional Office.

Surface Water Change Technical Analyses Report

Department of Natural Resources and Conservation (DNRC or Department)
Water Resources Division
Kendrew Ellis, Water Resource Specialist, Bozeman Regional Office

Application No.	43B 30164489	**Proposed Point of Diversion**	Gov't Lot 10, NWSESW Section 34, T6S, R7E, Park County
Applicant	Park Conservation District		

Overview

This report analyzes data submitted by the Applicant in support of the above-mentioned water right change application. This report provides technical analyses as required under the Administrative Rules of Montana (ARM) 36.12.1303 in support of the water rights criteria assessment as required in §85-2-402, Montana Code Annotated (MCA). This report was completed by regional office staff.

This Surface Water Change Technical Analyses Report contains the following sections:

1.0 Application Details

The Applicant proposes to change the place of use (POU) of Water Reservation No. 43B 10004-00 The point of diversion (POD) proposed is located in Gov't Lot 10, NWSESW Section 34, T6S, R7E, in Park County, which was included in the original public notice area for the Park Conservation District Yellowstone River Water Reservation. The proposed POU for irrigation is location in Section 3, 4, 33, and 34, all in T6S, R7E, in Park County. The Applicant proposes to divert water from April 15 to October 19 for irrigation of 189.6 acres. The maximum volume proposed diverted volume is 161.2 AF. The project is in Park County and the source is the Yellowstone River. The total flow rate of the Water Reservation is 445.9 CFS and the flow rate needed for the project is 2.6 CFS. No change in the POD, purpose, or place of storage is proposed. The portion of the Water Reservation proposed for change, reflected on Conservation District Record No. 43B 1000400, will be supplemental to private water rights owned by the end user of the Park Conservation District water (West Creek Ranch, LLC).

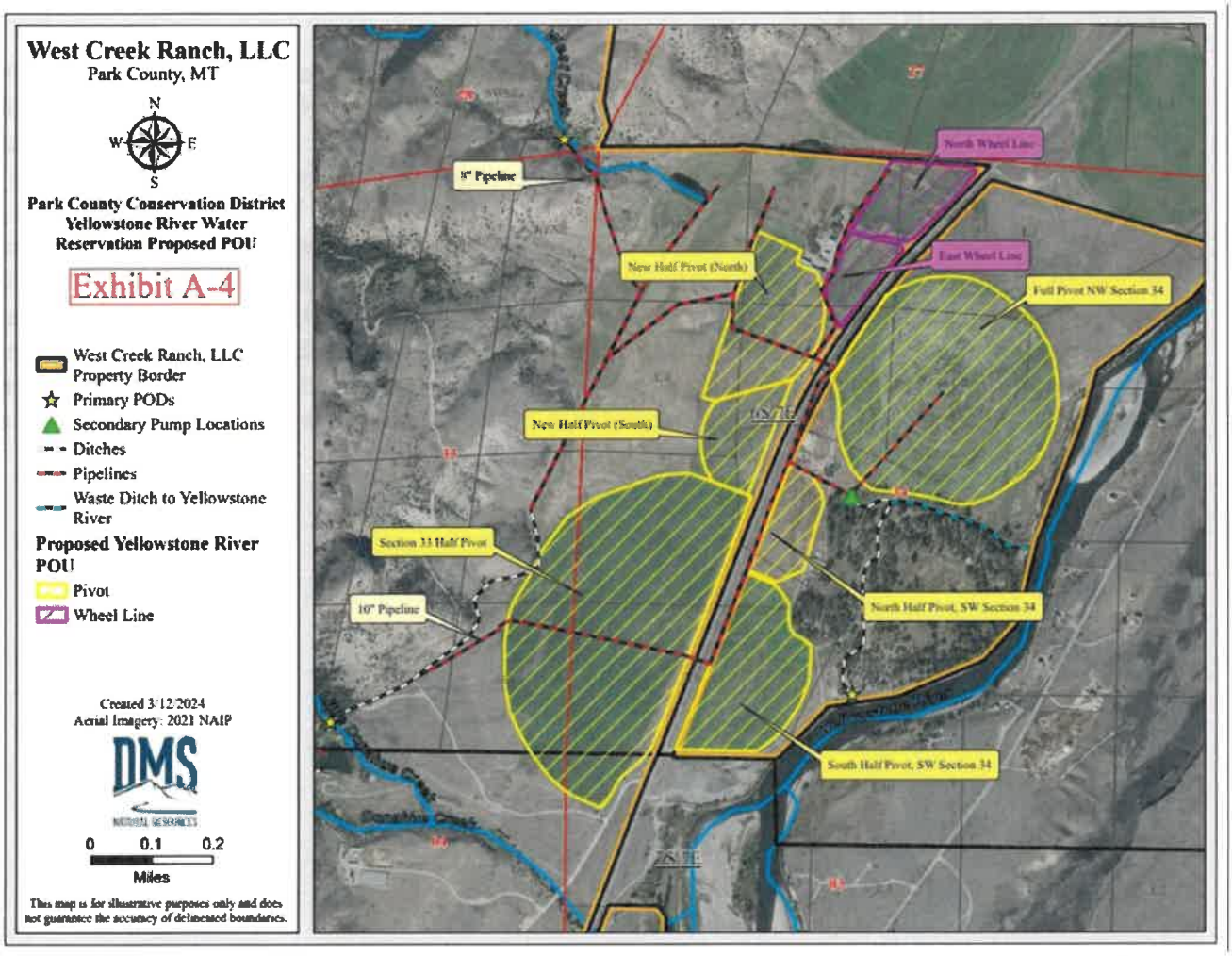


Figure 1: Map of the Applicant's proposed POD on the source and proposed POU created by DMS Natural Resources, LLC on 3/12/2024

2.0 Historical Use Technical Analysis

The Applicant proposes to change a portion of a Conservation District Water Reservation that has not yet been put to use and therefore no historical use for the amount of water being changed exists.

3.0 Analysis of Impacted Surface Water Sources

3.1 Summary of Proposed Use

The Applicant proposes to change a portion of Conservation District Water Reservation No. 43B 1000400 to use for irrigation use in Section 3, 4, 33 and 34, T6S, R7E, in Park County. The Applicant proposes that the period of diversion to be from April 15 to October 19. The total proposed volume that the applicant will utilize from the Park Conservation District Yellowstone River Water Reservation is 161.2 AF (72.45 AF + 88.74 AF= 161.2 AF). The applicant proposes

to divert the total flow rate required by the irrigation system of 2.60 CFS. Following the proposed change, the Park Conservation District water will be used along with private water rights owned by the end user of the water.

This Application is to change the POU of a non-perfected portion of the Park Conservation District Water Reservation No. 43B 1000400. As the proposed POU was not part of the original public notice area identified in the Park Conservation District Yellowstone River Water Reservation, all existing water rights must be considered in order to determine whether this proposed project would adversely affect other water right holders. The Department found the physical availability of the Yellowstone River at the POD using the following gages:

USGS gage name
USGS 06192500 Yellowstone River near Livingston, MT
USGS 06191500 Yellowstone River at Corwin Springs MT
Period of record
Yellowstone River at Corwin Springs: Approved data, August 1889 – July 2024
Yellowstone River near Livingston: Approved data, May 1897 – July 2024
(Data retrieved on 12/5/2024)

The POD is located between the two gaging stations on the Upper Yellowstone River. The POD is located approximately 11.1 miles downstream of the USGS Yellowstone River at Corwin Springs gage and approximately 26.69 miles upstream of the USGS Yellowstone River near Livingston gage. Both stream gages have periods of record exceeding 10 years and are maintained by the USGS.

The Department found the physical availability using a logarithmic interpolation method. A logarithmic interpolation is useful when the proposed point of diversion is located between two stream gages. This method estimates a streamflow characteristic at an intermediate location based on basin drainage area at the gaged sites and the ungaged site (POD). Several assumptions must be met in order for this method to be appropriate: 1) the ratio of the contributing drainage area to the ungaged site must be within 0.5 to 1.5 of the drainage areas for the stream gages, 2) periods of record at both gages must be similar, 3) streamflow conditions must be similar at both stream gage locations. The ratio of the contributing drainage area at the proposed point of diversion is 0.80 and 1.09 to the Yellowstone River near Livingston and Yellowstone River at Corwin Springs gages respectively. Both gages have a similar period of record, beginning in 1889 for the Corwin Springs gage and 1897 for the Livingston gage. Both gages exhibit similar streamflow characteristics. As a result, the logarithmic interpolation is suitable for estimating physical water availability at the point of diversion.

The following equation describes the logarithmic interpolation method, described further in DNRC (2019).

$$\log Q_u = \log Q_{g1} + \left(\frac{logQ_{g2} - logQ_{g1}}{logA_{g2} - logA_{g1}}\right)(logA_u - logA_{g1})$$

Where: Q = streamflow characteristic
A = drainage area
Subscripts $g1$ and $g2$ are gaged sites 1 and 2 respectively
Subscript u = point of interest (proposed point of diversion)

Basin drainage area at the point of diversion was delineated using USGS Streamstats. Drainage area at the gage locations was retrieved from the gaging station information web page. The results are shown in Table 1 below.

Table 1: Basin drainage area at the gaged sites and ungaged site on the Yellowstone River.

LOCATION	DRAINAGE AREA (SQUARE MILES)	DRAINAGE AREA RATIO OF UNGAGED SITE TO GAGE LOCATION
USGS Yellowstone River near Livingston	3551.0	0.80
USGS Yellowstone River at Corwin Springs	2616.0	1.09
Yellowstone River at the POD	2849.6	1.00

The following table displays the streamflow data for the two stream gages on the Yellowstone River and the results of the interpolation analysis. The interpolated data represents the estimated streamflow rate and volume at the POD on Yellowstone River in Gov't Lot 10, NWSESW Section 34, T6S, R7E, in Park County.

Table 2: Median of the mean monthly flows of the Yellowstone River. The last two columns in the table display the results of the interpolation method used to estimate physical water availability at the point of diversion.

	USGS Gage 06192500: Yellowstone River nr Livingston MT		USGS Gage 06191500: Yellowstone River at Corwin Springs MT		Interpolation	
Month	Median of the Mean Monthly Flow at Gage 06192500 (CFS)	Median of the Mean Monthly Volume at Gage 06192500 (AF)	Median of the Mean Monthly Flow at Gage 06191500 (CFS)	Median of the Mean Monthly Volume at Gage 06191500 (AF)	Physically Available Water at POD (CFS)	Physically Available Water at POD (AF)
January	1191	73103.58	837.3	51393.47	924.09	56720.63
February	1185	68042.70	813.1	46688.20	903.50	51878.98
March	1293	79364.34	907.8	55720.76	1002.27	61519.36

April	1903	113038.20	1496	88862.40	1600.23	95053.79
May	7207	442365.66	6145	377180.10	6425.40	394390.90
June	13315	790911.00	11045	656073.00	11638.22	691310.35
July	7408	454703.04	6418	393936.84	6680.94	410076.26
August	3333	204579.54	2938.5	180365.13	3043.96	186838.22
September	2274	135075.60	1845	109593.00	1956.18	116197.28
October	1916.5	117634.77	1425	87466.50	1548.23	95030.50
November	1637	97237.80	1158	68785.20	1275.82	75783.56
December	1359.5	83446.11	959.6	58900.25	1057.88	64932.59

3.2 Area of Potential Adverse Effect

The Department has considered a potentially impacted reach on the source of supply. This reach was determined by accounting for the location of the proposed project and downstream water users on the Yellowstone River. This reach extends from the POD in Gov't Lot 10, NWSESW Section 34, T6S, R7E, in Park County downstream approximately 15 miles the confluence of Mill Creek and the Yellowstone River in Gov't Lot 8 SWNESE, Section 7, T5S, R9E, in Park County. This is an acceptable area of potential adverse effect as the reach includes several tributaries. The Mill Creek confluence was chosen because Mill Creek is a major tributary to the Yellowstone River as well as a gaged source, so its contributions to the Yellowstone River can be estimated. Water rights within the reach were identified using the Department's Water Right Query System and GIS application Converge. The Department quantified the flow rate and volume of the surface water rights using the following methods:

1. The flow rate and volume for each water right was taken from the face value on the abstract.
2. Water rights without an assigned flow rate or volume were quantified using further analysis:
    a. The adjudication standard of 30 gallons per day per animal unit was used for stock water right volumes.
    b. Stock direct from source/ditch water rights were a assigned a flow rate using 30 gallons per day per animal unit and adding 35 gallons per minute to the result.
    c. Irrigation rights were assigned a volume of 1.47 AF per acre, which is the low range of the Department's standard for diverted volume at 60% efficiency in Climatic Area V[1], per ARM 36.12.115.

[1] The proposed project is within Climatic Area VI: Forested Area. ARM 36.12.115 does not have a use standard for this climatic area, but ARM 36.12.112 has the same use standard for Areas V and VI. Therefore, the low range for Climatic Area V was used for quantifying water right volumes within the Area of Potential Impact.

There are 36[2] water rights within the reach, as illustrated in Appendix A.

Review

This document has been reviewed by the Department on December 13, 2024.

References

Department Standard Practice for Determining Historical Use
Department Standard Practice for Analyzing Area of Potential Adverse Effect
Department Technical Memorandum: Physical Availability of Surface Water with Gage Data (2019)

[2] This includes all water rights in the reach as well as FWP Reservation 43B 30017770.

Appendix A: Water Rights within the Area of Potential Adverse Effect

Appendix A. Water rights within the Area of Potential Adverse

WATER RIGHT NUMBER	ALL OWNERS	MEANS OF DIVERSION	FLOW RATE (GPM)	FLOW RATE (CFS)	VOLUME (AF)	ACRES	ANIMAL UNITS	PRIORITY DATE
43B 193534 00	MURPHYS OX YOKE RANCH LP	LIVESTOCK DIRECT FROM SOURCE	37.22	0.08	3.58	0.00	213.5	3/1/1878
43B 194630 00	JEFFREY T REED	LIVESTOCK DIRECT FROM SOURCE	36.31	0.08	2.11	0.00	62.5	1/1/1890
43B 194631 00	JEFFREY T REED	LIVESTOCK DIRECT FROM SOURCE	36.31	0.08	2.11	0.00	62.5	1/1/1890
43B 143287 00	AUDREY T COLL; GOODMAN RESOURCES LTD	LIVESTOCK DIRECT FROM SOURCE	39.19	0.09	6.74	0.00	200.0	6/1/1890
43B 119332 00	PARK BRANCH WATER USERS ASSOC	HEADGATE	14586.00	32.50	13791.77	7370.00	0.0	4/1/1893
43B 119337 00	PARK BRANCH WATER USERS ASSOC	HEADGATE	132.00	0.29	156.20	0.00	4635.5	4/1/1893
43B 193559 00	MURPHYS OX YOKE RANCH LP	LIVESTOCK DIRECT FROM SOURCE	37.22	0.08	3.58	0.00	213.5	4/14/1893
43B 194419 00	YSR ACQUISITION CO LLC	LIVESTOCK DIRECT FROM SOURCE	46.09	0.10	17.86	0.00	530.0	12/31/1900
43B 23533 00	ESTANCIA 45 NORTH LLC; YELLOWSTONE RIVER RANCH ESTATES LLC	LIVESTOCK DIRECT FROM SOURCE	39.50	0.09	7.24	0.00	215.0	6/5/1905
43B 194634 00	JEFFREY T REED	HEADGATE	682.17	1.52	340.00	50.00	0.0	1/9/1908
43B 196315 00	JEFFREY T REED	DITCH	852.72	1.90	425.00	50.00	0.0	1/9/1908

43B 125043 00	EMIGRANT PEAK RANCH LLC	LIVESTOCK DIRECT FROM SOURCE	42.32	0.09	11.79	0.00	350.0	12/31/1927
43B 194674 00	WEST CREEK RANCH LLC	LIVESTOCK DIRECT FROM SOURCE	41.28	0.09	10.11	0.00	300.0	10/23/1934
43B 131378 00	AARON CAIN; GLENDA CAIN; CHRISTOPHER FANUZZI; GLACIER BANK; WESLEY VENTURES LLC	PUMP	255.82	0.57	22.05	15.00	0.0	11/23/1934
43B 18665 00	STORY RANCH CO	HEADGATE	1822.12	4.06	157.58	107.20	0.0	11/23/1934
43B 194633 00	JEFFREY T REED	PUMP		0.00	0.00	0.00	0.0	11/23/1934
43B 119333 00	PARK BRANCH WATER USERS ASSOC	HEADGATE	112200.00	250.00	55789.00	7370.00	0.0	8/20/1935
43B 119338 00	PARK BRANCH WATER USERS ASSOC	HEADGATE		0.00	156.20	0.00	4635.5	8/20/1935
43B 194673 00	161 HIDDEN VALLEY ROAD LLC	PUMP	4.25		0.37	0.25	0.0	12/31/1935
43B 119351 00	PARADISE CANAL USERS ASSN	HEADGATE	40392.00	90.00	4557.00	3100.00	0.0	3/10/1955
43B 119352 00	PARADISE CANAL USERS ASSN	HEADGATE	59.59	0.13	39.59	0.00	1175.0	3/10/1955
43B 190625 00	WEST CREEK RANCH LLC	HEADGATE	3006.96	6.70	103.78	70.60	0.0	6/24/1968
43B 194349 00	MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS	INSTREAM	538560.00	1200.00	395014.00	0.00	0.0	12/14/1970
43B 194350 00	MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS	INSTREAM	897600.00	2000.00	789234.00	0.00	0.0	12/14/1970

43B 192649 00	MONTANA STATE BOARD OF LAND COMMISSIONERS	PUMP	866.18	1.93	74.97	51.00	0.0	2/14/1973
43B 30009947	G KIMBALL HART; PARK CONSERVATION DIST	PUMP	140.00	0.31	38.00	19.00	0.0	12/15/1978
43B 66332 00	PARK CONSERVATION DIST	PUMP	600.00	1.33	225.00	86.00	0.0	12/15/1978
43B 30017770[3]	MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS	INSTREAM	Various	Various	Various	0	0	12/15/1978
43B 52998 00	CLAIR A ROBERTS	PUMP	50.00	0.11	2.70	1.50	0.0	4/20/1983
43B 30001745	JUDITH POWELL; TIMOTHY POWELL	PUMP	15.00	0.03	2.50	1.00	0.0	4/11/1989
43B 70900 00	ADAM BRITTON; AMBER MARBLE	PUMP	15.00	0.03	1.15	0.07	0.0	4/11/1989
43B 74927 00	BILLIE I KRENZLER; DAN L KRENZLER	PUMP	50.00	0.11	1.25	0.50	0.0	7/13/1990
43B 108829 00	YELLOW RIVER LLC	PUMP	15.00	0.03	1.24	1.00	0.0	7/16/1999
43B 30045005	JOHN L LAKE	PUMP	2001.64	4.46	198.50	95.90	0.0	5/7/2009
43B 30120804	SCOTT W BRADY	PUMP	10.00	0.02	0.00	0.00	0.0	9/13/2018
43B 30152558	JEFFREY C HENRY; JENNY WOLFE	PUMP	30.00	0.06	0.55	0.22	0.0	6/24/2021

[3] Water Reservation No. 43B 30017770 is the FWP reservation for the Yellowstone River from Gardiner to Livingston, enforced at the USGS Gage at Livingston. Though the enforcement point is not in the AOPI, a portion of the reach of the Yellowstone River that water is reserved in lies within the AOPI.

Addendum B.1.a
Original Signed Copy of Conservation District Application from Producer

Form 500 **APPLICATION FOR RESERVED WATER USE** 11/22

Park County **CONSERVATION DISTRICT**

For Conservation District Use Only
Application No. PA-2301 **Date Received:** 11/28/2023 **Time:** 1:00pm ☐ a.m. ☐ p.m.
Fee Received (If applicable): $ 400 **Received By:** KHA

Please Print or Type:

1. Applicant Name West Creek Ranch, LLC
   Mailing Address 602 S Ferguson Ave, Suite 2
   City or Town Bozeman State Montana Zip Code 59718
   Home Phone (_____) _____ Other Phone (406) 582-4988
   Email stephenson@dmsnaturalresources.com
2. Applying for (check one): ☐ New Irrigation ☐ Supplemental ☑ Both
3. Source of Water: Yellowstone River
4. Describe Irrigation System: See Appendix A, and associated maps
5. Crops to be Grown: Alfalfa, grass pasture, and possibliy other crops
6. Point of Diversion Description (to the nearest 10 acres): County Park (See Appendix A, Section 3)
   _____1/4, _____1/4, SW 1/4, Section 34, Township 6 ☐☑ N/S, Range 7 ☑☐ E/W
7. Point of Discharge Description (to the nearest 10 acres): County _____
   _____1/4, _____1/4, _____1/4, Section _____, Township _____ ☐☐ N/S, Range _____ ☐☐ E/W
8. Place of Use Description: County See Appendix A, Section 4, New (n) or Supplemental (s)
   Acres _____, ____1/4, ____1/4, ____1/4, Section ____, Township ____ ☐☐ N/S, Range ____ ☐☐ E/W, ☐☐ n/s
   Acres _____, ____1/4, ____1/4, ____1/4, Section ____, Township ____ ☐☐ N/S, Range ____ ☐☐ E/W, ☐☐ n/s
   Acres _____, ____1/4, ____1/4, ____1/4, Section ____, Township ____ ☐☐ N/S, Range ____ ☐☐ E/W, ☐☐ n/s
   TOTAL ACRES: 193.2 (Addendum sheet is attached if more room is needed for Place of Use)
9. Volume Requested: 162.5 acre-feet, Volume of Discharge if applicable: _____ acre-feet
10. Flow Rate Requested: 4.91 cubic feet per second (cfs), or 2,207 gallons per minute (gpm)
11. Diversion Means: ☑ Pump: Type & Power See Appendix A, Section 3 ☐ Other _____
12. Conveyance Means: ☑ Pipeline, ☐ Other _____
13. Period of Use: Month/Day 4/15 - 10/19 to Month/Day 4/15 - 10/19

14. Location Map: A map showing the following must accompany this application:

    A. Township and Range
    B. Section numbers and corners
    C. Scale of map in inches
    D. Project location and general layout
    E. Points of diversion and discharge
    F. Place of Use

NOTE: Please be sure to attach an accurate map. Lack of an accurate map results in an incomplete application. The application will be returned for completion. A copy of an aerial photo or a USGS topographic map is required. Please use a dark pencil or pen if writing on the map. Assistance is available from the Conservation District or the Conservation Districts Bureau, DNRC in completing these forms.

15. Soils Map: Include a copy of the soils map and suitability evaluation for your project. Indicate on the map the location of the place(s) of use, point(s) of diversion, and point(s) of discharge.

16. Engineering Details: All available and applicable engineering data must be submitted with this application:

    A. General layout plans for point of diversion structures
    B. Placement plans of pumping plant/diversion structure
    C. Control structures design and placement
    D. Typical cross-section for dikes
    E. Conveyance and delivery ditch designs
    F. Reservoir cross-section and capacities
    G. Structural tables
    H. Pipeline designs
    I. Yardage figures for land leveling and design grid
    J. Method of water use measurement
    K. Water availability and water quality evaluation
    L. Other information applicable to the project as deemed necessary by the district

17. Proposed Project Completion Date: 01/01/2027 - see Appendix A

18. The General Reserved Water Development Plan Manual which governs Reserved Water Use Authorization for the Conservation District is on file in the district office and available for review.

19. **IMPORTANT NOTICE: No person may appropriate water or commence construction on any project facilities prior to the approval of the project by the district and the receipt of a Reserved Water Use Authorization.**

20. The applicant certifies that the statements above and documents attached are, to the best of his/her knowledge, true and correct.

Applicant's Signature	Jon Martin, CEO AMB West, LLC	11/21/2023
	Printed Name	Date
Preparer's Signature	Deborah Stephenson	11/21/2023
	Printed Name	Date

See Exhibit D-3 for POU Legal Land Descriptions

APPLICATION FOR RESERVED WATER USE

CONTINUED FROM PAGE 1 - PLACE OF USE ADDENDUM

8. Place of Use Description: County ________________________, New (n) or Supplemental (s)

Acres ________, _____1/4, _____1/4, (NE) _____1/4, Section _____, Township _____ ☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____ ☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____ ☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____ ☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____ ☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____ ☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____ ☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____ ☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____ ☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____ ☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____ ☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____ ☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____ ☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____ ☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____ ☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____ ☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____ ☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____ ☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____ ☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

TOTAL ACRES ______________________

Appendix A – Supplemental Text

Introduction

AMB West, LLC submitted an application for reserved water use to the Park County Conservation District ("Park County CD") on January 28, 2019. The original permit submitted used the 2016 PLSS division. In October 4, 2019, DMS submitted changes to the filing with updated maps and information using the revised 2018 PLSS divisions. In November 2019, AMB West, LLC recorded a deed memorializing its name change from AMB West, LLC to West Creek Ranch, LLC ("WCR").

On November 20, 2019, Duane Claypool of DNRC, on behalf of the Park County CD, requested that the applicant: *"Please email me a copy of the signed & dated Montana Dept of Transportation (MDOT) permit/license that was issued to allow installation of the pipeline under the highway. Even though it is an existing pipeline - because of the liability if the pipeline were to fail & cause damage to the highway it is needed in the file to indicate that MDOT approval was given for it to be installed."* The CD put the application on hold until the requested Encroachment Permits from MDOT were obtained. The applicant obtained the Encroachment Permits from MDOT on August 22, 2023. On October 21, 2023, DMS asked Park County CD to re-start their processing of the application as that the Encroachment Permits from MDOT were obtained. Due to the time lapse and changes in application procedures, the Park County Conservation District requested that the application be resubmitted on a revised Form 500. This application represents the re-submitted application. The only differences from the original application from January 28, 2019 are as follows:

1. Applicant had a name change from AMB West, LLC to West Creek Ranch, LLC;
2. Updated 2018 PLSS divisions are utilized (see October 4, 2019 letter to Duane Claypool of DNRC Conservation Districts Bureau);
3. Montana Dept of Transportation highway crossing Encroachment Permits are enclosed – see Section 16 below).

Application Contact

Any questions regarding this application information and calculations should be directed to Deborah Stephenson of DMS Natural Resources, LLC at 406-582-4988 or stephenson@dmsnaturalresources.com.

Section 6: Point of Diversion

Water will be diverted from the Yellowstone River by means of a stem and handwheel headgate opening into a three-foot culvert on the NW bank of the Yellowstone River in the SW of Section 34, T6S R7E. A picture of this diversion is included as *Figure 1* below. This diversion is currently in use under WCR's irrigation claim 43B 190625 00. Water is conveyed from the point of diversion (POD) through a natural channel/ditch to a pump site in the SW of Section 34, T6S R7E, within Parcels 4 & 4A of Certificate of Survey (COS) 1400. There are two separate pumps located at the pump site in the SW of Section 34, T6S R7E within Parcels 4 & 4A of COS 1400. A picture of this pump site is included as *Figure 2* below. Based on Google Earth imagery, both pumps were installed between 1998 and 2004[1]. The eastern of the two pumps is a WEG Electric Motors Corporation 25 HP electric pump. This pump supplies water to the two half pivots

[1] The exact installation date of these pumps is unknown. Based on historical Google Earth imagery, the pumping site was established sometime between 7/21/1998 and 12/30/2004.

in the SW of Section 34, T6S R7E, as well as, the wheel lines and the Section 33, T6S R7E half pivot to the west of the highway. The western pump is a General Electric 15 HP, 1,760 RPM electric pump. This pump supplies water to the full pivot in the NW of Section 34, T6S R7E. Pictures of the pump tags for the east and west pumps are provided as *Figures 3 and 4* below.

From the pumps, water is pumped from the ditch into a system of pipelines which supplies water to the various pivots and sprinkler systems across the proposed place of use (POU)[2]. Excess water not diverted at the pumping site is returned to the Yellowstone River via a natural channel/ditch. A map of the proposed project is included as Exhibit A-3[3].

[2] All of the pipelines and associated infrastructure is currently in place and in use under WCR's Yellowstone River, Donahue Creek, Little Donahue Creek, and West Creek water rights.

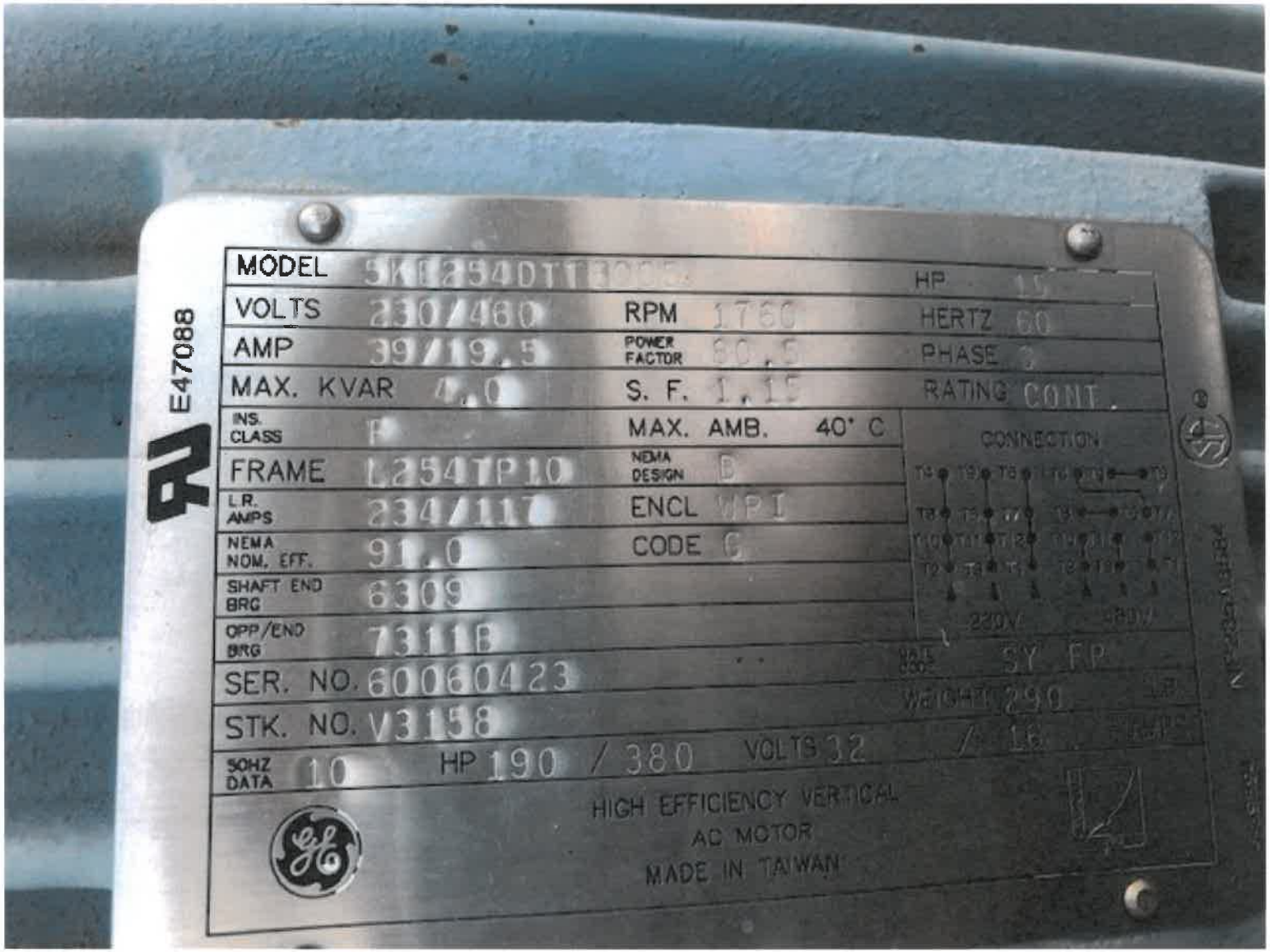
[3] Exhibits A, B and C are the original maps submitted in January 2019. Exhibits A-2, B-2 and C-2 were updated versions of Exhibits A, B and C that were submitted in October 2019 reflecting the revised PLSS divisions. Exhibits A-3, B-3 and C-3 are updated versions of Exhibits A-2, B-2 and C-2 that are enclosed with this application reflecting the new property owner name. No other modifications have been made to the maps since the original application was submitted in January 2019.

Figure 1: Stem and handwheel headgate at the Yellowstone River POD in the SW of Section 34, T6S R7E.

Figure 2: Pump site in the SW of Section 34, T6S R7E. Western pump (right pump in the picture below) supplies the full pivot in Section 34. The eastern pump (left pump in the picture below) supplies the remaining pivots and wheel lines.

Figure 3: Pump tag for the east pump located in the SW of Section 34, T6S R7E.

Figure 4: Pump tag for west pump located in the SW of Section 34, T6S R7E.



Section 8: Place of Use

The applicant proposes to utilize a portion of the Park County CD's water reservation from the Yellowstone River to supply water for the irrigation of three pivots east of Highway 89 in Section 34, T6S R7E, as well as for one pivot and four wheel line sprinkler systems west of Highway 89 in Sections 3, 33 and 34, all in T6S R7E (Exhibit A-3). The names of the pivots and wheel lines were created based on the 2016 PLSS division and should be considered "common" names. The actual locations are shown on the maps provided as Exhibits A-3 and C-3, and described on Exhibit D-3. The different sections of proposed POU are described below:

- **Full Pivot, NW of Section 34:** Part of the full pivot in on the east side of the highway labeled as "Full Pivot NW Section 34" is actually now primarily within the NE of Section 34. This pivot falls within the POU of claim 43B 190625 00 from the Yellowstone River. A portion of this pivot is also part of the POU of Donahue Creek claims 43B 190622 00, 43B 190623 00, Little Donahue Creek claims 43B 26291 00, 43B 30041630, and West Creek claims 43B 190624 00, 43B 190626 00, and 43B 190627 00. A map of the Donahue, Little Donahue, and West Creek claims is provided as Exhibit B-3. Prior to 1973, this field was flood irrigated. In March of 1990, a change authorization (43B 19062100) was issued for the POD and POU of the Donahue Creek, Little Donahue Creek, and West Creek claims. The existing pivot system was installed sometime between 1998 and 2004[4]. As a result, 20.2 acres of this pivot fall outside of the historic POU of the Yellowstone River, Donahue Creek, Little Donahue Creek, and West Creek claims (43B 190622 00 – 43B 190627 00, 26291 00, and 43B 30041630). See Exhibit C-3. The applicant proposes to utilize the Park County CD's Yellowstone River water reservation for full-service irrigation of these 20.2 acres.
- **Two Half Pivots on East Side of Highway, SW of Section 34:** The two half pivots on the east side of the highway (a total of 33.7 acres) are within the POU of Donahue Creek claims 43B 190622 00, 43B 190623 00, Little Donahue Creek claims 43B 26291 00, 43B 30041630, and West Creek claims 43B 190624 00, 43B 190626 00, and 43B 190627 00. However, the Yellowstone River is a more reliable water source throughout the summer than Donahue Creek, Little Donahue Creek, and West Creek. Therefore, the applicant proposes to utilize the Park County CD's Yellowstone River water reservation as a supplemental water supply for these 33.7 acres. This will allow the applicant to continue irrigation from the other creeks when feasible while allowing the flexibility to provide full-service irrigation from the Yellowstone River, if necessary, in dry years.
- **Half Pivot on West Side of Highway:** The half pivot on the westside of the highway is labeled as "Section 33 Half Pivot" on the maps and Exhibit D-3 based on the older 2016 PLSS divisions. However, based on the 2018 PLSS divisions, this half pivot is within Sections 3, T7S R7E, and Sections 33 and 34, T6S R7E. Part of the half pivot on the west side of the highway is within the POU of Donahue Creek claims 43B 190622 00, 43B 190623 00, Little Donahue Creek claims 43B 26291 00, 43B 30041630, and West Creek claims 43B 190624 00, 43B 190626 00, and 43B 190627 00. This half pivot was installed between 1998 and 2004[5] after the 1990 change authorization to the Donahue Creek, Little Donahue Creek, and West Creek claims described above. As a result, the Donahue Creek, Little Donahue Creek, and West Creek claims reflect historic flood irrigation

[4] The exact installation date of the pivots on WCR's property is unknown. Based on historical Google Earth imagery, all of the pivots addressed in this application were installed between 7/21/1998 and 12/30/2004.
[5] Ibid.

and 14.3 acres of the half pivot fall outside the POU of WCR's existing water rights. The applicant proposes to utilize the Park County CD's Yellowstone River water reservation for full-service irrigation of these 14.3 acres. The applicant also proposes to utilize the Park County CD's Yellowstone River water reservation as a supplemental water supply for the 72.8 acres of the half pivot which fall within the POU of WCR's existing water rights.

- **Wheel Lines on West Side of Highway:** The four wheel lines on the west side of the highway are within the POU of Donahue Creek claims 43B 190622 00, 43B 190623 00, Little Donahue Creek claims 43B 26291 00, 43B 30041630, and West Creek claims 43B 190624 00, 43B 190626 00, and 43B 190627 00. The applicant proposes to utilize the Park County CD's Yellowstone River water reservation as a supplemental water supply for the 52.2 acres of wheel lines which fall within the POU of WCR's existing water rights.

In total, the proposed POU includes 193.2 acres. Of these 193.2 acres, 34.5 acres are new pivot irrigation, 106.5 acres are pivot irrigation supplemental with WCR's existing water rights, and 52.2 acres are wheel line irrigation supplemental with WCR's existing water rights. A list of the proposed POU by quarter-quarter section, using the 2018 PLSS divisions, is included as Exhibit D-3.

Sections 9, 10 and 13: Flow Rate, Volume of Water and Period of Use

Flow Rate

The specifications for the individual pivot and wheel line irrigation systems are included below as Tables 1 and 2.

Table 1: Specifications for Pivot Irrigation Systems

Pivot	Pivot GPM Requirement	End Gun GPM Requirement[6]	PSI
Full Pivot, East of Highway	425	77	25
North Half Pivot, East of Highway	150	54	27
South Half Pivot, East of Highway	225	52	23
Half Pivot, West of Highway	550	54	51
Total Flow Requirement	***1,350 GPM (3.00 cfs)***		

Table 2: Specifications for Wheel Line Irrigation Systems East of Highway

Wheel Line	Length (ft)	Number of Sprinklers	Nozzle Size (in)	Flow Rate Requirement (GPM)
North Wheel Line	350	15	7/32	143
East Wheel Line	750	30	13/64	255
West Wheel Line	675	26	13/64	221
South Wheel Line	675	28	13/64	238
Total Flow Requirement	***857 GPM (1.91 cfs)***			

The applicant typically does not operate all of the irrigation systems in the proposed POU at the same time. However, to provide maximum flexibility, the applicant requests the total flow rate required by the system. Based on the information in Tables 1 and 2, the total flow rate requested for the proposed project is 2,207 GPM (4.91 cfs).

[6] According to Kyle Richert, former Land and Livestock Manager at WCR, the GPM required by the end guns is included as part of the overall pivot GPM requirement.

Period of Diversion

The requested period of diversion is April 15 to October 19[7]. WCR typically begins irrigation from Little Donahue Creek, Donahue Creek, and West Creek in mid-April. These sources provide the required flow rate for irrigation of a portion of the proposed POU into June. By mid-to-late June, flows in Little Donahue, Donahue, and West Creek begins to decrease and AMB supplements the irrigation with water from the Yellowstone River using the system of pumps and pipelines described above and shown on Exhibit A-3. WCR also has two reservoirs on West Creek which store water from Little Donahue Creek and West Creek under 43B 26291 00 and 43B 30041630. These reservoirs can be used to supplement natural flow irrigation later in the season. However, to provide maximum flexibility, WCR often utilizes the Yellowstone River for supplemental irrigation starting in mid-to-late June. According to Kyle Richert, former Land and Livestock Manager for WCR, the Yellowstone River typically provides approximately 1/3 of the water supply from mid-June through the end of the irrigation season, typically in mid-October.

Volume

Based on the diverted volume standards in ARM 36.12.115[8], the total volume required for the proposed 193.2-acre POU is calculated as 399.9 AF/year (193.2 acres * 2.07 AF/acre = 399.9 AF).

For this application, it is assumed that the full volume required for irrigation of the 34.5 acres that fall outside the POU of WCR's existing water rights will be provided by the Park County CD's Yellowstone River water reservation. Based on ARM 36.12.115, the volume required for these 34.5 acres calculates to 71.4 AF (34.5 acres * 2.07 AF/acre = 71.4 AF).

As described above, in an average year the Yellowstone River typically provides 1/3 of the total irrigation from mid-July through mid-October for the 158.7 acres of supplemental irrigation. For this application, it is assumed that the Yellowstone River provides this irrigation starting June 15th. In order to estimate the proportion of the total diverted volume provided by the Yellowstone River, the proportion of consumptive use by month will be applied to the total diverted volume. The consumptive use by month is calculated based on the USDA Irrigation Water Requirements (IWR) software. Although the IWR software only provides calculations for crop consumptive use, this application assumes that the proportion of crop consumptive use supplied by the Yellowstone River is equal to the proportion of total diverted volume provided by the Yellowstone River. IWR calculations for sprinkler irrigation are provided below as Table 3[9].

[7] This is the same period of diversion for the applicants existing irrigation claim from the Yellowstone River (43B 190625 00).
[8] Based on the USDA's August 1986 map of irrigation climatic areas in Montana, the WCR property appears to be located on the border of climatic areas 4 (moderately low consumptive use) and 6 (mountain areas). Because the proposed POU is located along the river bottom and as there are no standards proposed in ARM 36.12.115 for Climatic Region 6, the calculations proposed in this application assume that the POU is within climatic area 4. Additionally, based on abstracts included in the claim files, WCR's existing water rights are coded as climatic area 4. Calculations are based on sprinkler irrigation standards of 2.07 AF/acre in climatic area 4.
[9] IWR calculations were run for alfalfa hay and sprinkler irrigation based on the methods and assumptions in the DNRC Consumptive Use Methodology Memo.

Table 3: Net Irrigation Requirements (NIR)	
Month	**Net Irrigation Requirement (in)**
April	0
May	1.03
June	5.47
July	7.39
August	6.45
September	2.12
October	0
Total	**22.46**
NIR, Early Season Irrigation from Little Donahue, Donahue, and West Creeks	***3.77***
NIR, Late Season Irrigation from Little Donahue, Donahue, and West Creeks	***12.47***
NIR, Late Season Irrigation from Yellowstone River	***6.23***

Based on the breakdown of the NIR by time period and source shown above in Table 3, the proportion of the irrigation provided by the Yellowstone River for the 158.7 acres of supplemental irrigation can be calculated as follows:

Percent of irrigation from Yellowstone River = 6.23 in / 22.46 in = **27.73%**

Applying the percentage of irrigation from the Yellowstone River calculated above to the total diversionary volume required for the proposed 158.7 acres of supplemental irrigation, the diversionary volume provided by the Yellowstone River in an average year is calculated as 91.1 AF/year (158.7 acres * 2.07 AF * 0.2773 = 91.1 AF).

Based on the calculations above, the applicant proposes to utilize 162.5 AF/year of the Park County CD's Yellowstone River water reservation (71.4 AF + 91.1 AF = 162.5 AF).

Water Measurement

The applicant is willing to install flow meters in the main pipelines leading from the two pumps to satisfy any measurement conditions resulting from this application.

Sections 14 and 15: Maps of Proposed Water Development

Refer to Exhibit A-3, B-3 and C-3 for maps of the proposed project including PLSS lines, the proposed POD and POU, and all infrastructure associated with the proposed project. Based on correspondence with Duane Claypool[10], the Conservation District or DNRC will create a detailed soils map of the project area during the DNRC's review of the application.

Section 16: Engineering Details

Montana Department of Transportation Encroachment Permits are enclosed as Exhibit E. Also see flow rate/volume section above.

[10] Email correspondence with Duane Claypool, former DNRC supervisor of Water Reservations, Miles City, on 1/2/2019.

Section 17: Proposed Completion Date

All proposed infrastructure is already constructed and operational. However, the applicant is requesting three years to complete any DNRC requirements that may be imposed a condition of the change authorization.

West Creek Ranch, LLC

Park County, MT

Park County Conservation District
Yellowstone River Water
Reservation Proposed POU

Exhibit A-3

- West Creek Ranch, LLC Property Border
- Primary PODs
- Secondary Pump Locations
- Ditches
- Pipelines
- Waste Ditch to Yellowstone River

Proposed Yellowstone River POU

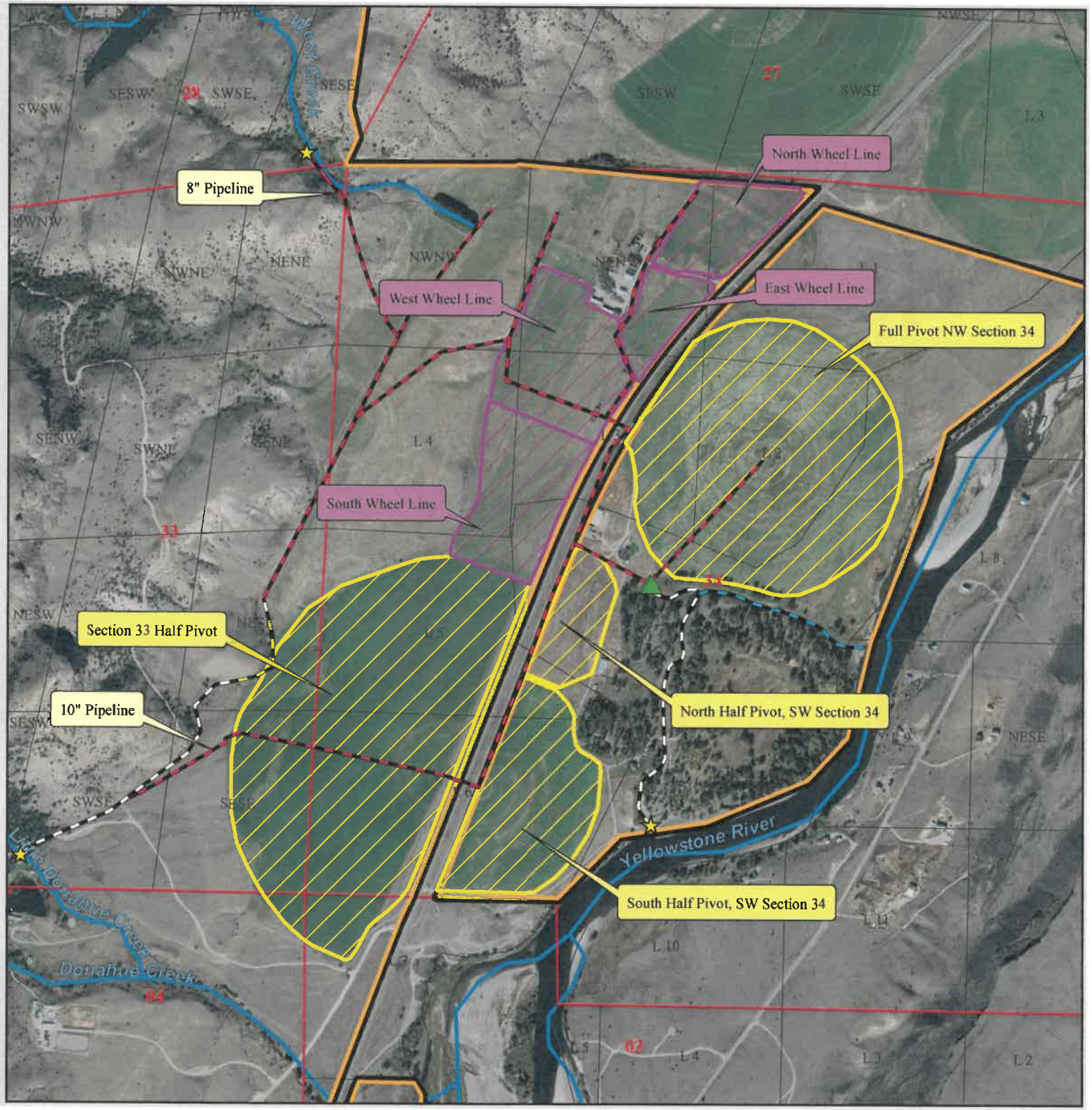
- Pivot
- Wheel Line

Created 11/7/2023
Aerial Imagery: 2021 NAIP

DMS NATURAL RESOURCES

0 0.1 0.2
Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.



West Creek Ranch, LLC

Park County, MT

N
W E
S

Current Irrigation Water Rights

- West Creek Ranch, LLC Property Border
- 43B 26291 00 Reservoir
- 43B 30041630 Reservoir
- Pumps
- Points of Diversion
- Current Ditches
- Current Pipelines
- Waste Ditch to Yellowstone River

Places of Use

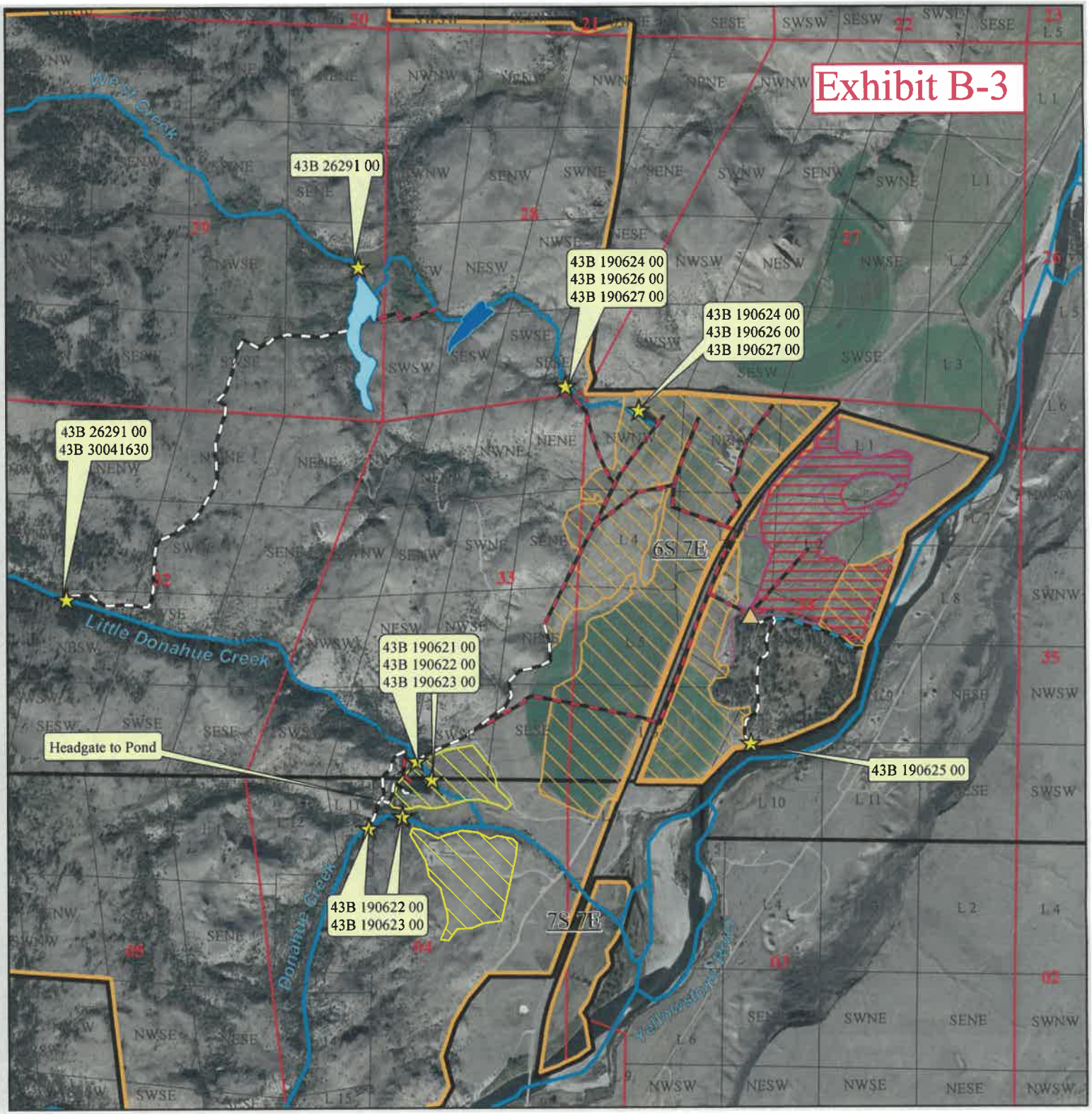
- 43B 190621 00, 43B 190622 00, 43B 190623 00
- 43B 190621 00, 43B 190622 00, 43B 190623 00, 43B 190624 00, 43B 190627 00, 43B 26291 00, 43B 30041630
- 43B 190622 00, 43B 190623 00
- 43B 190625 00

DMS NATURAL RESOURCES

Created 11/7/2023
Aerial Imagery: 2021 NAIP

0 0.2 0.4
Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.



West Creek Ranch, LLC

Park County, MT

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Park County Conservation District
Yellowstone River Water
POU by Irrigation Type

- West Creek Ranch, LLC Property Border
- Primary PODs
- Secondary Pump Locations
- Ditches
- Pipelines
- Waste Ditch to Yellowstone River

Proposed Irrigation

- Pivot - Full Service Irrigation provided by 43A 190625 00
- Pivot - Proposed full service irrigation from PCCD Yellowstone River water reservation
- Pivot - Proposd supplemental irrigation from PCCD Yellowstone River water reservation
- Wheel Line - Proposed supplemental irrigation from PCCD Yellowstone River water reservation

Created 11/7/2023
Aerial Imagery: 2021 NAIP

DMS NATURAL RESOURCES

0 0.1 0.2
Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.

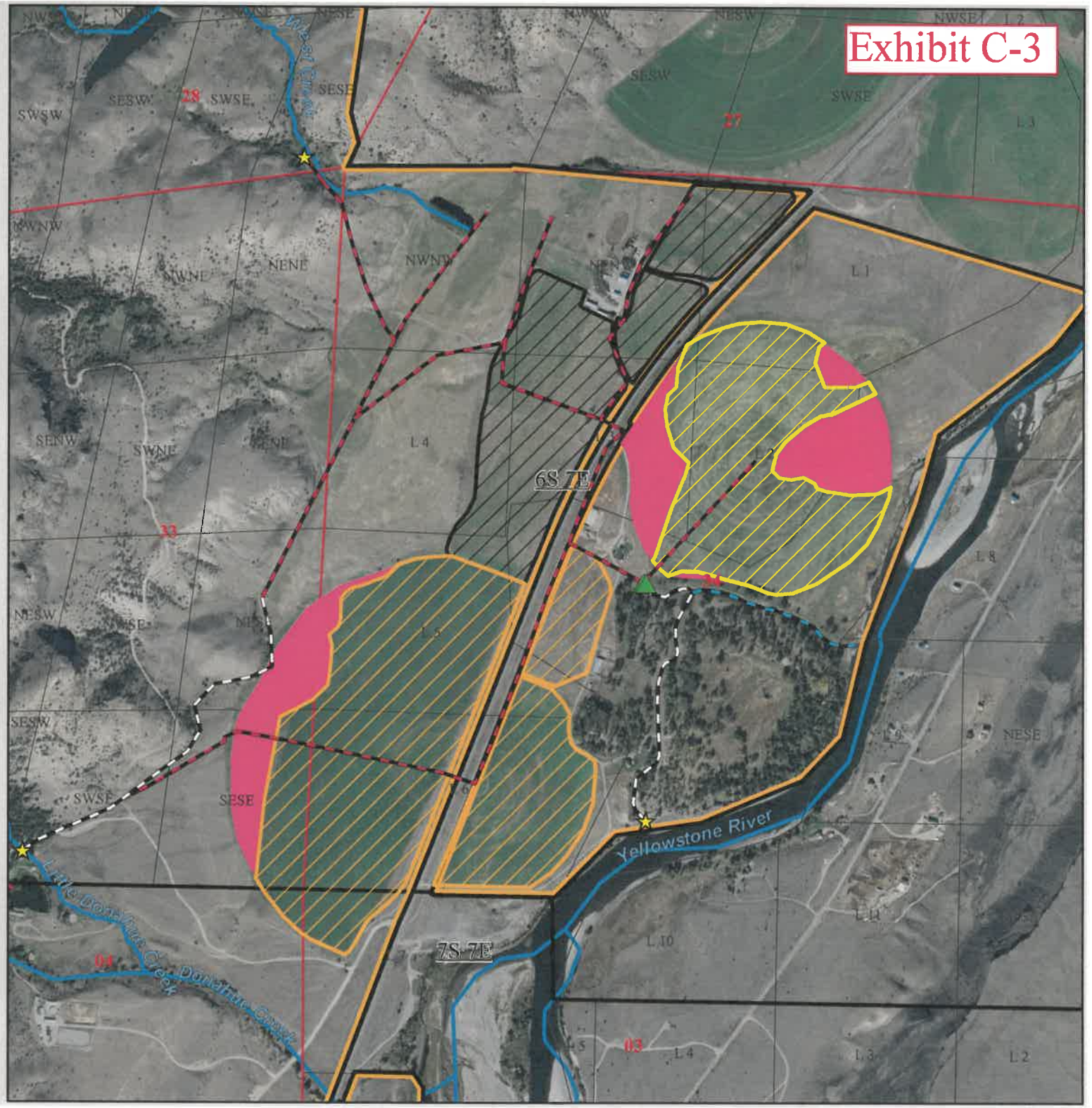

Exhibit D-3

Full Pivot, NW of Section 34 Proposed Full Service Irrigation from PCCD Yellowstone River Water Reservation	
NE (Lot 1) Section 34, T6S R7E	0.9
NE (Lot 2) Section 34, T6S R7E	6.0
NENW Section 34, T6S R7E	0.1
SENW (Lot 3) Section 34, T6S R7E	7.2
SW (COS 1400, Parcel 4 & 4A, E of HWY) Section 34, T6S R7E*	6.0
Total New Acres	**20.2**

North Half Pivot, Section 34 Proposed Suplemental Irrigation from PCCD Yellowstone River Water Reservation	
SW (COS 1400, Parcel 4 & 4A, E of HWY) Section 34, T6S R7E*	7.8
N2SW (Lot 5) Section 34, T6S R7E	1
Total Supplemental Acres	**8.8**

South Half Pivot, Section 34 Proposed Suplemental Irrigation from PCCD Yellowstone River Water Reservation	
N2SW (Lot 5) Section 34, T6S R7E	2.2
S2SW (Lot 6) Section 34, T6S R7E	22.7
Total Supplemental Acres	**24.9**

Section 33 Half Pivot Proposed Suplemental Irrigation from PCCD Yellowstone River Water Reservation	
Parcel 1, COS 1391 Sectoin 34, T6S R7E*	0.4
N2SW (Lot 5) Section 34, T6S R7E	28.8
S2SW (Lot 6) Section 34, T6S R7E	28.3
NW (Lot 7) Section 3, T7S R7E	4.8
Govt Tract 38 (Govt Lots 2, 3, S2NW) Section 4, T7S R7E*	1.2
NESE Section 33, T6S R7E	0.1
SESE Section 33, T6S R7E	9.2
Total Supplemental Acres	**72.8**
Proposed Full Service Irrigation from PCCD Yellowstone River Water Reservation	
N2SW (Lot 5) Section 34, T6S R7E	2.5
NESE Section 33, T6S R7E	5.4
SESE Section 33, T6S R7E	6.4
Total New Acres	**14.3**
Total Pivot Acres	**87.1**

Wheel Lines West of Highway Proposed Suplemental Irrigation from PCCD Yellowstone River Water Reservation	
NE (Lot 1) Section 34, T6S R7E	6.5
NENW Section 34, 6S R7E	16.9
NWNW Section 34, T6S R7E	0.4
SENW (Lot 3) Section 34, T6S R7E	15.8
SWNW (Lot 4) Section 34, T6S R7E	7.1
N2SW (Lot 5) Section 34, T6S R7E	2.2
SW (COS 1400, Parcel 4 & 4A, E of HWY) Section 34, T6S R7E*	3.3
Total Supplemental Acres	**52.2**

Total Proposed New Pivot Acres	**34.5**
Total Proposed Supplemental Pivot Acres	**106.5**
Total Proposed Supplemental Wheel Line Acres	**52.2**
Total Proposed Acres	**193.2**

*Due to the irregular PLSS divisions around the Yellowstone River on the WCR property, several portions of the proposed irrigation fall outside of deliniated quarter-quarter sections. In these areas, the property is described based on the legal parcel descriptions obtained from the Montana Cadastral database.

MONTANA
Department of Transportation

Printed Date: 10/03/2023

Montana Department of Transportation

Encroachment Permit

Exhibit E

2701 Prospect Ave
PO Box 201001
Helena, MT 59620-1001
(406) 444-6200
www.mdt.mt.gov

Permit Number: 8084
Name: TEO ABBRUZZESE
Company Name: AMB WEST
Address: P.O. BOX 1219
EMIGRANT, MT 59027
Phone Number: (207) 500-0257
Nature of Permit:

THIS PERMIT HAS THREE CROSSINGS AS DESCRIBED IN THE ATTACHED ENGINEERING DOCUMENTS. GOING FROM NORTH TO SOUTH, THE FIRST CROSSING (PP1 & EX1) IS AN EXISTING 10" PIPE INSIDE OF A 24" CONCRETE CULVERT. LANDOWNER PROPOSES REMOVING THE EXISTING PIPE AND REPLACING IT WITH A PIPE THAT COULD NOT BE EXPOSED TO MOTORISTS. THE SECOND CROSSING (EX2 & PP2) IS AN EXISTING BELOW GRADE CROSSING THAT IS UNPERMITTED. THE LANDOWNER DOES NOT PROPOSE ANY MODIFICATION TO THIS CROSSING, BUT WOULD LIKE TO HAVE IT DOCUMENTED. THE THIRD CROSSING (EX3 & PP3) IS A NEW CROSSING THAT WILL BE DIRECTIONALLY DRILLED TO AVOID ANY POTENTIAL DISTURBANCE TO THE MDT ROADWAY AND EMBANKMENT.

Sign Route	Corridor	Mile Post Start	Mile Post End	County
US-89	C000011	19.00	25.00	Park

Conditions of Permit:

1) All other necessary permits for this project must be obtained by and are the responsibility of the applicant/permitee.

2) Permittee shall repair any damage done to MDT right of way as soon as possible

3) Permittee shall be responsible for all utility locates

4) Applicant/Permitee Shall Not Store or Park Equipment or Materials in Right-A-Way After Hours of Project.

5) Permittee shall not stop traffic at any time.

6) LIABILITY CLAUSE - That the encroachment owners shall protect the state and save it harmless from all claims, actions or damages of every kind which may accrue to, or be suffered by any person, or persons by reason of the performance of this work, or by the improper occupancy of the highway right of way. In the event any legal suit or action is brought against the state arising out of any of the above causes. The encroachment owners shall defend the suit or claim.

Other Remarks and/or Conditions:

Applicant Date	Issue Date	End Date	Permit Type	Maintenance Division
Aug 10, 2023	Aug 22, 2023	Nov 22, 2023	Permanent	Bozeman

Signatures

Type	Signature	Title
MDT District Rep	Kristina Kilts	District Traffic Engineer
Applicant	Evan Genay	

Encroachment Permits are subject to the following terms and conditions:

TERM - This permit shall be in full force and effect from the date hereof until revoked as herein provided.

FEE - The fee for issuance of this permit is _____.

REVOCATION - This permit my be revoked by State upon giving 45 days notice to Permittee by ordinary mail, sent to the address shown herein. However, the State may revoke this permit without notice if Permittee violates any of its conditions or terms.

COMMENCEMENT OF WORK - No work shall be commenced until Permittee notifies the Maintenance Chief shown in application the date the Permittee proposes to commence work.

CHANGES IN HIGHWAY - If State highway changes necessitate changes in structures or installations installed under this permit, permittee will make necessary changes without expense to State.

STATE SAVED HARMLESS FROM CLAIMS - In accepting this permit the Permittee, its/his successors or assigns, agree to protect the State and save it harmless from all claims, actions or damage of every kind and description which may accrue to, or be suffered by, any person or persons, corporations or property by reason of the performance of any such work, character of materials used, or manner of installations, maintenance and operation, or by the improper occupancy of said highway right of way, and in case any suit or action is brought against the State and arising out of, or by reason of, any of the above causes, the Permittee, its/his successors or assigns, will upon notice to it/him of the commencement of such action, defend the same at its/his sole cost and expense and satisfy any judgment which may be rendered against the State in any such suit or action.

PROTECTION OF TRAFFIC - The Permittee shall protect the work area with traffic control devices that comply with the Manual of Uniform Traffic Control Devices. The Permittee may be required to submit a traffic control plan to the Maintenance Chief for approval prior to starting work. During work, the Maintenance Chief or designee may require the Permittee to use additional traffic control devices to protect traffic or the work area. No road closure shall occur without prior approval from the District Engineer.

HIGHWAY AND DRAINAGE - If the work done under this permit interferes in any way with the drainage of the State highway affected, Permittee shall, at the Permittees expense, make such provisions as the State may direct to remedy the interference.

RUBBISH AND DEBRIS - Upon completion of work contemplated under this permit, all rubbish and debris shall be immediately removed and the roadway and roadside left in a neat and presentable condition satisfactory to the State.

INSPECTION - The installation authorized by this permit shall be in compliance with the attached plan and the conditions of this permit. The Permittee may be required to remove or revise the installation, at sole expense of Permittee. If the installation does not conform with the requirements of this permit or the attached plan.

STATES RIGHT NOT TO BE INTERFERED WITH - All changes, reconstruction or relocation shall be done by Permittee so as to cause the least interference with any of the States work, and the State shall not be liable for any damage to the Permittee by reason of any such work by the State, its agents, contractor or representatives, or by the excercise of any rights by the State upon the highways by the installations or structures placed under this permit.

REMOVAL OF INSTALLATIONS OR STRUCTURES - Unless waived by the State, upon termination of this permit, the Permittee shall remove the installations or structures installed under this permit at no cost to the State and restore the premises to the prior existing condition, reasonable and ordinary wear and tear and damage by the elements, or by circumstances over which the Permittee has no control, excepted.

MAINTENANCE AT EXPENSE OF PERMITTEE - Permittee shall maintain, at its sole expense, the installations and structures for which this permit is granted, in a condition satisfactory to the State.

STATE NOT LIABLE FOR DAMAGE TO INSTALLATIONS - In accepting this permit the Permittee agrees that any damage or injury done to said installations or structures by a contractor working for the State, or by any State employee engaged in construction, alteration, repair, maintenance or improvement of the State highway, shall be at the sole expense of the Permittee.

STATE TO BE REIMBURSED FOR REPAIRING ROADWAY - Upon being billed, therefore, Permittee agrees to promptly reimburse State for any expense incurred in repairing surface of roadway due to settlement at installation, or for any other damage to roadway as a result of the work performed under this permit.

The Permittee shall not discharge or cause discharge of any hazardous or solid waste by the installation or operation of the facility of a State Right-of-Way.

The Permittee will control noxious weeds within the disturbed installation area for two (2) years.

In accordance with Mont. Code Ann. 76-3-403(2), Permittee shall, at Permittees expense, employ the services of a Montana Licensed Professional Land Surveyor to re-establish all existing survey monuments disturbed by work contemplated under this permit.

The use of explosives is prohibited for the installation.

Any condition of this permit shall not be waived without written approval of the appropriate District Engineer.

MONTANA
Department of Transportation

Montana Department of Transportation

Encroachment Application

2701 Prospect Ave
PO Box 201001
Helena, MT 59620-1001
(406) 444-6200
www.mdt.mt.gov

Printed Date: 10/03/2023

Applicant Information

First Name *: TEO

Last Name *: ABBRUZZESE

Email *: egenay@dowl.com

Company: AMB WEST

**Mailing Address ***: P.O. BOX 1219

Contact Phone *: (207) 500-0257

City *: EMIGRANT

State *: MT

Zip *: 59027

Alternate Contact/Co-Applicant Information (Optional)

First Name	Last Name	Email	Phone	Contact Type
JIM	POTTS	jpotts@dowl.com	(406) 551-1452	○ Co-Applicant ◉ Alternate Contact
EVAN	GENAY	egenay@dowl.com	(406) 551-1446	○ Co-Applicant ◉ Alternate Contact

Location Information

Sign Route *: US-89

Route Name:

Mile Post Start *: 19

Mile Post End: 25

Physical Address *: HIGHWAY 89

City *: EMIGRANT

County *: PARK

Legal Description:

Township:

Range:

Section:

Permit Information

Nature of Permit (Give sufficient detail of anticipated build/structure/activities that the applicant is requesting to occur in MDT's right-of-way.) *

THIS PERMIT HAS THREE CROSSINGS AS DESCRIBED IN THE ATTACHED ENGINEERING DOCUMENTS. GOING FROM NORTH TO SOUTH, THE FIRST CROSSING (PP1 & EX1) IS AN EXISTING 10" PIPE INSIDE OF A 24" CONCRETE CULVERT. LANDOWNER PROPOSES REMOVING THE EXISTING PIPE AND REPLACING IT WITH A PIPE THAT COULD NOT BE EXPOSED TO MOTORISTS. THE SECOND CROSSING (EX2 & PP2) IS AN EXISTING BELOW GRADE CROSSING THAT IS UNPERMITTED. THE LANDOWNER DOES NOT PROPOSE ANY MODIFICATION TO THIS CROSSING, BUT WOULD LIKE TO HAVE IT DOCUMENTED. THE THIRD CROSSING (EX3 & PP3) IS A NEW CROSSING THAT WILL BE DIRECTIONALLY DRILLED TO AVOID ANY POTENTIAL DISTURBANCE TO THE MDT ROADWAY AND EMBANKMENT.

Apply Date *

8/10/23

For how long a period is the permit desired? (e.g. Permanent, 30 days, May 1-June 30, 202x)?

PERMANENT

Project Scope (Please describe location of work and entire project scope. Include distance from existing highway survey station (if applicable), milepost, centerline, or right-of-way line near which installations of structures will be installed. Please attach a map depicting location.)

SEE ATTACHED PLANS FOR LOCATION AND SCOPE OF WORK

If a Corporation, give State of Incorporation and names of President and Secretary

Are there environmental actions involving hazardous waste sites? (Superfund, Spills, Underground Storage Tanks, Old Mines, etc.) If Yes you will need to fill out additional environment questions.

○ Yes ◉ No

2701 Prospect Ave
PO Box 201001
Helena, MT 59620-1001
(406) 444-6200
www.mdt.mt.gov

Printed Date: 10/03/2023

Environmental Checklist

The Montana Environmental Checklist Help Guide can be found on the web at
https://www.mdt.mt.gov/other/webdata/external/planning/forms/environmental-checklist-helpsheet.pdf

Checklist Conditions and Required Approvals

A. The applicant is not authorized to proceed with the proposed work until the checklist has been reviewed and approved, as necessary, and any requested conditions of approval have been incorporated.

B. Complete the checklist items 1 through 16, indicating "Yes" or "No" for each item. Include comments, explanations, information sources, and a description of the magnitude/importance of potential impacts in the right hand column. Attach additional and supporting information as needed. The checklist preparer, by signing, certifies the accuracy of the information provided.

C. If "Yes" is indicated on any of the items, the Applicant must explain the impacts as applicable. Appropriate mitigation measures that will be taken to avoid, minimize, and/or mitigate adverse impacts must also be described. Any proposed mitigation measures will become a condition of approval. Use attachments if necessary. If the applicant checks "No" and the District concludes there may in fact be potential impacts, the Environmental Checklist must be forwarded to Transportation Planning for review and approval.

D. If "Yes" is indicated in item 11 a. (threatened or endangered species), the Applicant should provide information naming the particular species and the expected location, distribution and habitat use in the proposed action area, i.e. within the immediate area of the proposed action; or, in the general area on occasion (seasonally passes through) but does not nest, den or occupy the area for more than a few days.

E. If the applicant checks "Yes" for any item, the approach permit, occupancy agreement or permit, along with the checklist and supporting information, including the Applicant's mitigation proposal, documentation, evaluation and/or permits must be submitted to Transportation Planning. Electronic format is preferred.

F. When the applicant checks "Yes" to any item, the Applicant cannot be authorized to proceed with the proposed work until the MDT Environmental Services Bureau and/or Transportation Planning, as appropriate, reviews the information and signs the checklist.

G. Applicant must obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning the proposed action or activity. The Applicant is solely responsible for any environmental impacts incurred as a result of the project; obtaining any necessary environmental permits, notifications, and/or clearances; and ensuring compliance with environmental laws and regulations.

Impact Questions * Actions that qualify for Categorical Exclusion under MEPA and/or NEPA (See ARM 18.2.261 and 23 CFR 771.117)			Comment, Explanation, and/or Information Source (Attach supporting information, as necessary.)
1	Will the proposed action impact any known historical or archaeological site(s)?	NO	
2	Will the proposed action impact any publicly owned parkland(s), recreation area(s), wildlife or waterfowl refuge(s)?	NO	
3	Will the proposed action impact prime farmlands? (If "YES", attach a completed Farmland Conversion Impact Rating Ad-1006.)	NO	
4a	Will the proposed action have an impact on the human environment that may result from relocations of persons or businesses, changes in traffic patterns, changes in grade, or other types of changes?	NO	
4b	Has the proposed action received any preliminary or final approval from the local land use authority?	NO	
5	For the proposed action, is there documented controversy on environmental grounds? (For example, has the applicant received a letter of petition from an environmental organization?)	NO	
6	Will the proposed action require work in, across or adjacent to a listed or proposed Wild or Scenic River?	NO	
7	Will the proposed action require work in a Class I Air Shed or nonattainment area?	NO	

2701 Prospect Ave
PO Box 201001
Helena, MT 59620-1001
(406) 444-6200
www.mdt.mt.gov

Printed Date: 10/03/2023

8	Will the proposed action impact air quality or increase noise, even temporarily?	NO	
9a	Is the proposed action located within an MS4 Area? (HTTPS://TINYURL.COM/3H54CNMD)	NO	
9b	Will the proposed action have potential to affect water quality, wetlands, streams or other water bodies? If "YES", an environment-related permit or authorization may be required.	NO	
10	Are solid or hazardous wastes or petroleum products likely to be encountered? (For example, project occurs in or adjacent to Superfund sites, known spill areas, understorage tanks, or abandoned mines.)	NO	
11a	Are there any listed or candidate threatened or endangered species, or critical habitat in the vicinity of the proposed action?	NO	
11b	Will the proposed action adversely affect listed or candidate threatened or endangered species, or adversely modify critical habitat?	NO	
12	Will the proposed action require an environmental-related permit or authorization? If the answer is "YES", please list the specific permits or authorizations.	NO	
13	Is the proposed action within designated sage grouse habitat (https://sagegrouse.mt.gov). (If "YES", a consultation letter issued from the Montana Sage Grouse Habitat Conservation Program is required.)	NO	
14a	Is the proposed action on or within approximately 1 mile of an Indian Reservation?	NO	
14b	If "YES", will a Tribal Water Permit be required?	N/A	
15	Will the proposed action result in increased traffic volumes, increased wait or delays on state highways, or have adverse impacts on other forms of transportation (rail, transit or air movements)?	NO	
16	Is the proposed action part of a project that may require other governmental permits, licenses or easements? If "Yes", describe the full extent of the project and any other permits, licenses or easements that may be necessary for the applicant to acquire in the project scope box above.	NO	
17	Attach a brief description of the work to be performed, including any subsurface work.	YES	
18	Attach representative photos of the site(s) where the proposed action would be implemented. Photos are to include any structures, streams, irrigation canals, and/or potential wetlands in the project area.	YES	
19	Attach map(s) showing the location(s) of the proposed action(s); Section, Township, Range; highway or route number and approximate route post(s).	YES	

Checklist preparer: EVAN GENAY, EI, DOWL

_____
(Signature)

Encroachment Permits are subject to the following terms and conditions:

TERM - This permit shall be in full force and effect from the date hereof until revoked as herein provided.

FEE - The fee for issuance of this permit is _____.

REVOCATION - This permit my be revoked by State upon giving 45 days notice to Permittee by ordinary mail, sent to the address shown herein. However, the State may revoke this permit without notice if Permittee violates any of its conditions or terms.

COMMENCEMENT OF WORK - No work shall be commenced until Permittee notifies the Maintenance Chief shown in application the date the Permittee proposes to commence work.

CHANGES IN HIGHWAY - If State highway changes necessitate changes in structures or installations installed under this permit, permittee will make necessary changes without expense to State.

STATE SAVED HARMLESS FROM CLAIMS - In accepting this permit the Permittee, its/his successors or assigns, agree to protect the State and save it harmless from all claims, actions or damage of every kind and description which may accrue to, or be suffered by, any person or persons, corporations or property by reason of the performance of any such work, character of materials used, or manner of installations, maintenance and operation, or by the improper occupancy of said highway right of way, and in case any suit or action is brought against the State and arising out of, or by reason of, any of the above causes, the Permittee, its/his successors or assigns, will upon notice to it/him of the commencement of such action, defend the same at its/his sole cost and expense and satisfy any judgment which may be rendered against the State in any such suit or action.

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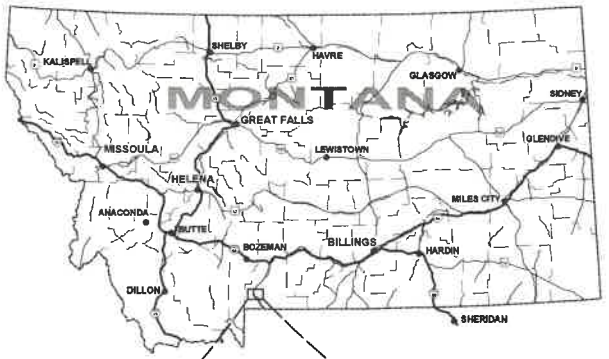


1 0 1
SCALE IN MILES

AMB WEST IRRIGATION CROSSINGS

EMIGRANT, MT

PREPARED FOR:

AMB WEST
P.O. BOX 219
EMIGRANT, MT
207-500-0257

PREPARED BY:

DOWL
WWW.DOWL.COM
1283 North 14th Avenue
Bozeman, Montana 59715
406-586-8834

ENGINEER'S STAMP

SHEET INDEX

GENERAL SHEETS

EXHIBITS

PLAN & PROFILE SHEETS

DETAIL SHEETS

PROJECT 4826.12673.01
DATE 01/20/2023

SHEET
G00

GENERAL NOTES

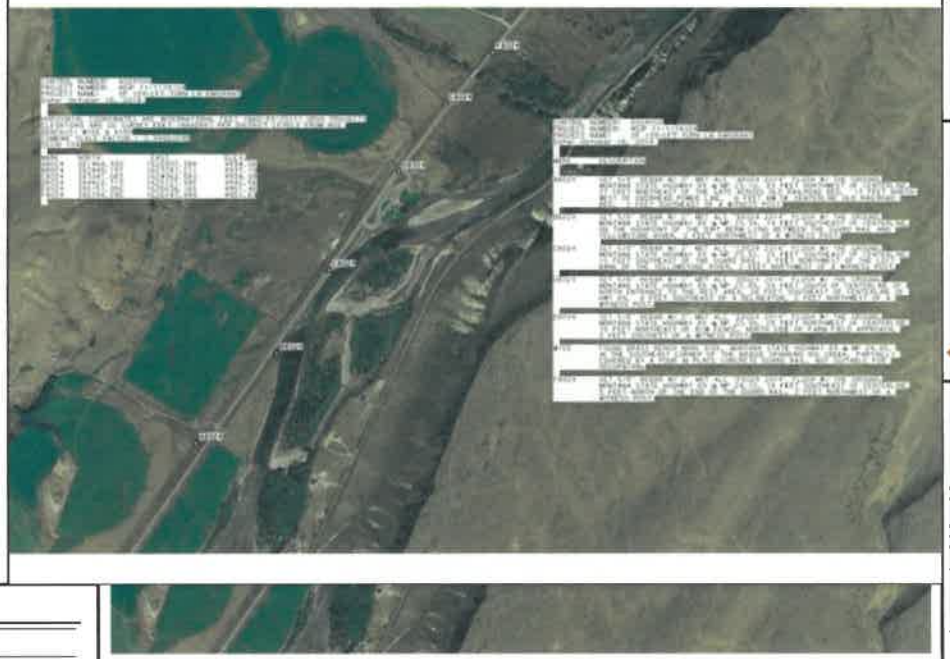
1. THE LOCATION OF EXISTING UTILITIES SHOWN IS APPROXIMATE AND THE CONTRACTOR SHALL FIELD VERIFY PRIOR TO CONSTRUCTION. THE CONTRACTOR IS REQUIRED TO TAKE ALL PRECAUTIONARY MEANS TO PROTECT EXISTING UTILITIES.
2. WHERE CONDITIONS ARE ENCOUNTERED WHICH APPEAR DIFFERENT FROM THOSE INDICATED ON THE PLANS OR IN THE SPECIFICATIONS, THE CONTRACTOR SHALL NOTIFY THE ENGINEER PRIOR TO THE PERFORMANCE OF WORK.
3. ALL WORK AND MATERIALS SHALL CONFORM TO THE 6TH EDITION OF THE "MONTANA PUBLIC WORKS STANDARD SPECIFICATIONS" AND MODIFICATIONS THERETO. IN CASE OF A CONFLICT BETWEEN REGULATORY OR STANDARD SPECIFICATIONS, THE MORE STRINGENT REQUIREMENT WILL PREVAIL.
4. CONSTRUCTION SAFETY AND SANITATION FACILITIES SHALL BE PROVIDED BY THE CONTRACTOR AND MAINTAINED PER THE REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.
5. THE CONTRACTOR SHALL PROTECT ADJACENT PRIVATE AND PUBLIC PROPERTY FROM DAMAGE DURING CONSTRUCTION.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING ANY AND ALL UTILITIES IN THE AREA PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TRAFFIC CONTROL, INCLUDING BUT NOT LIMITED TO DETOURS, SIGNAGE AND FLAGGING PERSONNEL. THE CONTRACTOR SHALL SUBMIT TRAFFIC CONTROL PLANS IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS.
8. THE CONTRACTOR SHALL REPLACE EXISTING FENCING AND ROADSIDE APPURTENANCES DISPLACED OR DAMAGED BY CONSTRUCTION.
9. IRRIGATION PIPE MATERIAL SHALL BE DR11 HDPE AS INDICATED ON THE PLAN SHEETS.
10. IRRIGATION FITTINGS SHALL BE MECHANICAL JOINT WITH MEGALUG RESTRAINTS, AS DESCRIBED IN THE SPECIFICATIONS.
11. NEW IRRIGATION WATER MAINS SHALL BE PRESSURE TESTED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS.
12. CONTRACTOR SHALL PROCURE THE NECESSARY DISCHARGE PERMITS AND STORMWATER CONTROL PERMITS (SEE SECTION 01060 OF THE SPECIFICATIONS.)
13. EXISTING UTILITY SERVICES (SEWER, GAS, TELEPHONE, ETC.) ARE NOT SHOWN ON THE DRAWINGS, AND HAVE NOT BEEN LOCATED.

CAUTION ! ! !
EXISTING UTILITIES IN AREA
CONTRACTOR RESPONSIBLE FOR UTILITY LOCATES PRIOR TO AND DURING CONSTRUCTION

SURVEY CONTROL POINT LOCATION

SURVEY NOTES:

1. HORIZONTAL COORDINATES ARE INTERNATIONAL FEET (NAD-83-2011) OPUS PROJECTS
2. ELEVATIONS ARE US SURVEY FEET (NAVD88) PER DIFFERENTIAL LEVELS FROM N.G.S. BENCHES W155& X155; GEOID 12A
3. COMBINED SCALE FACTOR = 0.99960148
4. VERTICAL DATUM IS NAVD88, CHECKED AT BENCHMARKS W155 & X155.



GENERAL PROJECT LEGEND

EXISTING ITEMS

- EXISTING CONTOUR (1.00' INTERVAL)
- EXISTING CURB & GUTTER
- EXISTING EDGE OF ASPHALT
- EXISTING EDGE OF GRAVEL
- EXISTING FENCE
- EXISTING BORE HOLE
- EXISTING SIGN
- EXISTING GAS LINE
- EXISTING FIBER OPTICS LINE
- EXISTING COMMUNICATION LINE
- EXISTING TELEPHONE LINE
- EXISTING OVERHEAD POWER
- EXISTING BURIED POWER
- EXISTING UTILITY POLE
- EXISTING UTILITY ANCHOR
- EXISTING LIGHT POLE
- EXISTING STORM MAIN
- EXISTING STORM MANHOLE
- EXISTING STORM CULVERT
- EXISTING STORM CATCH BASIN
- EXISTING SANITARY SEWER MAIN
- EXISTING SANITARY SEWER MANHOLE
- EXISTING WATER MAIN
- EXISTING GATE VALVE
- EXISTING FIRE HYDRANT
- EXISTING WATER METER
- EXISTING CURB STOP
- EXISTING RR ROW
- EXISTING BUILDING HATCH
- EXISTING GRAVEL HATCH

NEW ITEMS

- NEW WATERLINE
- NEW WATER SERVICE
- NEW FIRE HYDRANT
- NEW VALVE
- NEW TEE
- NEW CROSS
- NEW BEND
- NEW REDUCER
- NEW CAP
- NEW COUPLING
- BORE PIT

COMMON ABBREVIATIONS

BFV	BUTTERFLY VALVE	CL	CENTERLINE	RJ	RESTRAINED JOINT WATER MAIN
SD	STORM DRAIN	FL	FLOWLINE	BH	BOREHOLES
PP	POWER POLE	OE	OVERHEAD POWER	MJ	MECHANICAL JOINT
GA	GUY ANCHOR	UNK	UNKNOWN LOCATION	EX	EXISTING
EOP	EDGE OF PAVEMENT	I.E.	INVERT ELEVATION	CIP	CAST IRON PIPE
L.F.	LINEAL FEET	INV. EL.	INVERT ELEVATION	PVC	POLYVINYL CHLORIDE
EL.	ELEVATION	UGP	UNDERGROUND POWER	W	WATER MAIN
(TYP)	TYPICAL	TEL	UNDERGROUND TELEPHONE	FO	FIBER OPTIC
INV.	INVERT	ABAND.	ABANDON IN-PLACE	G	NATURAL GAS
S=	SLOPE	CMP	CORRUGATED METAL PIPE	F.A.P.	FEDERAL-AID HIGHWAY PROJECT
C.B.	CATCH BASIN	DH	DRILL HOLE	HDD	HORIZONTAL DIRECTIONAL DRILL
MH	MANHOLE	CP	CONTROL POINT		

REV	DATE	REVISIONS DESCRIPTION	BY

DOWL
ENGINEERS / SURVEYORS / PLANNERS
1283 North 14th Avenue, #101
Bozeman, Montana 59715
406-586-9834

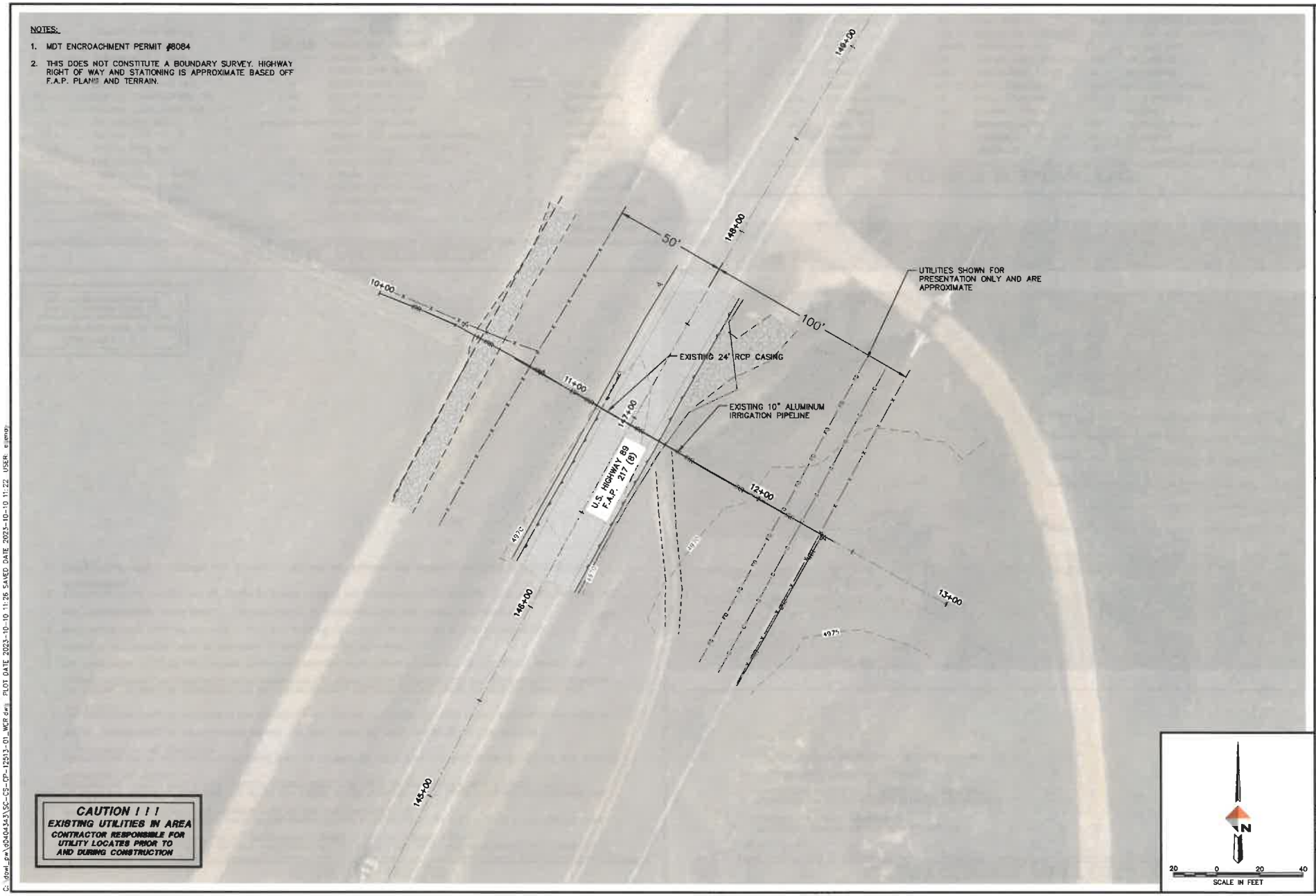
AMB WEST IRRIGATION CROSSINGS
WEST CREEK RANCH
SURVEY CONTROL, LEGEND, ABBREVIATIONS, NOTES
EMIGRANT, MONTANA

PROJECT 4531.12513.01
DATE JUNE 2023

SHEET
G01

NOTES:

1. MDT ENCROACHMENT PERMIT #8084
2. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY. HIGHWAY RIGHT OF WAY AND STATIONING IS APPROXIMATE BASED OFF F.A.P. PLANS AND TERRAIN.



CAUTION ! ! !
EXISTING UTILITIES IN AREA
CONTRACTOR RESPONSIBLE FOR UTILITY LOCATES PRIOR TO AND DURING CONSTRUCTION

REV	DATE	DESCRIPTION	BY

DOWL
1283 North 14th Avenue, #101
Bozeman, Montana 59715
406-586-8834

AMB WEST IRRIGATION CROSSINGS
WEST CREEK RANCH

OVERALL SITE EXHIBIT
NORTH AREA F.A.P. 217(8) STA 146+96

EMIGRANT, MONTANA

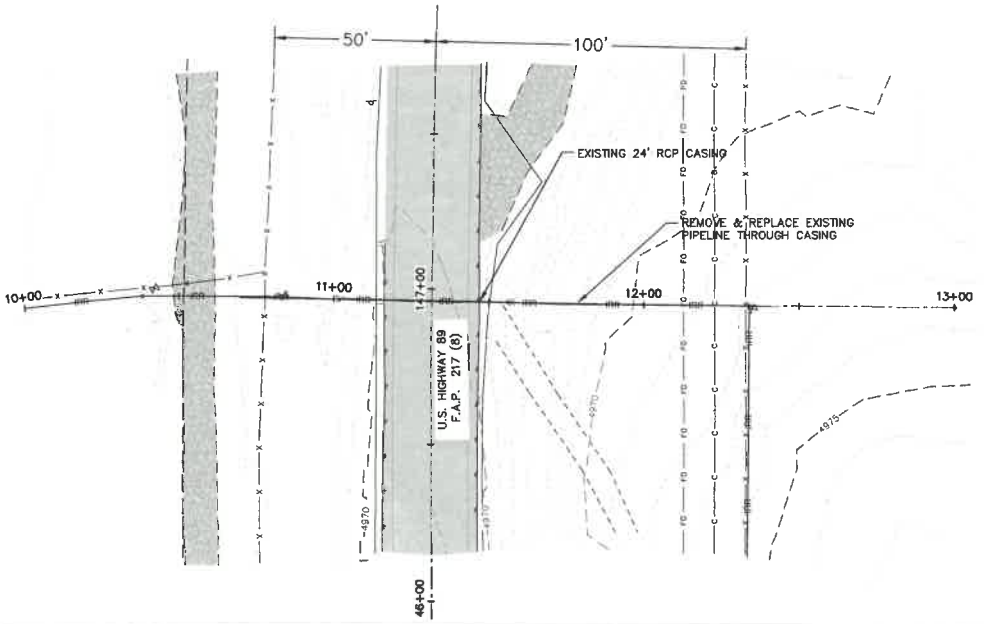
PROJECT 4531.125513.01
DATE JUNE 2023

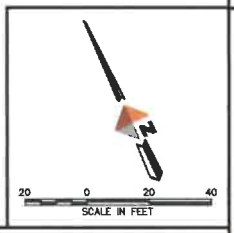
SHEET
EX1

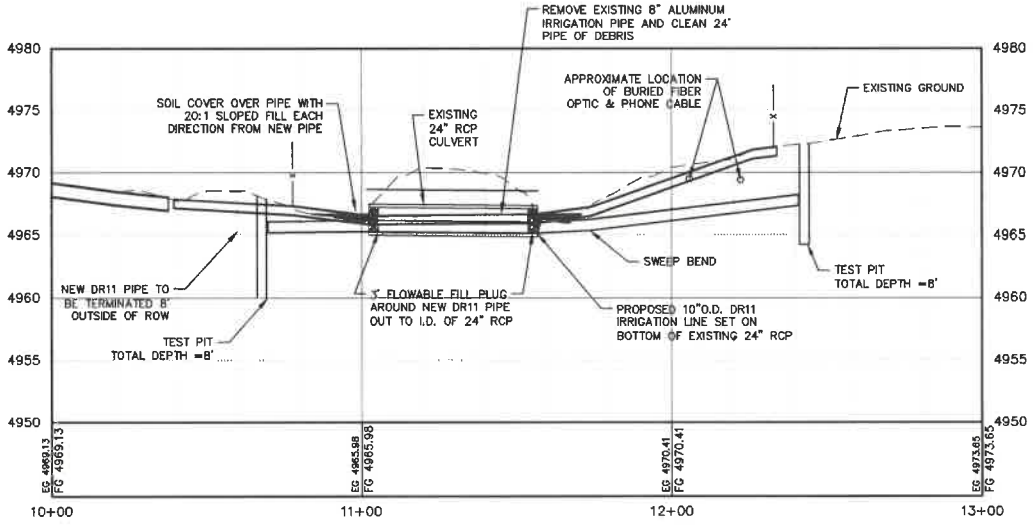
NOTES:

1. MDT ENCROACHMENT PERMIT #6084
2. ALL LANES OF HIGHWAY 89 TO REMAIN OPEN TO TRAFFIC DURING CONSTRUCTION
3. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY. HIGHWAY RIGHT OF WAY AND STATIONING IS APPROXIMATE BASED OFF F.A.P. PLANS AND TERRAIN.
4. OWNER TO CONNECT THIS HIGHWAY CROSSING PIPELINE TO OWNER'S EXISTING IRRIGATION PIPING
5. CONTRACTOR IS RESPONSIBLE FOR PROVIDING TRAFFIC CONTROL MEASURES PER DETAIL 3-D1

CAUTION ! ! !
EXISTING UTILITIES IN AREA
CONTRACTOR RESPONSIBLE FOR UTILITY LOCATES PRIOR TO AND DURING CONSTRUCTION







REV	DATE	DESCRIPTION	BY
		REVISIONS	

DOWL
WWW.DOWL.COM
1233 North 14th Avenue, #101
Bozeman, Montana 59715
406-586-8834

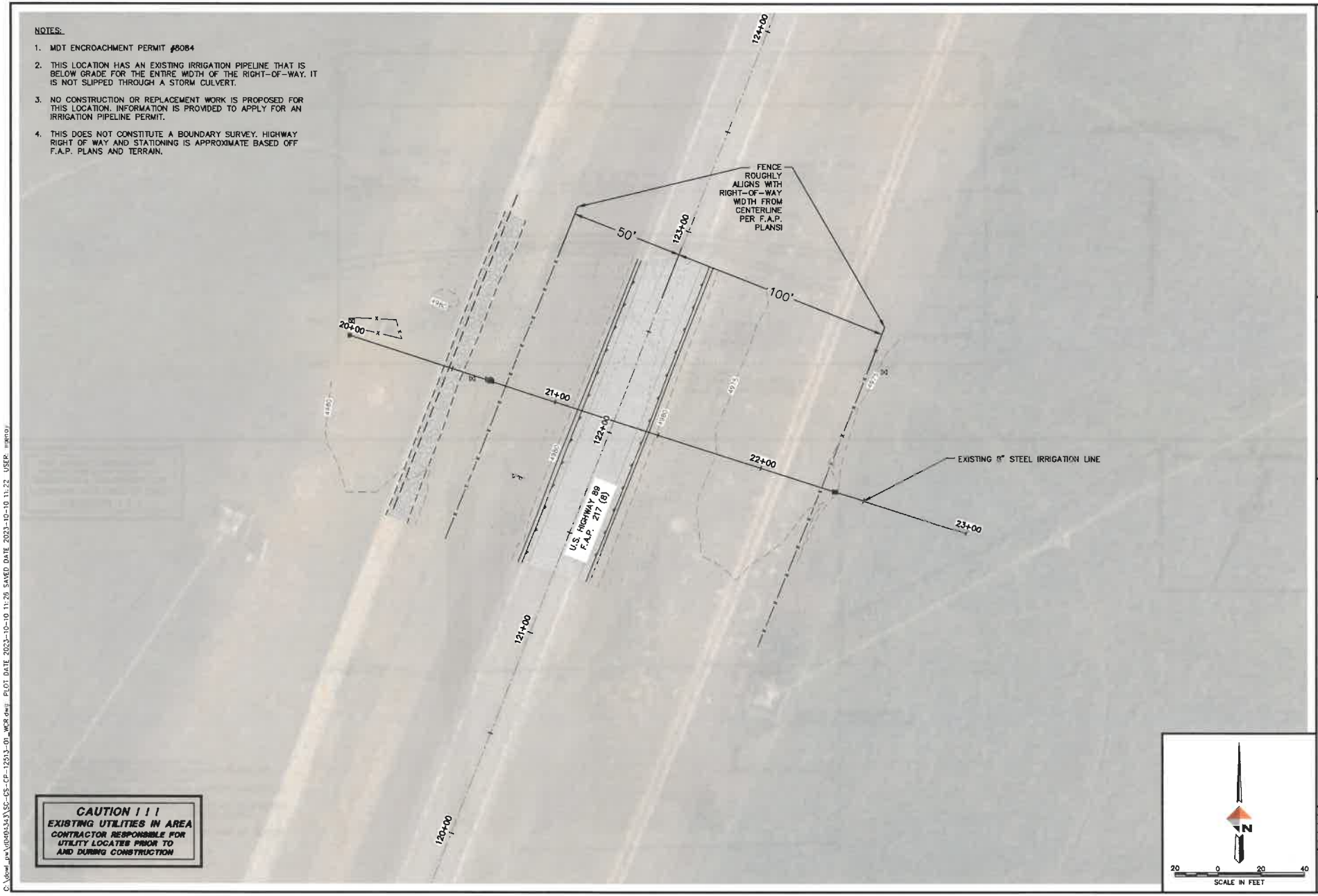
AMB WEST IRRIGATION CROSSINGS
WEST CREEK RANCH
PLAN AND PROFILE
NORTH AREA F.A.P. 217(8) STA 146+96
EMIGRANT, MONTANA

PROJECT 4511.12513.01
DATE JUNE 2023

SHEET
PP1

NOTES:

1. MDT ENCROACHMENT PERMIT #8084
2. THIS LOCATION HAS AN EXISTING IRRIGATION PIPELINE THAT IS BELOW GRADE FOR THE ENTIRE WIDTH OF THE RIGHT-OF-WAY. IT IS NOT SLIPPED THROUGH A STORM CULVERT.
3. NO CONSTRUCTION OR REPLACEMENT WORK IS PROPOSED FOR THIS LOCATION. INFORMATION IS PROVIDED TO APPLY FOR AN IRRIGATION PIPELINE PERMIT.
4. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY. HIGHWAY RIGHT OF WAY AND STATIONING IS APPROXIMATE BASED OFF F.A.P. PLANS AND TERRAIN.



CAUTION ! ! !
EXISTING UTILITIES IN AREA
CONTRACTOR RESPONSIBLE FOR UTILITY LOCATES PRIOR TO AND DURING CONSTRUCTION

N

20 0 20 40
SCALE IN FEET

REV	DATE	REVISIONS DESCRIPTION	BY

DOWL
1283 North 14th Avenue, #101
Bozeman, Montana 59715
406-586-8834

AMB WEST IRRIGATION CROSSINGS
WEST CREEK RANCH

OVERALL SITE EXHIBIT
MIDDLE AREA F.A.P 217(8) 122+06

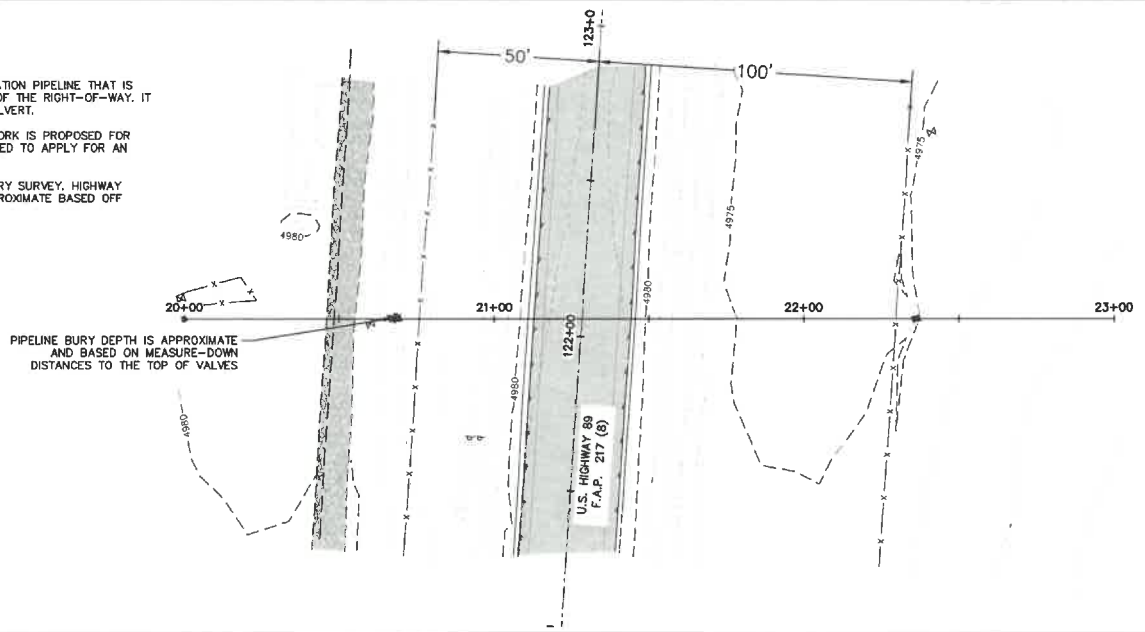
EMIGRANT, MONTANA

PROJECT 4531.12513.01
DATE JUNE 2023

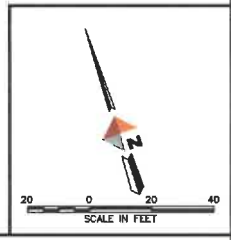
SHEET
EX2

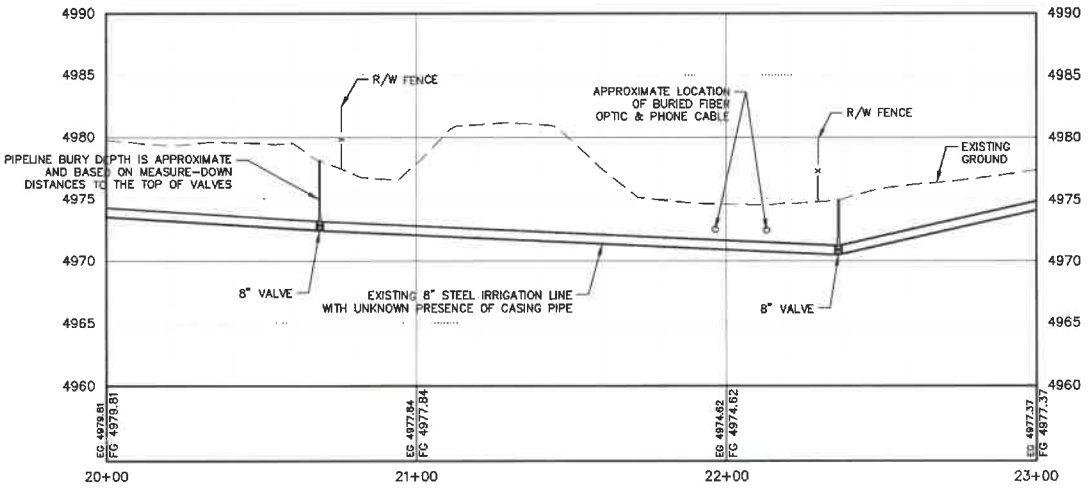
NOTES:

1. MDT ENCROACHMENT PERMIT #8084
2. THIS LOCATION HAS AN EXISTING IRRIGATION PIPELINE THAT IS BELOW GRADE FOR THE ENTIRE WIDTH OF THE RIGHT-OF-WAY. IT IS NOT SLIPPED THROUGH A STORM CULVERT.
3. NO CONSTRUCTION OR REPLACEMENT WORK IS PROPOSED FOR THIS LOCATION. INFORMATION IS PROVIDED TO APPLY FOR AN IRRIGATION PIPELINE PERMIT.
4. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY. HIGHWAY RIGHT OF WAY AND STATIONING IS APPROXIMATE BASED OFF F.A.P. PLANS AND TERRAIN.



CAUTION ! ! !
EXISTING UTILITIES IN AREA
CONTRACTOR RESPONSIBLE FOR UTILITY LOCATES PRIOR TO AND DURING CONSTRUCTION





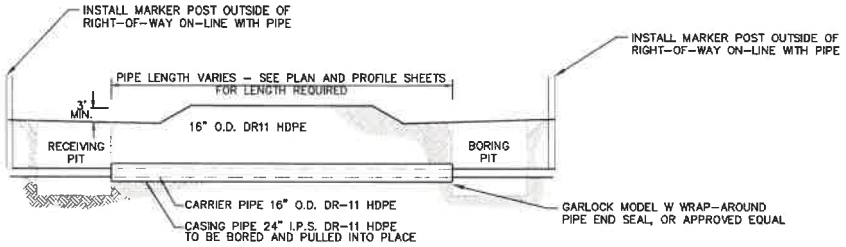
REV	DATE	REVISIONS DESCRIPTION	BY

DOWL
1283 North 14th Avenue, #101
Bozeman, Montana 59715
406-586-8834

AMB WEST IRRIGATION CROSSINGS
WEST CREEK RANCH
PLAN AND PROFILE
MIDDLE AREA F.A.P 217(8) 122+06
EMIGRANT, MONTANA

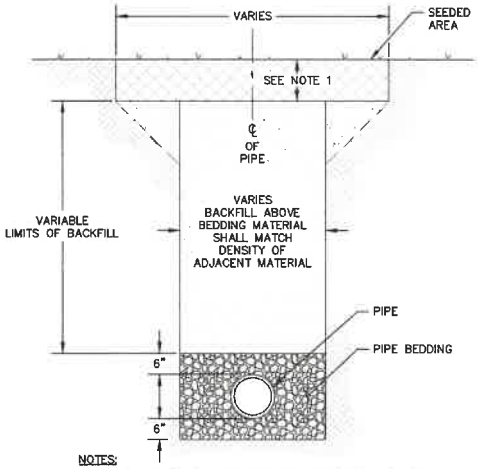
PROJECT 4531.12513.01
DATE JUNE 2023

SHEET
PP2



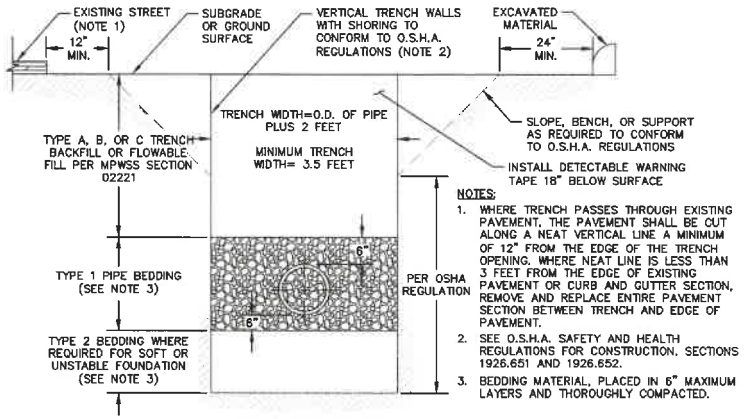
NOTES:
1. SEE O.S.H.A. SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION, SECTION 1926.652. TRENCH WALLS SHALL BE IN COMPLIANCE WITH THE CURRENT O.S.H.A. REGULATIONS.
2. VERTICAL TRENCH WALLS WITH SHORING TO CONFORM TO O.S.H.A. REGULATIONS. BACKSLOPE AS SPECIFIED TO CONFORM TO O.S.H.A. REGULATIONS.

1 / D1 DETAIL
BORING AND PIPING
SCALE : NONE



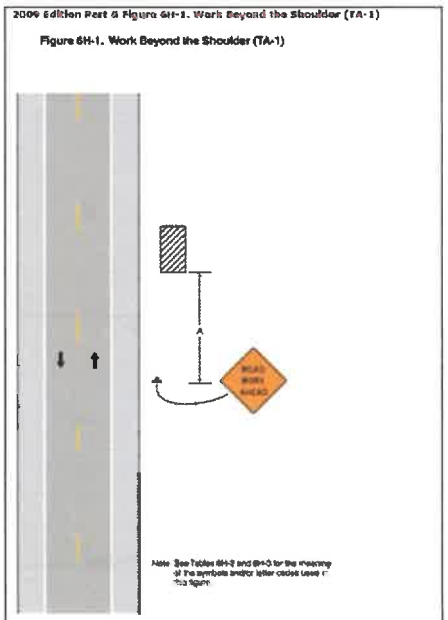
NOTES:
1. STRIP TOP 8" OF NATIVE SOIL AND STOCKPILE FOR REUSE AS NATIVE TOPSOIL.
2. UPON COMPLETION OF TRENCH BACKFILL, SPREAD AND LEVEL TOPSOIL OVER THE TRENCH LIMITS AND SEED AS SPECIFIED.
3. REMOVE ROCKS LARGER THAN 4" PRIOR TO SEEDING WITH A NATIVE GRASS MIXTURE.

2 / D1 DETAIL
RESTORATION - OPEN AREAS/TURF



NOTES:
1. WHERE TRENCH PASSES THROUGH EXISTING PAVEMENT, THE PAVEMENT SHALL BE CUT ALONG A NEAT VERTICAL LINE A MINIMUM OF 12" FROM THE EDGE OF THE TRENCH OPENING. WHERE NEAT LINE IS LESS THAN 3 FEET FROM THE EDGE OF EXISTING PAVEMENT OR CURB AND GUTTER SECTION, REMOVE AND REPLACE ENTIRE PAVEMENT SECTION BETWEEN TRENCH AND EDGE OF PAVEMENT.
2. SEE O.S.H.A. SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION, SECTIONS 1926.651 AND 1926.652.
3. BEDDING MATERIAL, PLACED IN 6" MAXIMUM LAYERS AND THOROUGHLY COMPACTED.

3 / D1 DETAIL
TYPICAL UTILITY TRENCH
SCALE : NONE



3 / D1 DETAIL
TRAFFIC CONTROL - OUTSIDE SHOULDER

REVISIONS
DESCRIPTION | DATE | BY

DOWL
1283 North 14th Avenue, #101
Bozeman, Montana 59715
406-586-3834

AMB WEST IRRIGATION CROSSINGS
WEST CREEK RANCH
STANDARD DETAILS
EMIGRANT, MONTANA

PROJECT 4531.12513.01
DATE JUNE 2023

SHEET
D1

REVISIONS

REV	DATE	DESCRIPTION	BY

DOWL
1283 North 14th Avenue, #101
Bozeman, Montana 59715
406-586-6334

AMB WEST IRRIGATION CROSSINGS
DOME MOUNTAIN RANCH

OVERALL SITE EXHIBIT
F.A.P. 217(13) STA 121+68

EMIGRANT, MONTANA

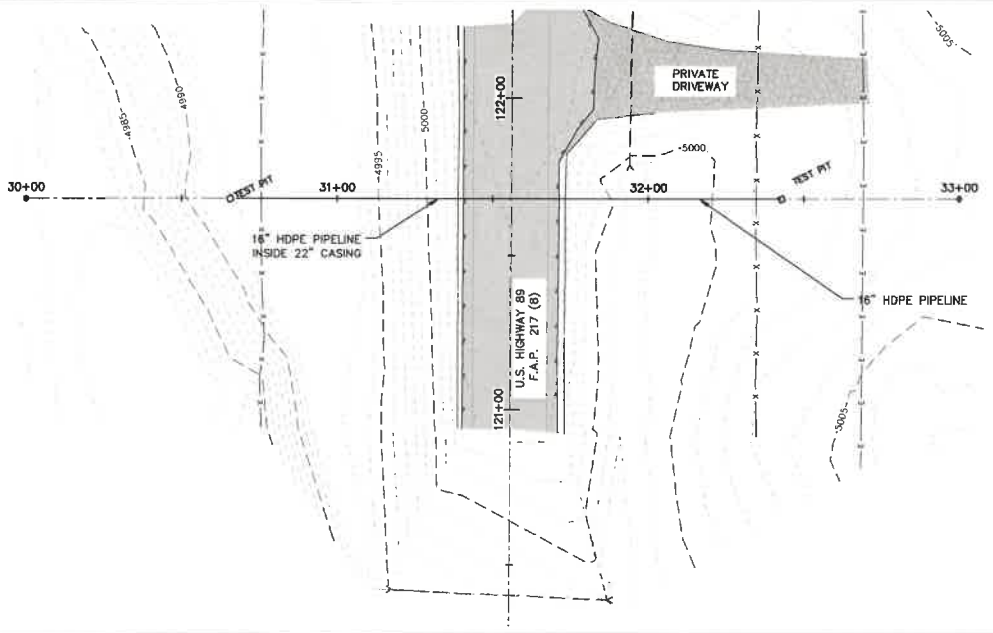
PROJECT 45317251.3.01
DATE JUNE 2023

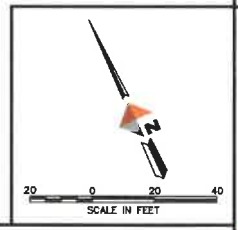
SHEET
EX3

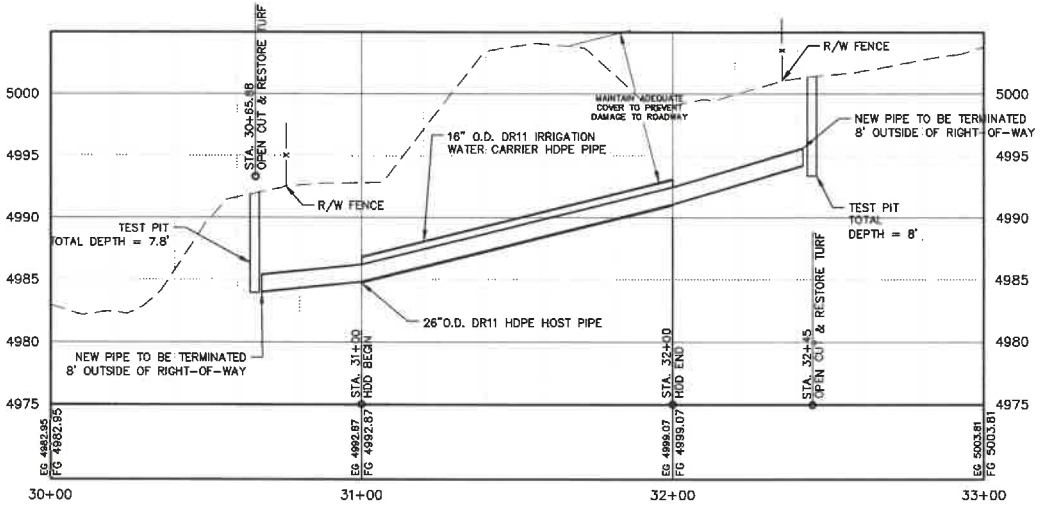
NOTES:

1. MDT ENCROACHMENT PERMIT #8084
2. THIS LOCATION HAS AN EXISTING IRRIGATION PIPELINE THAT IS SLIPPED THROUGH A STORM CULVERT. THE IRRIGATION LINE NEEDS TO BE REMOVED AS SHOWN HERE AND EX3
3. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY. HIGHWAY RIGHT OF WAY AND STATIONING IS APPROXIMATE BASED OFF F.A.P. PLANS AND TERRAIN.
4. OWNER TO CONNECT THIS HIGHWAY CROSSING PIPELINE TO OWNER'S EXISTING IRRIGATION PIPING.
5. CONTRACTOR TO KEEP HIGHWAY OPEN DURING CONSTRUCTION.
6. CASING AND NEW IRRIGATION PIPELINE TO BE HDPE, DR11, (IPS)
7. CONTRACTOR IS RESPONSIBLE FOR PROVIDING TRAFFIC CONTROL MEASURES PER DETAIL 3-D1

CAUTION ! ! !
EXISTING UTILITIES IN AREA
CONTRACTOR RESPONSIBLE FOR UTILITY LOCATES PRIOR TO AND DURING CONSTRUCTION







REV	DATE	DESCRIPTION	BY
		REVISIONS	

DOWL
1283 North 14th Avenue, #101
Bozeman, Montana 59715
406-586-8834

AMB WEST IRRIGATION CROSSINGS
DOME MOUNTAIN RANCH
PLAN AND PROFILE
F.A.P. 217(13) STA 121+68
EMIGRANT, MONTANA

PROJECT 4531.12513.01
DATE JUNE 2023

SHEET
PP3

2023.11.21 WCR_CD Form 500_combined

Final Audit Report 2023-11-21

Created:	2023-11-21
By:	Kendall Kirby (office@dmsnaturalresources.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAWEtTDevzqfLrp7fJVPsXRxGTVf1VZcVf

"2023.11.21 WCR_CD Form 500_combined" History

Document created by Kendall Kirby (office@dmsnaturalresources.com)
2023-11-21 - 5:19:59 PM GMT- IP address: 36.160.86.106

Document emailed to Jon Martin (jon.martin@ambwest.com) for signature
2023-11-21 - 5:20:11 PM GMT

Email viewed by Jon Martin (jon.martin@ambwest.com)
2023-11-21 - 5:35:26 PM GMT- IP address: 12.200.201.61

Document e-signed by Jon Martin (jon.martin@ambwest.com)
Signature Date: 2023-11-21 - 5:35:26 PM GMT - Time Source: server- IP address: 12.200.201.61

Agreement completed.
2023-11-21 - 5:35:26 PM GMT

Addendum B.1.b
Copy of Amendment to Original Application

DMS Natural Resources, LLC
Deborah Stephenson, M.B.A.
602 S. Ferguson Ave., Suite 2
Bozeman, MT 59718
406-600-1422
stephenson@dmsnaturalresources.com

March 13, 2024

Kelly Arterburn, District Administrator
Park County Conservation District (PCCD)
5242 HWY 89 South
Livingston, MT 59047

Re: West Creek Ranch, LLC | Application for Reserved Water Use – Amendment

Dear PCCD,

On November 28, 2023 West Creek Ranch, LLC ("WCR") submitted an Application for Reserved Water Review form 500. This letter is to amend the November 28, 2023 application to: 1, revise the acre counts by legal land description slightly due to two small pivots replacing two wheellines; 2, reduce the requested volume to align with the small decrease in irrigated acres resulting from the footprint of the new pivots compared to the footprint of the original wheel lines; and 3, reduce the requested flow rate to reflect the capacity of the river pumps.

In the near future, WCR plans to replace the west and south wheellines with two small pivots. See enclosed updated maps Exhibit A-4 and Exhibit C-4. AquaTech has indicated that the combined flow rate of the two new pivots will be 450 GPM. The west and south wheel lines had a combined flow rate capacity of 459 GPM. The two new pivots are 3.6 acres smaller than the west and south wheellines. See updated proposed POU by quarter-quarter section, using the 2018 PLSS divisions provided as Exhibit D-4. The minor changes to the acre counts change the volume requirements sightly from the previously requested 162.5 AF to 161.2 AF. See volume calculations below:

- Full-service acres: 35 acres * 2.07 AF/AC = 72.45 AF
- Supplemental acres: 154.6 acres * 2.07 AF/AC * 0.2773 = 88.74 AF
- Total volume = 72.45 AF + 88.74 AF = 161.2 AF (rounded to nearest tenth)

The flow rate originally requested was 4.91 cfs (2,207 GPM). This flow rate was derived by summing the flow rates of each wheelline and pivot pump displayed in Tables 1 and 2 of the November 28, 2023 application (see page 8 of the narrative in the November 28, 2023 application). At that time WCR did not know the flow rate of the two pumps in the Yellowstone River. WCR has since obtained additional information on the river pump capacities from AquaTech. AquaTech designed the capacities of the two pumps in the river as follows:

- 15 HP pump: 620 GPM @ 32#. Western of the two pumps which is the pump on the right-hand side of Figure 2 and shown in Figure 4 (figures in original November 28, 2023 application). The smaller 15 HP pump only supplies the full pivot on the east side of the highway in NW Section 34.
- 25 HP pump: 550 GPM @ 60#. Eastern of the two pumps which is the pump on the left-hand side of Figure 2 and shown in Figure 3 (figures in original November 28, 2023 application). The larger 25 HP pump currently supplies all of the structures *except* the full pivot on the east side of the highway in NW Section 34.

Based on the capacities of the pumps in the river, WCR reduces the requested the flow rate from 4.91 cfs (2,207 GPM) to 2.60 cfs (1,170 GPM).

No additional public notice is necessary as both the requested volume and flow rate are decreasing from the original application and public noticed information. Please contact us with any questions.

Sincerely,

Deborah Stephenson

CC:

Teresa Olson, HydroSolutions

Mike Sanctuary, Confluence Consulting

Terrance Eichhorn, West Creek Ranch, LLC

West Creek Ranch, LLC

Park County, MT

Park County Conservation District Yellowstone River Water Reservation Proposed POU

Exhibit A-4

- West Creek Ranch, LLC Property Border
- Primary PODs
- Secondary Pump Locations
- Ditches
- Pipelines
- Waste Ditch to Yellowstone River

Proposed Yellowstone River POU

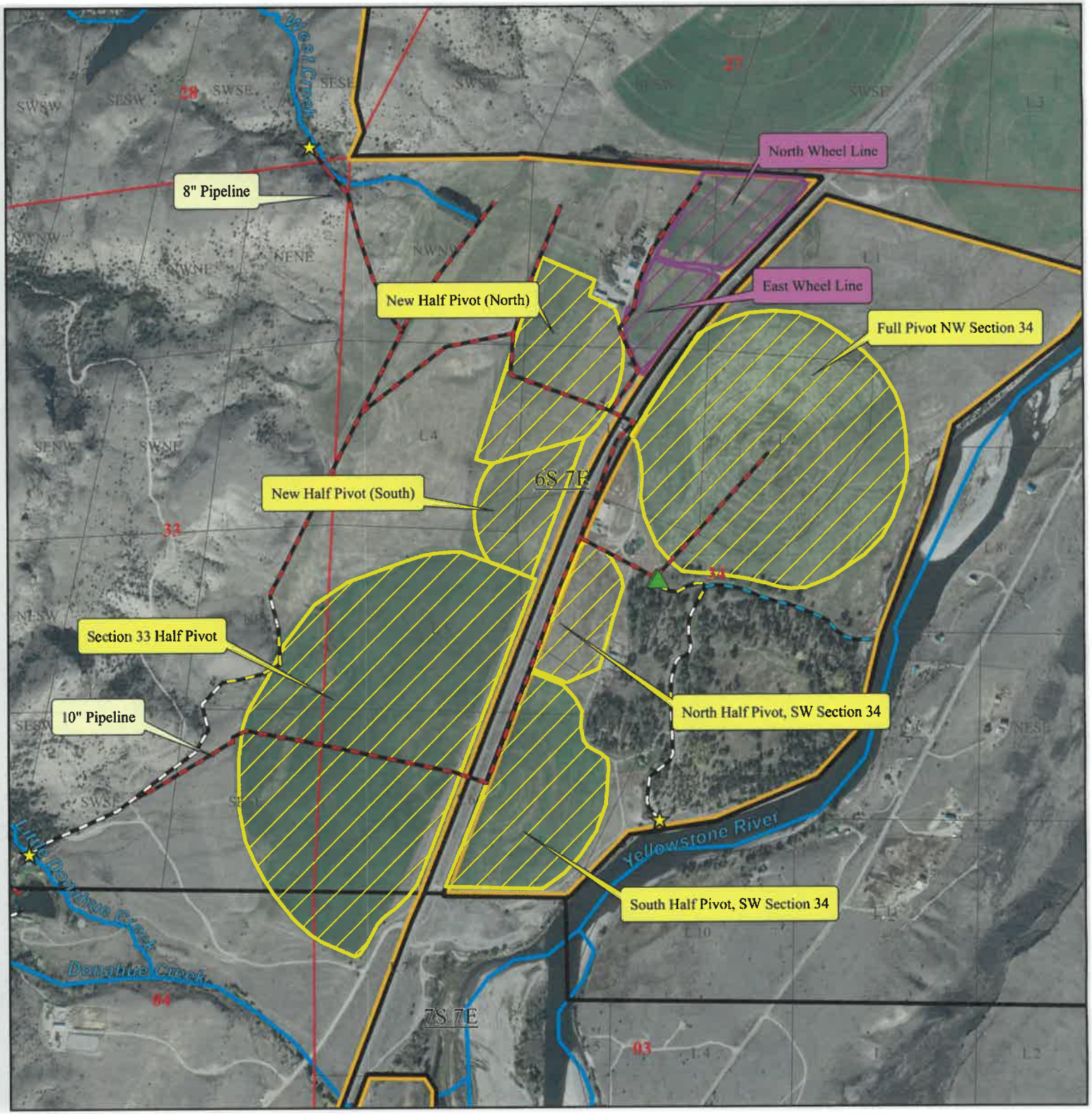
- Pivot
- Wheel Line

Created 3/12/2024
Aerial Imagery: 2021 NAIP

DMS NATURAL RESOURCES

0 0.1 0.2
Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.



West Creek Ranch, LLC

Park County, MT

N

W E

S

Park County Conservation District
Yellowstone River Water
POU by Irrigation Type

- West Creek Ranch, LLC Property Border
- Primary PODs
- Secondary Pump Locations
- Ditches
- Pipelines
- Waste Ditch to Yellowstone River

Proposed Irrigation

- Pivot - Full Service Irrigation provided by 43A 190625 00
- Pivot - Proposed full service irrigation from PCCD Yellowstone River water reservation
- Pivot - Proposd supplemental irrigation from PCCD Yellowstone River water reservation
- Wheel Line - Proposed supplemental irrigation from PCCD Yellowstone River water reservation

Created 3/12/2024
Aerial Imagery: 2021 NAIP

DMS NATURAL RESOURCES

0 0.1 0.2
Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.

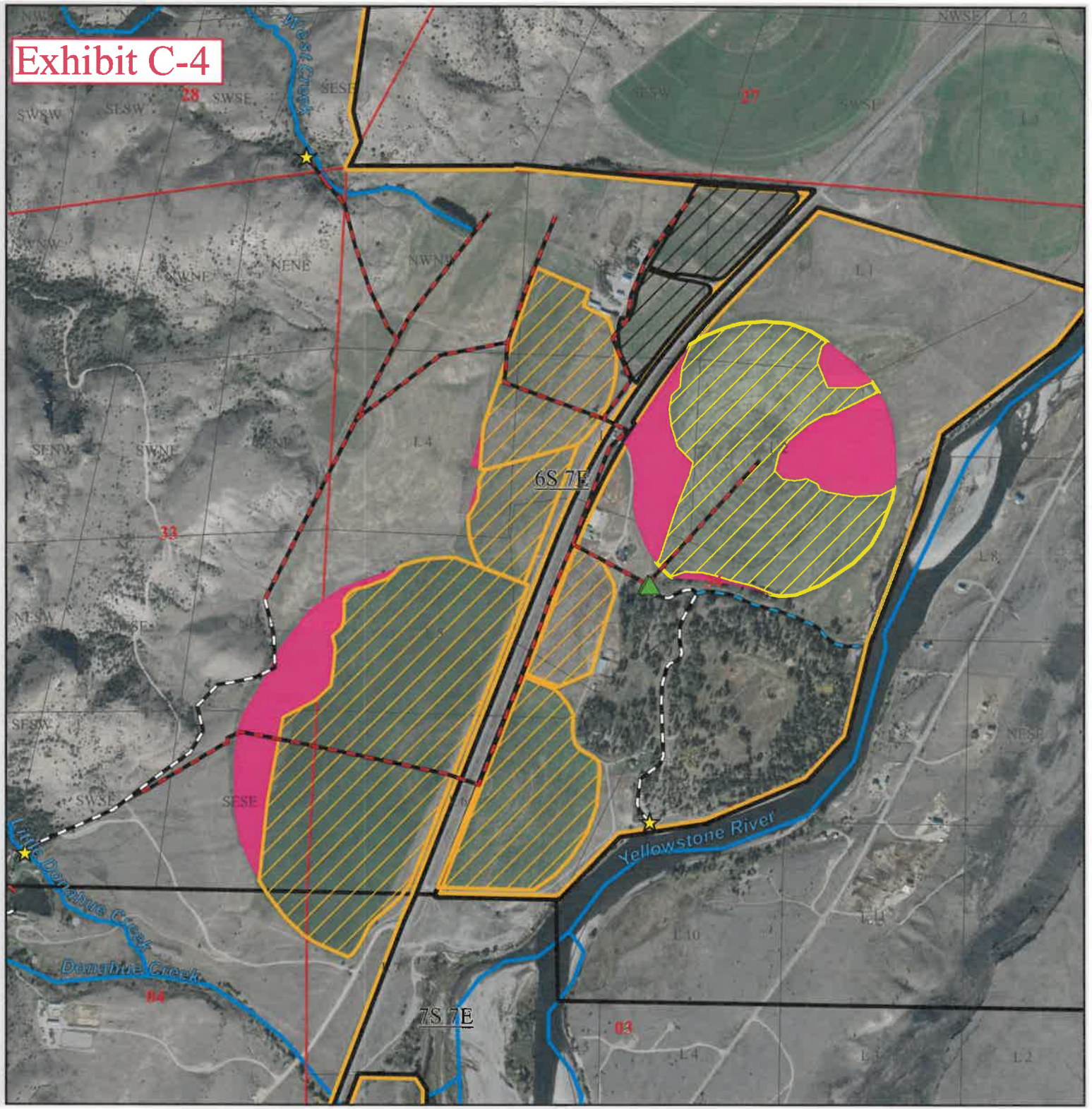


Exhibit D-4

Full Pivot, NW of Section 34 Proposed Full Service Irrigation from PCCD Yellowstone River Water Reservation	
NE (Lot 1) Section 34, T6S R7E	0.9
NE (Lot 2) Section 34, T6S R7E	6.0
NENW Section 34, T6S R7E	0.1
SENW (Lot 3) Section 34, T6S R7E	7.2
SW (COS 1400, Parcel 4 & 4A, E of HWY) Section 34, T6S R7E*	6.0
Total New Acres	**20.2**

North Half Pivot, Section 34 Proposed Suplemental Irrigation from PCCD Yellowstone River Water Reservation	
SW (COS 1400, Parcel 4 & 4A, E of HWY) Section 34, T6S R7E*	7.8
N2SW (Lot 5) Section 34, T6S R7E	1
Total Supplemental Acres	**8.8**

South Half Pivot, Section 34 Proposed Suplemental Irrigation from PCCD Yellowstone River Water Reservation	
N2SW (Lot 5) Section 34, T6S R7E	2.2
S2SW (Lot 6) Section 34, T6S R7E	22.7
Total Supplemental Acres	**24.9**

Section 33 Half Pivot Proposed Suplemental Irrigation from PCCD Yellowstone River Water Reservation	
Parcel 1, COS 1391 Sectoin 34, T6S R7E*	0.4
N2SW (Lot 5) Section 34, T6S R7E	28.8
S2SW (Lot 6) Section 34, T6S R7E	28.3
NW (Lot 7) Section 3, T7S R7E	4.8
Govt Tract 38 (Govt Lots 2, 3, S2NW) Section 4, T7S R7E*	1.2
NESE Section 33, T6S R7E	0.1
SESE Section 33, T6S R7E	9.2
Total Supplemental Acres	**72.8**
Proposed Full Service Irrigation from PCCD Yellowstone River Water Reservation	
N2SW (Lot 5) Section 34, T6S R7E	2.5
NESE Section 33, T6S R7E	5.4
SESE Section 33, T6S R7E	6.4
Total New Acres	**14.3**
Total Pivot Acres	**87.1**

New Half Pivot (North)	
Proposed Suplemental Irrigation from PCCD Yellowstone River Water Reservation	
S2NENW Section 34, T6S R7E	7.3
SENWNW Section 34, T6S R7E	0.2
E2SWNW (Lot 4) Section 34, T6S R7E	3.4
NWSENW (Lot 3) Section 34, T6S R7E	10.3
Total Supplemental Acres	**21.2**
Proposed Full Service Irrigation from PCCD Yellowstone River Water Reservation	
E2SWNW (Lot 4) Section 34, T6S R7E	0.3
Total New Acres	**0.3**
Total Pivot Acres	**21.5**

New Half Pivot (South)	
Proposed Suplemental Irrigation from PCCD Yellowstone River Water Reservation	
SESWNW (Lot 4) Section 34, T6S R7E	3
SWSENW (Lot 3) Section 34, T6S R7E	3.2
SW (COS 1400, Parcel 4 & 4A, E of HWY) Section 34, T6S R7E*	2.7
NENWSW (Lot 5) Section 34, T6S R7E	1.5
Total Supplemental Acres	**10.4**
Proposed Full Service Irrigation from PCCD Yellowstone River Water Reservation	
SESWNW (Lot 4) Section 34, T6S R7E	0.2
Total New Acres	**0.2**
Total Pivot Acres	**10.6**

Wheel Lines West of Highway	
Proposed Suplemental Irrigation from PCCD Yellowstone River Water Reservation	
NE (Lot 1) Section 34, T6S R7E	6.5
NENW Section 34, 6S R7E	9.5
SENW (Lot 3) Section 34, T6S R7E	0.5
Total Supplemental Acres	**16.5**

Total Proposed New Pivot Acres	**35.0**
Total Proposed Supplemental Pivot Acres	**138.1**
Total Proposed Supplemental Wheel Line Acres	**16.5**
Total Proposed Acres	**189.6**

*Due to the irregular PLSS divisions around the Yellowstone River on the AMB West property, several portions of the

proposed irrigation fall outside of deliniated quarter-quarter sections. In these areas, the property is described based on the legal parcel descriptions obtained from the Montana Cadastral database.

Addendum B.2
Signed Copy of Reserved Water Use Authorization from the Conservation District

CONSERVATION DISTRICT RESERVED WATER USE AUTHORIZATION
§85-2-316, MCA
Form No. 102 (Revised 09/2024)

When to use this form: This form is for the issuance of a Reserved Water Use Authorization.

Conservation District Name: Park Conservation District
CD Water Reservation No: 1000400

Upon determination that the criteria for issuance of a reserved water use authorization have been met, this Authorization is hereby issued to:

1. Applicant Name: West Creek Ranch LLC
   Mailing Address: 602 S Ferguson Avenue, Suite 2 City Bozeman State MT Zip 59718
   Phone Number: 406-582-4988 Cell Number:
   Email Address: stephenson@dmsnaturalresources.com

2. CD Application Number: PA-2301 Internal Priority Date: 11/28/2023 at 1:00pm

3. Source of Water Supply: Yellowstone River
   A tributary of

4. Total Amount: 2.6 cfs up to 161.2 acre-ft per Anum

5. Period of Use: April 15 Month/Day to October 19 Month/Day

6. Point of Diversion:

LOT	¼	¼	¼	SEC	TWP N/S	RGE E/W	COUNTY
6			SW	34	6S	7E	Park County

7. Place of Use:

N = New S = Supplemental

ACRES	LOT	¼	¼	¼	SEC	TWP N/S	RGE E/W	COUNTY	N/S
21.10					33	6S	7E	Park	
162.5					34	6S	7E	Park	
4.8				NW	3	7S	7E	Park	
1.20				NE	4	7S	7E	Park	
189.60	TOTAL ACRES								

8. Means of Diversion: Pump

9. Means of Flow Measurement: Pump capacity, water measuring device to be installed

10. Standard and Special Terms, Conditions, Restrictions, and Limitations:

STANDARD TERMS:

Completion:

The diversion and distribution work for this use shall be completed, and water shall be applied to a beneficial use as specified above, on or before January 1, 20 27, or within any authorized extension of time. The Notice of Completion of Water Development, Form 106, shall be filed on or before April 2, 20 27.

Compliance with Board and Conservation District Rules, Regulations, and Requirements:

Authorization is subject to the order, rules, regulations, and requirements governing the water reservation and the laws of the State of Montana. Further, this Authorization is subject to the administrative rules, regulations, and procedures adopted by the Conservation District governing the water reservations, which by the reference is made a condition of the Authorization.

Control:

The Conservation District has exclusive control over the reservation by the Board. The authorization holder receives no right, title, ownership, control, or interest in the water reservation.

Revocations:

Failure to comply with the provisions of the Authorization including submission of the annual water user report, may result in revocation of the Authorization.

Senior Rights:

This Authorization is subject to all prior existing water rights in the source of supply. Further, this Authorization is subject to any final determination of existing water rights, as provided by Montana law.

Transfer of Authorization:

Upon a change in ownership of all or any portion of land associated with this Authorization, the person receiving the interest shall file a Notice of Transfer of Reserved Water Use Authorization, Form 109, with the Conservation District.

Water Status Annual Report

Notify the Conservation District whether any water had been used under the authorization or not. Complete and submit Water User Annual Status Report, Form 103, by November 1 annually. If the infrastructure for the use of the water have not been completed, give details of progress toward completion and if an extension of time is required, fill out and submit Application for Extension of Time, Form 108, to the Conservation District.

SPECIAL TERMS: see below

Special Terms:

This Authorization is subject to the type of water use measuring device or water use estimation technique required by the Conservation District. The water user shall maintain the measuring device, so it always operates properly and measures flow rate and volume accurately. The water user shall keep written records of the flow rate and volume of water used. Records shall be submitted by November 1 of each year and upon request at other times during the year. Failure to submit the Water Use Annual Status Report (Form 103) may be cause for revocation of this Authorization. The annual status report must be sent to the Conservation District Office.

APPROVAL:

_____ _____

Chairman Printed Name Date

_____

Chairman Signature

_____ _____

District Administrator Printed Name Date

_____

District Administrator Signature

APPROVAL:

Ned Zimmerman
Chairman Printed Name

8-23-24
Date

Chairman Signature

8-23-24
Date

Kelly Arterburn
District Administrator Printed Name

8-23-24
Date

District Administrator Signature

8-23-24
Date

Addendum B.3
Copy of the CD Public Notice from the Conservation District

PARK CONSERVATION DISTRICT
RESERVED WATER USE AUTHORIZATION
PUBLIC NOTICE LETTER
§85-2-316, MCA

For Conservation District Use Only
Application # PA – 2301 West Creek Ranch, LLC
PN Letter Date Sent January 24, 2024

Remarks:

- This notice is provided as a courtesy by the Conservation District. The project area may have been public noticed under the original Conservation District Reservation Application.
- This application is to use a portion of the water reserved by the Conservation District. If issued, the Authorization will be subject to prior existing water rights.

PUBLIC NOTICE

Notice to Water Users

THE FOLLOWING APPLICATION HAS BEEN SUBMITTED FOR RESERVED WATER USE TO THE PARK CONSERVATION DISTRICT.

NAME:	WEST CREEK RANCH, LLC
APPLICATION NO:	PA-2301
DATE FILED:	NOVEMBER 28, 2023, 1:00 PM
INTERNAL PRIORITY DATE:	DECEMBER 15, 1978, 4:18 PM
WATER SOURCE:	YELLOWSTONE RIVER
TOTAL AMOUNT:	4.91 C.F.S. OR 2,207 G.P.M. UP TO 162.5 ACRE-FEET PER ANNUM
PERIOD OF APPROPRIATION:	APRIL 15 - OCTOBER 19
DIVERSION POINT:	SW ¼, SECTION 34, TOWNSHIP 6S, RANGE 7E
DIVERSION MEANS:	PUMPS
USE:	SPRINKLER IRRIGATION
PLACE OF USE:	22.7 acres, Section 34, T6S R7E, Full-service irrigation
	11.8 acres, Section 33, T6S R7E, Full-service irrigation
	143.4 acres, Section 34, T6S R7E, Supplemental irrigation
	9.3 acres, Section 33, T6S R7E, Supplemental irrigation
	4.8 acres, NW Section 3, T7S R7E, Supplemental irrigation
	1.2 acres, NE Section 4, T7S R7E. Supplemental irrigation
TOTAL ACRES:	193.2

COMMENTS OR OBJECTIONS TO THE ISSUANCE OF AN AUTHORIZATION UNDER THIS APPLICATION MUST BE RECEIVED BY THE PARK CONSERVATION DISTRICT, 5242 HIGHWAY 89 SOUTH, LIVINGSTON, MT 59047, 406-946-3007, ON OR BEFORE FEBRUARY 27, 2024. OBJECTION FORMS ARE AVAILABLE FROM THE PARK CONSERVATION DISTRICT. THE CONSERVATION DISTRICT WILL REVIEW THIS APPLICATION AND ANY OBJECTIONS AT THE PARK CONSERVATION DISTRICT WATER RESERVATION REVIEW MEETING ON MARCH 5, 2024, AT 10:00 AM IN THE USDA CONFERENCE ROOM, 5242 HIGHWAY 89 SOUTH, LIVINGSTON, MT 59047.

Assistance or questions regarding this application should be directed to the Park Conservation District, 5242 Highway 89S, Livingston, MT 59047, 406-946-3007, kelly.arterburn@mt.nacdnet.net.

Published in The Livingston Enterprise on January 27, 2024.

Addendum B.4
Copy of the Affidavit of Publication from the Conservation District

AFFIDAVIT OF PUBLICATION
STATE OF MONTANA,
COUNTY OF CUSTER

I, Margo Kelsey, Legal Specialist being first duly sworn, depose and say that I am the principal clerk of the publisher newspaper(s) listed below in general circulation; that I know from my personal knowledge that the Legal

AD#: 471580

Sort Text: PUBLIC NOTICE Notice to Water Users ...

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for:

Livingston Enterprise

This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 01/27/2024 and the last insertion being on 01/27/2024.

Total Cost: $39.00

Margo Kelsey

Subscribed and sworn by Margo Kelsey before me on:
On 30th day of January, in the year of 2024

Daniel Hance

Notary Public for the State of Montana Residing at;
Miles City, Montana

SEAL

DANIEL HANCE
NOTARY PUBLIC for the
State of Montana
Residing at Miles City, Montana
My Commission Expires
August 24, 2027

PUBLIC NOTICE
Notice to Water Users

THE FOLLOWING APPLICATION HAS BEEN SUBMITTED FOR RESERVED WATER USE TO THE PARK CONSERVATION DISTRICT.

NAME: WEST CREEK RANCH, LLC
APPLICATION NO: PA-2301
DATE FILED: NOVEMBER 28, 2023, 1:00 PM
INTERNAL PRIORITY DATE: DECEMBER 15, 1978, 4:16 PM
WATER SOURCE: YELLOWSTONE RIVER
TOTAL AMOUNT: 4.91 C.F.S. OR 2,207 G.P.M. UP TO 162.5 ACRE-FEET PER ANNUM
PERIOD OF APPROPRIATION: APRIL 15 - OCTOBER 19
DIVERSION POINT: SW ¼, SECTION 34, TOWNSHIP 6S, RANGE 7E
DIVERSION MEANS: PUMPS
USE: SPRINKLER IRRIGATION
PLACE OF USE: 22.7 acres, Section 34, T6S R7E, Full-service irrigation
11.6 acres, Section 33, T6S R7E, Full-service irrigation
143.4 acres, Section 34, T6S R7E, Supplemental irrigation
9.3 acres, Section 33, T6S R7E, Supplemental irrigation
4.8 acres, NW Section 3, T7S R7E, Supplemental irrigation
1.2 acres, NE Section 4, T7S R7E. Supplemental irrigation
TOTAL ACRES: 193.2

COMMENTS OR OBJECTIONS TO THE ISSUANCE OF AN AUTHORIZATION UNDER THIS APPLICATION MUST BE RECEIVED BY THE PARK CONSERVATION DISTRICT, 5242 HIGHWAY 89 SOUTH, LIVINGSTON, MT 59047, 406-946-3007, ON OR BEFORE FEBRUARY 27, 2024. OBJECTION FORMS ARE AVAILABLE FROM THE PARK CONSERVATION DISTRICT. THE CONSERVATION DISTRICT WILL REVIEW THIS APPLICATION AND ANY OBJECTIONS AT THE PARK CONSERVATION DISTRICT WATER RESERVATION REVIEW MEETING ON MARCH 5, 2024, AT 10:00 AM IN THE USDA CONFERENCE ROOM, 5242 HIGHWAY 89 SOUTH, LIVINGSTON, MT 59047.

Assistance or questions regarding this application should be directed to the Park Conservation District, 5242 Highway 89S, Livingston, MT 59047, 406-946-3007, kelly.arterburn@mt.nacdnet.net.

Pub Jan 27, 2024

MNAXLP

Addendum B.5
Copy of the public notice Certificate of Service from the Conservation District

CERTIFICATE OF SERVICE – YELLOWSTONE RIVER BASIN

This certifies a true and correct copy of the public notice for Reserved Water Use Authorization number PA-2301 – West Creek Ranch, LLC was served upon all individuals listed below. Notices were served as specified or by first class mail at the addresses shown.

Kelly Robertson — 1/24/2024

Conservation District Administrator — Date

MT Department of Environmental Quality DEQ Headquarters ATTN: Water Quality Division 1520 East Sixth Avenue Helena, MT 59601	Bureau of Indian Affairs Rocky Mountain Regional Office ATTN: Water Rights and Resources 2021 4th Avenue North Billings, MT 59101
US Fish & Wildlife Service Montana Fish and Wildlife Conservation Office 4052 Bridger Canyon Road Bozeman, MT 59715	Bureau of Reclamation Montana Area Office PO Box 30137 Billings, MT 59107-0137
MT Department of Fish, Wildlife and Parks ATTN: Fisheries Division 1420 East Sixth Avenue PO Box 200701 Helena, MT 59620-0701	US Department of the Interior Billings Field Office ATTN: Office of the Solicitor 2021 4th Avenue North, Suite 112 Billings, MT 59101-1405
*MT Department of Fish, Wildlife and Parks ATTN: Fisheries Division 2300 Lake Elmo Drive Billings, MT 59105	PARK CONSERVATION DISTRICT
**MT Department of Natural Resources and Conservation Billings Regional Office ATTN: Water 1371 Rimtop Drive Billings, MT 59105-1978	STORY RANCH CO PO BOX 116 EMIGRANT, MT 59027-0116
***NorthWestern Energy 1944 Monad Road Billings, MT 59102	CLAIR A ROBERTS 189 E RIVER RD EMIGRANT, MT 59027-6103
US Army Corps of Engineers 490 N 31st Street #112 Billings, MT 59101	BILLIE I KRENZLER DAN L KRENZLER 4537 RYAN AVE BILLINGS, MT 59101

YELLOW RIVER LLC % HASSARD, JOYCE PO BOX 3131 KALISPELL, MT 59903-3131	
ARTHUR, JAMES & LEE ANN TRUST DR ARTHUR, JAMES M & LEE ANN TRUSTEES 412 LONG ISLAND HOT SPRINGS, AR 71913-9637	G KIMBALL HART PO BOX 1258 MIDDLEBURG, VA 20118-1258
AUDREY T COLL 12140 SW 101 AVE MIAMI, FL 33176-4869	161 HIDDEN VALLEY ROAD LLC %ACCRUIT 55 MADISON ST, STE 625 DENVER, CO 80206
GOODMAN RESOURCES LTD 997 FM 2288 SAN ANGELO, TX 76901	JEFFREY C HENRY JENNY WOLFE 171 E RIVER RD EMIGRANT, MT 59027-6103
JEFFREY T REED PO BOX 239 EMIGRANT, MT 59027-0239	Deborah Stephenson DMS Natural Resources, LLC 602 S. Ferguson Ave., Suite 2 Bozeman, MT 59718
SCOTT W BRADY PO BOX 313 EMIGRANT, MT 59027-0313	FWP – Region 3 1400 S. 19th Bozeman, MT 59718
JOHN L LAKE JR 514 LEMOYNE DR DAUPHIN ISLAND, AL 36528-4404	

PUBLIC NOTICE

Notice to Water Users

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DIVERSION MEANS:	PUMPS
USE:	SPRINKLER IRRIGATION
PLACE OF USE:	22.7 acres, Section 34, T6S R7E, Full-service irrigation 11.8 acres, Section 33, T6S R7E, Full-service irrigation 143.4 acres, Section 34, T6S R7E, Supplemental irrigation 9.3 acres, Section 33, T6S R7E, Supplemental irrigation 4.8 acres, NW Section 3, T7S R7E, Supplemental irrigation 1.2 acres, NE Section 4, T7S R7E. Supplemental irrigation
TOTAL ACRES:	193.2

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Assistance or questions regarding this application should be directed to the Park Conservation District, 5242 Highway 89S, Livingston, MT 59047, 406-946-3007, kelly.arterburn@mt.nacdnet.net.

Addendum C.2
POU List

Form 606CD Pre-Application Follow Up Information - Application 43B 30164489 - Park Conservation District

Follow Up Response to Question 9.a.ii: Describe the legal land description of the proposed place of use and, if the water rights being changed will have an irrigation or lawn and garden purpose, list the number of irrigated acres.

Proposed Full Service Pivot Irrigation

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County	NOTES
	5.4		NESE	33	6S	7E	Park	
	6.4		SESE	33	6S	7E	Park	
	0.5	4	E2SWNW	34	6S	7E	Park	
	2.5	5	W2N2SW	34	6S	7E	Park	
	8.1		E2E2NW	34	6S	7E	Park	
	12.1		W2NE	34	6S	7E	Park	*Includes acres that are not part of surveyed PLSS within COS 1400, Parcel 4 & 4A, E of HWY*
Total	***35.0***							

Proposed Supplemental Pivot Irrigation

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County	
	0.1		SENESE	33	6S	7E	Park	
	9.2		E2SESE	33	6S	7E	Park	
	42.8		N2SW	34	6S	7E	Park	*Includes acres that are not part of surveyed PLSS within Parcel 1, COS 1391; also COS 1400, Parcel 4 & 4A, E of HWY. Most acres are within Gov Lot 5, but includes acres in unsurveyed PLSS so not using GovLot as part of official description.*
	51.0	6	S2SW	34	6S	7E	Park	
	7.5		N2NW	34	6S	7E	Park	
	6.4	4	E2SWNW	34	6S	7E	Park	
	15.1		SENW	34	6S	7E	Park	*Includes acres that are not part of surveyed PLSS within COS 1400, Parcel 4 & 4A, E of HWY. Most acres are within Gov Lot 3, but includes acres in unsurveyed PLSS so not using GovLot as part of official description.*
	4.8	7	NWNW	3	7S	7E	Park	
	1.2		NENE	4	7S	7E	Park	*Includes acres that are not part of surveyed PLSS within Govt Tract 38 (Govt Lots 2, 3, S2NW)*
Total	***138.1***							

Proposed Supplemental Wheel Line Irrigation

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	6.5	1	NE	34	6S	7E	Park
2	9.5		NENW	34	6S	7E	Park
3	0.5	3	NESENW	34	6S	7E	Park
Total	***16.5***						

TOTAL Pivot Acres	***173.1***
TOTAL Wheelline Acres	***16.5***
TOTAL Acres	***189.6***

Proposed Informational Remark: POU located on west side of the Yellowstone River within the following cadastral parcels: C.O.S. 1400, PARCEL 4 & 4A, E OF HWY; COS 1391, PARCEL 001; S33, T06 S, R07 E, ALL LESS C/S 1391; C.O.S 986, PARCEL 1-2; GOVT TRACT 38 (GOVT LOTS 2, 3, S2NW4)

TOTAL Supplemental Acres	***154.6***
TOTAL Full Service	***35***
TOTAL Acres	***189.6***

Addendum E.1.a
Aerial Map of Proposed Reserved POU

West Creek Ranch, LLC

Park County, MT

N
W E
S

Park County Conservation District Yellowstone River Water Reservation Proposed POU

Exhibit A-4

- West Creek Ranch, LLC Property Border
- Primary PODs
- Secondary Pump Locations
- Ditches
- Pipelines
- Waste Ditch to Yellowstone River

Proposed Yellowstone River POU

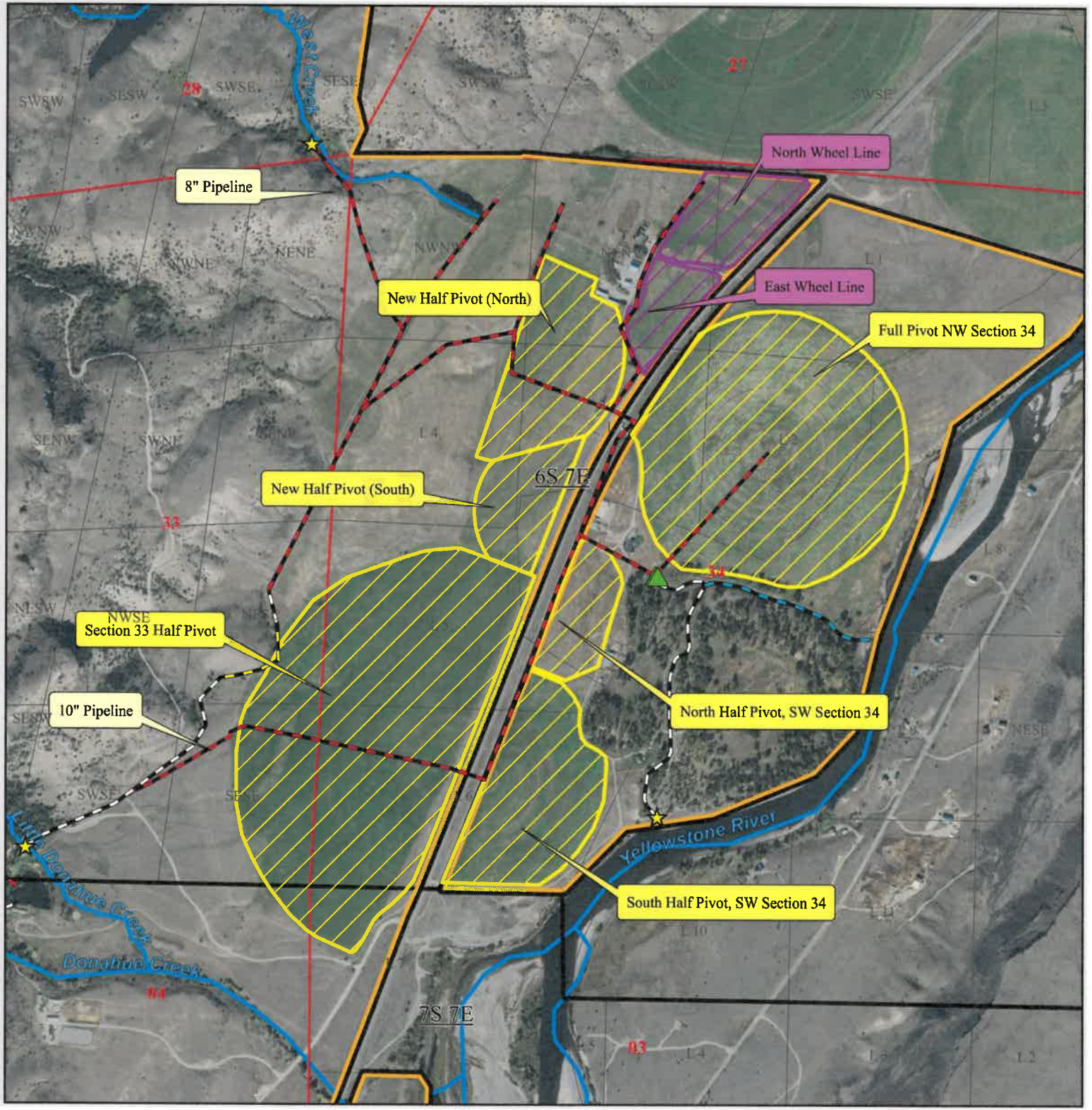
- Pivot
- Wheel Line

Created 3/12/2024
Aerial Imagery: 2021 NAIP

DMS NATURAL RESOURCES

0 0.1 0.2
Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.



Addendum E.1.b
Aerial Map of Proposed POU by Irrigation Type

West Creek Ranch, LLC

Park County, MT

N

W E

S

Park County Conservation District
Yellowstone River Water
POU by Irrigation Type

- West Creek Ranch, LLC Property Border
- Primary PODs
- Secondary Pump Locations
- Ditches
- Pipelines
- Waste Ditch to Yellowstone River

Proposed Irrigation

- Pivot - Full Service Irrigation provided by 43A 190625 00
- Pivot - Proposed full service irrigation from PCCD Yellowstone River water reservation
- Pivot - Proposd supplemental irrigation from PCCD Yellowstone River water reservation
- Wheel Line - Proposed supplemental irrigation from PCCD Yellowstone River water reservation

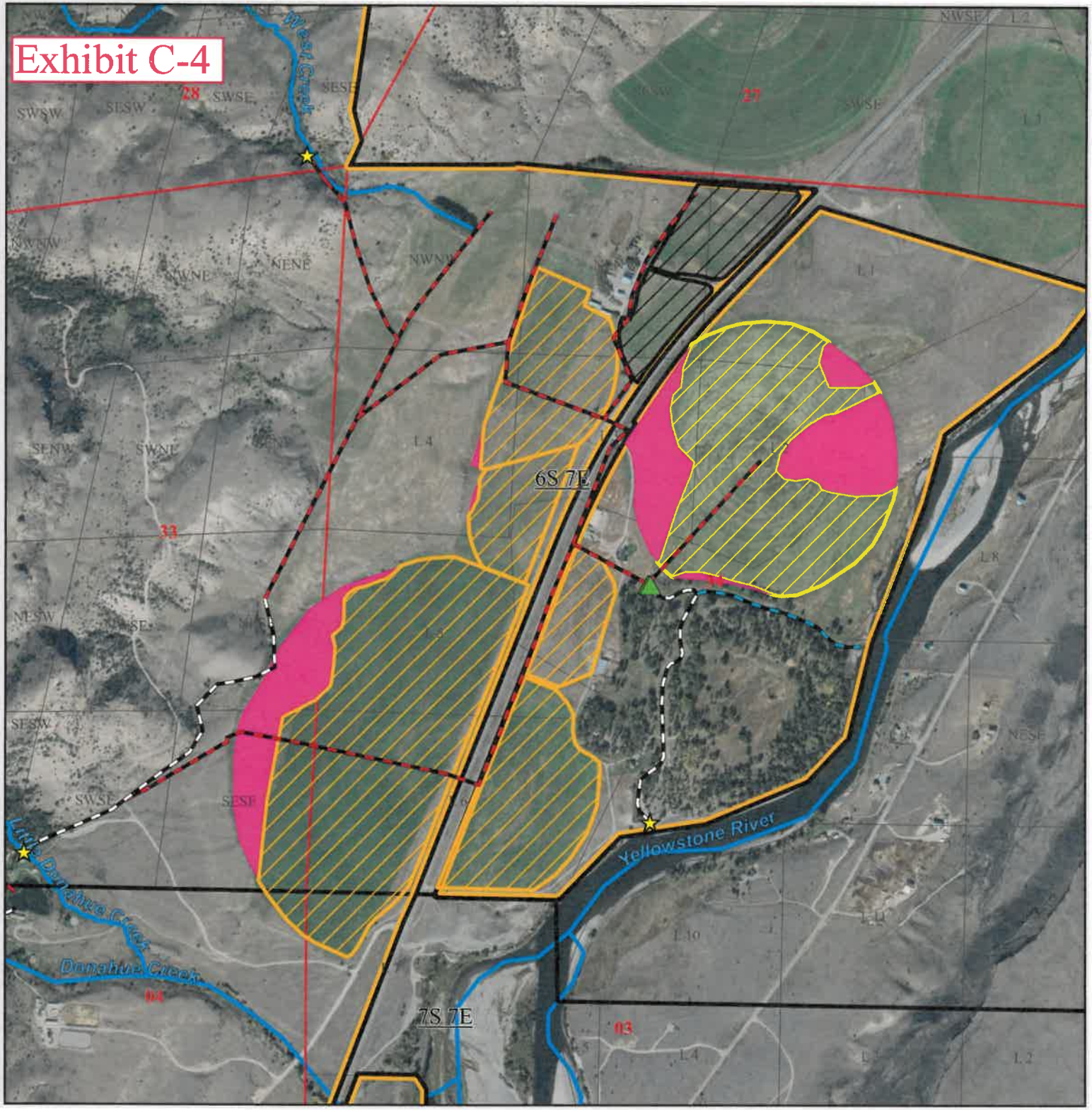
Created 3/12/2024
Aerial Imagery: 2021 NAIP

DMS NATURAL RESOURCES

0 0.1 0.2

Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.



Addendum E.2
Aerial Map of Proposed POU with Current Irrigation Water Rights

West Creek Ranch, LLC

Park County, MT

N
W E
S

Current Irrigation Water Rights

- West Creek Ranch, LLC Property Border
- 43B 26291 00 Reservoir
- 43B 30041630 Reservoir
- Pumps
- Points of Diversion
- Current Ditches
- Current Pipelines
- Waste Ditch to Yellowstone River

Places of Use

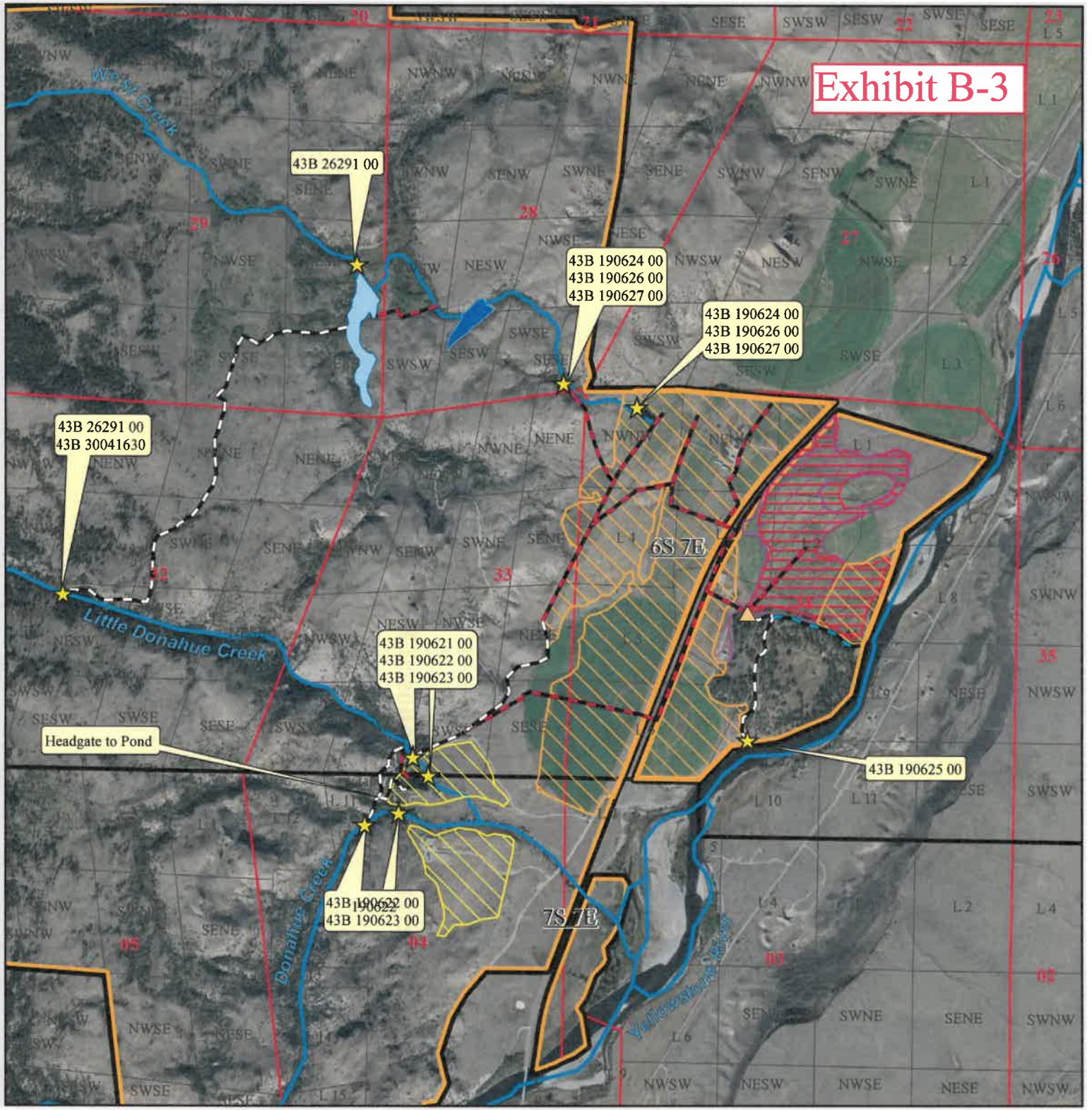
- 43B 190621 00, 43B 190622 00, 43B 190623 00
- 43B 190621 00, 43B 190622 00, 43B 190623 00, 43B 190624 00, 43B 190627 00, 43B 26291 00, 43B 30041630
- 43B 190622 00, 43B 190623 00
- 43B 190625 00

DMS NATURAL RESOURCES

Created 11/7/2023
Aerial Imagery: 2021 NAIP

0 0.2 0.4
Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.



From: Hannah Cantu
To: Reynolds, Lyra; kelly.arterburn@mt.nacdnet.net; Hendrix, Mary
Subject: [EXTERNAL] West Creek Ranch 606CD / App. # 43B 30164489
Date: Monday, February 10, 2025 1:08:32 PM
Attachments: Outlook-rrdlj0ew
606CD_WestCreekRanch_ParkConservationDistrict.pdf

Good afternoon,

Please find attached the complete unsigned version of the 606CD application for West Creek Ranch / Application # 43B 30164489. The wet signature and the first four pages of the 606CD application along with the payment from DMS (check for $1,000) are being mailed in one package to your office by Kelly at the Park Conservation District. Thankful to avoid mailing all 84 pages!

If there are any questions, please do not hesitate to reach out. Thank you for all the help you have provided during this process!

Warm Regards,
Hannah Cantú
Aquatic Biologist

1289 Stoneridge Drive, Bozeman, MT 59718
confluenceinc.com [confluenceinc.com]
Phone*: 406-585-9500, ext. 109*

From: Hannah Cantu
To: Reynolds, Lyra; kelly.arterburn@mt.nacdnet.net
Cc: Strasheim, Kerri; Ellis, Kendrew; Mike Sanctuary
Subject: [EXTERNAL] Re: Received First Signature Page
Date: Wednesday, January 29, 2025 11:21:30 AM
Attachments: image001.png
image003.png
Outlook-pmw1ouly

Lyra,

Thank you for the clarification and confirmation! I will be talking to Kelly to coordinate this submission ASAP. I appreciate your help.

Warm Regards,
Hannah Cantú
Aquatic Biologist

1289 Stoneridge Drive, Bozeman, MT 59718
confluenceinc.com [confluenceinc.com]
Phone*: 406-585-9500, ext. 109*

From: Reynolds, Lyra <Lyra.Reynolds@mt.gov>
Sent: Wednesday, January 29, 2025 10:31 AM
To: Hannah Cantu <hCantu@confluenceinc.com>; kelly.arterburn@mt.nacdnet.net <kelly.arterburn@mt.nacdnet.net>
Cc: Strasheim, Kerri <kstrasheim@mt.gov>; Ellis, Kendrew <Kendrew.Ellis@mt.gov>; Mike Sanctuary <msanctuary@confluenceinc.com>
Subject: RE: Received First Signature Page

Hi Hannah-
The payment should be sent along with the submission of the Application. We cannot receive an application without payment. Please refer to ARM 36.12.1305 for the additional information about the requirements for Change Application filing and form acceptance. Please submit the Application, all required attachments for the application (i.e. technical analysis), and the payment together.
We can accept a digital copy of the application, as long as the signature is a verified e-signature (DocuSign or Adobe). For digital submission, please notify us if a check is being sent to our office or if using online payment.
If a wet signature will be submitted, please send us the original signature and not a scan. We cannot accept a scan of a signature. You may mail just the signature page, if you would like to send the rest of the application materials digitally. You may also submit a physical copy of the entire application and all associated materials, if preferred.

A form will not be stamped “received” until payment and valid signature are received, even if submitted digitally. If online payment is submitted, please include a copy of the receipt with your submission.

Please let us know if you have any further questions.

-Lyra

Lyra Reynolds (they/them/she/her) | Hydrologist/Specialist
Bozeman Water Resources Office
Montana Department of Natural Resources and Conservation
2273 Boot Hill Court, Suite 110; Bozeman, MT 59715
DESK: 406-556-4500 **EMAIL**: lyra.reynolds@mt.gov
Website [us-east-2.protection.sophos.com] | **Facebook** [us-east-2.protection.sophos.com] | **X (Twitter** [us-east-2.protection.sophos.com]) | **Instagram** [us-east-2.protection.sophos.com]
How did we do? Let us know here: Feedback Survey [us-east-2.protection.sophos.com]

From: Hannah Cantu <hCantu@confluenceinc.com>
Sent: Wednesday, January 29, 2025 10:20 AM
To: Reynolds, Lyra <Lyra.Reynolds@mt.gov>; kelly.arterburn@mt.nacdnet.net
Cc: Strasheim, Kerri <kstrasheim@mt.gov>; Ellis, Kendrew <Kendrew.Ellis@mt.gov>; Mike Sanctuary <msanctuary@confluenceinc.com>
Subject: [EXTERNAL] Re: Received First Signature Page

Good morning,

I wanted to reach out to check on the status of the 606CD for West Creek Ranch and determine when you would like the payment to be sent ($1,000 based on the $500 pre-app meeting fee being applied as a discount to the $1,500 - please correct if needed). I appreciate any information that you can provide and hope you are having a wonderful Wednesday.

Warm Regards,
Hannah Cantú
Aquatic Biologist

1289 Stoneridge Drive, Bozeman, MT 59718
confluenceinc.com [confluenceinc.com] [us-east-2.protection.sophos.com]
Phone*: 406-585-9500, ext. 109*

From: Reynolds, Lyra <Lyra.Reynolds@mt.gov>
Sent: Tuesday, October 29, 2024 8:25 AM
To: stephenson dmsnaturalresources.com [dmsnaturalresources.com] [us-east-2.protection.sophos.com] <stephenson@dmsnaturalresources.com>; Arterburn, Kelly - FPAC-NRCS, MT

<Kelly.Arterburn@mt.nacdnet.net>
Cc: Strasheim, Kerri <kstrasheim@mt.gov>; Ellis, Kendrew <Kendrew.Ellis@mt.gov>; Mike Sanctuary <msanctuary@confluenceinc.com>; Hannah Cantu <hCantu@confluenceinc.com>
Subject: RE: Received First Signature Page

Deb-
Sounds good. Thank you for the heads up.
It looks like everything included should be good for us to start our review, once we receive the form and fee.
Best,
-Lyra

Lyra Reynolds (they/them/she/her)| Regional Hydrospecialist
Bozeman Water Resources Office
Montana Department of Natural Resources and Conservation
2273 Boot Hill Court, Suite 110; Bozeman, MT 59715
DESK: 406-556-4500 **EMAIL:** lyra.reynolds@mt.gov
Website [us-east-2.protection.sophos.com] [us-east-2.protection.sophos.com] | **Facebook** [us-east-2.protection.sophos.com] [us-east-2.protection.sophos.com]| **X (Twitter** [us-east-2.protection.sophos.com] [us-east-2.protection.sophos.com]**)** | **Instagram** [us-east-2.protection.sophos.com] [us-east-2.protection.sophos.com]
How did we do? Let us know here: Feedback Survey [us-east-2.protection.sophos.com] [us-east-2.protection.sophos.com]

From: stephenson dmsnaturalresources.com [dmsnaturalresources.com] [us-east-2.protection.sophos.com] <stephenson@dmsnaturalresources.com>
Sent: Tuesday, October 29, 2024 8:15 AM
To: Reynolds, Lyra <Lyra.Reynolds@mt.gov>; Arterburn, Kelly - FPAC-NRCS, MT <Kelly.Arterburn@mt.nacdnet.net>
Cc: Strasheim, Kerri <kstrasheim@mt.gov>; Ellis, Kendrew <Kendrew.Ellis@mt.gov>; Mike Sanctuary <msanctuary@confluenceinc.com>; Hannah Cantu <hCantu@confluenceinc.com>
Subject: [EXTERNAL] RE: Received First Signature Page
Lyra

I will be bringing the pre-application follow up information, $500 check and hard copy original signature FOLLOW-UP PAGE AFFIDAVIT & CERTIFICATION page to your office in next few minutes.

Based on your email below, I understand you have the hard copy original signed PREAPPLICATION MEETING AFFIDAVIT & CERTIFICATION page (signatures dated 9/24 and 9/26), and the updated pre-application form that was updated and sent to us on Sept 20th from you via the attached email.

A link to the combined electronic document is below. It includes:

1. Updated pre-application form that was updated and sent from DNRC to applicant on Sept 20th
2. PREAPPLICATION MEETING AFFIDAVIT & CERTIFICATION page with signatures dated 9/24 and 9/26
3. Follow up information (2 pages) being brought in today

4. Copy of the signed FOLLOW-UP PAGE AFFIDAVIT & CERTIFICATION page – hard copy original being brought in today
5. Copy of $500 check for filing fee - being brought in today

https://www.dropbox.com/scl/fi/c92c1o3rvsfaomzje8f7q/2024.10.29-Pre-App-43B-30164489-w-both-signature-pgs-and-follow-up.pdf?rlkey=8cvf3ib5uhwgssmhqs8b8dlci&dl=0 [dropbox.com] [us-east-2.protection.sophos.com] [us-east-2.protection.sophos.com]

Sincerely,

Deborah Stephenson
DMS Natural Resources, LLC
602 S. Ferguson Ave., Suite 2
Bozeman, MT 59718
Office: 406-582-4988
Cell: 406-600-1422
stephenson@dmsnaturalresources.com
www.dmsnaturalresources.com [dmsnaturalresources.com] [us-east-2.protection.sophos.com] [us-east-2.protection.sophos.com]

From: Reynolds, Lyra <Lyra.Reynolds@mt.gov>
Sent: Monday, October 14, 2024 10:00 AM
To: stephenson dmsnaturalresources.com [dmsnaturalresources.com] [us-east-2.protection.sophos.com] [us-east-2.protection.sophos.com] <stephenson@dmsnaturalresources.com>; Arterburn, Kelly - FPAC-NRCS, MT <Kelly.Arterburn@mt.nacdnet.net>
Cc: Strasheim, Kerri <kstrasheim@mt.gov>; Ellis, Kendrew <Kendrew.Ellis@mt.gov>; Mike Sanctuary <msanctuary@confluenceinc.com>; Hannah Cantu <hCantu@confluenceinc.com>
Subject: RE: Received First Signature Page

Deb-

I have the original signature dated 9/24/2024 that was signed following the updated Preapplication Meeting Form. A scan of a wet signature was first emailed to the office on 9/18/2024, prior to the corrected form. The first signature page that was received and considered correct is the signature dated 9/24/2024.

Please let me know if you have any further questions.

-Lyra

Lyra Reynolds (they/them/she/her)| Regional Hydrospecialist
Bozeman Water Resources Office
Montana Department of Natural Resources and Conservation
2273 Boot Hill Court, Suite 110; Bozeman, MT 59715
DESK: 406-556-4500 **EMAIL:** lyra.reynolds@mt.gov
Website [us-east-2.protection.sophos.com] [us-east-2.protection.sophos.com] |
Facebook [facebook.com] [us-east-2.protection.sophos.com] [us-east-

2.protection.sophos.com]| **X (Twitter** [twitter.com] [us-east-2.protection.sophos.com] [us-east-2.protection.sophos.com]**)** | **Instagram** [instagram.com] [us-east-2.protection.sophos.com] [us-east-2.protection.sophos.com]

How did we do? Let us know here: Feedback Survey [forms.office.com] [us-east-2.protection.sophos.com] [us-east-2.protection.sophos.com]

From: stephenson dmsnaturalresources.com [dmsnaturalresources.com] [us-east-2.protection.sophos.com] [us-east-2.protection.sophos.com] <stephenson@dmsnaturalresources.com>
Sent: Friday, October 11, 2024 6:09 AM
To: Reynolds, Lyra <Lyra.Reynolds@mt.gov>; Arterburn, Kelly - FPAC-NRCS, MT <Kelly.Arterburn@mt.nacdnet.net>
Cc: Strasheim, Kerri <kstrasheim@mt.gov>; Ellis, Kendrew <Kendrew.Ellis@mt.gov>; Mike Sanctuary <msanctuary@confluenceinc.com>; Hannah Cantu <hCantu@confluenceinc.com>
Subject: [EXTERNAL] RE: Received First Signature Page

Lyra
Do you have the original signature page for the first signature on the pre-application form? Or did you send the pre-application form (updated 9/20/2024) plus the original signature page back to Kelly?
Deb

Sincerely,

Deborah Stephenson
DMS Natural Resources, LLC
602 S. Ferguson Ave., Suite 2
Bozeman, MT 59718
Office: 406-582-4988
Cell: 406-600-1422
stephenson@dmsnaturalresources.com
www.dmsnaturalresources.com [dmsnaturalresources.com] [us-east-2.protection.sophos.com] [us-east-2.protection.sophos.com]

From: Reynolds, Lyra <Lyra.Reynolds@mt.gov>
Sent: Thursday, September 26, 2024 3:55 PM
To: Arterburn, Kelly - FPAC-NRCS, MT <Kelly.Arterburn@mt.nacdnet.net>
Cc: Strasheim, Kerri <kstrasheim@mt.gov>; Ellis, Kendrew <Kendrew.Ellis@mt.gov>; Mike Sanctuary <msanctuary@confluenceinc.com>; Hannah Cantu <hCantu@confluenceinc.com>; stephenson dmsnaturalresources.com [dmsnaturalresources.com] [us-east-2.protection.sophos.com] [us-east-2.protection.sophos.com] <stephenson@dmsnaturalresources.com>
Subject: Received First Signature Page

Hi Kelly-
I have attached scan of the first signature page complete with the Applicant's and Department's signature for your records.
Please let us know if you have any questions as the CD prepares the Preapplication Meeting Form,

which is due on March 16, 2025. If possible, we would appreciate being notified when the Applicant plans to send the completed Preapplication Meeting Form, follow-up info, and fee. This is not required, but coordinating when the form may be sent into the office allows us to make sure the proper staff members are in the office and make sure all materials are submitted as needed. This allows us to be the most effective with your time and ours.

Best-

Lyra

Lyra Reynolds (they/them/she/her)| Regional Hydrospecialist
Bozeman Water Resources Office
Montana Department of Natural Resources and Conservation
2273 Boot Hill Court, Suite 110; Bozeman, MT 59715
DESK: 406-556-4500 **EMAIL**: lyra.reynolds@mt.gov
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Technical Analyses Report/ Scientific Credibility Review

- Departmental Technical Analyses Report/ Scientific Credibility Review
- Any correspondence relating to the Technical Analyses Report

Technical Analyses Report / Scientific Credibility Review

Surface Water Change Technical Analyses Report

Department of Natural Resources and Conservation (DNRC or Department)
Water Resources Division
Kendrew Ellis, Water Resource Specialist, Bozeman Regional Office

Application No.	43B 30164489	**Proposed Point of Diversion**	Gov't Lot 10, NWSESW Section 34, T6S, R7E, Park County
Applicant	Park Conservation District		

Overview

This report analyzes data submitted by the Applicant in support of the above-mentioned water right change application. This report provides technical analyses as required under the Administrative Rules of Montana (ARM) 36.12.1303 in support of the water rights criteria assessment as required in §85-2-402, Montana Code Annotated (MCA). This report was completed by regional office staff.

This Surface Water Change Technical Analyses Report contains the following sections:

1.0 Application Details

The Applicant proposes to change the place of use (POU) of Water Reservation No. 43B 10004-00 The point of diversion (POD) proposed is located in Gov't Lot 10, NWSESW Section 34, T6S, R7E, in Park County, which was included in the original public notice area for the Park Conservation District Yellowstone River Water Reservation. The proposed POU for irrigation is location in Section 3, 4, 33, and 34, all in T6S, R7E, in Park County. The Applicant proposes to divert water from April 15 to October 19 for irrigation of 189.6 acres. The maximum volume proposed diverted volume is 161.2 AF. The project is in Park County and the source is the Yellowstone River. The total flow rate of the Water Reservation is 445.9 CFS and the flow rate needed for the project is 2.6 CFS. No change in the POD, purpose, or place of storage is proposed. The portion of the Water Reservation proposed for change, reflected on Conservation District Record No. 43B 1000400, will be supplemental to private water rights owned by the end user of the Park Conservation District water (West Creek Ranch, LLC).

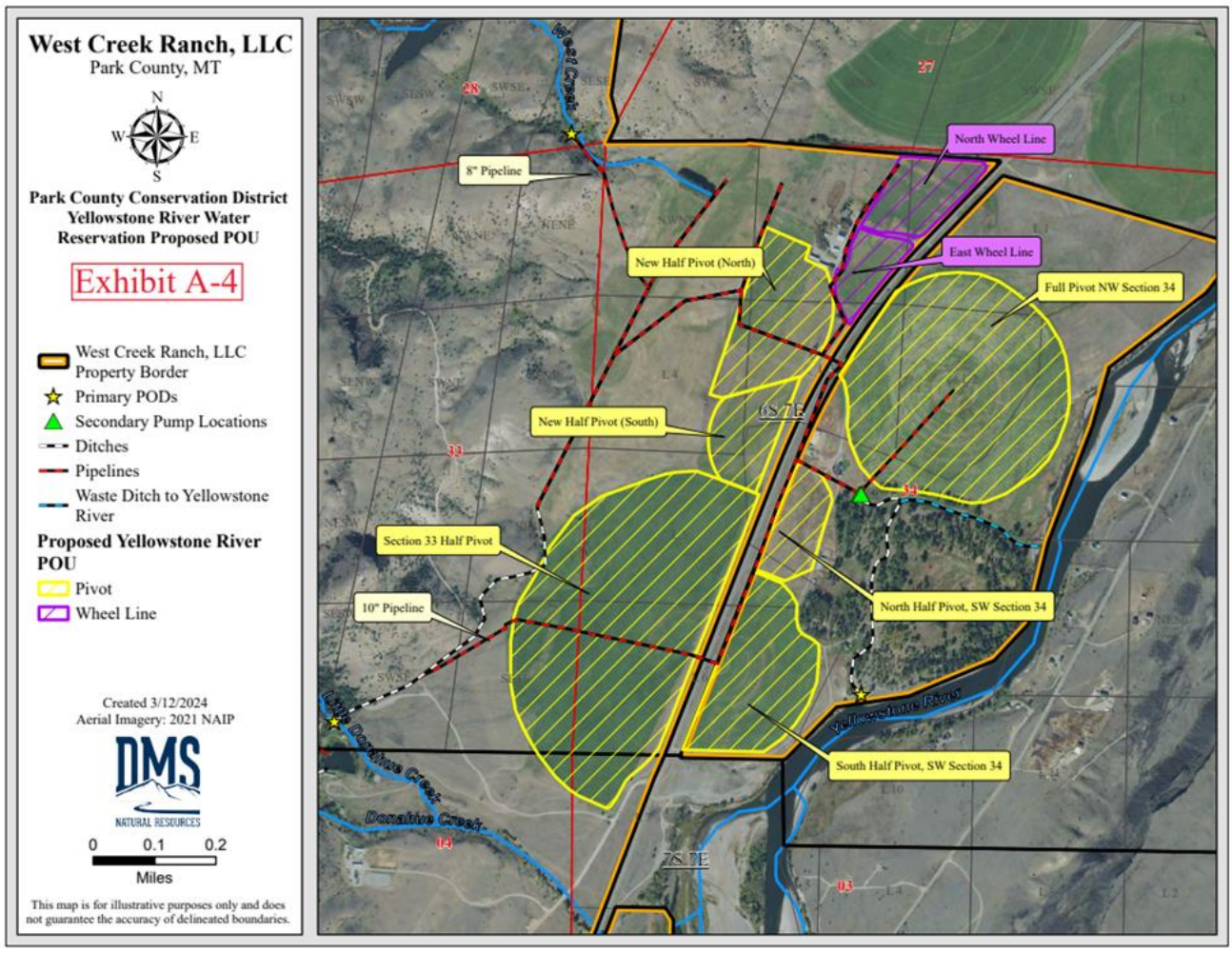

Figure 1: Map of the Applicant's proposed POD on the source and proposed POU created by DMS Natural Resources, LLC on 3/12/2024

2.0 Historical Use Technical Analysis

The Applicant proposes to change a portion of a Conservation District Water Reservation that has not yet been put to use and therefore no historical use for the amount of water being changed exists.

3.0 Analysis of Impacted Surface Water Sources

3.1 Summary of Proposed Use

The Applicant proposes to change a portion of Conservation District Water Reservation No. 43B 1000400 to use for irrigation use in Section 3, 4, 33 and 34, T6S, R7E, in Park County. The Applicant proposes that the period of diversion to be from April 15 to October 19. The total proposed volume that the applicant will utilize from the Park Conservation District Yellowstone River Water Reservation is 161.2 AF (72.45 AF + 88.74 AF= 161.2 AF). The applicant proposes

to divert the total flow rate required by the irrigation system of 2.60 CFS. Following the proposed change, the Park Conservation District water will be used along with private water rights owned by the end user of the water.

This Application is to change the POU of a non-perfected portion of the Park Conservation District Water Reservation No. 43B 1000400. As the proposed POU was not part of the original public notice area identified in the Park Conservation District Yellowstone River Water Reservation, all existing water rights must be considered in order to determine whether this proposed project would adversely affect other water right holders. The Department found the physical availability of the Yellowstone River at the POD using the following gages:

USGS gage name
USGS 06192500 Yellowstone River near Livingston, MT
USGS 06191500 Yellowstone River at Corwin Springs MT
Period of record
Yellowstone River at Corwin Springs: Approved data, August 1889 – July 2024
Yellowstone River near Livingston: Approved data, May 1897 – July 2024
(Data retrieved on 12/5/2024)

The POD is located between the two gaging stations on the Upper Yellowstone River. The POD is located approximately 11.1 miles downstream of the USGS Yellowstone River at Corwin Springs gage and approximately 26.69 miles upstream of the USGS Yellowstone River near Livingston gage. Both stream gages have periods of record exceeding 10 years and are maintained by the USGS.

The Department found the physical availability using a logarithmic interpolation method. A logarithmic interpolation is useful when the proposed point of diversion is located between two stream gages. This method estimates a streamflow characteristic at an intermediate location based on basin drainage area at the gaged sites and the ungaged site (POD). Several assumptions must be met in order for this method to be appropriate: 1) the ratio of the contributing drainage area to the ungaged site must be within 0.5 to 1.5 of the drainage areas for the stream gages, 2) periods of record at both gages must be similar, 3) streamflow conditions must be similar at both stream gage locations. The ratio of the contributing drainage area at the proposed point of diversion is 0.80 and 1.09 to the Yellowstone River near Livingston and Yellowstone River at Corwin Springs gages respectively. Both gages have a similar period of record, beginning in 1889 for the Corwin Springs gage and 1897 for the Livingston gage. Both gages exhibit similar streamflow characteristics. As a result, the logarithmic interpolation is suitable for estimating physical water availability at the point of diversion.

The following equation describes the logarithmic interpolation method, described further in DNRC (2019).

$$\log Q_u = \log Q_{g1} + \left(\frac{logQ_{g2} - logQ_{g1}}{logA_{g2} - logA_{g1}}\right)(logA_u - logA_{g1})$$

Where: Q = streamflow characteristic
A = drainage area
Subscripts *g1* and *g2* are gaged sites 1 and 2 respectively
Subscript u = point of interest (proposed point of diversion)

Basin drainage area at the point of diversion was delineated using USGS Streamstats. Drainage area at the gage locations was retrieved from the gaging station information web page. The results are shown in Table 1 below.

Table 1: Basin drainage area at the gaged sites and ungaged site on the Yellowstone River.

LOCATION	DRAINAGE AREA (SQUARE MILES)	DRAINAGE AREA RATIO OF UNGAGED SITE TO GAGE LOCATION
USGS Yellowstone River near Livingston	3551.0	0.80
USGS Yellowstone River at Corwin Springs	2616.0	1.09
Yellowstone River at the POD	2849.6	1.00

The following table displays the streamflow data for the two stream gages on the Yellowstone River and the results of the interpolation analysis. The interpolated data represents the estimated streamflow rate and volume at the POD on Yellowstone River in Gov't Lot 10, NWSESW Section 34, T6S, R7E, in Park County.

Table 2: Median of the mean monthly flows of the Yellowstone River. The last two columns in the table display the results of the interpolation method used to estimate physical water availability at the point of diversion.

	USGS Gage 06192500: Yellowstone River nr Livingston MT		USGS Gage 06191500: Yellowstone River at Corwin Springs MT		Interpolation	
Month	Median of the Mean Monthly Flow at Gage 06192500 (CFS)	Median of the Mean Monthly Volume at Gage 06192500 (AF)	Median of the Mean Monthly Flow at Gage 06191500 (CFS)	Median of the Mean Monthly Volume at Gage 06191500 (AF)	Physically Available Water at POD (CFS)	Physically Available Water at POD (AF)
January	1191	73103.58	837.3	51393.47	924.09	56720.63
February	1185	68042.70	813.1	46688.20	903.50	51878.98
March	1293	79364.34	907.8	55720.76	1002.27	61519.36

April	1903	113038.20	1496	88862.40	1600.23	95053.79
May	7207	442365.66	6145	377180.10	6425.40	394390.90
June	13315	790911.00	11045	656073.00	11638.22	691310.35
July	7408	454703.04	6418	393936.84	6680.94	410076.26
August	3333	204579.54	2938.5	180365.13	3043.96	186838.22
September	2274	135075.60	1845	109593.00	1956.18	116197.28
October	1916.5	117634.77	1425	87466.50	1548.23	95030.50
November	1637	97237.80	1158	68785.20	1275.82	75783.56
December	1359.5	83446.11	959.6	58900.25	1057.88	64932.59

3.2 Area of Potential Adverse Effect

The Department has considered a potentially impacted reach on the source of supply. This reach was determined by accounting for the location of the proposed project and downstream water users on the Yellowstone River. This reach extends from the POD in Gov't Lot 10, NWSESW Section 34, T6S, R7E, in Park County downstream approximately 15 miles the confluence of Mill Creek and the Yellowstone River in Gov't Lot 8 SWNESE, Section 7, T5S, R9E, in Park County. This is an acceptable area of potential adverse effect as the reach includes several tributaries. The Mill Creek confluence was chosen because Mill Creek is a major tributary to the Yellowstone River as well as a gaged source, so its contributions to the Yellowstone River can be estimated. Water rights within the reach were identified using the Department's Water Right Query System and GIS application Converge. The Department quantified the flow rate and volume of the surface water rights using the following methods:

1. The flow rate and volume for each water right was taken from the face value on the abstract.
2. Water rights without an assigned flow rate or volume were quantified using further analysis:
    a. The adjudication standard of 30 gallons per day per animal unit was used for stock water right volumes.
    b. Stock direct from source/ditch water rights were a assigned a flow rate using 30 gallons per day per animal unit and adding 35 gallons per minute to the result.
    c. Irrigation rights were assigned a volume of 1.47 AF per acre, which is the low range of the Department's standard for diverted volume at 60% efficiency in Climatic Area V[1], per ARM 36.12.115.

[1] The proposed project is within Climatic Area VI: Forested Area. ARM 36.12.115 does not have a use standard for this climatic area, but ARM 36.12.112 has the same use standard for Areas V and VI. Therefore, the low range for Climatic Area V was used for quantifying water right volumes within the Area of Potential Impact.

There are 36[2] water rights within the reach, as illustrated in Appendix A.

Review

This document has been reviewed by the Department on December 13, 2024.

References

Department Standard Practice for Determining Historical Use
Department Standard Practice for Analyzing Area of Potential Adverse Effect
Department Technical Memorandum: Physical Availability of Surface Water with Gage Data (2019)

[2] This includes all water rights in the reach as well as FWP Reservation 43B 30017770.

Appendix A: Water Rights within the Area of Potential Adverse Effect

Appendix A. Water rights within the Area of Potential Adverse

WATER RIGHT NUMBER	ALL OWNERS	MEANS OF DIVERSION	FLOW RATE (GPM)	FLOW RATE (CFS)	VOLUME (AF)	ACRES	ANIMAL UNITS	PRIORITY DATE
43B 193534 00	MURPHYS OX YOKE RANCH LP	LIVESTOCK DIRECT FROM SOURCE	37.22	0.08	3.58	0.00	213.5	3/1/1878
43B 194630 00	JEFFREY T REED	LIVESTOCK DIRECT FROM SOURCE	36.31	0.08	2.11	0.00	62.5	1/1/1890
43B 194631 00	JEFFREY T REED	LIVESTOCK DIRECT FROM SOURCE	36.31	0.08	2.11	0.00	62.5	1/1/1890
43B 143287 00	AUDREY T COLL; GOODMAN RESOURCES LTD	LIVESTOCK DIRECT FROM SOURCE	39.19	0.09	6.74	0.00	200.0	6/1/1890
43B 119332 00	PARK BRANCH WATER USERS ASSOC	HEADGATE	14586.00	32.50	13791.77	7370.00	0.0	4/1/1893
43B 119337 00	PARK BRANCH WATER USERS ASSOC	HEADGATE	132.00	0.29	156.20	0.00	4635.5	4/1/1893
43B 193559 00	MURPHYS OX YOKE RANCH LP	LIVESTOCK DIRECT FROM SOURCE	37.22	0.08	3.58	0.00	213.5	4/14/1893
43B 194419 00	YSR ACQUISITION CO LLC	LIVESTOCK DIRECT FROM SOURCE	46.09	0.10	17.86	0.00	530.0	12/31/1900
43B 23533 00	ESTANCIA 45 NORTH LLC; YELLOWSTONE RIVER RANCH ESTATES LLC	LIVESTOCK DIRECT FROM SOURCE	39.50	0.09	7.24	0.00	215.0	6/5/1905
43B 194634 00	JEFFREY T REED	HEADGATE	682.17	1.52	340.00	50.00	0.0	1/9/1908
43B 196315 00	JEFFREY T REED	DITCH	852.72	1.90	425.00	50.00	0.0	1/9/1908

43B 125043 00	EMIGRANT PEAK RANCH LLC	LIVESTOCK DIRECT FROM SOURCE	42.32	0.09	11.79	0.00	350.0	12/31/1927
43B 194674 00	WEST CREEK RANCH LLC	LIVESTOCK DIRECT FROM SOURCE	41.28	0.09	10.11	0.00	300.0	10/23/1934
43B 131378 00	AARON CAIN; GLENDA CAIN; CHRISTOPHER FANUZZI; GLACIER BANK; WESLEY VENTURES LLC	PUMP	255.82	0.57	22.05	15.00	0.0	11/23/1934
43B 18665 00	STORY RANCH CO	HEADGATE	1822.12	4.06	157.58	107.20	0.0	11/23/1934
43B 194633 00	JEFFREY T REED	PUMP		0.00	0.00	0.00	0.0	11/23/1934
43B 119333 00	PARK BRANCH WATER USERS ASSOC	HEADGATE	112200.00	250.00	55789.00	7370.00	0.0	8/20/1935
43B 119338 00	PARK BRANCH WATER USERS ASSOC	HEADGATE		0.00	156.20	0.00	4635.5	8/20/1935
43B 194673 00	161 HIDDEN VALLEY ROAD LLC	PUMP	4.25		0.37	0.25	0.0	12/31/1935
43B 119351 00	PARADISE CANAL USERS ASSN	HEADGATE	40392.00	90.00	4557.00	3100.00	0.0	3/10/1955
43B 119352 00	PARADISE CANAL USERS ASSN	HEADGATE	59.59	0.13	39.59	0.00	1175.0	3/10/1955
43B 190625 00	WEST CREEK RANCH LLC	HEADGATE	3006.96	6.70	103.78	70.60	0.0	6/24/1968
43B 194349 00	MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS	INSTREAM	538560.00	1200.00	395014.00	0.00	0.0	12/14/1970
43B 194350 00	MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS	INSTREAM	897600.00	2000.00	789234.00	0.00	0.0	12/14/1970

43B 192649 00	MONTANA STATE BOARD OF LAND COMMISSIONERS	PUMP	866.18	1.93	74.97	51.00	0.0	2/14/1973
43B 30009947	G KIMBALL HART; PARK CONSERVATION DIST	PUMP	140.00	0.31	38.00	19.00	0.0	12/15/1978
43B 66332 00	PARK CONSERVATION DIST	PUMP	600.00	1.33	225.00	86.00	0.0	12/15/1978
43B 30017770[3]	MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS	INSTREAM	Various	Various	Various	0	0	12/15/1978
43B 52998 00	CLAIR A ROBERTS	PUMP	50.00	0.11	2.70	1.50	0.0	4/20/1983
43B 30001745	JUDITH POWELL; TIMOTHY POWELL	PUMP	15.00	0.03	2.50	1.00	0.0	4/11/1989
43B 70900 00	ADAM BRITTON; AMBER MARBLE	PUMP	15.00	0.03	1.15	0.07	0.0	4/11/1989
43B 74927 00	BILLIE I KRENZLER; DAN L KRENZLER	PUMP	50.00	0.11	1.25	0.50	0.0	7/13/1990
43B 108829 00	YELLOW RIVER LLC	PUMP	15.00	0.03	1.24	1.00	0.0	7/16/1999
43B 30045005	JOHN L LAKE	PUMP	2001.64	4.46	198.50	95.90	0.0	5/7/2009
43B 30120804	SCOTT W BRADY	PUMP	10.00	0.02	0.00	0.00	0.0	9/13/2018
43B 30152558	JEFFREY C HENRY; JENNY WOLFE	PUMP	30.00	0.06	0.55	0.22	0.0	6/24/2021

[3] Water Reservation No. 43B 30017770 is the FWP reservation for the Yellowstone River from Gardiner to Livingston, enforced at the USGS Gage at Livingston. Though the enforcement point is not in the AOPI, a portion of the reach of the Yellowstone River that water is reserved in lies within the AOPI.

December 13, 2024

Park Conservation District
52442 US Hwy 89 S
Livingston, MT 59047

Subject: Completed Technical Analyses Report for Beneficial Water Use Change Preapplication No. 43B 30164489

Dear Applicant,

As designated on the submitted Preapplication Meeting Form per §85-2-302(3)(b), MCA, the Department of Natural Resources and Conservation (DNRC or Department) has completed the technical analyses for Beneficial Water Use Change Preapplication No. 43B 30164489 based on the information provided in your Preapplication Meeting Form submitted to the Department on October 29, 2024. The technical analyses can be found in the attached report.

This Technical Analyses Report **IS**: A collection of facts that the DNRC has gathered, including content provided in the Preapplication Meeting Form materials. The Department will use these data to analyze the criteria in §85-2- 402, MCA if you submit an application for the project described in the completed Preapplication Meeting Form.

This Technical Analyses Report **IS NOT**: An analysis or discussion of whether the Preapplication Meeting Form as filed meets the criteria (§85-2- 402, MCA).

You have 180 days to submit the Beneficial Water Use Water Right Change Application Form 606 considering the information provided in the technical analyses and Preapplication Meeting Form. If the Application Form is not submitted to the Bozeman Regional Office by 6/11/2025, a new preapplication meeting will be required to process the Application with expedited timelines (ARM 36.12.1302(6)(b)). If any elements described in the submitted Application are changed from that of the submitted Preapplication Meeting Form, the discounted filing fee and expedited timelines will not apply (ARM 36.12.1302(6)(a)). Please note that the technical analyses will expire one year from the date of this letter (ARM 36.12.1302(8)).

Please let me know if you have any questions.

Best,

Kendrew Ellis
Water Resource Specialist
Bozeman Water Resources Office
Kendrew.Ellis@mt.gov

CC:

Mike Sanctuary, Confluence Consulting
msanctuary@confluenceinc.com

Hannah Cantu, Confluence Consulting
hCantu@confluenceinc.com

Deb Stephenson, DMS Natural Resources, LLC, consultant
stephenson@dmsnaturalresources.com

Outlook

[EXTERNAL] Re: Completed Technical Analyses Report for Beneficial Water Use Change Preapplication No. 43B 30164489

From Hannah Cantu <hCantu@confluenceinc.com>
Date Wed 12/18/2024 10:00 AM
To kelly.arterburn@mt.nacdnet.net <kelly.arterburn@mt.nacdnet.net>; Mike Sanctuary <msanctuary@confluenceinc.com>; stephenson dmsnaturalresources.com <stephenson@dmsnaturalresources.com>; Hendrix, Mary <Mary.Hendrix@mt.gov>; Ellis, Kendrew <Kendrew.Ellis@mt.gov>; Reynolds, Lyra <Lyra.Reynolds@mt.gov>

2 attachments (18 KB)
Outlook-osgj3hfn; Outlook-bnzzcn2n;

Good morning, Kelly,

Kendrew and Lyra, thank you again for the clarifying conversation this morning.

I have confirmed that the necessary submission material is Form 606 completed, with the Technical Analysis attached. These documents should be submitted with the $1,000 fee once the applicant has reviewed, approved, and signed the 606 form. It does not matter who sends the form in, as long as it is signed by the applicant.

I am in the process of updating the 606 form and sifting through relevant questions. Once I have the 606 mostly finalized, I will reach out for answers or clarification as needed.

Warm Regards,
Hannah Cantú
Aquatic Biologist

CONFLUENCE CONSULTING

1289 Stoneridge Drive, Bozeman, MT 59718
confluenceinc.com [confluenceinc.com]
Phone*: 406-585-9500, ext. 109*

From: Hannah Cantu <hCantu@confluenceinc.com>
Sent: Tuesday, December 17, 2024 12:32 PM
To: Arterburn, Kelly - FPAC-NRCS, MT <Kelly.Arterburn@mt.nacdnet.net>; Mike Sanctuary <msanctuary@confluenceinc.com>

Subject: Re: Completed Technical Analyses Report for Beneficial Water Use Change Preapplication No. 43B 30164489

Good afternoon, Kelly,

I am working on deciphering that with the DNRC currently (Kendrew Ellis and Mary Hendrix) and I will update you as soon as I have a concrete answer. I am hopeful that they will both confirm next steps prior to end of day.

I am *very tentatively* presuming that the completed 606CD with the DNRC technical analysis provided as an attachment (along with the other documents requested in the 606CD) is what will need to be submitted.

I hope this helps and trust me - I wish I had a 100% answer to give you right away!

Warm Regards,
Hannah Cantú
Aquatic Biologist

CONFLUENCE CONSULTING

1289 Stoneridge Drive, Bozeman, MT 59718
confluenceinc.com [confluenceinc.com]
Phone*: 406-585-9500, ext. 109*

From: Arterburn, Kelly - FPAC-NRCS, MT <Kelly.Arterburn@mt.nacdnet.net>
Sent: Tuesday, December 17, 2024 11:47 AM
To: Hannah Cantu <hCantu@confluenceinc.com>; Mike Sanctuary <msanctuary@confluenceinc.com>
Subject: FW: Completed Technical Analyses Report for Beneficial Water Use Change Preapplication No. 43B 30164489

Good morning,

Can you help me figure out what needs to be submitted?

Thank you,

Kelly Arterburn | District Administrator
PARK CONSERVATION DISTRICT
5242 HWY 89 SOUTH, LIVINGSTON, MT 59047
O: (406) 946-3007 | C: (406) 223-1048 | E: kelly.arterburn@mt.nacdnet.net
www.parkcd.org [us-east-2.protection.sophos.com]

From: Ellis, Kendrew <Kendrew.Ellis@mt.gov>
Sent: Monday, December 16, 2024 1:38 PM
To: Mike Sanctuary <msanctuary@confluenceinc.com>; Hannah Cantu <hCantu@confluenceinc.com>;

stephenson@dmsnaturalresources.com; kelly.arterburn@mt.nacd
Cc: Reynolds, Lyra <Lyra.Reynolds@mt.gov>; Rasmussen, Derek <Derek.Rasmussen@mt.gov>; Strasheim, Kerri <kstrasheim@mt.gov>
Subject: Completed Technical Analyses Report for Beneficial Water Use Change Preapplication No. 43B 30164489

Good Afternoon Kelly,

I apologize for the late email, but I sent this out Friday and typed in the wrong email address.

The Department of Natural Resources and Conservation has completed the technical analyses for Beneficial Water Use Change Preapplication No. **43B 30164489** by the Park Conservation District based on the information provided in the Preapplication Meeting Form submitted to the Department on 10/29/2024. Attached is the Technical Analyses Report and letter that have been sent to the Applicant.

The Applicant has 180 days to submit the Beneficial Water Use Water Right Change Application Form 606 considering the information provided in the technical analyses and Preapplication Meeting Form.

If you have any questions or concerns please reach out.

Best,

Kendrew Ellis

Kendrew Ellis (she/her)| Water Resource Specialist
Bozeman Water Resources Office
Montana Department of Natural Resources and Conservation
2273 Boot Hill Court, Suite 110; Bozeman, MT 59715
DESK: 406-556-4538 **EMAIL**: kendrew.ellis@mt.gov
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How did we do? Let us know here: [forms.office.com] [us-east-2.protection.sophos.com]Feedback Survey [forms.office.com] [us-east-2.protection.sophos.com]

Preapplication Materials

- Preapplication Meeting Request
- Preapplication Meeting Form
- All attachments
- All correspondence prior to application receipt

Preapplication Materials

REQUEST FOR PREAPPLICATION MEETING

ARM 36.12.1302(2)

(Revised 01/2024)

Instructions

Use this optional form to submit a written request for a preapplication meeting, as required in ARM 36.12.1302(2) for applicants electing to complete a preapplication meeting with the department prior to submitting an application for a beneficial water use permit or change in appropriation right pursuant to §85-2-302, MCA. Use additional sheets as necessary.

Submit this form to the appropriate regional office; see contact information on the last page of this form.

For Department Use Only

RECEIVED
AUG 21 2024
DNRC
BOZEMAN WATER RESOURCES

Date Received 8/21/24
Received By LR
Scheduled Meeting Date 9/17/2024

1. Applicant Name Park Conservation District

Mailing Address 5242 US Hwy 89 S

City Livingston State MT Zip 59047

Home Phone 406-946-3007 Other Phone 406-223-1048

Email: kelly.arterburn@mt.nacdnet.net

2. Representative Name (if other than Applicant) Ned Zimmerman - Chair

☐ Representative is Consultant ☐ Representative is Attorney ☒ Representative is Other

Mailing Address 5242 US HWY 89 S

City LIVINGSTON State MT Zip 59047

Home Phone 406-578-2114 Other Phone 406-551-3455

Email: zncattle@gmail.com

3. Are you requesting a preapplication meeting for a permit or change application?

☐ Permit ☒ Change

4. Identify the following elements of the proposed permit or change in appropriation.

a) The flow rate and volume of water required: (See Exhibit D-4, Ammendment to Application March 13, 2024 - inserted below)

Flow Rate _____ ☐ GPM ☐ CFS Volume _____ Acre-Feet

b) The point of diversion:

Point of Diversion #1 ____1/4 ____1/4 SW 1/4 Section 34, Township 6 ☐ N ☒ S, Range 7 ☒ E ☐ W

County Park

Lot/Tract _____ Block_____ Subdivision Name_____

Point of Diversion #2 ____1/4 ____1/4 ____1/4 Section ____, Township _____ ☐ N ☐ S, Range _____ ☐ E ☐ W

County _____

Lot/Tract _____ Block_____ Subdivision Name_____

c) The place of use: (See Appendix A, Section 4)

_____Acres ____ Lot ____ Block_____1/4 _____1/4 _____1/4 Sec ____, Twp ____ ☐ N ☐ S, Rge ____ ☐ E ☐ W

_____Acres ____ Lot ____ Block_____1/4 _____1/4 _____1/4 Sec ____, Twp ____ ☐ N ☐ S, Rge ____ ☐ E ☐ W

_____Acres ____ Lot ____ Block_____1/4 _____1/4 _____1/4 Sec ____, Twp ____ ☐ N ☐ S, Rge ____ ☐ E ☐ W

_____Acres ____ Lot ____ Block_____1/4 _____1/4 _____1/4 Sec ____, Twp ____ ☐ N ☐ S, Rge ____ ☐ E ☐ W

_____Acres ____ Lot ____ Block_____1/4 _____1/4 _____1/4 Sec ____, Twp ____ ☐ N ☐ S, Rge ____ ☐ E ☐ W

d) The source of water: Yellowstone River

e) The proposed purpose: Irrigation

f) For a change in appropriation right, the water right(s) proposed for change:

Type of water right CD Reserved Water Basin 43B Water Right # 10004-R

Type of water right _____ Basin _____ Water Right # _____

Type of water right _____ Basin _____ Water Right # _____

g) For a change in appropriation right, an explanation of historical use of the right(s) proposed for change:

See Ammendment to Application (March 13, 2024 - attached)

h) Any proposed place of storage, if applicable (only if storage capacity is greater than 0.1 acre-feet):

#1 Capacity: Surface Acres _____ x Max Depth (feet) _____ x (.4 for dams/.5 for pits) = _____Acre-Feet

Location: ____1/4 ____1/4 ____1/4 Section ___, Township ___ ☐ N ☐ S, Range ___ ☐ E ☐ W

#2 Capacity: Surface Acres _____ x Max Depth (feet) _____ x (.4 for dams/.5 for pits) = _____Acre-Feet

Location: ____1/4 ____1/4 ____1/4 Section ___, Township ___ ☐ N ☐ S, Range ___ ☐ E ☐ W

#3 Capacity: Surface Acres _____ x Max Depth (feet) _____ x (.4 for dams/.5 for pits) = _____Acre-Feet

Location: ____1/4 ____1/4 ____1/4 Section ___, Township ___ ☐ N ☐ S, Range ___ ☐ E ☐ W

i) For applications proposing a new well or wells, the well depth(s) and location:

New Well #1 ____1/4 ____1/4 ____1/4 Section ____, Township _____ ☐ N ☐ S, Range _____ ☐ E ☐ W

County _____

Lot/Tract _____ Block_____ Subdivision Name_____

Estimated Well Depth _____ Feet

New Well #2 ____1/4 ____1/4 ____1/4 Section ____, Township _____ ☐ N ☐ S, Range _____ ☐ E ☐ W

County _____

Lot/Tract _____ Block_____ Subdivision Name_____

Estimated Well Depth _____ Feet

DMS Natural Resources, LLC
Deborah Stephenson, M.B.A.
602 S. Ferguson Ave., Suite 2
Bozeman, MT 59718
406-600-1422
stephenson@dmsnaturalresources.com

March 13, 2024

Kelly Arterburn, District Administrator
Park County Conservation District (PCCD)
5242 HWY 89 South
Livingston, MT 59047

Re: West Creek Ranch, LLC | Application for Reserved Water Use – Amendment

Dear PCCD,

On November 28, 2023 West Creek Ranch, LLC ("WCR") submitted an Application for Reserved Water Review form 500. This letter is to amend the November 28, 2023 application to: 1, revise the acre counts by legal land description slightly due to two small pivots replacing two wheellines; 2, reduce the requested volume to align with the small decrease in irrigated acres resulting from the footprint of the new pivots compared to the footprint of the original wheel lines; and 3, reduce the requested flow rate to reflect the capacity of the river pumps.

In the near future, WCR plans to replace the west and south wheellines with two small pivots. See enclosed updated maps Exhibit A-4 and Exhibit C-4. AquaTech has indicated that the combined flow rate of the two new pivots will be 450 GPM. The west and south wheel lines had a combined flow rate capacity of 459 GPM. The two new pivots are 3.6 acres smaller than the west and south wheellines. See updated proposed POU by quarter-quarter section, using the 2018 PLSS divisions provided as Exhibit D-4. The minor changes to the acre counts change the volume requirements sightly from the previously requested 162.5 AF to 161.2 AF. See volume calculations below:

- Full-service acres: 35 acres * 2.07 AF/AC = 72.45 AF
- Supplemental acres: 154.6 acres * 2.07 AF/AC * 0.2773 = 88.74 AF
- Total volume = 72.45 AF + 88.74 AF = 161.2 AF (rounded to nearest tenth)

The flow rate originally requested was 4.91 cfs (2,207 GPM). This flow rate was derived by summing the flow rates of each wheelline and pivot pump displayed in Tables 1 and 2 of the November 28, 2023 application (see page 8 of the narrative in the November 28, 2023 application). At that time WCR did not know the flow rate of the two pumps in the Yellowstone River. WCR has since obtained additional information on the river pump capacities from AquaTech. AquaTech designed the capacities of the two pumps in the river as follows:

- 15 HP pump: 620 GPM @ 32#. Western of the two pumps which is the pump on the right-hand side of Figure 2 and shown in Figure 4 (figures in original November 28, 2023 application). The smaller 15 HP pump only supplies the full pivot on the east side of the highway in NW Section 34.
- 25 HP pump: 550 GPM @ 60#. Eastern of the two pumps which is the pump on the left-hand side of Figure 2 and shown in Figure 3 (figures in original November 28, 2023 application). The larger 25 HP pump currently supplies all of the structures *except* the full pivot on the east side of the highway in NW Section 34.

Based on the capacities of the pumps in the river, WCR reduces the requested the flow rate from 4.91 cfs (2,207 GPM) to 2.60 cfs (1,170 GPM).

No additional public notice is necessary as both the requested volume and flow rate are decreasing from the original application and public noticed information. Please contact us with any questions.

Sincerely,

Deborah Stephenson

CC:

Teresa Olson, HydroSolutions

Mike Sanctuary, Confluence Consulting

Terrance Eichhorn, West Creek Ranch, LLC

West Creek Ranch, LLC

Park County, MT

Park County Conservation District Yellowstone River Water Reservation Proposed POU

Exhibit A-4

- West Creek Ranch, LLC Property Border
- Primary PODs
- Secondary Pump Locations
- Ditches
- Pipelines
- Waste Ditch to Yellowstone River

Proposed Yellowstone River POU

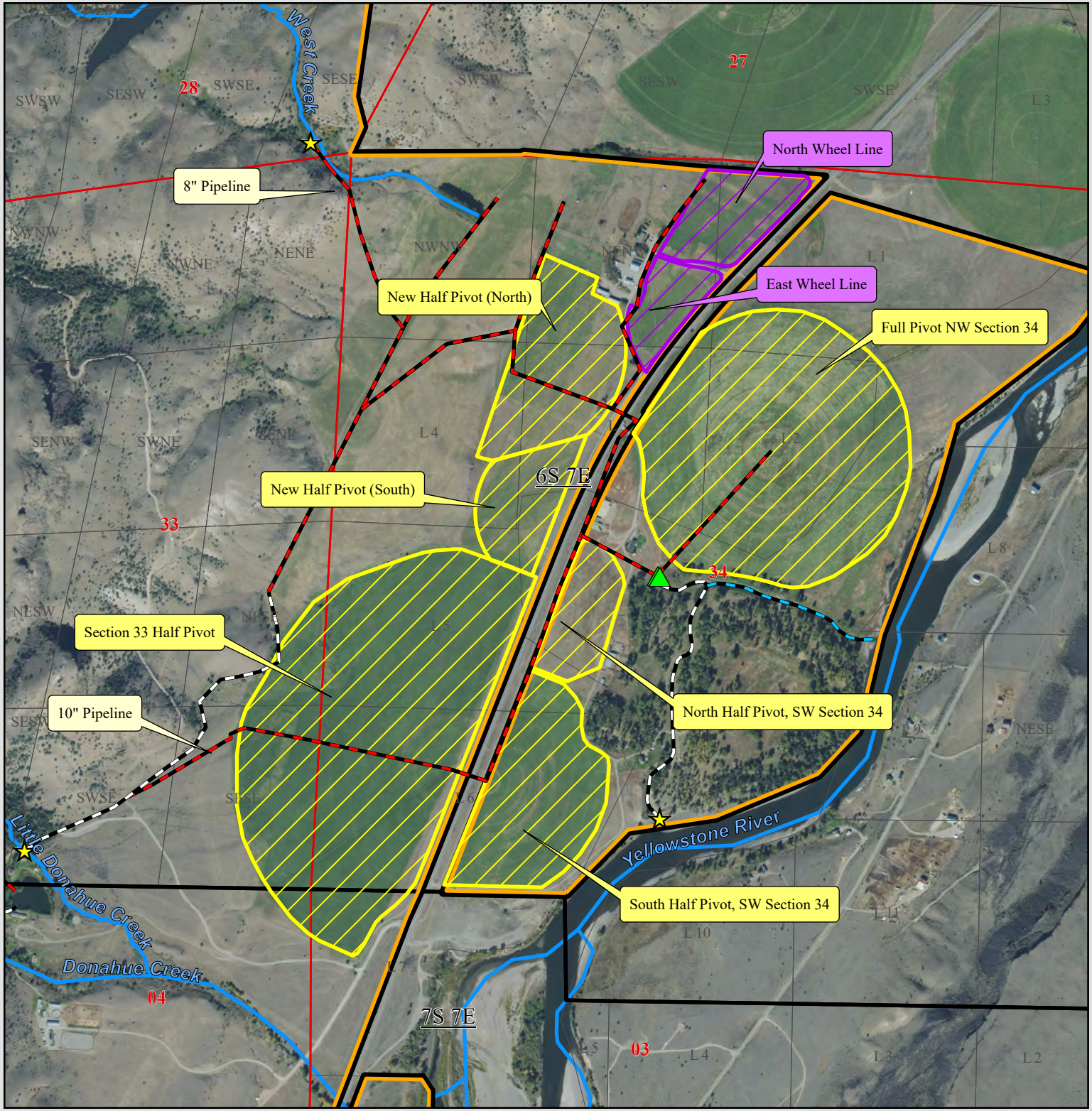
- Pivot
- Wheel Line

Created 3/12/2024
Aerial Imagery: 2021 NAIP

DMS NATURAL RESOURCES

0 0.1 0.2
Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.



West Creek Ranch, LLC

Park County, MT

Park County Conservation District
Yellowstone River Water
POU by Irrigation Type

- West Creek Ranch, LLC Property Border
- Primary PODs
- Secondary Pump Locations
- Ditches
- Pipelines
- Waste Ditch to Yellowstone River

Proposed Irrigation

- Pivot - Full Service Irrigation provided by 43A 190625 00
- Pivot - Proposed full service irrigation from PCCD Yellowstone River water reservation
- Pivot - Proposd supplemental irrigation from PCCD Yellowstone River water reservation
- Wheel Line - Proposed supplemental irrigation from PCCD Yellowstone River water reservation

Created 3/12/2024
Aerial Imagery: 2021 NAIP

DMS NATURAL RESOURCES

0 0.1 0.2
Miles

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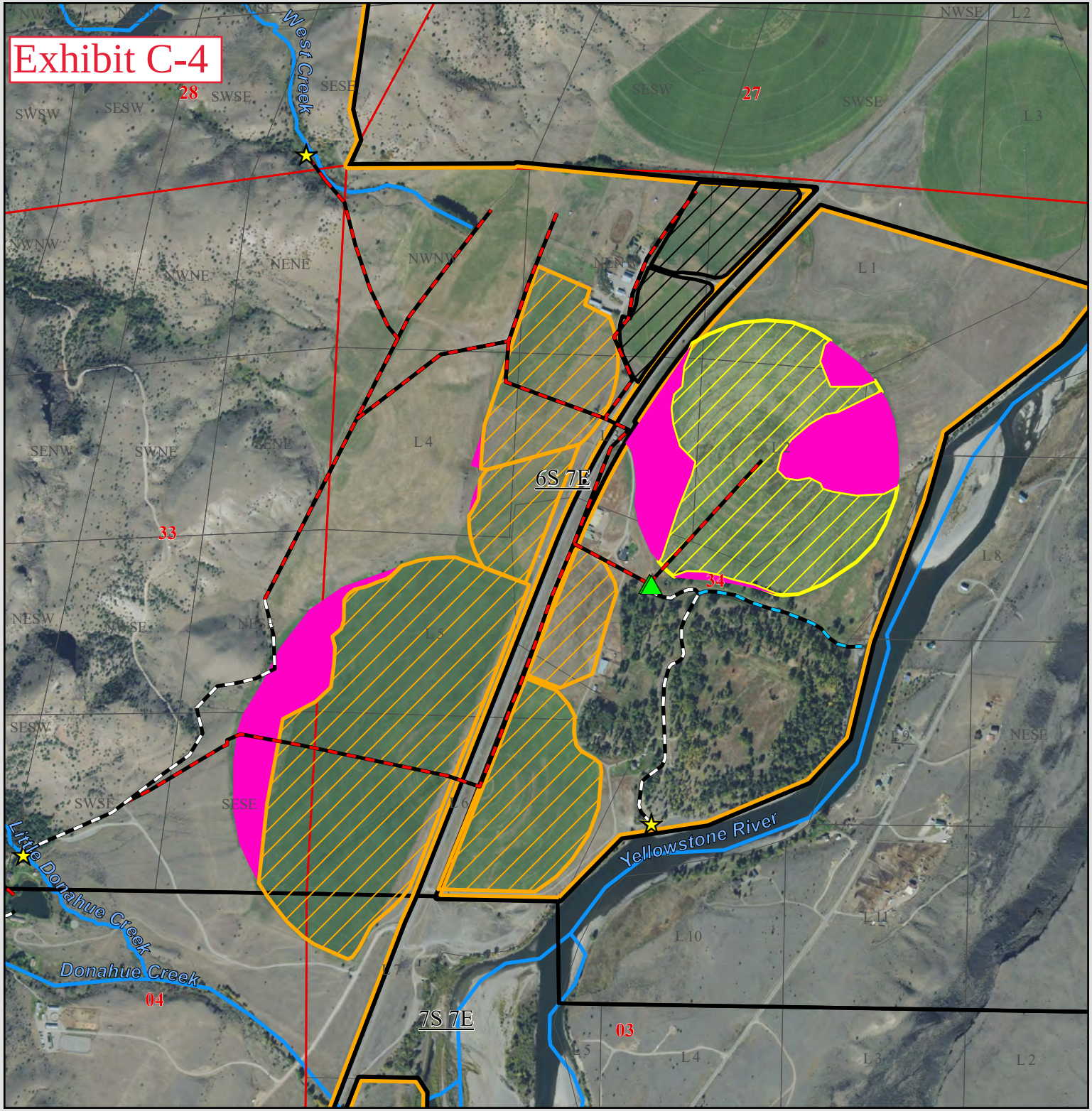

Exhibit D-4

Full Pivot, NW of Section 34	
Proposed Full Service Irrigation from PCCD Yellowstone River Water Reservation	
NE (Lot 1) Section 34, T6S R7E	0.9
NE (Lot 2) Section 34, T6S R7E	6.0
NENW Section 34, T6S R7E	0.1
SENW (Lot 3) Section 34, T6S R7E	7.2
SW (COS 1400, Parcel 4 & 4A, E of HWY) Section 34, T6S R7E*	6.0
Total New Acres	**20.2**

North Half Pivot, Section 34	
Proposed Suplemental Irrigation from PCCD Yellowstone River Water Reservation	
SW (COS 1400, Parcel 4 & 4A, E of HWY) Section 34, T6S R7E*	7.8
N2SW (Lot 5) Section 34, T6S R7E	1
Total Supplemental Acres	**8.8**

South Half Pivot, Section 34	
Proposed Suplemental Irrigation from PCCD Yellowstone River Water Reservation	
N2SW (Lot 5) Section 34, T6S R7E	2.2
S2SW (Lot 6) Section 34, T6S R7E	22.7
Total Supplemental Acres	**24.9**

Section 33 Half Pivot	
Proposed Suplemental Irrigation from PCCD Yellowstone River Water Reservation	
Parcel 1, COS 1391 Sectoin 34, T6S R7E*	0.4
N2SW (Lot 5) Section 34, T6S R7E	28.8
S2SW (Lot 6) Section 34, T6S R7E	28.3
NW (Lot 7) Section 3, T7S R7E	4.8
Govt Tract 38 (Govt Lots 2, 3, S2NW) Section 4, T7S R7E*	1.2
NESE Section 33, T6S R7E	0.1
SESE Section 33, T6S R7E	9.2
Total Supplemental Acres	**72.8**
Proposed Full Service Irrigation from PCCD Yellowstone River Water Reservation	
N2SW (Lot 5) Section 34, T6S R7E	2.5
NESE Section 33, T6S R7E	5.4
SESE Section 33, T6S R7E	6.4
Total New Acres	**14.3**
Total Pivot Acres	**87.1**

New Half Pivot (North)	
Proposed Suplemental Irrigation from PCCD Yellowstone River Water Reservation	
S2NENW Section 34, T6S R7E	7.3
SENWNW Section 34, T6S R7E	0.2
E2SWNW (Lot 4) Section 34, T6S R7E	3.4
NWSENW (Lot 3) Section 34, T6S R7E	10.3
Total Supplemental Acres	**21.2**
Proposed Full Service Irrigation from PCCD Yellowstone River Water Reservation	
E2SWNW (Lot 4) Section 34, T6S R7E	0.3
Total New Acres	**0.3**
Total Pivot Acres	**21.5**

New Half Pivot (South)	
Proposed Suplemental Irrigation from PCCD Yellowstone River Water Reservation	
SESWNW (Lot 4) Section 34, T6S R7E	3
SWSENW (Lot 3) Section 34, T6S R7E	3.2
SW (COS 1400, Parcel 4 & 4A, E of HWY) Section 34, T6S R7E*	2.7
NENWSW (Lot 5) Section 34, T6S R7E	1.5
Total Supplemental Acres	**10.4**
Proposed Full Service Irrigation from PCCD Yellowstone River Water Reservation	
SESWNW (Lot 4) Section 34, T6S R7E	0.2
Total New Acres	**0.2**
Total Pivot Acres	**10.6**

Wheel Lines West of Highway	
Proposed Suplemental Irrigation from PCCD Yellowstone River Water Reservation	
NE (Lot 1) Section 34, T6S R7E	6.5
NENW Section 34, 6S R7E	9.5
SENW (Lot 3) Section 34, T6S R7E	0.5
Total Supplemental Acres	**16.5**

Total Proposed New Pivot Acres	**35.0**
Total Proposed Supplemental Pivot Acres	**138.1**
Total Proposed Supplemental Wheel Line Acres	**16.5**
Total Proposed Acres	**189.6**

*Due to the irregular PLSS divisions around the Yellowstone River on the AMB West property, several portions of the proposed irrigation fall outside of deliniated quarter-quarter sections. In these areas, the property is described based on the legal parcel descriptions obtained from the Montana Cadastral database.

PREAPPLICATION MEETING FORM
CHANGE
§ 85-2-302(3)(b)
Form No. 606P *(Revised 4/2024)*

For Department Use Only

Application # 30164489 Basin 43B
Meeting Date 9/17/2024 Time 1:00 AM/PM
Completed Form Deadline 3/16/2025

RECEIVED
OCT 29 2024
DNRC
Bozeman Water Resources

Completed Form Received
Fee Rec'd $ 500 Check # 2099
Deposit Receipt # DMS250612 3
Payor DMS Natural Resources LLC
Refund $ Date

PREAPPLICATION MEETING FEE
$ 500

FILING FEE REDUCTION & EXPEDITED TIMELINE
An application will be eligible for a filing fee reduction and expedited timelines if the applicant completes a preapplication meeting with the Department (ARM 36.12.1302(1)), which includes submitting any follow-up information identified by the Department (ARM 36.12.1302(3)(c)) and receiving either Department-completed technical analyses or Department review of applicant-submitted technical analyses (ARM 36.12.1302(4) and (5)). An application for the proposed project also must be submitted within 180 days of delivery of Department technical analyses or scientific credibility review and no element on the submitted application can be changed from the completed preapplication meeting form (ARM 36.12.1302(6)).

The Department will fill out Form No. 606P and will identify follow-up during the preapplication meeting. The Department and Applicant will sign the Preapplication Meeting Affidavit and Certification within five business days. Within 180 days of the preapplication meeting, the Applicant will complete identified follow-up on a separate document with the question numbers clearly labeled.

Applicant Information: *Add more as necessary.*
Applicant Name Park Conservation District
Mailing Address 5242 US Hwy 89 S City Livingston State MT Zip 59047
Phone Numbers: Home 406-946-3007 Work Cell 406-223-1048
Email Address kelly.arterburn@mt.nacdnet.net

Applicant Name
Mailing Address City State Zip
Phone Numbers: Home Work Cell
Email Address

Contact/Representative Information: *Add more as necessary.*
Contact/Representative is: ☐ Applicant ☑ Consultant ☐ Attorney ☐ Other (describe)
Contact/Representative Name Mike Sanctuary & Hannah Cantu (Confluence Consulting)
Mailing Address 1289 Stoneridge Dr City Bozeman State MT Zip 59718
Phone Numbers: Home Work 406-585-9500 Cell
Email Address msanctuary@confluenceinc.com hCantu@confluenceinc.com

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.*

Meeting Attendees: *Add more as necessary.*

Name	Organization	Position
Kelly Arterburn	Park CD	District Administrator
Hannah Cantu	Confluence Consulting	Permitting Specialist
Mike Sanctuary	Confluence Consulting	Project Manager
Lyra Reynolds	DNRC	Hydrospecialist
Kendrew Ellis	DNRC	Water Resources Specialist
Kerri Strasheim	DNRC	Regional Manger

PREAPPLICATION MEETING FORM
CHANGE

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Form No. 606P *(Revised 4/2024)*

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Meeting Date 9/17/2024 Time 1:00 AM/PM
Completed Form Deadline 3/16/2025

Completed Form Received _____
Fee Rec'd $ _____ Check # _____
Deposit Receipt # _____
Payor _____
Refund $ _____ Date _____

PREAPPLICATION MEETING FEE

$ 500

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Email Address kelly.arterburn@mt.nacdnet.net

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Mailing Address _____ City _____ State _____ Zip _____
Phone Numbers: Home _____ Work _____ Cell _____
Email Address _____

Contact/Representative Information: *Add more as necessary.*

Contact/Representative is: ☐ Applicant ☑ Consultant ☐ Attorney ☐ Other (describe) _____
Contact/Representative Name Mike Sanctuary & Hannah Cantu (Confluence Consulting)
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Table of Contents

Application Details

The following questions are mandatory and must be filled out before the Preapplication Meeting Form is determined to be complete. Narrative responses that are larger than the space provided can be answered in an attachment. If an attachment is used, mark the see attachment ("A") checkbox on this form and label the attachment with the question number. Constrain narrative responses to the specific question as is asked on the form; do not respond to multiple questions in one narrative. Label units in narrative responses. Responses in the form of a table may be entered into the table provided on this form or in an attachment. Responses in the form of a table that are larger than the table provided on this form should be placed in an attachment. If an attachment is used, the table must have the exact headings found on this form, and the see attachment ("A") checkbox must be marked. For tables in this form, circle correct unit at header of column when faced with a choice of units. For tables in attachments, label all units. Questions that require Applicant to submit items to the Department have a submitted ("S") checkbox, which is marked when the required item is attached to the Preapplication Meeting Form. Label all submitted items with the question number for which they were submitted. For all questions where follow-up is necessary, mark the "F" checkbox in the "Follow-Up" column and write the question number on the "Follow-Up Page".

Questions, Narrative Responses, and Tables	Check-boxes	Follow-Up
1. Do you elect to have DNRC conduct Technical Analyses?	■ Y ☐ N	☐ F
2. Which water right(s) are proposed for change? Include water right number, currently authorized flow rate (GPM or CFS), and flow rate needed for project (GPM or CFS).	☐ A	☐ F

Water Right Number	Current Flow Rate (GPM or CFS)	Flow Rate Needed for Project (GPM or CFS)
43B 10004-R (Water Reservation 43B 1000400)	445.9 CFS	2.6 CFS

3. Is the proposed change on a non-filed water project?	☐ Y ■ N	☐ F
a. If yes, please submit a Non-Filed Water Project Addendum (Form 606/634-NFWPA). The project must meet the requirements of the addendum. The addendum is required before the Preapplication Meeting Form is completed.	☐ S	☐ F
4. How many change applications will be needed for this project? Please refer to ARM 36.12.1305 for more information. one		☐ F
5. Please submit a historical use map created on an aerial photograph or topographic map that shows the following: section corners, township and range, a north arrow, all historical points of diversion (POD) labeled with a unique POD ID letter, all historical places of use (POU), all historical conveyance structures, all historical places of storage, and historical place of	■ S	☐ F

use for all overlapping water rights.		
6. Please submit a proposed use map created on an aerial photograph or topographic map that shows the following: section corners, township and range, a north arrow, all proposed points of diversion labeled with a unique POD ID number, all proposed places of use, all proposed conveyance structures, all proposed places of storage, and proposed place of use for all overlapping water rights.	■ S	☐ F
7. Identify the water right elements proposed for change, with an "X", for each water right proposed for change.	☐ A	☐ F

Water Right #	43B 10004-R						
Point of diversion							
Place of use	x						
Purpose of use							
Place of storage							

8. Does the change involve a change in point of diversion?	☐ Y ■ N	☐ F
a. If yes, describe the proposed location of the new point(s) of diversion to the nearest 10 acres, if source is groundwater (GW) or surface water (SW), source name, and means of diversion (e.g., pump, headgate, well). Label POD ID with the same numbers as the proposed use map (Question 6).	☐ A	☐ F

POD #	**¼**	**¼**	**¼**	**Sec**	**Twp**	**Rge**	**County**	**Lot**	**Block**	**Tract**	**Subdivision**	**Gov Lot**	**GW or SW**	**Source Name**	**Means**

9. Does the change involve a change in place of use?	■ Y ☐ N	☐ F
a. If yes,		
i. What are the geocodes of the proposed place of use?	☐ A	☐ F

49-0431-34-2-01-02-0000	
49-0431-33-3-01-01-0000	

ii. Describe the legal land description of the proposed place of use and, if the water rights being changed will have an irrigation or lawn and garden purpose, list the number of irrigated acres.	☐ A	■ F

Acres	Gov't Lot	¼	¼	¼	Sec	Twp	Rge	County
	Total							

b. Are you proposing to add a place of use on State of Montana Trust Land?	☐ Y ■ N	☐ F
i. If yes, you must submit an Authorization for Temporary Change in Appropriation Right Consent Form from the DNRC Trust Lands Management Division before the Preapplication Meeting Form is complete. A change authorization to add a POU on Trust Land will be temporary for the duration of the lease term. Answer project-specific questions for temporary changes (question 99 to 105).	☐ S	☐ F
10. Does the proposed change include a change in purpose of use? If yes, answer questions 106 to 109 for change in purpose of use.	☐ Y ■ N	☐ F
11. Do you propose to add or modify one or more place(s) of storage (reservoir or pond) with a storage capacity greater than 0.1 acre-feet? If yes, answer questions 110 to 119.	☐ Y ■ N	☐ F
12. Are conveyance ditches used for historical or proposed uses? If yes, answer ditch-specific questions 120 to 126.	■ Y ☐ N	☐ F
13. Do you have ownership of the entire historical POU for the water right(s) being changed?	☐ Y ■ N	☐ F
a. If no,		
i. List the water right(s) for which you do not own the entire historical POU. Water reservation		☐ F
ii. Are the water right(s) listed in question 13.a.i severed from the historical POU?	■ Y ☐ N	☐ F
1. If yes, do you own the entirety of the severed water right(s) proposed for change?	■ Y ☐ N	☐ F

iii.	Are you filing on behalf of another entity? If yes, describe. _____	☐ Y ■ N	☐ F
iv.	Are all owners of the historical place of use willing to sign the application?	■ Y ☐ N	☐ F
Severed Water Reservation is owned by CD, CD is Applicant	1. If no,		
	a. A Form 641 or 642 to split the water right(s) being changed must be received and processed by the Department prior to application submittal	☐ S	☐ F
	b. Describe how the water right(s) will be split, and which part of the split water right(s) will be proposed for change. _____ _____	☐ A	☐ F
14. Is the proposed use temporary? If yes, answer questions 99 to 105 for temporary changes.		☐ Y ■ N	☐ F
15. Is the application to change the purpose of use or place of use of an appropriation of 4,000 or more acre-feet (AF) of water a year and 5.5 or more cubic feet per second (CFS)? If yes, you must submit a Reasonable Use Addendum (Form 606-B) with the application. The reasonable use criteria are found in §85-2-402(4-5), MCA.		☐ Y ■ N	☐ F
16. Will you be transporting water for use outside of Montana? If yes, you will need submit an Out-of-State Use Addendum (Form 600/606- OSA) with the application. The out-of-state use criteria are outlined in §85-2-402(6), MCA.		☐ Y ■ N	☐ F
17. Is the project located in designated sage grouse habitat? If yes, you must have a consultation with and review of your project by the Montana Sage Grouse Habitat Conservation Program. The review letter will be required at application submittal.		☐ Y ■ N	☐ F
18. Does the application include the water marketing purpose? If yes, answer questions 127 to 134 for water marketing. A Water Marketing Purpose Addendum (Form 600/606-WMA) will be required with application submittal.		☐ Y ■ N	☐ F
19. Does the proposed purpose include instream flow? If yes, answer questions 135 to 145 for Instream Flow Changes. A Change to Instream Flow Addendum (Form 606-IFA) will be required with application submittal.		☐ Y ■ N	☐ F
20. Will the proposed use include salvage water? If yes, answer questions 146 to 150 for Salvage Water.		☐ Y ■ N	☐ F

Historical Use

The following questions are mandatory and must be filled out for both Surface Water and Groundwater Applications before the Preapplication Meeting Form is determined to be complete.

Questions, Narrative Responses, and Tables	Check-boxes	Follow-Up
21. What type of water right(s) are proposed for change? Answer question 22 for each Statement of Claim, 23 for each Provisional Permit, and 24 for other types of water rights. Water Reservation	☐ A	☐ F
22. In the table below, write the water right number for each Statement of Claim proposed for change in the "Statement of Claim" column. If there is one or more previous change authorizations, write the application numbers for the change authorizations in the "Previous Change Authorization" column and if there are no previous change authorizations, write "none" instead. Write the date of the Project Completion Notice for each previous change authorization in the "Project Completion Notice" column and if the previous change authorization does not have a Project Completion Notice, write "none" instead. In the "Previous Historical Use Analysis" column, write "full" or "partial" if a historical use analysis was conducted for the previous change authorization, and "none" if no previous historical use analysis was conducted. In the "Use Historical Use Analysis for Current Application" column, write "yes" if the previous historical use analysis will be used for the current application and "no" if a new historical use analysis will be conducted.	☐ A	☐ F

Statement of Claim	Previous Change Authorization	Project Completion Notice	Previous Historical Use Analysis	Use Historical Use Analysis for Current Application

23. In the table below, write the water right number for each Provisional Permit proposed for change in the "Provisional Permit" column. If a Project Completion Notice has been submitted, write the date in the "Project Completion Notice" column, and if no Project Completion Notice has been submitted, write "none" instead. For each Provisional Permit proposed for change, if there are one or more previous change authorizations, write the application number for the change authorizations in the "Previous Change Authorization" column. If there are no previous change authorizations, write "none" in the "Previous Change Authorization" column and "NA" in all the remaining columns. Write the date of the Project	☐ A	☐ F

Completion Notice for each previous change authorization in the "Previous Change Project Completion Notice" column and if the previous change authorization does not have a Project Completion Notice, write "none" instead. In the "Previous Change Historical Use Analysis" column, write "full" or "partial" if a historical use analysis was conducted for the previous change authorization, and "none" if no previous historical use analysis was conducted. In the "Use Historical Use Analysis for Current Application" column, write "yes" if the previous historical use analysis will be used for the current application, "no" if a new historical use analysis will be conducted.

Provisional Permit	Project Completion Notice	Previous Change Authorization	Previous Change Project Completion Notice	Previous Change Historical Use Analysis	Use Historical Use Analysis for Current Application

24. In the table below, write the water right number for each water right with another type proposed for change, the type of water right, and the date of issuance.

☐ A ☐ F

Other Water Right Type Number	Other Water Right Type Description	Date of Issuance
43B 10004-R (43B 1000400)	Water Reservation	12/15/1978

25. Are there previous Montana Water Court approved stipulations, Water Master reports, or prior Montana Water Court or Department decisions related to the water right(s) being changed?

☐ Y ☒ N ☐ F

a. If yes, explain.

☐ A ☐ F

26. Fill in the table below based on ARM 36.12.1902(1) and the information provided in questions 21 to 25. In column "Water Right Number" list all water rights proposed for change. Select one of the three options from column "Historical Use Analysis Options" and fill in the "Information Required for Historical Use" associated with that option. Select "Full Historical Use Analysis NA" only if an unperfected Provisional Permit will be used to serve as historical use in lieu of analysis. If the "Existing Historical Use Analysis" or "Full Historical Use Analysis NA" option is selected, skip to question 42 because this section is complete.

☐ A ☐ F

Water Right No. Proposed for Change	**Historical Use Analysis Option and Information Required for Historical Use**
43B 10004-R	☐ New Historical Use Analysis. Date for new Historical Use Analysis: _____
	☐ Existing Historical Use Analysis. Change authorization number with existing Historical Use Analysis: _____
	■ Full Historical Use Analysis NA. Water right number serving as historical use in lieu of analysis: Unperfected Water Reservation
	☐ New Historical Use Analysis. Date for new Historical Use Analysis: _____
	☐ Existing Historical Use Analysis. Change authorization number with existing Historical Use Analysis: _____
	☐ Full Historical Use Analysis NA. Water right number serving as historical use in lieu of analysis: _____
	☐ New Historical Use Analysis. Date for new Historical Use Analysis: _____
	☐ Existing Historical Use Analysis. Change authorization number with existing Historical Use Analysis: _____
	☐ Full Historical Use Analysis NA. Water right number serving as historical use in lieu of analysis: _____

	☐ New Historical Use Analysis. Date for new Historical Use Analysis: ____________
	☐ Existing Historical Use Analysis. Change authorization number with existing Historical Use Analysis: ____________
	☐ Full Historical Use Analysis NA. Water right number serving as historical use in lieu of analysis: ____________
	☐ New Historical Use Analysis. Date for new Historical Use Analysis: ____________
	☐ Existing Historical Use Analysis. Change authorization number with existing Historical Use Analysis: ____________
	☐ Full Historical Use Analysis NA. Water right number serving as historical use in lieu of analysis: ____________
	☐ New Historical Use Analysis. Date for new Historical Use Analysis: ____________
	☐ Existing Historical Use Analysis. Change authorization number with existing Historical Use Analysis: ____________
	☐ Full Historical Use Analysis NA. Water right number serving as historical use in lieu of analysis: ____________

27. Do you have actual knowledge of historical use? N/A - unperfected water reservation	☐ Y ☐ N	☐ F
a. If yes,		
i. Is this firsthand knowledge?	☐ Y ☐ N	☐ F
ii. Who has this knowledge and what was their role? ____________	☐ A	☐ F

b. If no,		
i. Where will the historical use data be derived? _____ _____	☐ A	☐ F

Historical Use: Place of Use N/A - unperfected Water Reservation

28. The historical use map provided for question 5 must clearly identify the entire place of use for each overlapping water right that intersects the historical place of use. Does your historical use map meet this requirement?	■ Y ☐ N	☐ F
29. Are you proposing to change all water right(s) associated with the historical place of use?	☐ Y ☐ N	☐ F
a. If no, identify the water right(s) associated with the historical place of use that are not included in this application. Provide the priority date for each water right and explain why all overlapping water rights are not included in the application. Include water received via contract from a company, district, or water users' association.	☐ A	☐ F

Water Right No.	Priority Date	Reason Not Included in Change

30. Answer the questions below related to the historical purpose for each of the water right(s) being changed.		
a. Irrigation		
i. Is the water right being changed a Statement of Claim?	☐ Y ☐ N	☐ F
1. If yes,		
a. Does the Water Resources Survey corroborate the acres irrigated listed on the abstract?	☐ Y ☐ N	☐ F
i. If no, provide aerial photograph(s) that can corroborate the historical place of use.	☐ S	☐ F
b. Does the legal land description from the abstract match the actual location of the historical place of use?	☐ Y ☐ N	☐ F
i. If no, provide documentation of a written request submitted to the Water Court for amendment of the Claim as well as information to substantiate the requested amendment.	☐ S	☐ F

2. If no, provide one or more aerial photographs that can corroborate the historical place of use.	☐ S	☐ F
b. Lawn and garden		
i. Provide aerial photographs that can corroborate the historical place of use.	☐ S	☐ F
c. Stock		
i. Provide aerial photographs, grazing records, or other records to corroborate the historical place of use.	☐ S	☐ F
ii. Did the stock drink direct from source or direct from ditch?	☐ Y ☐ N	☐ F
1. If no, provide data sources that make clear the location of the stock watering infrastructure.	☐ S	☐ F
d. Multiple domestic, domestic, municipal, mining, commercial, and other purposes		
i. Provide aerial photographs, deeds, other recorded documents or records, affidavits, or other published documents, such as magazine articles, to corroborate the historical place of use.	☐ S	☐ F

Historical Use: Point of Diversion N/A - unperfected Water Reservation

31. For all historical point(s) of diversion, identify the means, location (¼ ¼ ¼ section), and if they are proposed for change. Label using the same POD ID letter as for the Historical Use Map (question 5).	☐ A	☐ F

POD ID	Means	Location (¼ ¼ ¼ Section)	Proposed for Change?

32. Does the legal land description from the abstract match the actual location of the historical point(s) of diversion?	☐ Y ☐ N	☐ F
a. If no, do you have aerial photograph(s) that clearly show the location of the historical point(s) of diversion?	☐ Y ☐ N	☐ F
i. If yes,		
1. Provide the photograph(s).	☐ S	☐ F
2. Provide an explanation for the discrepancy and, if a Statement of Claim, provide documentation of a written request submitted to the Water Court for amendment of the Claim.	☐ S	☐ F
33. Answer questions below related to the diversion means for each of the historical point(s) of diversion.		
a. Headgate		
i. For each headgate, provide dimensions in feet (FT), slope of the channel at the headgate (%), material of the headgate, estimated historical capacity in gallons per minute (GPM) or CFS and the method used to estimate historical capacity. Label using the same POD ID letter as for the Historical Use Map (question 5).	☐ A	☐ F

POD ID	Dimensions (FT)	Slope (%)	Material	Estimated Capacity (GPM or CFS)	Method

b. Pump, dike, dam, or other surface water point of diversion		
i. For each pump, dike, dam, or other surface water point of diversion, provide an estimate of the historical capacity (GPM or CFS) and the method used to estimate the historical capacity. Label using the same POD ID letter as for the Historical Use Map (question 5).	☐ A	☐ F

POD ID	Estimated Capacity (GPM or CFS)	Method

c. Well, pit, or other groundwater point of diversion		
i. For each well, pit, or other groundwater point of diversion, provide an estimate of the historical capacity (GPM or CFS) and the method used to estimate the historical capacity. Label using the same POD ID letter as for the Historical Use Map (question 5).	☐ A	☐ F

POD ID	Estimated Capacity (GPM or CFS)	Method

34. Do other water rights share the point(s) of diversion?	☐ Y ☐ N	☐ F
a. If yes, list the water rights, their flow rates (GPM or CFS), and the nature of the relationship. Label using the same POD ID letter as for the Historical Use Map (question 5).	☐ A	☐ F

POD ID	Water Right No.	Flow (GPM or CFS)	Relationship

Historical Use: Period of Diversion N/A - unperfected Water Reservation

35. Are the period of diversion and the period of use the same?	☐ Y ☐ N	☐ F
a. If no,		
i. Why are they different? _____ _____	☐ A	☐ F
ii. Is there a place of storage?	☐ Y ☐ N	☐ F
36. When was water diverted for the purpose(s) of the water right(s) being changed?	☐ A	☐ F

Start Date (Month (MM)/Day (DD))	End Date (MM/DD)

37. Does the Department have a standard, found in ARM 36.12.112, for the period of diversion for the purposes for which water is used?	☐ Y ☐ N	☐ F
a. If yes, does the period of diversion fall within Department standards?	☐ Y ☐ N	☐ F
b. If no or if the period of diversion falls outside Department standards, explain how the period of diversion is reasonable for the purpose. _____ _____ _____ _____	☐ A	☐ F
38. If the water right(s) being changed have an irrigation purpose, answer the following questions.		
a. What were the crop(s) grown? _____		☐ F

i. If the crop(s) grown include hay, how many cuttings were there per season and how many days did they last? _____		☐ F
b. Did diversions ever temporarily cease within the period of use? This may include water shortages or calls based on priority date.	☐ Y ☐ N	☐ F
i. If yes, please explain. _____ _____ _____	☐ A	☐ F

Historical Use: Historical Diverted Volume N/A - unperfected Water Reservation

39. Answer the questions below related to the historical purposes of the water rights being changed.		
a. Irrigation		
i. Do you want ARM 36.12.1902(11) to be used to calculate historical diverted volume?	☐ Y ☐ N	☐ F
1. If no, provide a Historical Water Use Addendum (Form 606-HUA). Form 606-HUA must be submitted to the Department before the Preapplication Meeting Form is completed.	☐ S	☐ F
b. Non-irrigation		
i. How often was water historically diverted? _____		☐ F
ii. What was the duration of each historical diversion? _____		☐ F
iii. Was wastewater historically discharged? If yes, what amount was discharged? _____	☐ Y ☐ N	☐ F
iv. What is the volume of water historically diverted (AF)? _____		☐ F
v. How did you determine the volume of water historically diverted? _____ _____ _____	☐ A	☐ F
vi. Did the historical diverted volume serve more than one purpose of use?	☐ Y ☐ N	☐ F

1. If yes, how much of the diverted volume served each purpose of use and how did you determine this? _____ _____ _____ _____	☐ A	☐ F

Historical Use: Historical Consumed Volume N/A - unperfected Water Reservation

40. Answer the questions below related to the historical purpose of the water rights being changed.		
a. Irrigation		
i. Will you use Department standards for historical consumptive use as defined in ARM 36.12.1902?	☐ Y ☐ N	☐ F
1. If no,		
a. What method will you use to determine historical consumptive use? _____ _____	☐ A	☐ F
b. Provide a Historical Water Use Addendum (Form 606-HUA) to the Department. Form 606-HUA must be submitted to the Department before the Preapplication Meeting Form is completed.	☐ S	☐ F
2. If yes,		
a. What is the historical irrigation method type and subtype? Irrigation method types include flood and sprinkler. Flood irrigation subtypes include level border, graded border, furrow, contour ditch, or wild flood. Sprinkler subtypes include wheel line and center pivot. _____ _____	☐ A	☐ F
b. What was the slope of the historical place of use? _____		☐ F
c. Are there any factors beyond irrigation method type/subtype and place of use slope that may influence percent efficiency of irrigation?	☐ Y ☐ N	☐ F
i. If yes, provide evidence to support the modified percent efficiency of irrigation in the Historical Water Use Addendum (Form 606-HUA). These factors may include infrastructure age, soil characteristics, or field improvements. Form 606-HUA must be submitted to the Department before the Preapplication Meeting Form is	☐ S	☐ F

completed.		
d. Based on answers to the above questions, what is the percent efficiency of irrigation? _____		☐ F
e. What is the County Management Factor? _____		☐ F
f. What is evapotranspiration (ET) based on the irrigation method and county? _____		☐ F
g. What percent of applied water are irrecoverable losses per ARM 36.12.1902(17)? _____		☐ F
h. Do other water rights supplement or overlap the historical place of use that contribute to the irrigation water demand?	☐ Y ☐ N	☐ F
i. If yes,		
1. How were the water rights operated to serve the irrigation purpose? _____ _____ _____ _____ _____ _____ _____	☐ A	☐ F
2. For each supplemental or overlapping water right, please list the average period of diversion and use (MM/DD-MM/DD), flow rate (GPM or CFS), and the volume of water (AF) contributed to the total irrigation water demand.	☐ A	☐ F

Water Right No.	Avg. Period of Diversion (MM/DD-MM/DD)	Avg. Period of Use (MM/DD-MM/DD)	Flow Rate (GPM or CFS)	Volume Contributed (AF)

b. Lawn and garden		
i. Will you use the Department standards for historical consumptive use volume for lawn and garden? Department standards include 2.5 acre-feet per acre, or a calculated volume based on Irrigation Water Requirements for turf grass.	☐ Y ☐ N	☐ F
1. If yes, which standard? _____		☐ F
2. If no, please provide an estimate of historical water use based on expert analysis and methods used to determine this estimate. _____ _____	☐ A	☐ F
c. Stock		
i. Which volume standard for animal units applies to historical use and why? The standards are either 15 or 30 gallons per animal unit per day. _____		☐ F
ii. How many animal units were historically served? _____		☐ F
iii. Did these animal units rely entirely on the water right(s) proposed for change for their full water demand?	☐ Y ☐ N	☐ F
1. If no, explain. _____ _____	☐ A	☐ F
d. Domestic and multiple domestic		
i. How many households were served? _____		☐ F
ii. Will the Department standard of 1 acre-foot per household be used? The same standard shall be applied to historical and proposed uses.	☐ Y ☐ N	☐ F
1. If no, what standard will be used? _____		☐ F
iii. Did the historical use include wastewater disposal and treatment?	☐ Y ☐ N	☐ F

1. If yes, which of the following best describes the wastewater disposal and treatment system? Individual drain fields, central treatment facility with minimal consumption, or evaporation basin or land application? _____	☐ A	☐ F
e. Municipal		
i. What is the volume of water (AF) historically consumed for municipal purposes? _____		☐ F
ii. Provide evidence to support historical municipal use such as commercial, lawn and garden, and/or multiple domestic uses. The data sources may include records that tie water use to the U.S Census, estimates of historical system capacity and estimates of leakage.	☐ S	☐ F
f. Other		
i. What is the volume of water (AF) historically consumed for other purposes? _____		☐ F
ii. Please submit to the Department evidence to support the volume of water historically consumed.	☐ S	☐ F

Historical Use: Historical Places of Storage

41. Did the historical use include one or more place(s) of storage, which may include reservoirs, ponds, and pits that are greater than 0.1 acre-feet in volume?	☐ Y ■ N	☐ F
a. If yes, for each historical place of storage please provide the surface area in acres (AC), capacity (AF), annual net evaporation (FT/year), and number of times per year the place of storage was filled.	☐ A	☐ F

ID	Surface Area (AC)	Capacity (AF)	Annual Net Evaporation (FT/YR)	# of Annual Fillings

Surface Water

■ **Applicable**, move on to question 42. ☐ **Not Applicable**, skip to question 67.

The following questions are mandatory for changes to surface water rights and must be filled out before the Preapplication Meeting Form is determined to be complete.

Surface Water: Return Flow Analysis

Questions, Narrative Responses, and Tables	Check-boxes	Follow-Up
42. Do the purposes of the water rights proposed for change include irrigation? N/A - Unperfected Water Reservation	☐ Y ☐ N	☐ F
a. If yes, does the proposed change include a change in place of use *and/or* a change in purpose? A change in place of use includes retiring acres in the historical place of use and adding any new acres outside the historical place of use.	☐ Y ☐ N	☐ F
i. If yes, a return flow analysis is required. Move on to answer question 43.		
ii. If no, this section is complete, and you may skip to question 51.		
43. Does the proposed change include a change in purpose?	☐ Y ■ N	
a. If yes, what is the consumptive use for the proposed non-irrigation purpose? Please explain. _____	☐ A	☐ F
44. Does the proposed change include a change in place of use? If yes, move on to question 45. If no, this section is complete, and you may skip to question 51.	■ Y ☐ N	
45. Provide a map showing the historical and proposed places of use created on an aerial photograph or topographic map with section corners, township and range, and a north arrow.	■ S	☐ F
46. How many acres, if any, will be retired from the historical place of use? 0		☐ F
47. Are irrigated acres proposed that are outside the historical place of use?	■ Y ☐ N	☐ F
a. If yes,		
i. How many acres? _____		■ F

*Proposed use volume calculated using sprinkler irrigation for Climatic Area 4 ARM 36.12.115 (per CD approval)

ii. What is the proposed irrigation method type (e.g., flood or sprinkler) and subtype (e.g., level border, graded border, furrow, contour ditch, wild flood, center pivot, or wheel line) for the new acres? wheeline & pivot		☐ F
iii. What is the slope of the new place of use? N/A		☐ F
iv. Based on 47.a.ii to 47.a.iii, what is the percent efficiency of irrigation for the new acres? 70% - sprinkler efficiency		☐ F
v. What is the County Management Factor for the new acres? N/A		☐ F
vi. What is the ET based on the irrigation method and county for the new acres? sprinkler IWR per CD approval		☐ F
vii. What percent of applied water are irrecoverable losses for new acres per ARM 36.12.1902(17)? 10% for pivot & 5% for wheeline (using 36.12.115 for volume)		☐ F
viii. Do other water rights supplement or overlap the new place of use that contribute to the irrigation water demand?	■ Y ☐ N	☐ F
1. If yes,		
a. How will the water rights be operated to serve the irrigation purpose? See CD approval attached for supplemental explanation	■ A	☐ F
b. For each supplemental or overlapping water right, please list the average period of diversion and use (MM/DD-MM/DD), flow rate (GPM or CFS), and the volume of water (AF) contributed to the total irrigation water demand.	■ A	☐ F

Water Right No.	Avg. Period of Diversion (MM/DD-MM/DD)	Avg. Period of Use (MM/DD-MM/DD)	Flow Rate (GPM or CFS)	Volume Contributed (AF)

48. Do you have information for the Department to consider about the source and location where return flows historically accrued? N/A - return flow analysis not applicable	☐ Y ☐ N	☐ F
a. If yes, explain.	☐ A	☐ F
49. Based on the preliminary data provided by the Department at this preapplication meeting, to what surface water sources do return flows accrue before and after the proposed change? **Return flow data provided by the Department at the preapplication meeting is preliminary and is subject to change during the Technical Analysis.* N/A return flow analysis not applicable	☐ A	☐ F
50. If an analysis of impacts to identified surface water rights is required as part of the return flow analysis, pursuant to ARM 36.12.1303(3)(c)(iii), do you elect to answer non-mandatory questions 161 to 163 to provide information required for this extended return flow analysis? N/A - return flow analysis not applicable	☐ Y ☐ N	☐ F
a. If yes, go to question 161. If an analysis of impacts to identified surface water rights is required, this information will be used for the analysis.		
b. If no, did you elect in question 1 for the Department to conduct technical analyses?	☐ Y ☐ N	☐ F
i. If yes, do you elect for the Department to use publicly available water quantity data for the analysis of impacts to identified surface water rights? If the extended return flow analysis is required and sufficient publicly available water quantity data is not available, then the Department will not be able to conduct the extended analysis. You will still have to prove a lack of adverse effect from the proposed change.	☐ Y ☐ N	☐ F
ii. If no, an analysis of impacts to identified surface water rights will need to be completed as part of the extended return flow analysis. The Department will include the extended analysis in its scientific credibility review of the Technical Analyses.		

Surface Water: Mitigation Analysis

51. Are you changing the purpose to mitigation to meet the criteria of issuance for another application? If yes, answer the questions in this section (questions 52 to 60). If no, this section is complete, and you can skip to question 61.	☐ Y ■ N	☐ F

52. Identify the water right(s) proposed for change to a mitigation purpose, the water right(s) identified as needing mitigation and the application number for the water right(s) identified as needing mitigation. _____	☐ A	☐ F
53. What source(s) have been identified as needing mitigation water? _____		☐ F
54. By what means will mitigation water be made available (e.g., infiltration gallery, water left instream)? You must provide a copy of all relevant discharge permits at application submittal (§85-2-364, MCA). _____ _____ _____	☐ A	☐ F
55. What is the location (¼ ¼ ¼ section of start and end of reach) and length (FT) of the mitigation reach? _____		☐ F
56. What is the amount, timing, and location (¼ ¼ ¼ section) of water needed for mitigation?	☐ A	☐ F

Month	Days	Amount	Location	Month	Days	Amount	Location
January				July			
February				August			
March				September			
April				October			
May				November			
June				December			

57. How do the priority dates of the water rights proposed for change to mitigation compare to other water rights on the source? _____ _____ _____	☐ A	☐ F
58. Do you have measurement records or Water Commissioner records that show the reliability of the water right(s) proposed for change to a mitigation purpose?	☐ Y ☐ N	☐ F

a. If yes, describe and submit them to the Department. _____ _____ _____ _____	☐ S	☐ F
59. Do the water rights proposed for change to mitigation have a period of use that is greater than or equal to the period when mitigation is necessary?	☐ Y ☐ N	☐ F
a. If no, how will mitigation water be made available during the entire period when mitigation is necessary? _____ _____	☐ A	☐ F
60. Will other water rights contribute to mitigation water?	☐ Y ☐ N	☐ F
a. If yes, what amount, at what timing, and at which location (¼ ¼ ¼ section) will they contribute?	☐ A	☐ F

Month	Days	Amount	Location	Month	Days	Amount	Location
January				**July**			
February				**August**			
March				**September**			
April				**October**			
May				**November**			
June				**December**			

Surface Water: Aquifer Recharge Analysis

61. Are you changing the purpose to aquifer recharge to serve a current purpose or changing the purpose to marketing for mitigation/aquifer recharge for a future mitigation purpose? If yes, answer the questions in this section (questions 62 to 66). If no, this section is complete, and you can skip to question 67.	☐ Y ■ N	☐ F
62. Is this aquifer recharge for a current mitigation need or marketing for mitigation/aquifer recharge for a future mitigation need? _____		☐ F
63. What sources have been identified as having net depletions in need of mitigation or as benefiting from marketing for mitigation/aquifer recharge water? _____		☐ F

64. By what means will aquifer recharge water be made available? You must provide a copy of all relevant discharge permits at application submittal (§85-2-364, MCA). _____ _____ _____ _____ _____	☐ A	☐ F
65. How do the priority dates of the water rights proposed for change to aquifer recharge compare to other water rights on the source? _____ _____ _____	☐ A	☐ F
66. Do you have measurement records or Water Commissioner records that show the reliability of the water rights proposed for change to aquifer recharge?	☐ Y ☐ N	☐ F
a. If yes, describe and submit them to the Department. _____ _____ _____ _____	☐ S	☐ F

Groundwater

☐ **Applicable**, move on to question 67. ■ **Not Applicable**, skip to question 99.

The following questions are mandatory for changes to groundwater rights and must be filled out before the Preapplication Meeting Form is determined to be complete.

Groundwater: Adequacy of Diversion

Questions, Narrative Responses, and Tables	Check-boxes	Follow-Up
67. What is the flow rate (GPM or CFS), volume (AF), and period of diversion (MM/DD-MM/DD) required at each new groundwater point of diversion? Label using the same POD ID number as the Proposed Use Map (question 6) to match this information with the location information.	☐ A	☐ F

POD #	Flow Rate (GPM or CFS)	Volume (AF)	Period of Diversion (MM/DD-MM/DD)

68. Will the monthly pumping schedule differ from an allocation of diverted volume by the number of days in the month for year-round uses or the IWR 80% net irrigation requirements for irrigation/lawn & garden uses (IWR, NRCS 2003)?	☐ Y ☐ N	☐ F
a. If yes, provide the monthly pumping schedule in the table below. Label using the same POD ID number as the Proposed Use Map (question 6).	☐ A	☐ F

Month	POD #	Volume (AF)	Month	POD #	Volume (AF)
January			**July**		
February			**August**		
March			**September**		
April			**October**		
May			**November**		
June			**December**		

69. Answer the following questions specific to the means of groundwater diversion.					
Well/Pit	Questions 70 to 71	**Developed Spring**	Question 72	**Pond**	Questions 73 to 76

Groundwater: Adequacy of Diversion: Well/Pit

☐ Applicable ☐ Not Applicable

70. Have you submitted a completed Form 633 to DNRC for review?	☐ Y ☐ N	☐ F
a. If no, submit Form 633 to DNRC for review. Form 633 is required by the time the Preapplication Meeting Form is deemed complete.	☐ S	☐ F
b. If yes, did the Department identify deficiencies?	☐ Y ☐ N	☐ F
1. If yes, are variances from ARM 36.12.121 needed?	☐ Y ☐ N	☐ F
a. If yes,		
i. Do you have data for aquifer characteristics?	☐ Y ☐ N	☐ F
1. If yes, provide the data to the Department.	☐ S	☐ F
ii. Have you submitted Form 653 to the Department?	☐ Y ☐ N	☐ F
1. If yes, was the variance granted?	☐ Y ☐ N	☐ F
71. Have all the wells/pits been constructed?	☐ Y ☐ N	☐ F
a. If yes, provide a map with the location of each well/pit labeled, the well/pit depth, and, if available, the GWIC ID. Create map on an aerial photograph or topographic map and include the following: well/pit location, well/pit depth, GWIC ID (if available), section corners, township and range, and a north arrow.	☐ S	☐ F
b. If no,		
i. When will the wells/pits be constructed? _____		☐ F
ii. Do you have an initial map with the proposed location of wells/pits?	☐ Y ☐ N	☐ F
1. If yes, provide an initial map to the Department. Create map on an aerial photograph or topographic map and include the following: proposed well/pit location, section corners, township and range, and a north arrow.	☐ S	☐ F
iii. What is the anticipated depth for each new well/pit? Label on the initial map if the proposed location is known. Otherwise provide the depth(s) here: _____ _____	☐ S	☐ F
iv. Is the requested volume for each new well/pit known?	☐ Y ☐ N	☐ F
1. If no, what is the total requested volume (AF) and the number of new PODs? _____		☐ F

Groundwater: Adequacy of Diversion: Developed Spring

☐ Applicable ☐ Not Applicable

72. Have you measured the source?	☐ Y ☐ N	☐ F
a. If yes,		
i. Submit measurements to the Department.	☐ S	☐ F
ii. With what method were measurements collected? _____ _____	☐ A	☐ F
iii. What is the interval of measurements? _____		☐ F
iv. Is the interval of measurements sufficient to comply with ARM 36.12.1703(1)?	☐ Y ☐ N	☐ F
b. If no, or if measurements do not comply with ARM 36.12.1703(1),		
i. When do you plan to measure? _____		☐ F
ii. With what method and at what interval will measurements be collected? _____ _____	☐ A	☐ F

Groundwater: Adequacy of Diversion: Pond

☐ Applicable ☐ Not Applicable

73. Have you submitted Form 653 to apply for a variance from ARM 36.12.121 for the Aquifer Test?	☐ Y ☐ N	☐ F
a. If yes, did the Department approve the variance request?	☐ Y ☐ N	☐ F
74. Submit pond bathymetry data, survey, or engineering plans to the Department.	☐ S	☐ F
75. Submit a map identifying the location of the proposed pond to the Department. Create map on an aerial photograph or topographic map and include the following: pond location, section corners, township and range, and a north arrow.	☐ S	☐ F
76. If you are conducting Technical Analyses, what is your plan to determine depth, surface area, and net evaporation of the pond? If the Department is conducting Technical Analyses, write N/A. _____ _____	☐ A	☐ F

Groundwater: Adverse Effect to Existing Groundwater Rights

All information to calculate the one-foot drawdown contour was collected in previous questions.

Groundwater: Adverse Effect to Surface Water Rights

Groundwater: Adverse Effect to Surface Water Rights: Surface Water Depletion Analysis

77. Does the proposed change include a change in point of diversion or a change in place of use or purpose that will lead to a change in consumptive use or pumping schedule? If you do not know if a change in place of use or purpose will lead to a change in consumptive use or pumping schedule, work through this with the Department. If yes, a surface water depletion analysis is required; move on to question 78. If no, this section is complete; skip to question 80.	☐ Y ☐ N	☐ F
78. Based on the preliminary data provided by the Department at this preapplication meeting, what are the hydraulically connected surface water sources before and after the proposed change? **Net depletion data provided by the Department at the preapplication meeting is preliminary and is subject to change during the Technical Analysis.* _____ _____ _____ _____	☐ A	☐ F
79. If an analysis of impacts to identified surface water rights is required as part of the surface water depletion analysis, pursuant to ARM 36.12.1903(2)(f), do you elect to answer non-mandatory questions 166 to 168 to provide information required for this extended surface water depletion analysis?	☐ Y ☐ N	☐ F
a. If yes, go to question 166. If an analysis of impacts to identified surface water rights is required for the surface water depletion analysis, this information will used for the analysis.		
b. If no, did you elect in question 1 for the Department to conduct technical analyses?	☐ Y ☐ N	☐ F
i. If yes, do you elect for the Department to use publicly available water quantity data for the analysis of impacts to identified surface water rights for the surface water depletion analysis? If this extended surface water depletion analysis is required and sufficient publicly available water quantity data is not available, then the Department will not be able to conduct the extended surface water depletion analysis. You will still have to prove a lack of adverse effect from the proposed change.	☐ Y ☐ N	☐ F
ii. If no, you may still include the analysis of impacts to identified surface water rights with the surface water depletion analysis. The Department will include the extended analysis in its scientific credibility review of the Technical Analyses.		

80. Do the purposes of the water rights proposed for change include irrigation?	☐ Y ☐ N	☐ F
a. If yes, does the proposed change include a change in place of use *and/or* a change in purpose? A change in place of use includes retiring acres in the historical place of use and adding any new acres outside the historical place of use.	☐ Y ☐ N	☐ F
i. If yes, a return flow analysis is required. Move on to answer question 81.		
ii. If no, this section is complete, and you may skip to question 89.		
81. Does the proposed change include a change in purpose?	☐ Y ☐ N	
a. If yes, what is the consumptive use for the proposed non-irrigation purpose? Please explain. _____ _____ _____ _____ _____ _____	☐ A	☐ F
82. Does the proposed change include a change in place of use? If yes, move on to question 83. If no, this section is complete, and you may skip to question 89.	☐ Y ☐ N	
83. Provide a map showing the historical and proposed places of use. Create map on an aerial photograph or topographic map that shows the following: section corners, township and range, and a north arrow.	☐ S	☐ F
84. How many acres, if any, will be retired from the historical place of use? _____		☐ F
85. Are irrigated acres proposed that are outside the historical place of use?	☐ Y ☐ N	☐ F
a. If yes,		
i. How many acres? _____		☐ F
ii. What is the proposed irrigation method type and subtype (e.g., level border, graded border, furrow, contour ditch, or wild flood) for the new acres? _____		☐ F
iii. What is the slope of the new place of use? _____		☐ F
iv. Based on question 85.a.ii to 85.a.iii, what is the percent efficiency of irrigation for the new acres? _____		☐ F

v. What is the County Management Factor for the new acres? _____		☐ F
vi. What is the ET based on the irrigation method and county for the new acres? _____		☐ F
vii. What percent of applied water are irrecoverable losses for new acres? _____		☐ F
viii. Do other water rights supplement or overlap the new place of use that contribute to the irrigation water demand?	☐ Y ☐ N	☐ F
1. If yes,		
a. How will the water rights be operated to serve the irrigation purpose? _____ _____ _____ _____ _____ _____ _____	☐ A	☐ F
b. For each supplemental or overlapping water right, please list the average period of diversion and use (MM/DD-MM/DD), flow rate (GPM or CFS), and the volume of water (AF) contributed to the total irrigation water demand.	☐ A	☐ F

Water Right No.	Avg. Period of Diversion (MM/DD-MM/DD)	Avg. Period of Use (MM/DD-MM/DD)	Flow Rate (GPM or CFS)	Volume Contributed (AF)

86. Do you have information for the Department to consider about the source and location where return flows historically accrued?	☐ Y ☐ N	☐ F

a. If yes, explain. _____ _____ _____	☐ A	☐ F
87. Based on the preliminary data provided at this preapplication meeting, to what surface water sources will return flows accrue before and after the proposed change? **Return flow data provided by the Department at the preapplication meeting is preliminary and is subject to change during the Technical Analysis.* _____ _____ _____	☐ A	☐ F
88. If an analysis of impacts to identified surface water rights is required as part of the return flow analysis, pursuant to ARM 36.12.1303(5)(d)(iii), do you elect to answer non-mandatory questions 161 to 163 to provide information required for this extended analysis?	☐ Y ☐ N	☐ F
a. If yes, go to question 161. If an analysis of impacts to identified surface water rights is required as part of the return flow analysis, this information will used for the analysis.		
b. If no, did you elect in question 1 for the Department to conduct technical analyses?	☐ Y ☐ N	☐ F
i. If yes, do you elect for the Department to use publicly available water quantity data for the analysis of impacts to identified surface water rights? If this extended return flow analysis is required and sufficient publicly available water quantity data is not available, then the Department will not be able to conduct the extended analysis. You will still have to prove a lack of adverse effect from the proposed change.	☐ Y ☐ N	☐ F
ii. If no, an analysis of impacts to identified surface water rights will need to be completed as part of the return flow analysis. The Department will include the extended analysis in its scientific credibility review of the Technical Analyses.		

Groundwater: Mitigation

89. Do you require mitigation water to meet the criteria of issuance for this change application or for a different application? If yes, answer the questions in this section (questions 90 to 98). If no, this section is complete, and you can skip to question 99.	☐ Y ☐ N	☐ F
90. Please identify the water rights proposed for change to a mitigation purpose and the water rights identified as needing mitigation. _____	☐ A	☐ F

91. What sources have been identified as needing mitigation water? _____		☐ F
92. By what means will mitigation water be made available? _____ _____	☐ A	☐ F
93. What is the location (¼ ¼ ¼ section of start and end of reach) and length (feet) of the mitigation reach? _____		☐ F
94. What is the amount, timing, and location (¼ ¼ ¼ section) of water needed for mitigation?	☐ A	☐ F

Month	Days	Amount	Location	Month	Days	Amount	Location
January				**July**			
February				**August**			
March				**September**			
April				**October**			
May				**November**			
June				**December**			

95. How do the priority dates of the water rights proposed for change to mitigation compare to other water rights on the source? _____ _____	☐ A	☐ F
96. Do you have measurement records or Water Commissioner records that show the reliability of the water right(s) proposed for change to a mitigation purpose?	☐ Y ☐ N	☐ F
a. If yes, describe and submit them to the Department. _____ _____ _____	☐ S	☐ F
97. Do the water rights proposed for change to mitigation have a period of use that is greater than or equal to the period when mitigation is necessary?	☐ Y ☐ N	☐ F

a. If no, how will mitigation water be made available during the entire period when mitigation is necessary?	☐ A	☐ F
98. Will other water rights contribute to mitigation water?	☐ Y ☐ N	☐ F
a. If yes, what amount, at what timing, and at which location (¼ ¼ ¼ section) will they contribute?	☐ A	☐ F

Month	Days	Amount	Location (¼ ¼ ¼ Section)	Month	Days	Amount	Location (¼ ¼ ¼ Section)
January				**July**			
February				**August**			
March				**September**			
April				**October**			
May				**November**			
June				**December**			

Project-Specific Questions

The following questions are mandatory when applicable and must be filled out before the Preapplication Meeting Form is determined to be complete.

Temporary Change

Questions, Narrative Responses, and Tables	Check-boxes	Follow-Up
99. Does the proposal include a temporary change? If yes, please answer the questions in this section (questions 100 to 105) for each water right being changed. If no, or if you answered these questions earlier in the preapplication meeting, this section is complete and you can skip to question 106.	☐ Y ■ N	☐ F
100. What element(s) of the water right(s) are being temporarily changed? _____		☐ F
101. For how many years will the water right(s) be temporarily changed? _____		☐ F
102. Will the temporary change be intermittent over the years?	☐ Y ☐ N	☐ F
a. If yes, explain. _____	☐ A	☐ F
103. For what purpose will the water rights be temporarily used? _____		☐ F

104. Is the quantity of water subject to the temporary change being made available from the development of a new water conservation or storage project?	☐ Y ☐ N	☐ F
a. If yes, explain the water conservation or storage project. _____ _____ _____	☐ A	☐ F
105. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 10 if you are proposing to add a place of use on State of Montana Trust Land and question 15 if you are proposing a temporary change that does not involve State of Montana Trust Land. If you are answering in consecutive order, go to question 106.		

Change in Purpose

106. Does the project involve a change in purpose? If yes, answer the questions in this section (questions 107 to 109). If no, of if you answered these questions earlier in the preapplication meeting, this section is complete and you can skip to question 110.	☐ Y ■ N	☐ F
107. Identify the proposed new purpose, flow rate (GPM or CFS), volume (AF), and period of use (MM/DD-MM/DD) for each purpose.	☐ A	☐ F

Purpose	**Flow Rate (GPM or CFS)**	**Volume (AF)**	**Period of Use Start (MM/DD-MM/DD)**	**Period of Use End (MM/DD-MM/DD)**

108. Explain why the requested flow rate and volume is the amount needed for the purpose. _____ _____ _____	☐ A	☐ F
109. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 11 and if you are answering in consecutive order, go to question 110.		

Change in Place of Storage

110. Does the project involve a change in place of storage? If yes, answer the questions in this section (questions 111 to 119) for each individual place of storage (use additional Change in Place of Storage sheet for additional places of storage). If no, or if you answered these questions earlier in the preapplication meeting, this section is complete; skip to question 120.	☐ Y ■ N	☐ F
111. Submit a map showing the location of the place of storage. Create map on an aerial photograph or topographic map that shows the following: place of storage, section corners, township and range, and a north arrow.	☐ S	☐ F
112. Is this application to add a new place of storage or change an existing place of storage? _____		☐ F
a. If application is to change an existing place of storage, list the water rights that include the place of storage and a short description of the proposed change. _____ _____	☐ A	☐ F
113. Is the place of storage located on-stream?	☐ Y ☐ N	☐ F
a. If no, explain the conveyance means to and from the off-stream place of storage and any losses that may occur with that conveyance. _____ _____	☐ A	☐ F
114. What is the proposed capacity of the place of storage? Use bathymetry data, survey, or engineering plans for capacity. Submit the data source used with this form. In lieu of these data sources, use the following equation: *Surface Acres x Maximum Depth (FT) x 0.5 (0.4-0.6 depending on side slope) = Capacity (AF)* _____	☐ S	☐ F
115. Will the place of storage include primary and/or emergency spillways? Preliminary design specifications for primary and emergency spillways must be included with application submittal (ARM 36.12.113).	☐ Y ☐ N	☐ F
116. Will the place of storage be lined?	☐ Y ☐ N	☐ F
117. What is the annual net evaporation of water from the place of storage using the standards in ARM 36.12.116(1) and the Department's Gridded Net Evaporation Layer? _____		☐ F
118. Is the place of storage capacity calculated to be greater than 50 acre-feet?	☐ Y ☐ N	☐ F
a. If yes, have you made an application to the DNRC Water Operations Bureau for a determination of whether the dam or reservoir is a high-hazard dam?	☐ Y ☐ N	☐ F

119. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 12 and if you are answering in consecutive order, go to question 120.		

Ditch-Specific Questions

120. Does the historical use of water include at least one conveyance ditch? If yes, answer questions 121 to 122. If no, or if you answered these questions earlier in the preapplication meeting, skip to question 123.	☐ Y ■ N	☐ F
121. Submit a Historical Use Ditch Map that shows every ditch conveying water for the historical use of all water right(s) proposed for change. Label the ditch name(s), POD(s), the POU(s), and the ditch measurement locations (requested in question 122.d). The map should be created on an aerial photograph or topographic map with the following: section corners, township and range, and a north arrow.	☐ S	☐ F
122. For each historical conveyance ditch, answer question 122.a to 122.h. If there is more than one historical conveyance ditch, use an Additional Historical Ditch Sheet for each additional ditch.		
a. What is the ditch name? _____		☐ F
b. List the water right(s) proposed for change that were conveyed by the ditch. _____		☐ F
c. What is the distance water was historically carried by the conveyance ditch? Only include segments between the POD and start of the POU; do not include segments within the POU. _____	☐ A	☐ F
d. Provide at least one set of ditch measurements, which include width (FT), depth (FT), and slope (%). Discuss ditch characteristics with DNRC to determine the minimum number of ditch measurements. Include the location of each measurement, labeled with the 2-digit measurement ID number, used on the map submitted for question 121.	☐ S	☐ F

ID #	Width (FT)	Depth (FT)	Slope (%)	Date of Measurement

e. What is a reasonable Manning's n value? List the factors used for estimation. If you do not know this value, please work through estimation with the Department. _____ _____	☐ A	☐ F

f. What type of soils compose the historical conveyance ditch? For lined ditches, write "lined" instead. _____ _____	☐ A	☐ F
g. Are other water rights conveyed by the historical conveyance ditch?	☐ Y ☐ N	☐ F
i. If yes,		
1. What are the water right numbers? _____ _____ _____	☐ A	☐ F
2. What is the sum of the flow rates (GPM or CFS) for all water rights conveyed? _____ _____ _____	☐ A	☐ F
3. Provide a map with your best estimate of the historical POUs for the other water rights conveyed by the historical conveyance ditch. Include only POUs between the historical POD and your historical POU. If you do not know this information, the Department can help you create the map. The map should be created on an aerial photograph or topographic map and show the following: section corners, township and range, and a north arrow.	☐ S	☐ F
h. Were any water rights proposed for change part of one historical water right that was split?	☐ Y ☐ N	☐ F
i. If yes, were all split water rights split in such a way to ensure each post-split water right could stand alone and not be reliant on the others for carriage water?	☐ Y ☐ N	☐ F
1. If no, do any of the water right(s) proposed for change have a carriage water requirement?	☐ Y ☐ N	☐ F
a. If yes,		
i. List the water right(s) with a carriage water requirement _____		☐ F
ii. Update your Historical Use Ditch Map to label the ditch segments where a carriage water requirement exists for a water right proposed for change. Also, use your best estimate to label the POUs for all water rights included in the carriage water requirement. If you do not know this information, the Department can help you update the map.	☐ S	☐ F
123. Does the proposed use include at least one existing or new conveyance ditch? If yes, answer questions 124 to 126. If no, or if you answered these questions earlier in the preapplication meeting, this section is complete; skip to question 127.	■ Y ☐ N	☐ F

See ditch map and CD approval application for ditch & conveyance information

124. Submit a Proposed Use Ditch Map that shows every ditch conveying the water right(s) proposed for change, including any unchanged portions. Label all unchanged and proposed PODs, all unchanged and proposed POUs, and additional ditch measurement locations (requested in question 125.e). The map should be created on an aerial photograph or topographic map with the following: section corners, township and range, and a north arrow.	■ S	☐ F
125. For each proposed use conveyance ditch, answer the questions 125.a to 125.i. If there is more than one proposed use conveyance ditch, use an Additional Proposed Use Ditch Sheet for each additional ditch.		
a. What is the ditch name? _____		☐ F
b. Is this ditch a historical conveyance ditch detailed in questions 121 to 122?	☐ Y ☐ N	☐ F
i. If yes, have any of the following details changed, to the best of your knowledge, from historical conditions: ditch length, distance water conveyed, ditch lining, or water rights conveyed by the ditch?	☐ Y ☐ N	☐ F
1. If yes, answer questions 125.c to 125.i using current data.		
2. If no, do not answer questions 125.c to 125.i for this ditch because the information remains unchanged. Move on to the next proposed use conveyance ditch, or if none remain, skip to question 127.		
c. List the water right(s) proposed for change that are going to be conveyed by the ditch. _____		☐ F
d. What is the distance water will be carried by the conveyance ditch? Only include segments between the POD and start of the POU; do not include segments within the POU. _____ _____	☐ A	☐ F
e. Provide at least one set of ditch measurements, which include width (FT), depth (FT), and slope (%). Discuss ditch characteristics with DNRC to determine the minimum number of ditch measurements. Include the location of each measurement, labeled with the 2-digit measurement ID number, used on the map submitted for question 124.	☐ S	☐ F

ID #	Width (FT)	Depth (FT)	Slope (%)	Date of Measurement

f. What is a reasonable Manning's n value? List the factors used for estimation. If you do not know this value, please work through estimation with the Department. _____ _____	☐ A	☐ F
g. What type of soils compose the proposed conveyance ditch? For lined ditches, write "lined" instead. _____ _____	☐ A	☐ F
h. Are other water rights conveyed by the proposed conveyance ditch?	☐ Y ☐ N	☐ F
i. If yes,		
1. What are the water right numbers? _____ _____ _____	☐ A	☐ F
2. What is the sum of the flow rates (GPM or CFS) for all water rights conveyed? _____ _____ _____	☐ A	☐ F
3. Provide a map with your best estimate of the current POUs for the other water rights conveyed by the proposed conveyance ditch. Include only POUs between the POD and your proposed POU. If you do not know this information, the Department can help you create the map. The map should be created on an aerial photograph or topographic map and show the following: section corners, township and range, and a north arrow.	☐ S	☐ F
i. Were any water right(s) proposed for change identified as having a carriage water requirement in question 122.h.i.1.a.i?	☐ Y ☐ N	☐ F
i. If yes, update your Proposed Use Ditch Map to label the ditch segments where a carriage water requirement exists for a water right proposed for change. Also, use your best estimate to label the POUs for all water rights included in the carriage water requirement. If you do not know this information, the Department can help you update the map.	☐ S	☐ F
126. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 13 and if you are answering in consecutive order, go to question 127.		

Water Marketing

127. Does this project involve water marketing? If yes, answer the questions in this section (questions 128 to 134). If no, or if you answered these questions earlier in the preapplication meeting, this section is complete; skip to question 135.	☐ Y ■ N	☐ F
128. Identify the flow rate (GPM or CFS) and volume of water (AF) that will be marketed. _____		☐ F
129. Will the marketed water return to the source?	☐ Y ☐ N	☐ F
a. If yes, explain how that determination was made. _____ _____ _____	☐ A	☐ F
130. For what purpose(s) will the marketed water be used? _____ _____	☐ A	☐ F
131. How will you control or limit access to the water? _____ _____	☐ A	☐ F
132. Do you have contracts for the entire volume and flow rate sought?	☐ Y ☐ N	☐ F
133. Provide a service area map. Create map on an aerial photograph or topographic map and shows the following: general service area boundary, section corners, township and range, and a north arrow.	☐ S	☐ F
134. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 19 and if you are answering in consecutive order, go to question 135.		

Instream Flow Change

135. Does the project involve an instream flow change? If yes, answer the questions in this section (questions 136 to 145). If no, or if you answered these questions earlier in the preapplication meeting, this section is complete; skip to question 146.	☐ Y ■ N	☐ F
136. Is the proposal to retire all the use from the historical purpose throughout the entire period of use?	☐ Y ☐ N	☐ F
a. If no, describe why not in detail. _____ _____ _____	☐ A	☐ F

137. What is the name of the source of water where streamflow will be maintained or enhanced? _____		☐ F
138. Provide specific information on the location (¼ ¼ ¼ section of start and end of reach) and length (FT) of the stream reach in which the streamflow is to be maintained or enhanced. _____	☐ A	☐ F
139. Does the protected reach begin at the existing point of diversion?	☐ Y ☐ N	☐ F
a. If no, does the proposed protected reach begin upstream of or downstream from the existing point of diversion? _____		☐ F
140. Does return flow go back to the source of supply? The Department provides an initial estimate of the sources where return flow historically accrued at the preapplication meeting.	☐ Y ☐ N	☐ F
141. Describe the way the streamflow is to be maintained or enhanced. _____ _____ _____	☐ A	☐ F
142. Provide initial details about a streamflow measuring plan, which include the points where measurements occur, the interval of measurement, and the methods and equipment used. A complete streamflow measuring plan will be required for the application. _____ _____ _____ _____ _____	☐ A	☐ F
143. Provide initial details about an operation plan, which include the proposed flow rate (GPM or CFS) to be protected up to the proposed volume (AF) and the period when protection is to occur. If there is a "trigger flow" associated with your operation plan, please explain. A complete operation plan, based on the Technical Analysis, will be required for the application. _____ _____ _____ _____ _____	☐ A	☐ F

144. Is the amount of water proposed for change in the application made available through creation of a "water saving method," as defined in ARM 36.12.101?	☐ Y ☐ N	☐ F
a. If yes, complete the Salvage Water section (questions 146 to 150).	☐ S	☐ F
145. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 20 and if you are answering in consecutive order, go to question 146.		

Salvage Water

146. Does this project involve salvage water? Salvage water does not include destroying phreatophytes, removing vegetation, converting to a less consumptive crop, or converting to a partial irrigation schedule. If yes, answer the questions in this section (questions 147 to 150). If no, or if you answered these questions earlier in the preapplication meeting, this section is complete and you can skip to question 151.	☐ Y ■ N	☐ F
147. What water saving method was implemented? This may include lining an unlined ditch or canal, converting unlined ditch or canal to pipeline, converting high profile or high-pressure sprinklers to low pressure, and other (explain). _____ _____	☐ A	☐ F
148. How much water was salvaged from creation of the water saving method? Include flow rate (GPM or CFS) and volume (AF). _____		☐ F
149. How did you determine the amount of water salvaged? _____ _____ _____ _____ _____ _____	☐ A	☐ F
150. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 21 and if you are answering in consecutive order, go to question 151.		

Non-Mandatory Questions for Criteria Analysis

The following questions are not mandatory. They should be discussed in the Preapplication Meeting, but do not need to be filled out before the Preapplication Meeting Form is determined to be complete.

Adverse Effect

Questions, Narrative Responses, and Tables	Check-boxes
151. Once the historical use analysis is complete for the application, be ready to compare the historical use with the proposed use. Do you have evidence the proposed use exceeds the historical use for flow rate, consumed volume, or diverted volume?	☐ Y ☒ N
a. If yes, what is your plan to address this with the permitting process?	☐ A
152. Describe your plan to ensure that existing water rights will be satisfied during times of water shortage. diversions will be shut off	☐ A
153. Explain how you can control your diversion in response to call being made. diversions will be shut off	☐ A
154. Are you aware of any calls that have been made on the source of supply or depleted surface water source?	☐ Y ☒ N
a. If yes, explain.	☐ A
155. Does a water commissioner distribute water or oversee water distribution on your proposed source or depleted surface water source?	☐ Y ☒ N
156. Will the proposed use change the ability for you to make call?	☐ Y ☒ N

157. When was the last time water was appropriated and used beneficially? unperfected water reservation If there has been a period of nonuse, explain below:	
a. Why the water right was not used. _____ _____	☐ A
b. Why a resumption of use will not adversely affect other water users. _____ _____	☐ A
c. Is the period of nonuse greater than 10 years?	☐ Y ☐ N
d. Have water rights been authorized to use the source during the period of nonuse?	☐ Y ☐ N
158. For point of diversion changes:	
a. Is the proposed point of diversion upstream or downstream of the historical point of diversion? _____	
b. Are there intervening water users between the historical and proposed point of diversion?	☐ Y ☐ N
c. Does the proposed point of diversion allow for diverting water longer during times of shortage?	☐ Y ☐ N
159. For place of use changes, will changes to the rate, location, volume, or timing of return flows adversely affect other appropriators?	☐ Y ☐ N

Adverse Effect: Evaluation of Impacts to Identified Water Rights for Return Flow Analysis

160. Respond to questions in this section if you elected in questions 50 or 88 to answer optional questions 161 to 163. If you did not elect to answer these questions or answered these questions earlier in the preapplication meeting, this section is complete; skip to question 165.	
161. For each surface water source receiving return flows, is gage data available?	☐ Y ☐ N
a. If yes, answer the following questions for the number of stream gages that are available.	
i. One stream gage is available	
1. What is the gage name? _____	
2. Who operates and maintains the gage? _____	

3. Is the stream gage upstream or downstream of the point(s) of diversion? _____	
4. Is there a limiting or controlling factor that would make the Drainage Area Method not practical? This includes dams that control the flow and streams with large gaining and/or losing reaches. If you have questions about this, please contact the Regional Hydro-Specialist or the Water Sciences Bureau.	☐ Y ☐ N
5. Is the period of record greater than or equal to 10 years?	☐ Y ☐ N
6. How frequently is stage data recorded? _____	
7. If data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?	☐ Y ☐ N
8. Was the rating curve established and maintained throughout the duration of the period of record using measurements taken near the reference gage and stage recorder according to USGS protocols?	☐ Y ☐ N
9. Were there requirements for maintaining a permanent gage datum and meeting specified accuracy limits?	☐ Y ☐ N
10. Does the gage data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion?	☐ Y ☐ N
a. If yes, skip to question 163.	
b. If no, answer question 161.b.	
ii. More than one stream gage is available	
1. List the gage names. _____	
2. Who operates and maintains the gages? _____	
3. Is one stream gage upstream and one downstream of point(s) of diversion?	☐ Y ☐ N
4. Do the stream gages have similar periods of record?	☐ Y ☐ N
5. Are the periods of record each greater than or equal to 10 years?	☐ Y ☐ N
6. How frequently is stage data recorded at each gage? _____	
7. For each gage, if data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?	☐ Y ☐ N

8. Were the rating curves established and maintained throughout the duration of the period of record using measurements taken near the reference gages and stage recorders according to USGS protocols?	☐ Y ☐ N
9. For each gage, were there requirements for maintaining a permanent gage datum and meeting specified accuracy limits?	☐ Y ☐ N
10. Does the gage data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion?	☐ Y ☐ N
a. If yes, skip to question 163.	
b. If no, answer question 161.b.	
b. If no gage data is available or if available gage data does not meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion, is the source otherwise measured?	☐ Y ☐ N
i. If yes,	
1. Submit measurements to the Department.	☐ S
2. Who collected the measurements? _____	☐ A
3. With what method was the data collected? _____ _____	☐ A
4. What is the period of record? _____	
5. What is the frequency of measurement? _____	
6. Are there gaps in the data?	☐ Y ☐ N
a. If yes, what is the nature of the gaps and how are gaps handled to ensure data quality? _____ _____ _____ _____	☐ A
7. Is there a process for maintaining the data and meeting specified accuracy limits?	☐ Y ☐ N

a. If yes, explain. _____ _____ _____ _____	☐ A
8. Does available measurement data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion?	☐ Y ☐ N
a. If yes, skip to question 163.	
b. If no, answer question 162.	
162. For each surface water source receiving return flows, does the available measurement data, gage and/or otherwise measured, meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for validation of a department-accepted estimation technique?	☐ Y ☐ N
a. If yes, describe the estimation technique. _____ _____ _____	☐ A
b. If no, will measurements be collected prior to submission of a completed Form No. 606P that meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for validation of a department-accepted estimation technique?	☐ Y ☐ N
i. If yes,	
1. With what method will the data be collected? _____ _____ _____	☐ A
2. What will be the interval of measurement? _____	

3. Describe the proposed estimation technique. _____ _____ _____ _____	☐ A
ii. If no, describe your plan supply measurements for return flow receiving sources. _____ _____ _____	☐ A
163. If you are conducting Technical Analysis, how will the Area of Potential Adverse Effect be defined for evaluating return flow impacts? If the Department is conducting Technical Analyses, write N/A. _____ _____ _____ _____	☐ A
164. If you went straight to this section when referenced, go back to question 51 for surface water changes and question 88 for groundwater changes. If you waited to answer in consecutive order and have completed all prior sections, move to question 165.	

Adverse Effect: Evaluation of Impacts to Identified Water Rights for Surface Water Depletion Analysis

165. Respond to questions in this section if you elected in question 79 to answer optional questions 166 to 168. If you did not elect to answer these questions or answered these questions earlier in the preapplication meeting, this section is complete; skip to question 170.	
166. For each hydraulically connected surface water source, is gage data available?	☐ Y ☐ N
a. If yes, answer the following questions for the number stream gages are available.	
i. One stream gage is available	
1. What is the gage name? _____	

2. Who operates and maintains the gage? _____	
3. Is the stream gage upstream or downstream of the start of the depletion? _____	
4. Is there a limiting or controlling factor that would make the Drainage Area Method not practical? This includes dams that control the flow and streams with large gaining and/or losing reaches. If you have questions about this, please contact the Regional Hydro-Specialist or the Water Sciences Bureau.	☐ Y ☐ N
5. Is the period of record greater than or equal to 10 years?	☐ Y ☐ N
6. How frequently is stage data recorded? _____	
7. If data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?	☐ Y ☐ N
8. Was the rating curve established and maintained throughout the duration of the period of record using measurements taken near the reference gage and stage recorder according to USGS protocols?	☐ Y ☐ N
9. Were there requirements for maintaining a permanent gage datum and meeting specified accuracy limits?	☐ Y ☐ N
10. Does the gage data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion?	☐ Y ☐ N
a. If yes, skip to question 168.	
b. If no, answer question 166.b.	
ii. More than one stream gage is available	
1. List the gage names. _____	
2. Who operates and maintains the gages? _____	
3. Is one stream gage upstream and one downstream of the start of the depletion?	☐ Y ☐ N
4. Do the stream gages have similar periods of record?	☐ Y ☐ N
5. Are the periods of record each greater than or equal to 10 years?	☐ Y ☐ N
6. How frequently is stage data recorded at each gage? _____	

7. For each gage, if data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?	☐ Y ☐ N
8. Were the rating curves established and maintained throughout the duration of the period of record using measurements taken near the reference gages and stage recorders according to USGS protocols?	☐ Y ☐ N
9. For each gage, were there requirements for maintaining a permanent gage datum and meeting specified accuracy limits?	☐ Y ☐ N
10. Does the gage data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion?	☐ Y ☐ N
a. If yes, skip to question 168.	
b. If no, answer question 166.b.	
b. If no gage data is available or if available gage data does not meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion, is the source otherwise measured?	☐ Y ☐ N
i. If yes,	
1. Submit available measurements to the Department	☐ S
2. Who collected the measurements? _____	☐ A
3. With what method was the data collected? _____ _____	☐ A
4. What is the period of record? _____	
5. What is the frequency of measurement? _____	
6. Are there gaps in the data?	☐ Y ☐ N
a. If yes, what is the nature of the gaps and how are gaps handled to ensure data quality? _____ _____ _____ _____	☐ A
7. Is there a process for maintaining the data and meeting specified accuracy limits?	☐ Y ☐ N

a. If yes, explain. _____ _____ _____	☐ A
8. Does available measurement data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion?	☐ Y ☐ N
a. If yes, skip to question 168.	
b. If no, answer question 167.	
167. For each hydraulically connected surface water source, does the available measurement data, gage and/or otherwise measured, meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for validation of a department-accepted estimation technique?	☐ Y ☐ N
a. If yes, describe the estimation technique. _____ _____ _____ _____	☐ A
b. If no,	
i. Will measurements be collected prior to submission of a completed Form No. 606P that meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for validation of a department-accepted estimation technique?	☐ Y ☐ N
1. If yes,	
a. With what method will the data be collected? _____ _____ _____	☐ A
b. What will be the interval of measurement? _____	

c. Describe the proposed estimation technique. _____ _____ _____ _____	☐ A
2. If no, describe your plan to comply with the measurement requirements for hydraulically connected surface water sources. _____ _____ _____	☐ A
168. If you are conducting Technical Analysis, how will the Area of Potential Adverse Effect be defined for evaluating changes to net depletions? If the Department is conducting Technical Analyses, write N/A. _____ _____ _____ _____	☐ A
169. If you went straight to this section when referenced, go back to question 80. If you waited to answer in consecutive order and have completed all prior sections, move to question 170.	

Adequate Means of Diversion and Operation

170. Provide a diagram of how you will operate your system from the point of diversion to the place of use.	☐ S
171. Describe specific information about the capacity of the diversionary structure(s). This may include, where applicable: pump curves and total dynamic head calculations, headgate design specifications, and dike or dam height and length. headgate design and pump specifications will be provided at time of Application submittal _____	☐ A
172. Is the diversion capable of providing the full amount requested through the period of diversion?	■ Y ☐ N

173. Describe the size and configuration of infrastructure to convey water from point of diversion to place of use. This may include, where applicable: ditch capacity and/or pipeline size and configuration. See CD approval	☐ A
174. Describe any losses related to conveyance. No known losses at this time	☐ A
175. Is the conveyance infrastructure capable of providing the required flow and volume and any losses?	■ Y ☐ N
176. Does the proposed conveyance require easements?	■ Y ▬ N
a. If yes, explain. MDOT permits obtained for piping under HWY (in CD approval)	▬ A
177. Describe any places of storage, including whether drainage devices will be installed, and provide preliminary designs, if available. Preliminary designs will be required at application submittal.	☐ A
178. Describe specific information about how water is delivered within the place of use. This may include, where applicable, the range of flow rates needed for a pivot and output and configuration of sprinkler heads. secondary pumps deliver water to wheeline and pivot sprinkler systems (in CD approval)	☐ A
179. Is the water delivery system capable of providing the requested beneficial use?	■ Y ☐ N
180. Will your system be designed to discharge water from the project?	☐ Y ☐ N
a. If yes, explain the way water will be discharged and the wastewater disposal method.	☐ A

181. Provide a plan of operations. in CD approval	☐ A
182. Can the plan of operations deliver the flow rate and volume for the beneficial use being requested?	■ Y ☐ N
183. Do you have any plans to measure your diversion and use?	■ Y ☐ N
a. If yes, describe the plan and the type of measurements you will take. end user measures water use and reports to CD which is then reported	☐ A
184. Is the means of diversion a well?	☐ Y ■ N
a. If yes, are well log(s) available?	☐ Y ☐ N
i. If yes, submit well log(s) to DNRC	☐ S
ii. If no, who drilled the well?	

Beneficial Use

185. Why is the requested flow rate and volume the amount needed for the purpose? amount calculated per Climate Area 4 for acres irrigated per ARM 36.12.115	☐ A
186. Does the Department have a standard for the purposes for which water is used? Department standards can be found in ARM 36.12.112.	■ Y ☐ N
a. If yes, does the proposed beneficial use fall within Department standards?	■ Y ☐ N
187. If no standard or if proposed beneficial use falls outside of Department standards, explain how the use is reasonable for the purpose.	☐ A
188. Will your proposed project be subject to DEQ requirements for a public water supply (PWS) system or Certificate of Subdivision Approval (COSA)?	☐ Y ■ N

a. If yes,	
i. Have you researched or consulted with DEQ regarding those requirements?	☐ Y ☐ N
189. Are you proposing to use surface water for in-house domestic use?	☐ Y ■ N
a. If yes, does a COSA exist for the proposed place of use?	☐ Y ☐ N
i. If yes, please submit the COSA.	☐ S
ii. If no, have you researched or consulted with DEQ regarding their requirements?	☐ Y ☐ N

Possessory Interest

190. Do you have possessory interest, or the permission of the party with possessory interest, of the proposed place of use? Proof of possessory interest or permission of the party with possessory interest is required at application submittal.	■ Y ☐ N
a. If no, explain. _____ _____ _____	☐ A

PREAPPLICATION MEETING AFFIDAVIT & CERTIFICATION

"We attest that the information on this form accurately describes the proposed project discussed during the preapplication meeting and that the items marked for follow-up will require the applicant to provide additional information before the form is deemed complete."

"Applicant acknowledges that any information provided by the Department during the preapplication is preliminary and subject to change."

"Applicant acknowledges that if the follow-up information provided to the Department substantially changes the proposed project, for example in a way that alters which sections of the form are applicable or which technical analyses are required, or who is to complete the technical analyses, the applicant will need to schedule a new preapplication meeting so that the department can identify any additional information necessary for completion of the technical analyses (ARM 36.12.1302(3)(c))."

Upon Department receipt of the completed form (within 180 days following the meeting), the Department reserves the first five days of the 45-day period in ARM 36.12.1302(4) or (5) to return the form to the applicant if:

1 – the completed form does not include all necessary follow-up information identified in the meeting, OR
2 – the completed form is not adequate for the Department to proceed with technical analyses, OR
3 – the applicant has elected to complete technical analyses and has not submitted each piece of technical analysis required, OR
4 – the applicant has substantially changed the details of the proposed project, such as in a way that alters which sections of the form are applicable, which technical analyses are required, or who is to complete the technical analyses.

If the Department returns the form to the Applicant within these five days due to reasons 1-3 above, the Applicant can use the balance of their 180-day period in ARM 36.12.1302(4) or (5) to gather the remaining follow-up information needed. If there is no time remaining in the 180-day period, the Applicant can submit a written request for a new preapplication meeting, pursuant to ARM 36.12.1302(2). Even if there is still time remaining, the Applicant can choose to schedule a new preapplication meeting. The Department shall transfer the $500 payment received to the new preapplication meeting, or refund the payment to the Applicant if the Applicant desires. If the Department returns the form to the Applicant within these five days due to reason (4) above, the Applicant must submit a written request for a new preapplication meeting, pursuant to ARM 36.12.1302(2). The Department shall transfer the $500 payment received to the new preapplication meeting, or refund the payment to the Applicant if the Applicant desires.

Applicant Signature — Date: 9/24/2024

Applicant Signature — Date

Department Signature — Date: 9/26/2024

Information submitted
for Preapplication
Meeting on 9/17/2024
-LR (DNRC)

Form 500 **APPLICATION FOR RESERVED WATER USE** 11/22

Park County **CONSERVATION DISTRICT**

For Conservation District Use Only
Application No. PA-2301 Date Received: 11/28/2023 Time: 1:00pm ☐ a.m./☐ p.m.
Fee Received (If applicable): $ 400 Received By: KHA

Please Print or Type:

1. Applicant Name West Creek Ranch, LLC
   Mailing Address 602 S Ferguson Ave, Suite 2
   City or Town Bozeman State Montana Zip Code 59718
   Home Phone (_____) _____ Other Phone (406) 582-4988
   Email stephenson@dmsnaturalresources.com
2. Applying for (check one): ☐ New Irrigation ☐ Supplemental ☑ Both
3. Source of Water: Yellowstone River
4. Describe Irrigation System: See Appendix A, and associated maps
5. Crops to be Grown: Alfalfa, grass pasture, and possibliy other crops
6. Point of Diversion Description (to the nearest 10 acres): County Park (See Appendix A, Section 3)
   _____1/4, _____1/4, SW 1/4, Section 34, Township 6 ☐☑N/S, Range 7 ☑☐E/W
7. Point of Discharge Description (to the nearest 10 acres): County_____
   _____1/4, _____1/4, _____1/4, Section _____, Township _____☐☐N/S, Range _____☐☐E/W
8. Place of Use Description: County See Appendix A, Section 4, New (n) or Supplemental (s)
   Acres _____, ____1/4, ____1/4, ____1/4, Section ____, Township ____☐☐N/S, Range ____ ☐☐E/W, ☐☐n/s
   Acres _____, ____1/4, ____1/4, ____1/4, Section ____, Township ____☐☐N/S, Range ____ ☐☐E/W, ☐☐n/s
   Acres _____, ____1/4, ____1/4, ____1/4, Section ____, Township ____☐☐N/S, Range ____ ☐☐E/W, ☐☐n/s
   TOTAL ACRES: 193.2 (Addendum sheet is attached if more room is needed for Place of Use)
9. Volume Requested: 162.5 acre-feet, Volume of Discharge if applicable: _____ acre-feet
10. Flow Rate Requested: 4.91 cubic feet per second (cfs), or 2,207 gallons per minute (gpm)
11. Diversion Means: ☑Pump: Type & Power See Appendix A, Section 3 ☐Other _____
12. Conveyance Means: ☑Pipeline, ☐Other _____
13. Period of Use: Month/Day 4/15 - 10/19 to Month/Day 4/15 - 10/19

14. Location Map: A map showing the following must accompany this application:

    A. Township and Range
    B. Section numbers and corners
    C. Scale of map in inches
    D. Project location and general layout
    E. Points of diversion and discharge
    F. Place of Use

NOTE: Please be sure to attach an accurate map. Lack of an accurate map results in an incomplete application. The application will be returned for completion. A copy of an aerial photo or a USGS topographic map is required. Please use a dark pencil or pen if writing on the map. Assistance is available from the Conservation District or the Conservation Districts Bureau, DNRC in completing these forms.

15. Soils Map: Include a copy of the soils map and suitability evaluation for your project. Indicate on the map the location of the place(s) of use, point(s) of diversion, and point(s) of discharge.

16. Engineering Details: All available and applicable engineering data must be submitted with this application:

    A. General layout plans for point of diversion structures
    B. Placement plans of pumping plant/diversion structure
    C. Control structures design and placement
    D. Typical cross-section for dikes
    E. Conveyance and delivery ditch designs
    F. Reservoir cross-section and capacities
    G. Structural tables
    H. Pipeline designs
    I. Yardage figures for land leveling and design grid
    J. Method of water use measurement
    K. Water availability and water quality evaluation
    L. Other information applicable to the project as deemed necessary by the district

17. Proposed Project Completion Date: 01/01/2027 - see Appendix A

18. The General Reserved Water Development Plan Manual which governs Reserved Water Use Authorization for the Conservation District is on file in the district office and available for review.

19. **IMPORTANT NOTICE: No person may appropriate water or commence construction on any project facilities prior to the approval of the project by the district and the receipt of a Reserved Water Use Authorization.**

20. The applicant certifies that the statements above and documents attached are, to the best of his/her knowledge, true and correct.

Jon Martin (Nov 21, 2023 10:36 MST)	Jon Martin, CEO AMB West, LLC	11/21/2023
Applicant's Signature	Printed Name	Date
	Deborah Stephenson	11/21/2023
Preparer's Signature	Printed Name	Date

See Exhibit D-3 for POU Legal Land Descriptions

APPLICATION FOR RESERVED WATER USE

CONTINUED FROM PAGE 1 - PLACE OF USE ADDENDUM

8. Place of Use Description: County ________________________________, New (n) or Supplemental (s)

Acres ________, _____1/4, _____1/4, NE_____1/4, Section _____, Township _____☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

Acres ________, _____1/4, _____1/4, _____1/4, Section _____, Township _____☐☐ N/S, Range _____ ☐☐ E/W, ☐☐ n/s

TOTAL ACRES ________________________

Appendix A – Supplemental Text

Introduction

AMB West, LLC submitted an application for reserved water use to the Park County Conservation District ("Park County CD") on January 28, 2019. The original permit submitted used the 2016 PLSS division. In October 4, 2019, DMS submitted changes to the filing with updated maps and information using the revised 2018 PLSS divisions. In November 2019, AMB West, LLC recorded a deed memorializing its name change from AMB West, LLC to West Creek Ranch, LLC ("WCR").

On November 20, 2019, Duane Claypool of DNRC, on behalf of the Park County CD, requested that the applicant: *"Please email me a copy of the signed & dated Montana Dept of Transportation (MDOT) permit/license that was issued to allow installation of the pipeline under the highway. Even though it is an existing pipeline - because of the liability if the pipeline were to fail & cause damage to the highway it is needed in the file to indicate that MDOT approval was given for it to be installed."* The CD put the application on hold until the requested Encroachment Permits from MDOT were obtained. The applicant obtained the Encroachment Permits from MDOT on August 22, 2023. On October 21, 2023, DMS asked Park County CD to re-start their processing of the application as that the Encroachment Permits from MDOT were obtained. Due to the time lapse and changes in application procedures, the Park County Conservation District requested that the application be resubmitted on a revised Form 500. This application represents the re-submitted application. The only differences from the original application from January 28, 2019 are as follows:

1. Applicant had a name change from AMB West, LLC to West Creek Ranch, LLC;
2. Updated 2018 PLSS divisions are utilized (see October 4, 2019 letter to Duane Claypool of DNRC Conservation Districts Bureau);
3. Montana Dept of Transportation highway crossing Encroachment Permits are enclosed – see Section 16 below).

Application Contact

Any questions regarding this application information and calculations should be directed to Deborah Stephenson of DMS Natural Resources, LLC at 406-582-4988 or stephenson@dmsnaturalresources.com.

Section 6: Point of Diversion

Water will be diverted from the Yellowstone River by means of a stem and handwheel headgate opening into a three-foot culvert on the NW bank of the Yellowstone River in the SW of Section 34, T6S R7E. A picture of this diversion is included as *Figure 1* below. This diversion is currently in use under WCR's irrigation claim 43B 190625 00. Water is conveyed from the point of diversion (POD) through a natural channel/ditch to a pump site in the SW of Section 34, T6S R7E, within Parcels 4 & 4A of Certificate of Survey (COS) 1400. There are two separate pumps located at the pump site in the SW of Section 34, T6S R7E within Parcels 4 & 4A of COS 1400. A picture of this pump site is included as *Figure 2* below. Based on Google Earth imagery, both pumps were installed between 1998 and 2004[1]. The eastern of the two pumps is a WEG Electric Motors Corporation 25 HP electric pump. This pump supplies water to the two half pivots

[1] The exact installation date of these pumps is unknown. Based on historical Google Earth imagery, the pumping site was established sometime between 7/21/1998 and 12/30/2004.

in the SW of Section 34, T6S R7E, as well as, the wheel lines and the Section 33, T6S R7E half pivot to the west of the highway. The western pump is a General Electric 15 HP, 1,760 RPM electric pump. This pump supplies water to the full pivot in the NW of Section 34, T6S R7E. Pictures of the pump tags for the east and west pumps are provided as *Figures 3 and 4* below.

From the pumps, water is pumped from the ditch into a system of pipelines which supplies water to the various pivots and sprinkler systems across the proposed place of use (POU)[2]. Excess water not diverted at the pumping site is returned to the Yellowstone River via a natural channel/ditch. A map of the proposed project is included as Exhibit A-3[3].

[2] All of the pipelines and associated infrastructure is currently in place and in use under WCR's Yellowstone River, Donahue Creek, Little Donahue Creek, and West Creek water rights.

[3] Exhibits A, B and C are the original maps submitted in January 2019. Exhibits A-2, B-2 and C-2 were updated versions of Exhibits A, B and C that were submitted in October 2019 reflecting the revised PLSS divisions. Exhibits A-3, B-3 and C-3 are updated versions of Exhibits A-2, B-2 and C-2 that are enclosed with this application reflecting the new property owner name. No other modifications have been made to the maps since the original application was submitted in January 2019.

Figure 1: Stem and handwheel headgate at the Yellowstone River POD in the SW of Section 34, T6S R7E.

Figure 2: Pump site in the SW of Section 34, T6S R7E. Western pump (right pump in the picture below) supplies the full pivot in Section 34. The eastern pump (left pump in the picture below) supplies the remaining pivots and wheel lines.

Figure 3: Pump tag for the east pump located in the SW of Section 34, T6S R7E.

Figure 4: Pump tag for west pump located in the SW of Section 34, T6S R7E.

Section 8: Place of Use

The applicant proposes to utilize a portion of the Park County CD's water reservation from the Yellowstone River to supply water for the irrigation of three pivots east of Highway 89 in Section 34, T6S R7E, as well as for one pivot and four wheel line sprinkler systems west of Highway 89 in Sections 3, 33 and 34, all in T6S R7E (Exhibit A-3). The names of the pivots and wheel lines were created based on the 2016 PLSS division and should be considered "common" names. The actual locations are shown on the maps provided as Exhibits A-3 and C-3, and described on Exhibit D-3. The different sections of proposed POU are described below:

- **Full Pivot, NW of Section 34:** Part of the full pivot in on the east side of the highway labeled as "Full Pivot NW Section 34" is actually now primarily within the NE of Section 34. This pivot falls within the POU of claim 43B 190625 00 from the Yellowstone River. A portion of this pivot is also part of the POU of Donahue Creek claims 43B 190622 00, 43B 190623 00, Little Donahue Creek claims 43B 26291 00, 43B 30041630, and West Creek claims 43B 190624 00, 43B 190626 00, and 43B 190627 00. A map of the Donahue, Little Donahue, and West Creek claims is provided as Exhibit B-3. Prior to 1973, this field was flood irrigated. In March of 1990, a change authorization (43B 19062100) was issued for the POD and POU of the Donahue Creek, Little Donahue Creek, and West Creek claims. The existing pivot system was installed sometime between 1998 and 2004[4]. As a result, 20.2 acres of this pivot fall outside of the historic POU of the Yellowstone River, Donahue Creek, Little Donahue Creek, and West Creek claims (43B 190622 00 – 43B 190627 00, 26291 00, and 43B 30041630). See Exhibit C-3. The applicant proposes to utilize the Park County CD's Yellowstone River water reservation for full-service irrigation of these 20.2 acres.
- **Two Half Pivots on East Side of Highway, SW of Section 34:** The two half pivots on the east side of the highway (a total of 33.7 acres) are within the POU of Donahue Creek claims 43B 190622 00, 43B 190623 00, Little Donahue Creek claims 43B 26291 00, 43B 30041630, and West Creek claims 43B 190624 00, 43B 190626 00, and 43B 190627 00. However, the Yellowstone River is a more reliable water source throughout the summer than Donahue Creek, Little Donahue Creek, and West Creek. Therefore, the applicant proposes to utilize the Park County CD's Yellowstone River water reservation as a supplemental water supply for these 33.7 acres. This will allow the applicant to continue irrigation from the other creeks when feasible while allowing the flexibility to provide full-service irrigation from the Yellowstone River, if necessary, in dry years.
- **Half Pivot on West Side of Highway:** The half pivot on the westside of the highway is labeled as "Section 33 Half Pivot" on the maps and Exhibit D-3 based on the older 2016 PLSS divisions. However, based on the 2018 PLSS divisions, this half pivot is within Sections 3, T7S R7E, and Sections 33 and 34, T6S R7E. Part of the half pivot on the west side of the highway is within the POU of Donahue Creek claims 43B 190622 00, 43B 190623 00, Little Donahue Creek claims 43B 26291 00, 43B 30041630, and West Creek claims 43B 190624 00, 43B 190626 00, and 43B 190627 00. This half pivot was installed between 1998 and 2004[5] after the 1990 change authorization to the Donahue Creek, Little Donahue Creek, and West Creek claims described above. As a result, the Donahue Creek, Little Donahue Creek, and West Creek claims reflect historic flood irrigation

[4] The exact installation date of the pivots on WCR's property is unknown. Based on historical Google Earth imagery, all of the pivots addressed in this application were installed between 7/21/1998 and 12/30/2004.
[5] Ibid.

and 14.3 acres of the half pivot fall outside the POU of WCR's existing water rights. The applicant proposes to utilize the Park County CD's Yellowstone River water reservation for full-service irrigation of these 14.3 acres. The applicant also proposes to utilize the Park County CD's Yellowstone River water reservation as a supplemental water supply for the 72.8 acres of the half pivot which fall within the POU of WCR's existing water rights.

- **Wheel Lines on West Side of Highway:** The four wheel lines on the west side of the highway are within the POU of Donahue Creek claims 43B 190622 00, 43B 190623 00, Little Donahue Creek claims 43B 26291 00, 43B 30041630, and West Creek claims 43B 190624 00, 43B 190626 00, and 43B 190627 00. The applicant proposes to utilize the Park County CD's Yellowstone River water reservation as a supplemental water supply for the 52.2 acres of wheel lines which fall within the POU of WCR's existing water rights.

In total, the proposed POU includes 193.2 acres. Of these 193.2 acres, 34.5 acres are new pivot irrigation, 106.5 acres are pivot irrigation supplemental with WCR's existing water rights, and 52.2 acres are wheel line irrigation supplemental with WCR's existing water rights. A list of the proposed POU by quarter-quarter section, using the 2018 PLSS divisions, is included as Exhibit D-3.

Sections 9, 10 and 13: Flow Rate, Volume of Water and Period of Use

Flow Rate

The specifications for the individual pivot and wheel line irrigation systems are included below as Tables 1 and 2.

Table 1: Specifications for Pivot Irrigation Systems

Pivot	Pivot GPM Requirement	End Gun GPM Requirement[6]	PSI
Full Pivot, East of Highway	425	77	25
North Half Pivot, East of Highway	150	54	27
South Half Pivot, East of Highway	225	52	23
Half Pivot, West of Highway	550	54	51
Total Flow Requirement	***1,350 GPM (3.00 cfs)***		

Table 2: Specifications for Wheel Line Irrigation Systems East of Highway

Wheel Line	Length (ft)	Number of Sprinklers	Nozzle Size (in)	Flow Rate Requirement (GPM)
North Wheel Line	350	15	7/32	143
East Wheel Line	750	30	13/64	255
West Wheel Line	675	26	13/64	221
South Wheel Line	675	28	13/64	238
Total Flow Requirement	***857 GPM (1.91 cfs)***			

The applicant typically does not operate all of the irrigation systems in the proposed POU at the same time. However, to provide maximum flexibility, the applicant requests the total flow rate required by the system. Based on the information in Tables 1 and 2, the total flow rate requested for the proposed project is 2,207 GPM (4.91 cfs).

[6] According to Kyle Richert, former Land and Livestock Manager at WCR, the GPM required by the end guns is included as part of the overall pivot GPM requirement.

Period of Diversion

The requested period of diversion is April 15 to October 19[7]. WCR typically begins irrigation from Little Donahue Creek, Donahue Creek, and West Creek in mid-April. These sources provide the required flow rate for irrigation of a portion of the proposed POU into June. By mid-to-late June, flows in Little Donahue, Donahue, and West Creek begins to decrease and AMB supplements the irrigation with water from the Yellowstone River using the system of pumps and pipelines described above and shown on Exhibit A-3. WCR also has two reservoirs on West Creek which store water from Little Donahue Creek and West Creek under 43B 26291 00 and 43B 30041630. These reservoirs can be used to supplement natural flow irrigation later in the season. However, to provide maximum flexibility, WCR often utilizes the Yellowstone River for supplemental irrigation starting in mid-to-late June. According to Kyle Richert, former Land and Livestock Manager for WCR, the Yellowstone River typically provides approximately 1/3 of the water supply from mid-June through the end of the irrigation season, typically in mid-October.

Volume

Based on the diverted volume standards in ARM 36.12.115[8], the total volume required for the proposed 193.2-acre POU is calculated as 399.9 AF/year (193.2 acres * 2.07 AF/acre = 399.9 AF).

For this application, it is assumed that the full volume required for irrigation of the 34.5 acres that fall outside the POU of WCR's existing water rights will be provided by the Park County CD's Yellowstone River water reservation. Based on ARM 36.12.115, the volume required for these 34.5 acres calculates to 71.4 AF (34.5 acres * 2.07 AF/acre = 71.4 AF).

As described above, in an average year the Yellowstone River typically provides 1/3 of the total irrigation from mid-July through mid-October for the 158.7 acres of supplemental irrigation. For this application, it is assumed that the Yellowstone River provides this irrigation starting June 15th. In order to estimate the proportion of the total diverted volume provided by the Yellowstone River, the proportion of consumptive use by month will be applied to the total diverted volume. The consumptive use by month is calculated based on the USDA Irrigation Water Requirements (IWR) software. Although the IWR software only provides calculations for crop consumptive use, this application assumes that the proportion of crop consumptive use supplied by the Yellowstone River is equal to the proportion of total diverted volume provided by the Yellowstone River. IWR calculations for sprinkler irrigation are provided below as Table 3[9].

[7] This is the same period of diversion for the applicants existing irrigation claim from the Yellowstone River (43B 190625 00).
[8] Based on the USDA's August 1986 map of irrigation climatic areas in Montana, the WCR property appears to be located on the border of climatic areas 4 (moderately low consumptive use) and 6 (mountain areas). Because the proposed POU is located along the river bottom and as there are no standards proposed in ARM 36.12.115 for Climatic Region 6, the calculations proposed in this application assume that the POU is within climatic area 4. Additionally, based on abstracts included in the claim files, WCR's existing water rights are coded as climatic area 4. Calculations are based on sprinkler irrigation standards of 2.07 AF/acre in climatic area 4.
[9] IWR calculations were run for alfalfa hay and sprinkler irrigation based on the methods and assumptions in the DNRC Consumptive Use Methodology Memo.

Table 3: Net Irrigation Requirements (NIR)	
Month	**Net Irrigation Requirement (in)**
April	0
May	1.03
June	5.47
July	7.39
August	6.45
September	2.12
October	0
Total	**22.46**
NIR, Early Season Irrigation from Little Donahue, Donahue, and West Creeks	***3.77***
NIR, Late Season Irrigation from Little Donahue, Donahue, and West Creeks	***12.47***
NIR, Late Season Irrigation from Yellowstone River	***6.23***

Based on the breakdown of the NIR by time period and source shown above in Table 3, the proportion of the irrigation provided by the Yellowstone River for the 158.7 acres of supplemental irrigation can be calculated as follows:

Percent of irrigation from Yellowstone River = 6.23 in / 22.46 in = **27.73%**

Applying the percentage of irrigation from the Yellowstone River calculated above to the total diversionary volume required for the proposed 158.7 acres of supplemental irrigation, the diversionary volume provided by the Yellowstone River in an average year is calculated as 91.1 AF/year (158.7 acres * 2.07 AF * 0.2773 = 91.1 AF).

Based on the calculations above, the applicant proposes to utilize 162.5 AF/year of the Park County CD's Yellowstone River water reservation (71.4 AF + 91.1 AF = 162.5 AF).

Water Measurement

The applicant is willing to install flow meters in the main pipelines leading from the two pumps to satisfy any measurement conditions resulting from this application.

Sections 14 and 15: Maps of Proposed Water Development

Refer to Exhibit A-3, B-3 and C-3 for maps of the proposed project including PLSS lines, the proposed POD and POU, and all infrastructure associated with the proposed project. Based on correspondence with Duane Claypool[10], the Conservation District or DNRC will create a detailed soils map of the project area during the DNRC's review of the application.

Section 16: Engineering Details

Montana Department of Transportation Encroachment Permits are enclosed as Exhibit E. Also see flow rate/volume section above.

[10] Email correspondence with Duane Claypool, former DNRC supervisor of Water Reservations, Miles City, on 1/2/2019.

Section 17: Proposed Completion Date

All proposed infrastructure is already constructed and operational. However, the applicant is requesting three years to complete any DNRC requirements that may be imposed a condition of the change authorization.

West Creek Ranch, LLC

Park County, MT

Park County Conservation District Yellowstone River Water Reservation Proposed POU

Exhibit A-3

- West Creek Ranch, LLC Property Border
- Primary PODs
- Secondary Pump Locations
- Ditches
- Pipelines
- Waste Ditch to Yellowstone River

Proposed Yellowstone River POU

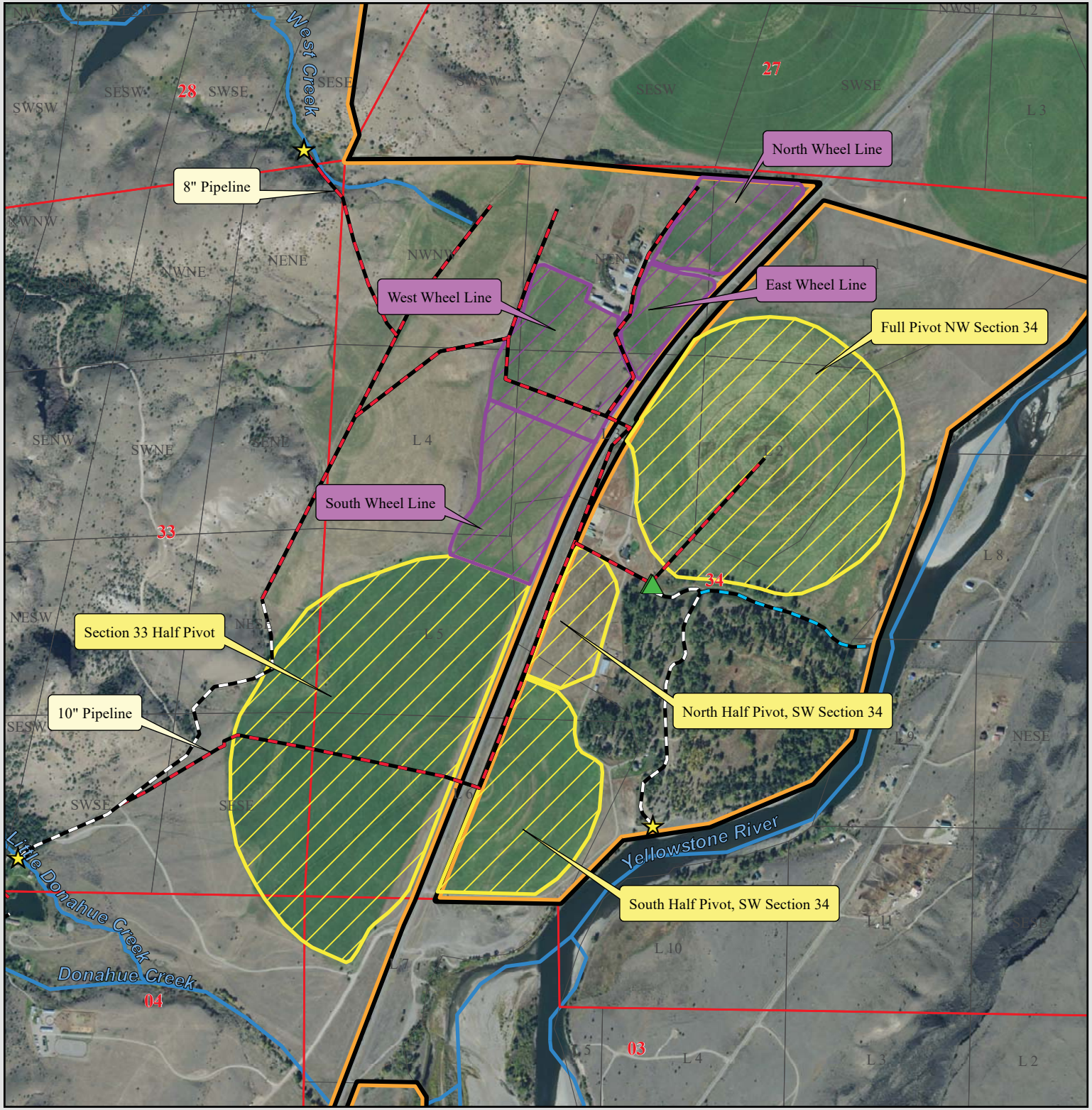
- Pivot
- Wheel Line

Created 11/7/2023
Aerial Imagery: 2021 NAIP

DMS NATURAL RESOURCES

0 0.1 0.2
Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.



West Creek Ranch, LLC

Park County, MT

N
W E
S

Current Irrigation Water Rights

- West Creek Ranch, LLC Property Border
- 43B 26291 00 Reservoir
- 43B 30041630 Reservoir
- Pumps
- Points of Diversion
- Current Ditches
- Current Pipelines
- Waste Ditch to Yellowstone River

Places of Use

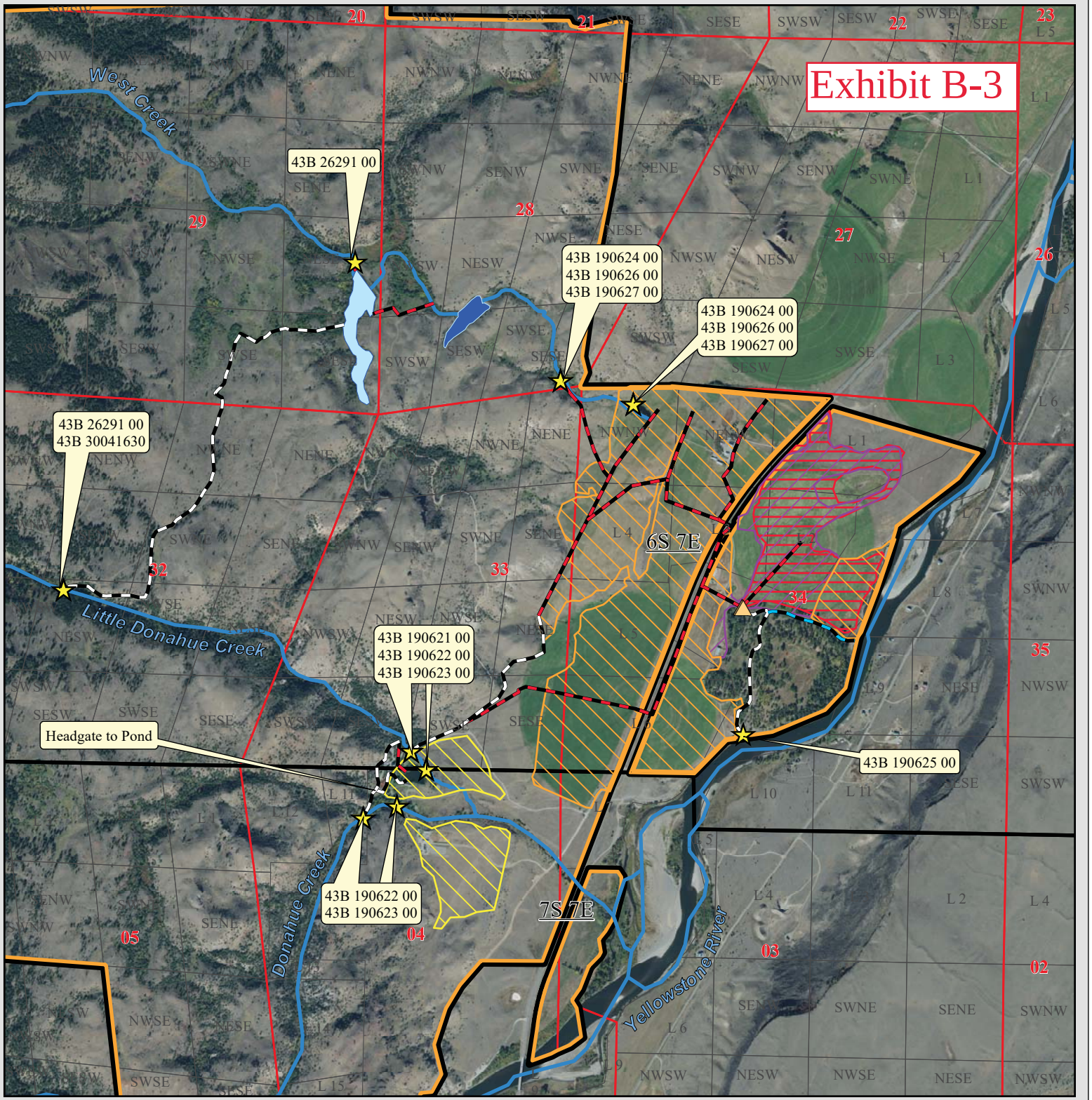
- 43B 190621 00, 43B 190622 00, 43B 190623 00
- 43B 190621 00, 43B 190622 00, 43B 190623 00, 43B 190624 00, 43B 190627 00, 43B 26291 00, 43B 30041630
- 43B 190622 00, 43B 190623 00
- 43B 190625 00

DMS NATURAL RESOURCES

Created 11/7/2023
Aerial Imagery: 2021 NAIP

0 0.2 0.4
Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.



West Creek Ranch, LLC

Park County, MT

N
W E
S

Park County Conservation District
Yellowstone River Water
POU by Irrigation Type

- West Creek Ranch, LLC Property Border
- Primary PODs
- Secondary Pump Locations
- Ditches
- Pipelines
- Waste Ditch to Yellowstone River

Proposed Irrigation

- Pivot - Full Service Irrigation provided by 43A 190625 00
- Pivot - Proposed full service irrigation from PCCD Yellowstone River water reservation
- Pivot - Proposd supplemental irrigation from PCCD Yellowstone River water reservation
- Wheel Line - Proposed supplemental irrigation from PCCD Yellowstone River water reservation

Created 11/7/2023
Aerial Imagery: 2021 NAIP

DMS NATURAL RESOURCES

0 0.1 0.2
Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.

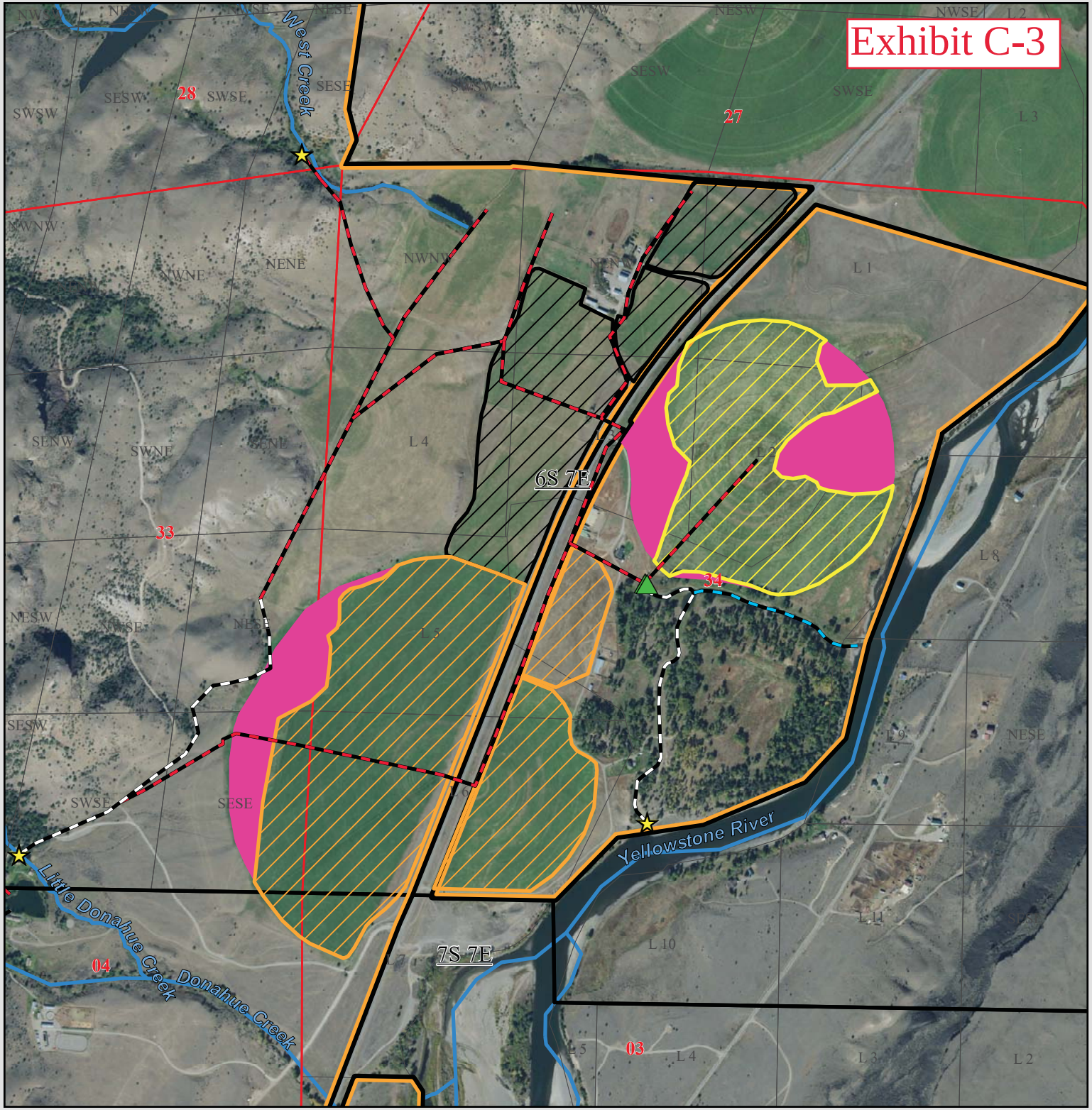


Exhibit D-3

Full Pivot, NW of Section 34	
Proposed Full Service Irrigation from PCCD Yellowstone River Water Reservation	
NE (Lot 1) Section 34, T6S R7E	0.9
NE (Lot 2) Section 34, T6S R7E	6.0
NENW Section 34, T6S R7E	0.1
SENW (Lot 3) Section 34, T6S R7E	7.2
SW (COS 1400, Parcel 4 & 4A, E of HWY) Section 34, T6S R7E*	6.0
Total New Acres	**20.2**

North Half Pivot, Section 34	
Proposed Suplemental Irrigation from PCCD Yellowstone River Water Reservation	
SW (COS 1400, Parcel 4 & 4A, E of HWY) Section 34, T6S R7E*	7.8
N2SW (Lot 5) Section 34, T6S R7E	1
Total Supplemental Acres	**8.8**

South Half Pivot, Section 34	
Proposed Suplemental Irrigation from PCCD Yellowstone River Water Reservation	
N2SW (Lot 5) Section 34, T6S R7E	2.2
S2SW (Lot 6) Section 34, T6S R7E	22.7
Total Supplemental Acres	**24.9**

Section 33 Half Pivot	
Proposed Suplemental Irrigation from PCCD Yellowstone River Water Reservation	
Parcel 1, COS 1391 Sectoin 34, T6S R7E*	0.4
N2SW (Lot 5) Section 34, T6S R7E	28.8
S2SW (Lot 6) Section 34, T6S R7E	28.3
NW (Lot 7) Section 3, T7S R7E	4.8
Govt Tract 38 (Govt Lots 2, 3, S2NW) Section 4, T7S R7E*	1.2
NESE Section 33, T6S R7E	0.1
SESE Section 33, T6S R7E	9.2
Total Supplemental Acres	**72.8**
Proposed Full Service Irrigation from PCCD Yellowstone River Water Reservation	
N2SW (Lot 5) Section 34, T6S R7E	2.5
NESE Section 33, T6S R7E	5.4
SESE Section 33, T6S R7E	6.4
Total New Acres	**14.3**
Total Pivot Acres	**87.1**

Wheel Lines West of Highway Proposed Suplemental Irrigation from PCCD Yellowstone River Water Reservation	
NE (Lot 1) Section 34, T6S R7E	6.5
NENW Section 34, 6S R7E	16.9
NWNW Section 34, T6S R7E	0.4
SENW (Lot 3) Section 34, T6S R7E	15.8
SWNW (Lot 4) Section 34, T6S R7E	7.1
N2SW (Lot 5) Section 34, T6S R7E	2.2
SW (COS 1400, Parcel 4 & 4A, E of HWY) Section 34, T6S R7E*	3.3
Total Supplemental Acres	**52.2**

Total Proposed New Pivot Acres	**34.5**
Total Proposed Supplemental Pivot Acres	**106.5**
Total Proposed Supplemental Wheel Line Acres	**52.2**
Total Proposed Acres	**193.2**

*Due to the irregular PLSS divisions around the Yellowstone River on the WCR property, several portions of the proposed irrigation fall outside of deliniated quarter-quarter sections. In these areas, the property is described based on the legal parcel descriptions obtained from the Montana Cadastral database.

MONTANA
Department of Transportation

Montana Department of Transportation

Encroachment Permit

Exhibit E

2701 Prospect Ave
PO Box 201001
Helena, MT 59620-1001
(406) 444-6200
www.mdt.mt.gov

Printed Date: 10/03/2023

Permit Number: 8084
Name: TEO ABBRUZZESE
Company Name: AMB WEST
Address: P.O. BOX 1219
EMIGRANT, MT 59027
Phone Number: (207) 500-0257
Nature of Permit:

THIS PERMIT HAS THREE CROSSINGS AS DESCRIBED IN THE ATTACHED ENGINEERING DOCUMENTS. GOING FROM NORTH TO SOUTH, THE FIRST CROSSING (PP1 & EX1) IS AN EXISTING 10" PIPE INSIDE OF A 24" CONCRETE CULVERT. LANDOWNER PROPOSES REMOVING THE EXISTING PIPE AND REPLACING IT WITH A PIPE THAT COULD NOT BE EXPOSED TO MOTORISTS. THE SECOND CROSSING (EX2 & PP2) IS AN EXISTING BELOW GRADE CROSSING THAT IS UNPERMITTED. THE LANDOWNER DOES NOT PROPOSE ANY MODIFICATION TO THIS CROSSING, BUT WOULD LIKE TO HAVE IT DOCUMENTED. THE THIRD CROSSING (EX3 & PP3) IS A NEW CROSSING THAT WILL BE DIRECTIONALLY DRILLED TO AVOID ANY POTENTIAL DISTURBANCE TO THE MDT ROADWAY AND EMBANKMENT.

Sign Route	Corridor	Mile Post Start	Mile Post End	County
US-89	C000011	19.00	25.00	Park

Conditions of Permit:

1) All other necessary permits for this project must be obtained by and are the responsibility of the applicant/permitee.

2) Permittee shall repair any damage done to MDT right of way as soon as possible

3) Permittee shall be responsible for all utility locates

4) Applicant/Permitee Shall Not Store or Park Equipment or Materials in Right-A-Way After Hours of Project.

5) Permittee shall not stop traffic at any time.

6) LIABILITY CLAUSE - That the encroachment owners shall protect the state and save it harmless from all claims, actions or damages of every kind which may accrue to, or be suffered by any person, or persons by reason of the performance of this work, or by the improper occupancy of the highway right of way. In the event any legal suit or action is brought against the state arising out of any of the above causes. The encroachment owners shall defend the suit or claim.

Other Remarks and/or Conditions:

Applicant Date	Issue Date	End Date	Permit Type	Maintenance Division
Aug 10, 2023	Aug 22, 2023	Nov 22, 2023	Permanent	Bozeman

Signatures

Type	Signature	Title
MDT District Rep	Kristina Kilts	District Traffic Engineer
Applicant	Evan Genay	

Encroachment Permits are subject to the following terms and conditions:

TERM - This permit shall be in full force and effect from the date hereof until revoked as herein provided.

FEE - The fee for issuance of this permit is _____.

REVOCATION - This permit my be revoked by State upon giving 45 days notice to Permittee by ordinary mail, sent to the address shown herein. However, the State may revoke this permit without notice if Permittee violates any of its conditions or terms.

COMMENCEMENT OF WORK - No work shall be commenced until Permittee notifies the Maintenance Chief shown in application the date the Permittee proposes to commence work.

CHANGES IN HIGHWAY - If State highway changes necessitate changes in structures or installations installed under this permit, permittee will make necessary changes without expense to State.

STATE SAVED HARMLESS FROM CLAIMS - In accepting this permit the Permittee, its/his successors or assigns, agree to protect the State and save it harmless from all claims, actions or damage of every kind and description which may accrue to, or be suffered by, any person or persons, corporations or property by reason of the performance of any such work, character of materials used, or manner of installations, maintenance and operation, or by the improper occupancy of said highway right of way, and in case any suit or action is brought against the State and arising out of, or by reason of, any of the above causes, the Permittee, its/his successors or assigns, will upon notice to it/him of the commencement of such action, defend the same at its/his sole cost and expense and satisfy any judgment which may be rendered against the State in any such suit or action.

PROTECTION OF TRAFFIC - The Permittee shall protect the work area with traffic control devices that comply with the Manual of Uniform Traffic Control Devices. The Permittee may be required to submit a traffic control plan to the Maintenance Chief for approval prior to starting work. During work, the Maintenance Chief or designee may require the Permittee to use additional traffic control devices to protect traffic or the work area. No road closure shall occur without prior approval from the District Engineer.

HIGHWAY AND DRAINAGE - If the work done under this permit interferes in any way with the drainage of the State highway affected, Permittee shall, at the Permittees expense, make such provisions as the State may direct to remedy the interference.

RUBBISH AND DEBRIS - Upon completion of work contemplated under this permit, all rubbish and debris shall be immediately removed and the roadway and roadside left in a neat and presentable condition satisfactory to the State.

INSPECTION - The installation authorized by this permit shall be in compliance with the attached plan and the conditions of this permit. The Permittee may be required to remove or revise the installation, at sole expense of Permittee. If the installation does not conform with the requirements of this permit or the attached plan.

STATES RIGHT NOT TO BE INTERFERED WITH - All changes, reconstruction or relocation shall be done by Permittee so as to cause the least interference with any of the States work, and the State shall not be liable for any damage to the Permittee by reason of any such work by the State, its agents, contractor or representatives, or by the excercise of any rights by the State upon the highways by the installations or structures placed under this permit.

REMOVAL OF INSTALLATIONS OR STRUCTURES - Unless waived by the State, upon termination of this permit, the Permittee shall remove the installations or structures installed under this permit at no cost to the State and restore the premises to the prior existing condition, reasonable and ordinary wear and tear and damage by the elements, or by circumstances over which the Permittee has no control, excepted.

MAINTENANCE AT EXPENSE OF PERMITTEE - Permittee shall maintain, at its sole expense, the installations and structures for which this permit is granted, in a condition satisfactory to the State.

STATE NOT LIABLE FOR DAMAGE TO INSTALLATIONS - In accepting this permit the Permittee agrees that any damage or injury done to said installations or structures by a contractor working for the State, or by any State employee engaged in construction, alteration, repair, maintenance or improvement of the State highway, shall be at the sole expense of the Permittee.

STATE TO BE REIMBURSED FOR REPAIRING ROADWAY - Upon being billed, therefore, Permittee agrees to promptly reimburse State for any expense incurred in repairing surface of roadway due to settlement at installation, or for any other damage to roadway as a result of the work performed under this permit.

The Permittee shall not discharge or cause discharge of any hazardous or solid waste by the installation or operation of the facility of a State Right-of-Way.

The Permittee will control noxious weeds within the disturbed installation area for two (2) years.

In accordance with Mont. Code Ann. 76-3-403(2), Permittee shall, at Permittees expense, employ the services of a Montana Licensed Professional Land Surveyor to re-establish all existing survey monuments disturbed by work contemplated under this permit.

The use of explosives is prohibited for the installation.

Any condition of this permit shall not be waived without written approval of the appropriate District Engineer.

MONTANA
Department of Transportation

Montana Department of Transportation

Encroachment Application

2701 Prospect Ave
PO Box 201001
Helena, MT 59620-1001
(406) 444-6200
www.mdt.mt.gov

Printed Date: 10/03/2023

Applicant Information

First Name *: TEO

Last Name *: ABBRUZZESE

Email *: egenay@dowl.com

Company: AMB WEST

**Mailing Address ***: P.O. BOX 1219

Contact Phone *: (207) 500-0257

City *: EMIGRANT

State *: MT

Zip *: 59027

Alternate Contact/Co-Applicant Information (Optional)

First Name	Last Name	Email	Phone	Contact Type
JIM	POTTS	jpotts@dowl.com	(406) 551-1452	○ Co-Applicant ◉ Alternate Contact
EVAN	GENAY	egenay@dowl.com	(406) 551-1446	○ Co-Applicant ◉ Alternate Contact

Location Information

Sign Route *: US-89

Route Name:

Mile Post Start *: 19

Mile Post End: 25

Physical Address *: HIGHWAY 89

City *: EMIGRANT

County *: PARK

Legal Description:

Township:

Range:

Section:

2701 Prospect Ave
PO Box 201001
Helena, MT 59620-1001
(406) 444-6200
www.mdt.mt.gov

Printed Date: 10/03/2023

Permit Information

Nature of Permit (Give sufficient detail of anticipated build/structure/activities that the applicant is requesting to occur in MDT's right-of-way.) *

THIS PERMIT HAS THREE CROSSINGS AS DESCRIBED IN THE ATTACHED ENGINEERING DOCUMENTS. GOING FROM NORTH TO SOUTH, THE FIRST CROSSING (PP1 & EX1) IS AN EXISTING 10" PIPE INSIDE OF A 24" CONCRETE CULVERT. LANDOWNER PROPOSES REMOVING THE EXISTING PIPE AND REPLACING IT WITH A PIPE THAT COULD NOT BE EXPOSED TO MOTORISTS. THE SECOND CROSSING (EX2 & PP2) IS AN EXISTING BELOW GRADE CROSSING THAT IS UNPERMITTED. THE LANDOWNER DOES NOT PROPOSE ANY MODIFICATION TO THIS CROSSING, BUT WOULD LIKE TO HAVE IT DOCUMENTED. THE THIRD CROSSING (EX3 & PP3) IS A NEW CROSSING THAT WILL BE DIRECTIONALLY DRILLED TO AVOID ANY POTENTIAL DISTURBANCE TO THE MDT ROADWAY AND EMBANKMENT.

Apply Date *

8/10/23

For how long a period is the permit desired? (e.g. Permanent, 30 days, May 1-June 30, 202x)?

PERMANENT

Project Scope (Please describe location of work and entire project scope. Include distance from existing highway survey station (if applicable), milepost, centerline, or right-of-way line near which installations of structures will be installed. Please attach a map depicting location.)

SEE ATTACHED PLANS FOR LOCATION AND SCOPE OF WORK

If a Corporation, give State of Incorporation and names of President and Secretary

Are there environmental actions involving hazardous waste sites? (Superfund, Spills, Underground Storage Tanks, Old Mines, etc.) If Yes you will need to fill out additional environment questions.

○ **Yes** ◉ **No**

2701 Prospect Ave
PO Box 201001
Helena, MT 59620-1001
(406) 444-6200
www.mdt.mt.gov

Printed Date: 10/03/2023

Environmental Checklist

The Montana Environmental Checklist Help Guide can be found on the web at
https://www.mdt.mt.gov/other/webdata/external/planning/forms/environmental-checklist-helpsheet.pdf

Checklist Conditions and Required Approvals

A. The applicant is not authorized to proceed with the proposed work until the checklist has been reviewed and approved, as necessary, and any requested conditions of approval have been incorporated.

B. Complete the checklist items 1 through 16, indicating "Yes" or "No" for each item. Include comments, explanations, information sources, and a description of the magnitude/importance of potential impacts in the right hand column. Attach additional and supporting information as needed. The checklist preparer, by signing, certifies the accuracy of the information provided.

C. If "Yes" is indicated on any of the items, the Applicant must explain the impacts as applicable. Appropriate mitigation measures that will be taken to avoid, minimize, and/or mitigate adverse impacts must also be described. Any proposed mitigation measures will become a condition of approval. Use attachments if necessary. If the applicant checks “No” and the District concludes there may in fact be potential impacts, the Environmental Checklist must be forwarded to Transportation Planning for review and approval.

D. If “Yes” is indicated in item 11 a. (threatened or endangered species), the Applicant should provide information naming the particular species and the expected location, distribution and habitat use in the proposed action area, i.e. within the immediate area of the proposed action; or, in the general area on occasion (seasonally passes through) but does not nest, den or occupy the area for more than a few days.

E. If the applicant checks "Yes" for any item, the approach permit, occupancy agreement or permit, along with the checklist and supporting information, including the Applicant's mitigation proposal, documentation, evaluation and/or permits must be submitted to Transportation Planning. Electronic format is preferred.

F. When the applicant checks “Yes” to any item, the Applicant cannot be authorized to proceed with the proposed work until the MDT Environmental Services Bureau and/or Transportation Planning, as appropriate, reviews the information and signs the checklist.

G. Applicant must obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning the proposed action or activity. The Applicant is solely responsible for any environmental impacts incurred as a result of the project; obtaining any necessary environmental permits, notifications, and/or clearances; and ensuring compliance with environmental laws and regulations.

Impact Questions * Actions that qualify for Categorical Exclusion under MEPA and/or NEPA (See ARM 18.2.261 and 23 CFR 771.117)			Comment, Explanation, and/or Information Source (Attach supporting information, as necessary.)
1	Will the proposed action impact any known historical or archaeological site(s)?	NO	
2	Will the proposed action impact any publicly owned parkland(s), recreation area(s), wildlife or waterfowl refuge(s)?	NO	
3	Will the proposed action impact prime farmlands? (If "YES", attach a completed Farmland Conversion Impact Rating Ad-1006.)	NO	
4a	Will the proposed action have an impact on the human environment that may result from relocations of persons or businesses, changes in traffic patterns, changes in grade, or other types of changes?	NO	
4b	Has the proposed action received any preliminary or final approval from the local land use authority?	NO	
5	For the proposed action, is there documented controversy on environmental grounds? (For example, has the applicant received a letter of petition from an environmental organization?)	NO	
6	Will the proposed action require work in, across or adjacent to a listed or proposed Wild or Scenic River?	NO	
7	Will the proposed action require work in a Class I Air Shed or nonattainment area?	NO	

2701 Prospect Ave
PO Box 201001
Helena, MT 59620-1001
(406) 444-6200
www.mdt.mt.gov

Printed Date: 10/03/2023

8	Will the proposed action impact air quality or increase noise, even temporarily?	NO	
9a	Is the proposed action located within an MS4 Area? (HTTPS://TINYURL.COM/3H54CNMD)	NO	
9b	Will the proposed action have potential to affect water quality, wetlands, streams or other water bodies? If "YES", an environment-related permit or authorization may be required.	NO	
10	Are solid or hazardous wastes or petroleum products likely to be encountered? (For example, project occurs in or adjacent to Superfund sites, known spill areas, understorage tanks, or abandoned mines.)	NO	
11a	Are there any listed or candidate threatened or endangered species, or critical habitat in the vicinity of the proposed action?	NO	
11b	Will the proposed action adversely affect listed or candidate threatened or endangered species, or adversely modify critical habitat?	NO	
12	Will the proposed action require an environmental-related permit or authorization? If the answer is "YES", please list the specific permits or authorizations.	NO	
13	Is the proposed action within designated sage grouse habitat (https://sagegrouse.mt.gov). (If "YES", a consultation letter issued from the Montana Sage Grouse Habitat Conservation Program is required.)	NO	
14a	Is the proposed action on or within approximately 1 mile of an Indian Reservation?	NO	
14b	If "YES", will a Tribal Water Permit be required?	N/A	
15	Will the proposed action result in increased traffic volumes, increased wait or delays on state highways, or have adverse impacts on other forms of transportation (rail, transit or air movements)?	NO	
16	Is the proposed action part of a project that may require other governmental permits, licenses or easements? If “Yes”, describe the full extent of the project and any other permits, licenses or easements that may be necessary for the applicant to acquire in the project scope box above.	NO	
17	Attach a brief description of the work to be performed, including any subsurface work.	YES	
18	Attach representative photos of the site(s) where the proposed action would be implemented. Photos are to include any structures, streams, irrigation canals, and/or potential wetlands in the project area.	YES	
19	Attach map(s) showing the location(s) of the proposed action(s); Section, Township, Range; highway or route number and approximate route post(s).	YES	

Checklist preparer: EVAN GENAY, EI, DOWL

_____
(Signature)

Encroachment Permits are subject to the following terms and conditions:

TERM - This permit shall be in full force and effect from the date hereof until revoked as herein provided.

FEE - The fee for issuance of this permit is _____.

REVOCATION - This permit my be revoked by State upon giving 45 days notice to Permittee by ordinary mail, sent to the address shown herein. However, the State may revoke this permit without notice if Permittee violates any of its conditions or terms.

COMMENCEMENT OF WORK - No work shall be commenced until Permittee notifies the Maintenance Chief shown in application the date the Permittee proposes to commence work.

CHANGES IN HIGHWAY - If State highway changes necessitate changes in structures or installations installed under this permit, permittee will make necessary changes without expense to State.

STATE SAVED HARMLESS FROM CLAIMS - In accepting this permit the Permittee, its/his successors or assigns, agree to protect the State and save it harmless from all claims, actions or damage of every kind and description which may accrue to, or be suffered by, any person or persons, corporations or property by reason of the performance of any such work, character of materials used, or manner of installations, maintenance and operation, or by the improper occupancy of said highway right of way, and in case any suit or action is brought against the State and arising out of, or by reason of, any of the above causes, the Permittee, its/his successors or assigns, will upon notice to it/him of the commencement of such action, defend the same at its/his sole cost and expense and satisfy any judgment which may be rendered against the State in any such suit or action.

PROTECTION OF TRAFFIC - The Permittee shall protect the work area with traffic control devices that comply with the Manual of Uniform Traffic Control Devices. The Permittee may be required to submit a traffic control plan to the Maintenance Chief for approval prior to starting work. During work, the Maintenance Chief or designee may require the Permittee to use additional traffic control devices to protect traffic or the work area. No road closure shall occur without prior approval from the District Engineer.

HIGHWAY AND DRAINAGE - If the work done under this permit interferes in any way with the drainage of the State highway affected, Permittee shall, at the Permittees expense, make such provisions as the State may direct to remedy the interference.

RUBBISH AND DEBRIS - Upon completion of work contemplated under this permit, all rubbish and debris shall be immediately removed and the roadway and roadside left in a neat and presentable condition satisfactory to the State.

INSPECTION - The installation authorized by this permit shall be in compliance with the attached plan and the conditions of this permit. The Permittee may be required to remove or revise the installation, at sole expense of Permittee. If the installation does not conform with the requirements of this permit or the attached plan.

STATES RIGHT NOT TO BE INTERFERED WITH - All changes, reconstruction or relocation shall be done by Permittee so as to cause the least interference with any of the States work, and the State shall not be liable for any damage to the Permittee by reason of any such work by the State, its agents, contractor or representatives, or by the excercise of any rights by the State upon the highways by the installations or structures placed under this permit.

REMOVAL OF INSTALLATIONS OR STRUCTURES - Unless waived by the State, upon termination of this permit, the Permittee shall remove the installations or structures installed under this permit at no cost to the State and restore the premises to the prior existing condition, reasonable and ordinary wear and tear and damage by the elements, or by circumstances over which the Permittee has no control, excepted.

MAINTENANCE AT EXPENSE OF PERMITTEE - Permittee shall maintain, at its sole expense, the installations and structures for which this permit is granted, in a condition satisfactory to the State.

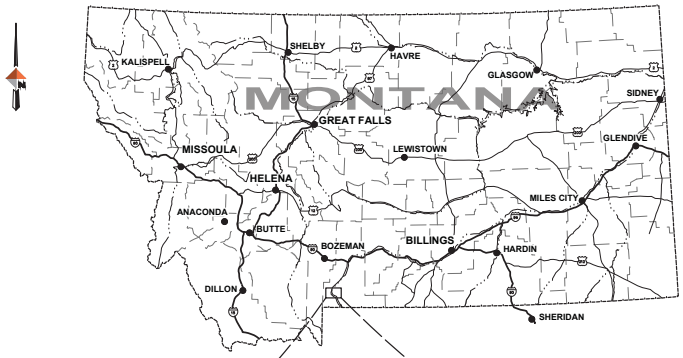
STATE NOT LIABLE FOR DAMAGE TO INSTALLATIONS - In accepting this permit the Permittee agrees that any damage or injury done to said installations or structures by a contractor working for the State, or by any State employee engaged in construction, alteration, repair, maintenance or improvement of the State highway, shall be at the sole expense of the Permittee.

STATE TO BE REIMBURSED FOR REPAIRING ROADWAY - Upon being billed, therefore, Permittee agrees to promptly reimburse State for any expense incurred in repairing surface of roadway due to settlement at installation, or for any other damage to roadway as a result of the work performed under this permit.

The Permittee shall not discharge or cause discharge of any hazardous or solid waste by the installation or operation of the facility of a State Right-of-Way.

The Permittee will control noxious weeds within the disturbed installation area for two (2) years.

In accordance with Mont. Code Ann. 76-3-403(2), Permittee shall, at Permittees expense, employ the services of a Montana Licensed Professional Land Surveyor to re-establish all existing survey monuments disturbed by work contemplated under this permit.



1 0 1
SCALE IN MILES

AMB WEST IRRIGATION CROSSINGS

EMIGRANT, MT

PREPARED FOR:

AMB WEST
P.O. BOX 219
EMIGRANT, MT
207-500-0257

PREPARED BY:

DOWL
WWW.DOWL.COM
1283 North 14th Avenue
Bozeman, Montana 59715
406-586-8834

ENGINEER'S STAMP

SHEET INDEX

GENERAL SHEETS

EXHIBITS

PLAN & PROFILE SHEETS

DETAIL SHEETS

PROJECT	46526.126[illegible]3.01
DATE	01/20/2023

SHEET
G00

GENERAL NOTES

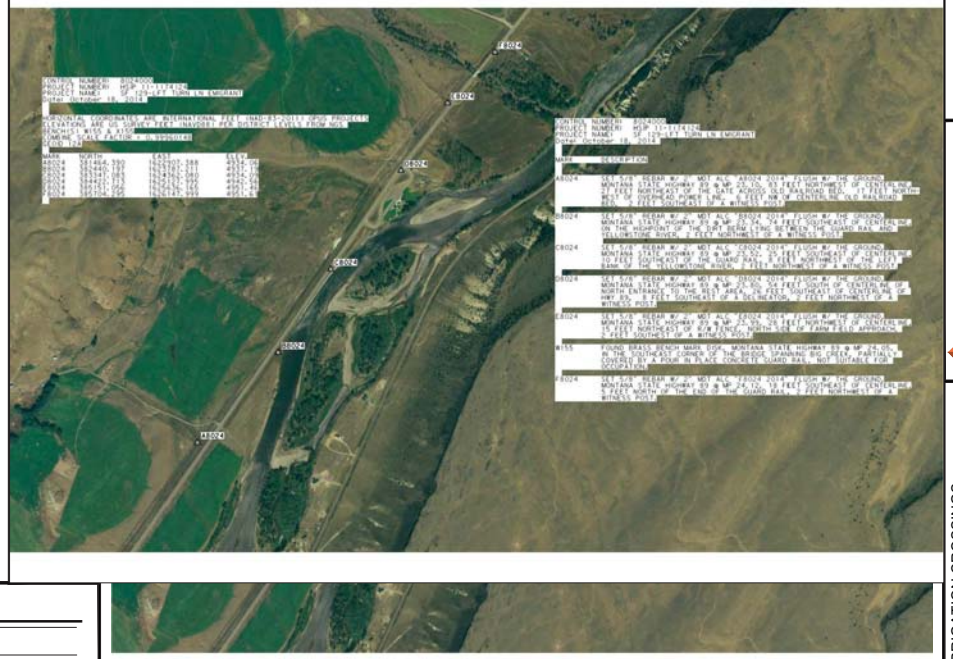
1. THE LOCATION OF EXISTING UTILITIES SHOWN IS APPROXIMATE AND THE CONTRACTOR SHALL FIELD VERIFY PRIOR TO CONSTRUCTION. THE CONTRACTOR IS REQUIRED TO TAKE ALL PRECAUTIONARY MEANS TO PROTECT EXISTING UTILITIES.
2. WHERE CONDITIONS ARE ENCOUNTERED WHICH APPEAR DIFFERENT FROM THOSE INDICATED ON THE PLANS OR IN THE SPECIFICATIONS, THE CONTRACTOR SHALL NOTIFY THE ENGINEER PRIOR TO THE PERFORMANCE OF WORK.
3. ALL WORK AND MATERIALS SHALL CONFORM TO THE 6TH EDITION OF THE "MONTANA PUBLIC WORKS STANDARD SPECIFICATIONS" AND MODIFICATIONS THERETO. IN CASE OF A CONFLICT BETWEEN REGULATORY OR STANDARD SPECIFICATIONS, THE MORE STRINGENT REQUIREMENT WILL PREVAIL.
4. CONSTRUCTION SAFETY AND SANITATION FACILITIES SHALL BE PROVIDED BY THE CONTRACTOR AND MAINTAINED PER THE REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.
5. THE CONTRACTOR SHALL PROTECT ADJACENT PRIVATE AND PUBLIC PROPERTY FROM DAMAGE DURING CONSTRUCTION.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING ANY AND ALL UTILITIES IN THE AREA PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TRAFFIC CONTROL, INCLUDING BUT NOT LIMITED TO DETOURS, SIGNAGE AND FLAGGING PERSONNEL. THE CONTRACTOR SHALL SUBMIT TRAFFIC CONTROL PLANS IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS.
8. THE CONTRACTOR SHALL REPLACE EXISTING FENCING AND ROADSIDE APPURTENANCES DISPLACED OR DAMAGED BY CONSTRUCTION.
9. IRRIGATION PIPE MATERIAL SHALL BE DR11 HDPE AS INDICATED ON THE PLAN SHEETS.
10. IRRIGATION FITTINGS SHALL BE MECHANICAL JOINT WITH MEGALUG RESTRAINTS, AS DESCRIBED IN THE SPECIFICATIONS.
11. NEW IRRIGATION WATER MAINS SHALL BE PRESSURE TESTED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS.
12. CONTRACTOR SHALL PROCURE THE NECESSARY DISCHARGE PERMITS AND STORMWATER CONTROL PERMITS (SEE SECTION 01060 OF THE SPECIFICATIONS.)
13. EXISTING UTILITY SERVICES (SEWER, GAS, TELEPHONE, ETC.) ARE NOT SHOWN ON THE DRAWINGS, AND HAVE NOT BEEN LOCATED.

CAUTION ! ! !
EXISTING UTILITIES IN AREA
CONTRACTOR RESPONSIBLE FOR UTILITY LOCATES PRIOR TO AND DURING CONSTRUCTION

SURVEY CONTROL POINT LOCATION

SURVEY NOTES:

1. HORIZONTAL COORDINATES ARE INTERNATIONAL FEET (NAD–83–2011) OPUS PROJECTS
2. ELEVATIONS ARE US SURVEY FEET (NAVD88) PER DIFFERENTIAL LEVELS FROM N.G.S. BENCHES W155& X155; GEOID 12A
3. COMBINED SCALE FACTOR = 0.99960148
4. VERTICAL DATUM IS NAVD88, CHECKED AT BENCHMARKS W155 & X155.



GENERAL PROJECT LEGEND

EXISTING ITEMS

- EXISTING CONTOUR (1.00' INTERVAL)
- EXISTING CURB & GUTTER
- EXISTING EDGE OF ASPHALT
- EXISTING EDGE OF GRAVEL
- EXISTING FENCE
- EXISTING BORE HOLE
- EXISTING SIGN
- EXISTING GAS LINE
- EXISTING FIBER OPTICS LINE
- EXISTING COMMUNICATION LINE
- EXISTING TELEPHONE LINE
- EXISTING OVERHEAD POWER
- EXISTING BURIED POWER
- EXISTING UTILITY POLE
- EXISTING UTILITY ANCHOR
- EXISTING LIGHT POLE
- EXISTING STORM MAIN
- EXISTING STORM MANHOLE
- EXISTING STORM CULVERT
- EXISTING STORM CATCH BASIN
- EXISTING SANITARY SEWER MAIN
- EXISTING SANITARY SEWER MANHOLE
- EXISTING WATER MAIN
- EXISTING GATE VALVE
- EXISTING FIRE HYDRANT
- EXISTING WATER METER
- EXISTING CURB STOP
- EXISTING RR ROW
- EXISTING BUILDING HATCH
- EXISTING GRAVEL HATCH

NEW ITEMS

- NEW WATERLINE
- NEW WATER SERVICE
- NEW FIRE HYDRANT
- NEW VALVE
- NEW TEE
- NEW CROSS
- NEW BEND
- NEW REDUCER
- NEW CAP
- NEW COUPLING
- BORE PIT

COMMON ABBREVIATIONS

BFV	BUTTERFLY VALVE	CL	CENTERLINE	RJ	RESTRAINED JOINT WATER MAIN
SD	STORM DRAIN	FL	FLOWLINE	BH	BOREHOLES
PP	POWER POLE	OE	OVERHEAD POWER	MJ	MECHANICAL JOINT
GA	GUY ANCHOR	UNK	UNKNOWN LOCATION	EX	EXISTING
EOP	EDGE OF PAVEMENT	I.E.	INVERT ELEVATION	CIP	CAST IRON PIPE
L.F.	LINEAL FEET	INV. EL.	INVERT ELEVATION	PVC	POLYVINYL CHLORIDE
EL.	ELEVATION	UGP	UNDERGROUND POWER	W	WATER MAIN
(TYP)	TYPICAL	TEL	UNDERGROUND TELEPHONE	FO	FIBER OPTIC
INV.	INVERT	ABAND.	ABANDON IN–PLACE	G	NATURAL GAS
S=	SLOPE	CMP	CORRUGATED METAL PIPE	F.A.P.	FEDERAL–AID HIGHWAY PROJECT
C.B.	CATCH BASIN	DH	DRILL HOLE	HDD	HORIZONTAL DIRECTIONAL DRILL
MH	MANHOLE	CP	CONTROL POINT		

REVISIONS

REV	DATE	DESCRIPTION	BY

DOWL
WWW.DOWL.COM
1283 North 14th Avenue #101
Bozeman, Montana 59715
406-586-8834

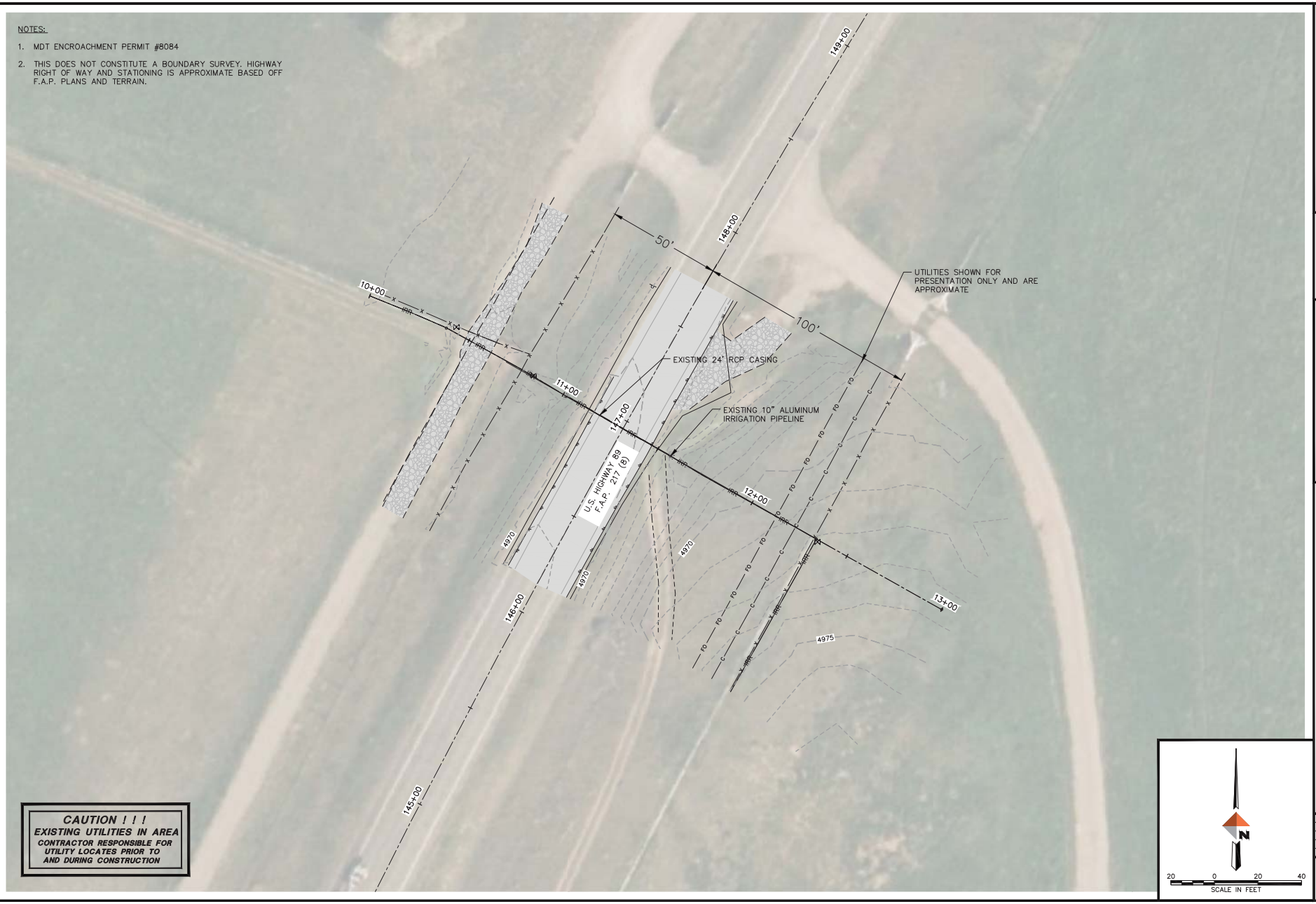
AMB WEST IRRIGATION CROSSINGS
WEST CREEK RANCH
SURVEY CONTROL, LEGEND, ABBREVIATIONS, NOTES
EMIGRANT, MONTANA

PROJECT 4531.12513.01
DATE JUNE 2023

SHEET
G01

NOTES:

1. MDT ENCROACHMENT PERMIT #8084
2. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY. HIGHWAY RIGHT OF WAY AND STATIONING IS APPROXIMATE BASED OFF F.A.P. PLANS AND TERRAIN.



CAUTION ! ! !
EXISTING UTILITIES IN AREA
CONTRACTOR RESPONSIBLE FOR UTILITY LOCATES PRIOR TO AND DURING CONSTRUCTION

20 0 20 40
SCALE IN FEET

REVISIONS		
REV	DATE	DESCRIPTION	BY

DOWL
www.dowl.com
1283 North 14th Avenue #101
Bozeman, Montana 59715
406-586-9834

AMB WEST IRRIGATION CROSSINGS
WEST CREEK RANCH

OVERALL SITE EXHIBIT
NORTH AREA F.A.P. 217(8) STA 146+96

EMIGRANT, MONTANA

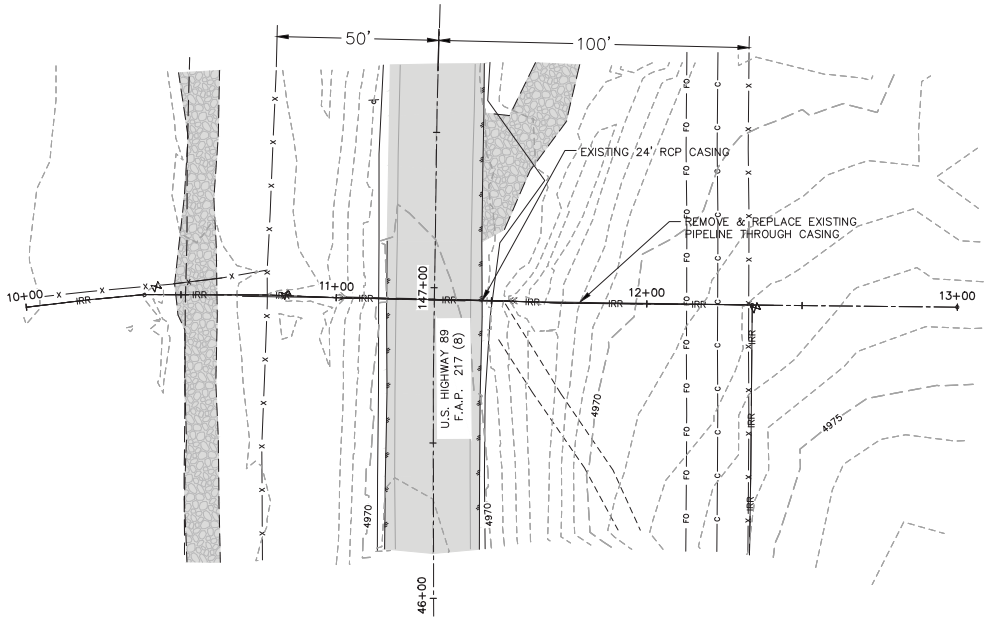
PROJECT 4531.12513.01
DATE JUNE 2023

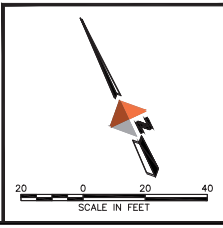
SHEET
EX1

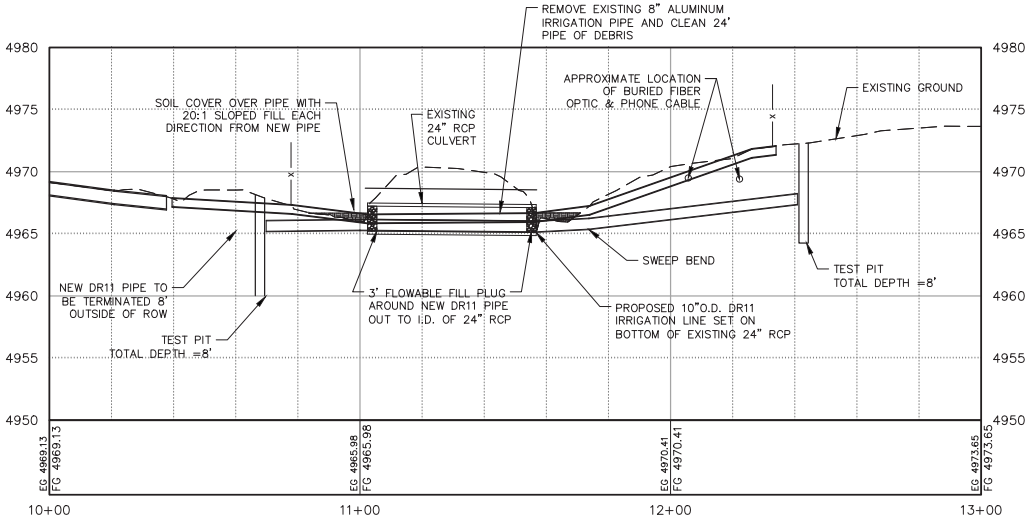
NOTES:

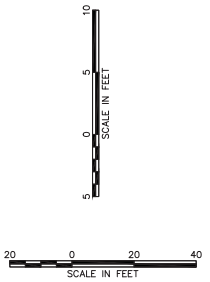
1. MDT ENCROACHMENT PERMIT #8084
2. ALL LANES OF HIGHWAY 89 TO REMAIN OPEN TO TRAFFIC DURING CONSTRUCTION
3. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY. HIGHWAY RIGHT OF WAY AND STATIONING IS APPROXIMATE BASED OFF F.A.P. PLANS AND TERRAIN.
4. OWNER TO CONNECT THIS HIGHWAY CROSSING PIPELINE TO OWNER'S EXISTING IRRIGATION PIPING
5. CONTRACTOR IS RESPONSIBLE FOR PROVIDING TRAFFIC CONTROL MEASURES PER DETAIL 3–D1

CAUTION ! ! !
EXISTING UTILITIES IN AREA
CONTRACTOR RESPONSIBLE FOR UTILITY LOCATES PRIOR TO AND DURING CONSTRUCTION









REV	DATE	DESCRIPTION	BY
		REVISIONS	

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WWW.DOWL.COM
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Bozeman, Montana 59715
406-586-9834

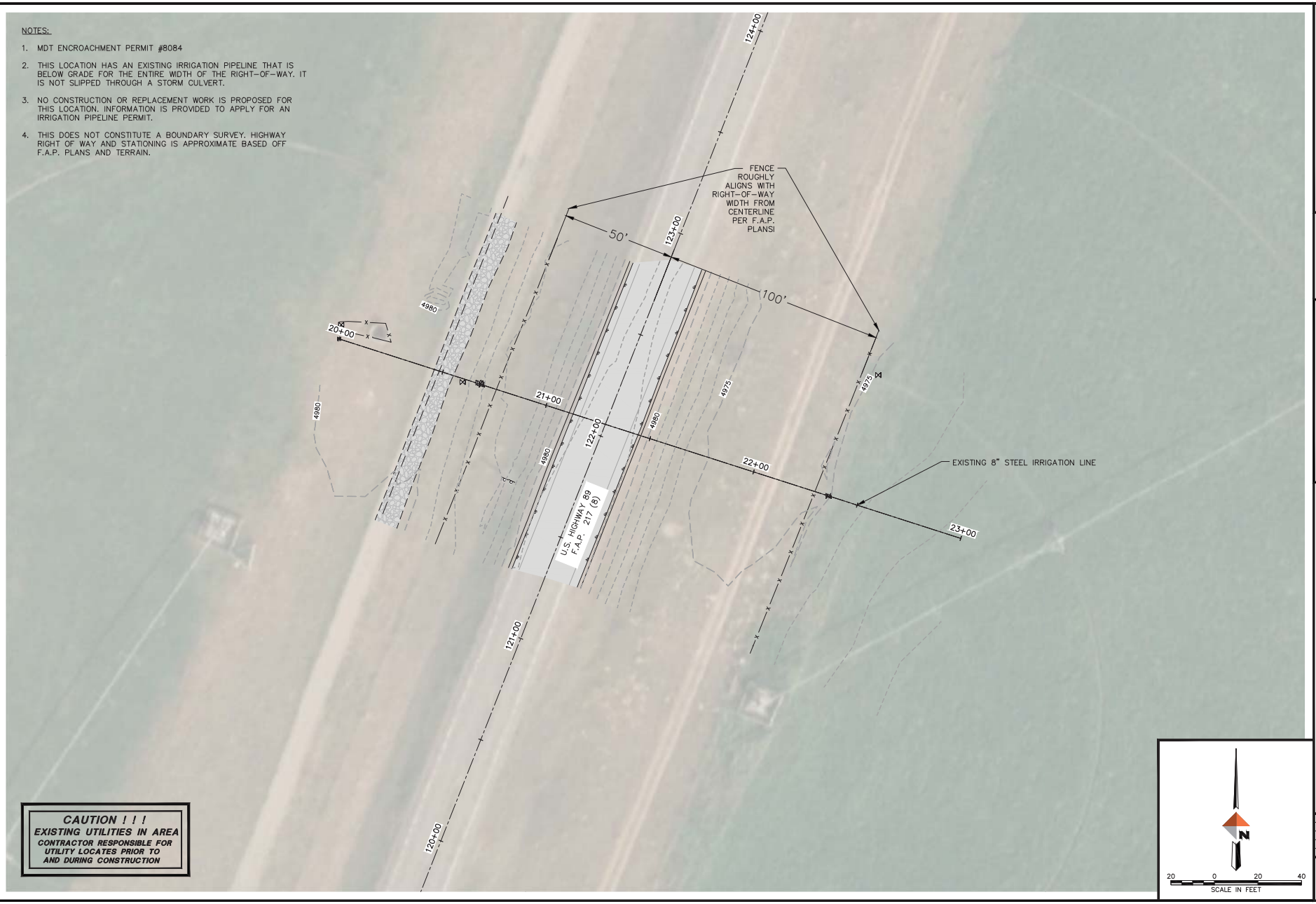
AMB WEST IRRIGATION CROSSINGS
WEST CREEK RANCH
PLAN AND PROFILE
NORTH AREA F.A.P. 217(8) STA 146+96
EMIGRANT, MONTANA

PROJECT 4531.12513.01
DATE JUNE 2023

SHEET
PP1

NOTES:

1. MDT ENCROACHMENT PERMIT #8084
2. THIS LOCATION HAS AN EXISTING IRRIGATION PIPELINE THAT IS BELOW GRADE FOR THE ENTIRE WIDTH OF THE RIGHT-OF-WAY. IT IS NOT SLIPPED THROUGH A STORM CULVERT.
3. NO CONSTRUCTION OR REPLACEMENT WORK IS PROPOSED FOR THIS LOCATION. INFORMATION IS PROVIDED TO APPLY FOR AN IRRIGATION PIPELINE PERMIT.
4. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY. HIGHWAY RIGHT OF WAY AND STATIONING IS APPROXIMATE BASED OFF F.A.P. PLANS AND TERRAIN.



CAUTION ! ! !
EXISTING UTILITIES IN AREA
CONTRACTOR RESPONSIBLE FOR UTILITY LOCATES PRIOR TO AND DURING CONSTRUCTION

N

20 0 20 40
SCALE IN FEET

REV	DATE	REVISIONS DESCRIPTION	BY

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1283 North 14th Avenue #101
Bozeman, Montana 59715
406-586-9834

AMB WEST IRRIGATION CROSSINGS
WEST CREEK RANCH

OVERALL SITE EXHIBIT
MIDDLE AREA F.A.P 217(8) 122+06

EMIGRANT, MONTANA

PROJECT 4531.12513.01
DATE JUNE 2023

SHEET
EX2

G:\dowl_pw\d0404343\SC-CS-CP-12513-01_WCR.dwg PLOT DATE 2023-10-10 11:26 SAVED DATE 2023-10-10 11:22 USER: egensy

NOTES:

1. MDT ENCROACHMENT PERMIT #8084
2. THIS LOCATION HAS AN EXISTING IRRIGATION PIPELINE THAT IS BELOW GRADE FOR THE ENTIRE WIDTH OF THE RIGHT-OF-WAY. IT IS NOT SLIPPED THROUGH A STORM CULVERT.
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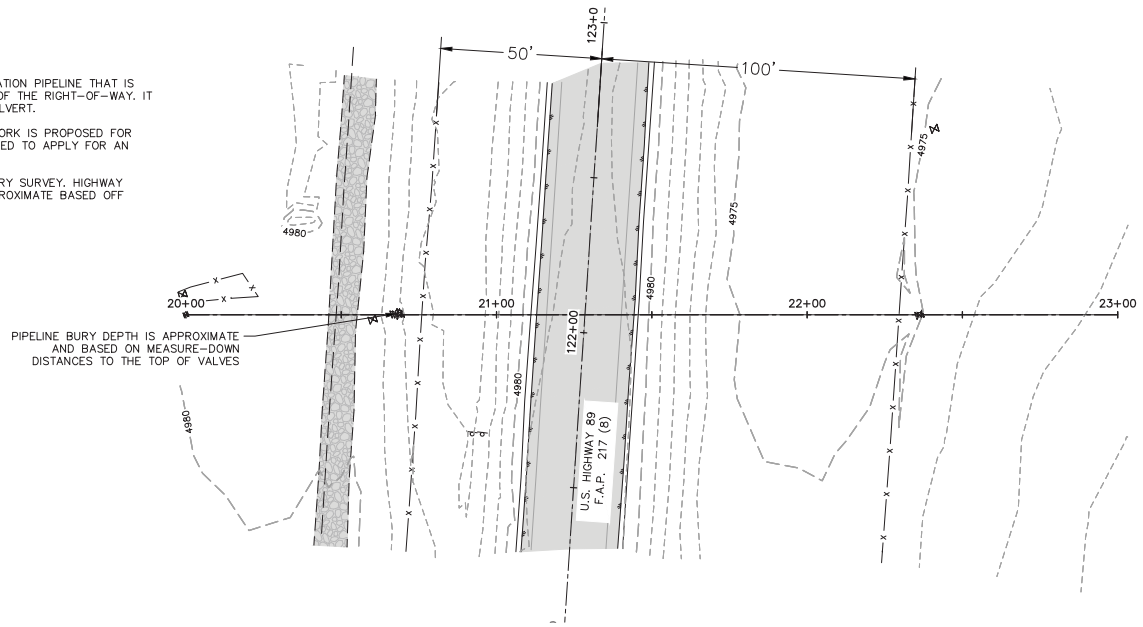
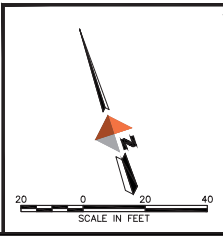
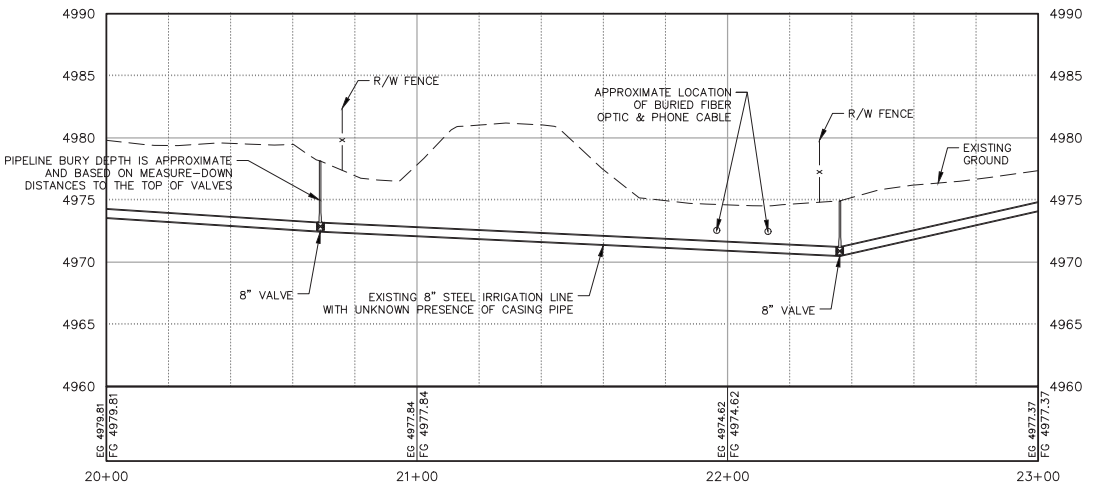
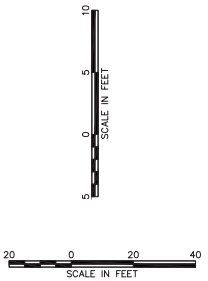


CAUTION ! ! !
EXISTING UTILITIES IN AREA
CONTRACTOR RESPONSIBLE FOR UTILITY LOCATES PRIOR TO AND DURING CONSTRUCTION







REV	DATE	REVISIONS DESCRIPTION	BY

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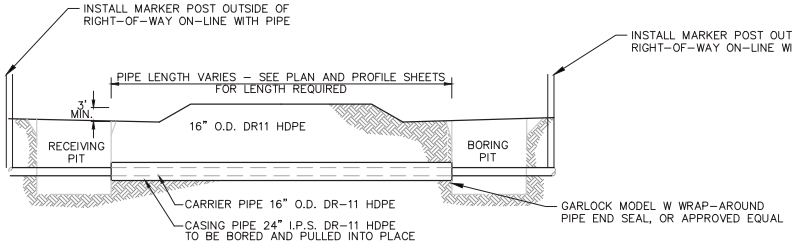
WWW.DOWL.COM
1283 North 14th Avenue #101
Bozeman, Montana 59715
406-586-9834

AMB WEST IRRIGATION CROSSINGS
WEST CREEK RANCH
PLAN AND PROFILE
MIDDLE AREA F.A.P 217(8) 122+06
EMIGRANT, MONTANA

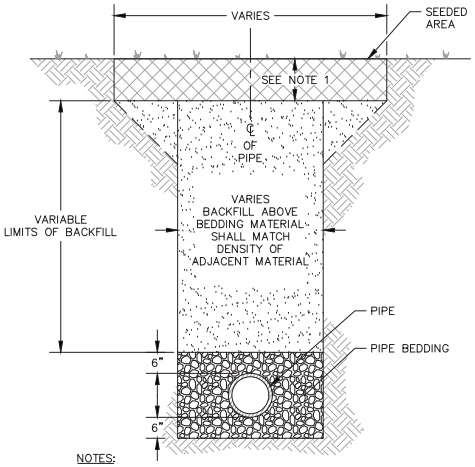
PROJECT 4531.12513.01
DATE JUNE 2023

SHEET
PP2



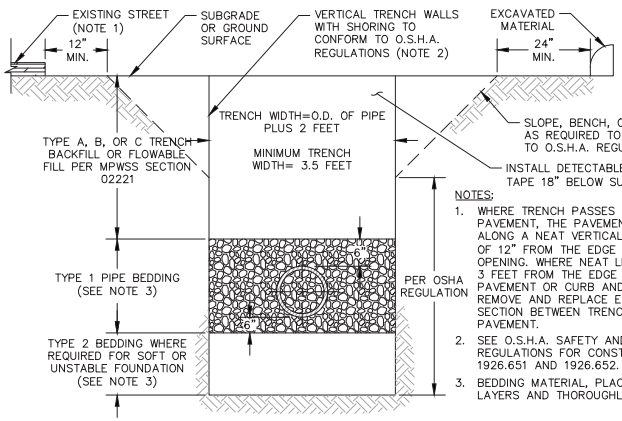
NOTES:
1. SEE O.S.H.A. SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION, SECTION 1926.652. TRENCH WALLS SHALL BE IN COMPLIANCE WITH THE CURRENT O.S.H.A. REGULATIONS.
2. VERTICAL TRENCH WALLS WITH SHORING TO CONFORM TO O.S.H.A. REGULATIONS. BACKSLOPE AS SPECIFIED TO CONFORM TO O.S.H.A. REGULATIONS.

1 / D1 **DETAIL**
BORING AND PIPING
SCALE : NONE



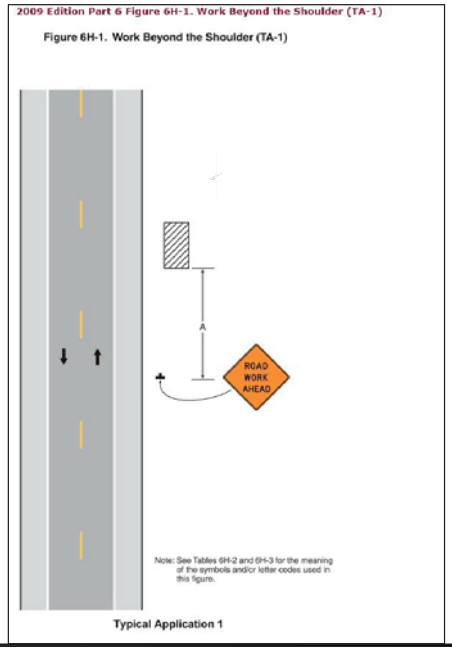
NOTES:
1. STRIP TOP 8" OF NATIVE SOIL AND STOCKPILE FOR REUSE AS NATIVE TOPSOIL.
2. UPON COMPLETION OF TRENCH BACKFILL, SPREAD AND LEVEL TOPSOIL OVER THE TRENCH LIMITS AND SEED AS SPECIFIED.
3. REMOVE ROCKS LARGER THAN 4" PRIOR TO SEEDING WITH A NATIVE GRASS MIXTURE.

2 / D1 **DETAIL**
RESTORATION - OPEN AREAS/TURF



NOTES:
1. WHERE TRENCH PASSES THROUGH EXISTING PAVEMENT, THE PAVEMENT SHALL BE CUT ALONG A NEAT VERTICAL LINE A MINIMUM OF 12" FROM THE EDGE OF THE TRENCH OPENING. WHERE NEAT LINE IS LESS THAN 3 FEET FROM THE EDGE OF EXISTING PAVEMENT OR CURB AND GUTTER SECTION, REMOVE AND REPLACE ENTIRE PAVEMENT SECTION BETWEEN TRENCH AND EDGE OF PAVEMENT.
2. SEE O.S.H.A. SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION. SECTIONS 1926.651 AND 1926.652.
3. BEDDING MATERIAL, PLACED IN 6" MAXIMUM LAYERS AND THOROUGHLY COMPACTED.

3 / D1 **DETAIL**
TYPICAL UTILITY TRENCH
SCALE : NONE



3 / D1 **DETAIL**
TRAFFIC CONTROL - OUTSIDE SHOULDER

REVISIONS

REV	DATE	DESCRIPTION	BY

DOWL
WWW.DOWL.COM
1283 North 14th Avenue #101
Bozeman, Montana 59715
406-586-9834

AMB WEST IRRIGATION CROSSINGS
WEST CREEK RANCH
STANDARD DETAILS
EMIGRANT, MONTANA

PROJECT 4531.12513.01
DATE JUNE 2023

SHEET
D1

NOTES:

1. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY. HIGHWAY RIGHT OF WAY AND STATIONING IS APPROXIMATE BASED OFF F.A.P. PLANS AND TERRAIN.

CAUTION ! ! !
EXISTING UTILITIES IN AREA
CONTRACTOR RESPONSIBLE FOR UTILITY LOCATES PRIOR TO AND DURING CONSTRUCTION

N

20 0 20 40
SCALE IN FEET

REV	DATE	DESCRIPTION	BY

DOWL
WWW.DOWL.COM
1283 North 14th Avenue #101
Bozeman, Montana 59715
406-586-8834

AMB WEST IRRIGATION CROSSINGS
DOME MOUNTAIN RANCH
OVERALL SITE EXHIBIT
F.A.P. 217(13) STA 121+68
EMIGRANT, MONTANA

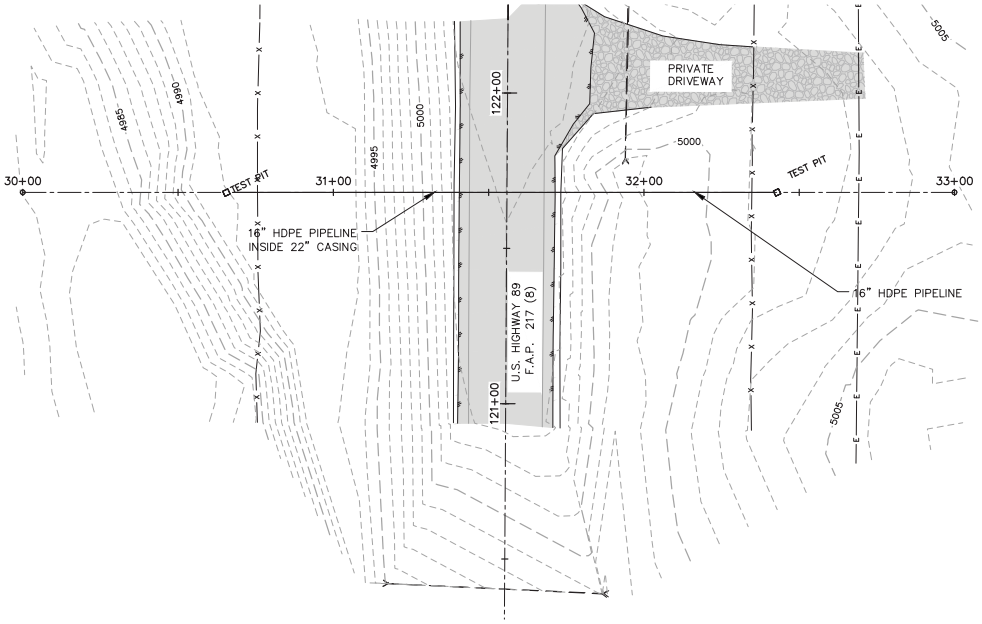
PROJECT 4531.12513.01
DATE JUNE 2023

SHEET
EX3

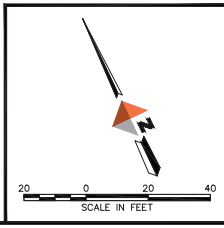
NOTES:

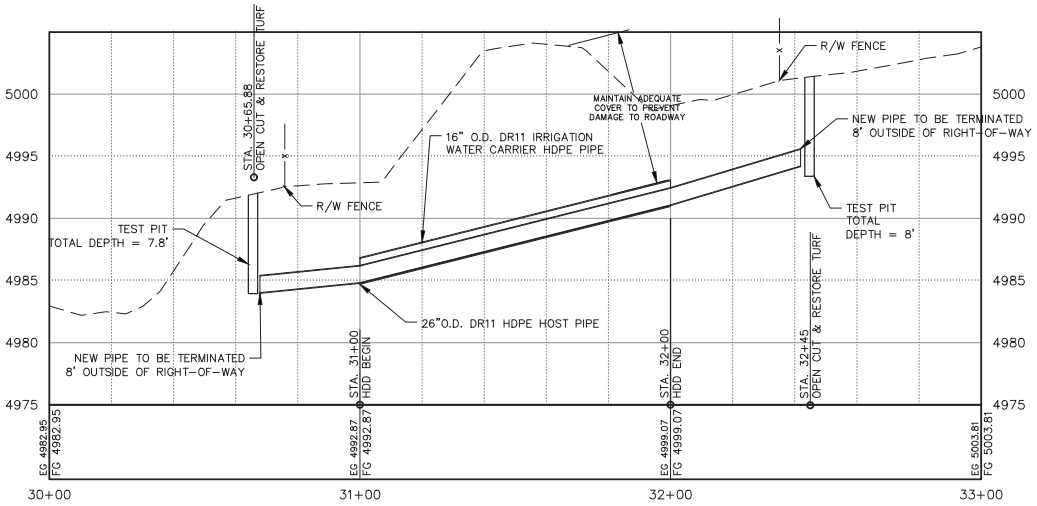
1. MDT ENCROACHMENT PERMIT #8084
2. THIS LOCATION HAS AN EXISTING IRRIGATION PIPELINE THAT IS SLIPPED THROUGH A STORM CULVERT. THE IRRIGATION LINE NEEDS TO BE REMOVED AS SHOWN HERE AND EX3
3. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY. HIGHWAY RIGHT OF WAY AND STATIONING IS APPROXIMATE BASED OFF F.A.P. PLANS AND TERRAIN.
4. OWNER TO CONNECT THIS HIGHWAY CROSSING PIPELINE TO OWNER'S EXISTING IRRIGATION PIPING.
5. CONTRACTOR TO KEEP HIGHWAY OPEN DURING CONSTRUCTION.
6. CASING AND NEW IRRIGATION PIPELINE TO BE HDPE, DR11, (IPS)
7. CONTRACTOR IS RESPONSIBLE FOR PROVIDING TRAFFIC CONTROL MEASURES PER DETAIL 3-D1

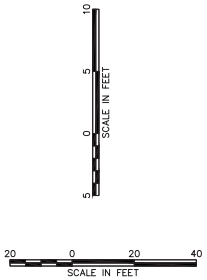
.



CAUTION ! ! !
EXISTING UTILITIES IN AREA
CONTRACTOR RESPONSIBLE FOR UTILITY LOCATES PRIOR TO AND DURING CONSTRUCTION







REV	DATE	REVISIONS DESCRIPTION	BY

DOWL
WWW.DOWL.COM
1283 North 14th Avenue #101
Bozeman, Montana 59715
406-586-9834

AMB WEST IRRIGATION CROSSINGS
DOME MOUNTAIN RANCH
PLAN AND PROFILE
F.A.P. 217(13) STA 121+68
EMIGRANT, MONTANA

PROJECT 4531.12513.01
DATE JUNE 2023

SHEET
PP3

2023.11.21 WCR_CD Form 500_combined

Final Audit Report 2023-11-21

Created:	2023-11-21
By:	Kendall Kirby (office@dmsnaturalresources.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAWEiTDavzqfLrp7fJVPsXRxGTVf1VZcVf

"2023.11.21 WCR_CD Form 500_combined" History

Document created by Kendall Kirby (office@dmsnaturalresources.com)
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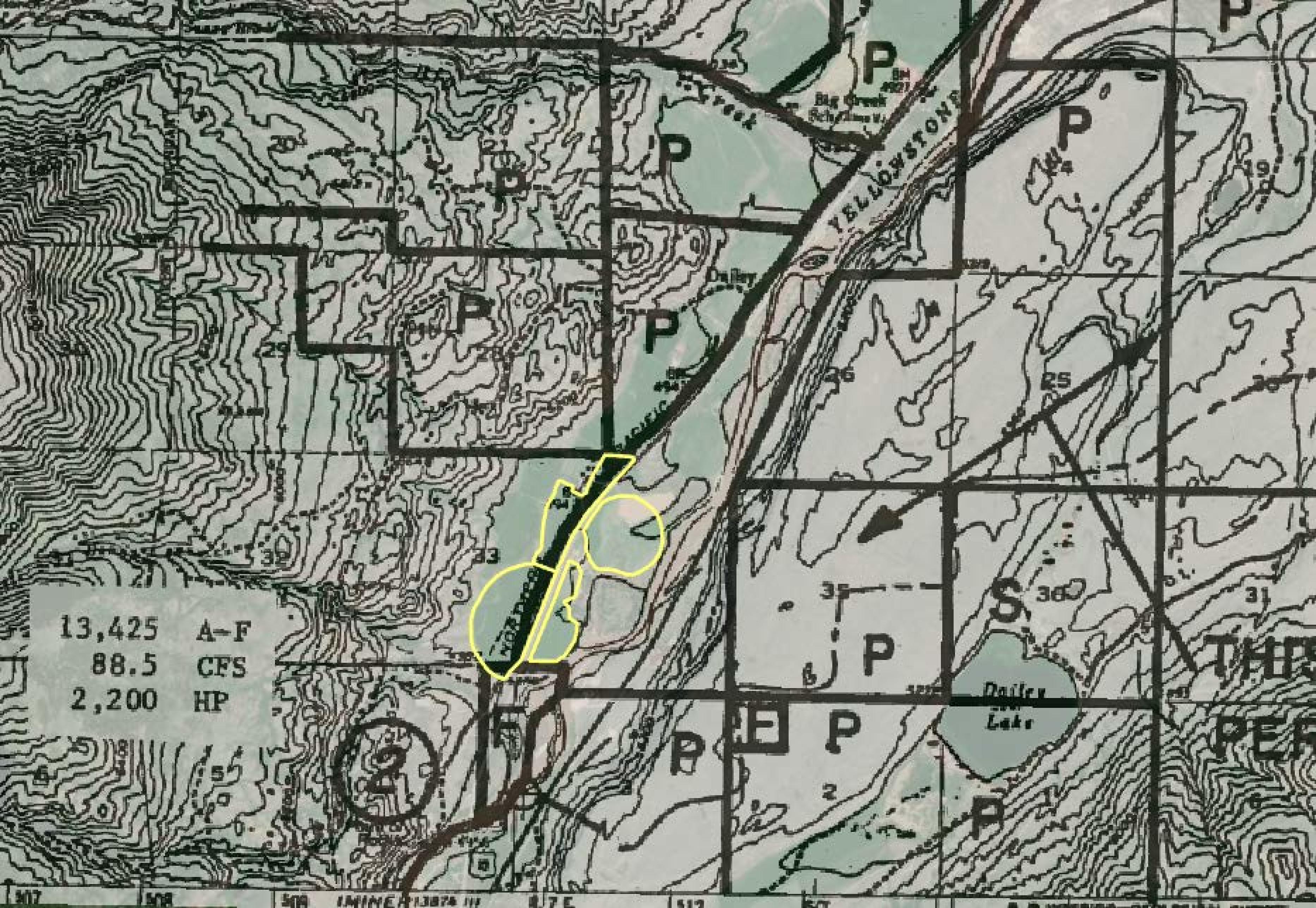
2023-11-21 - 6:35:26 PM GMT- IP address: 12.200.201.51

Document e-signed by Jon Martin (jon.martin@ambwest.com)
Signature Date: 2023-11-21 - 6:36:26 PM GMT - Time Source: server- IP address: 12.200.201.51

Agreement completed.
2023-11-21 - 6:36:26 PM GMT


13,425 A-F
88.5 CFS
2,200 HP
2
YELLOWSTONE
PACIFIC
Big Creek
Dailey
Dailey Lake
P
S
25
26
33
35
36
31
32
19
21
30

PARK CONSERVATION DISTRICT, Livingston, Montana, under Application No. 10004-r, for a total of 752.6 cubic feet per second and not to exceed 108,143 acre-feet per annum to be diverted from the Yellowstone and Shields Rivers and used for irrigation purposes on land located in Secs. 3, 4, 9, 10, 16, 17, 19, 20, 21, 29 & 30 in T. 7 S., R. 7 E.; Sec. 35 in T. 4 S., R. 8 E.; Secs. 8, 9, 16, 17, 18, 20, 21, 27, 28, 33, & 34 in T. 5 S., R. 9 E.; Sec. 13 in T. 5 S., R. 8 E.; Secs. 10 & 11 in T. 6 S., R. 8 E.; Secs. 28 & 36 in T. 3 S., R. 9 E.; Secs. 1, 2, & 3 in T. 4 S., R. 9 E.; Secs. 21, 22, 26, 33, & 35 in T. 1 S., R. 11 E.; Secs. 13, 14, 23, 27, & 28 in T. 1 S., R. 12 E.; Secs. 17 & 18 in T. 1 S., R. 13 E.; Secs. 1, 14, & 15 in T. 2 S., R. 9 E.; Secs. 3, 4, 5, 6, 7, 8, & 9 in T. 2 S., R. 10 E.; Secs. 25, 26, 27, 33, 34, & 35 in T. 1 S., R. 10 E.; Sec. 30 in T. 1 S., R. 11 E.; T. 1 S., R. 10 E.; T. 1 N., R. 9 & 10 E.; T. 2 N., R. 9 to 11 E.; T. 3 N., R. 8 thru 10 E.; T. 4 N., R. 8 thru 10 E.; and T. 5 N., R. 9 & 10 E. Date of expected beneficial use is December, 2007.

ROSEBUD CONSERVATION DISTRICT, Forsyth, Montana, under Application No. 10005-r, for a total of 585 cubic feet per second and not to exceed 94,129 acre-feet per annum to be diverted from the Yellowstone and Tongue Rivers and Rosebud and Armelles Creeks, and used for irrigation purposes on lands located in Sec. 5 in T. 5 N., R. 42 E.; Secs. 14, 15, 20, 21, 22, 23, 26, 27, 28, & 29 in T. 7 N., R. 38 E.; Secs. 4, 5, 10, 11, 12, 15, 17, 21, 22, 23, & 26 in T. 6 N., R. 38 E.; Secs. 1, 12, 14, 15, 18, 22, 23, 24, 26, & 35 in T. 6 N., R. 39 E.; Secs. 27, 28, 33, & 34 in T. 7 N., R. 39 E.; Secs. 9, 10, 11, 12, 13, 14, 15, & 35 in T. 6 N., R. 40 E.; Secs. 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, & 28 in T. 6 N., R. 41 E.; Sec. 2 in T. 5 N., R. 49 E.; Secs. 13, 21, 24, 25, 26, 27, 28, 29, 32, 33, 34, & 35 in T. 7 N., R. 41 E.; Secs. 18, 19, 20, 29, 30, 31, & 32 in T. 7 N., R. 42 E.; Secs.

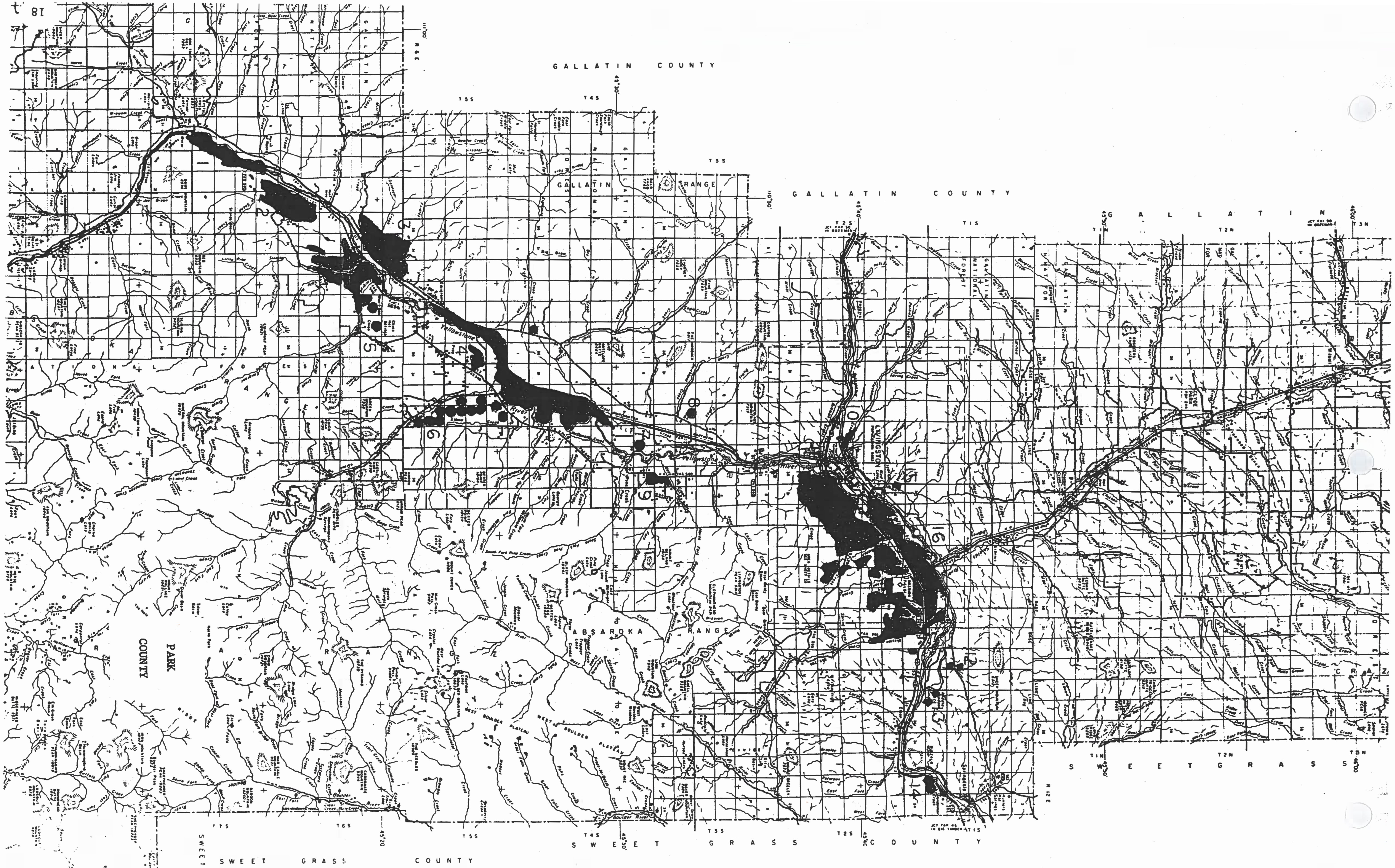

GALLATIN COUNTY
T5S
T4S
T3S
GALLATIN RANGE
GALLATIN COUNTY
T2S
T1S
T1N
T2N
T3N
GALLATIN
LIVINGSTON
Yellowstone
River
ABSAROKA
RANGE
PARK
COUNTY
WEST BOULDER PLATEAU
Boulder River
R12E
T7S
T6S
T5S
T4S
T3S
T2S
T1S
SWEET GRASS COUNTY
SWEET GRASS
COUNTY
SWEET GRASS
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

TABLE 5

PROJECT MAP INDEX

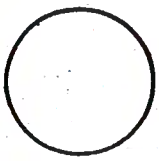
PROJECT NUMBER	PROJECT MAP PAGE NUMBER
1	20
2	21, 28
3	21
4	22
5	22
6	22, 28
7	23
8	23
9	23
10	26
12	24
13	24
14	24, 25
15	26
16	26, 27, 29

Legend

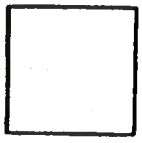
PIPELINES

CANALS & LATERALS

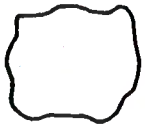
PUMPING STATIONS



CENTER PIVOT IRRIGATION



SIDEROLL IRRIGATION



FLOOD IRRIGATION

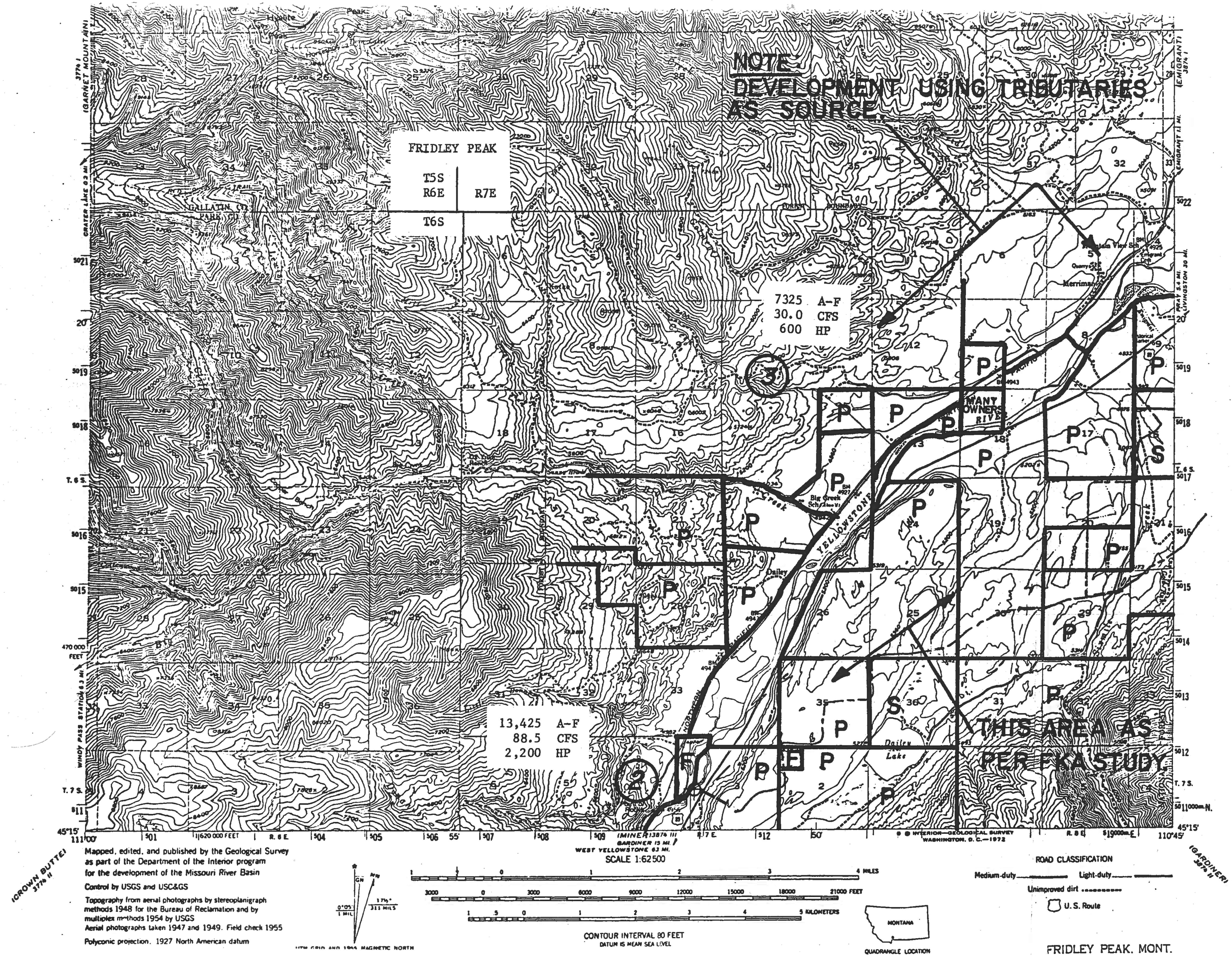
RESERVOIRS

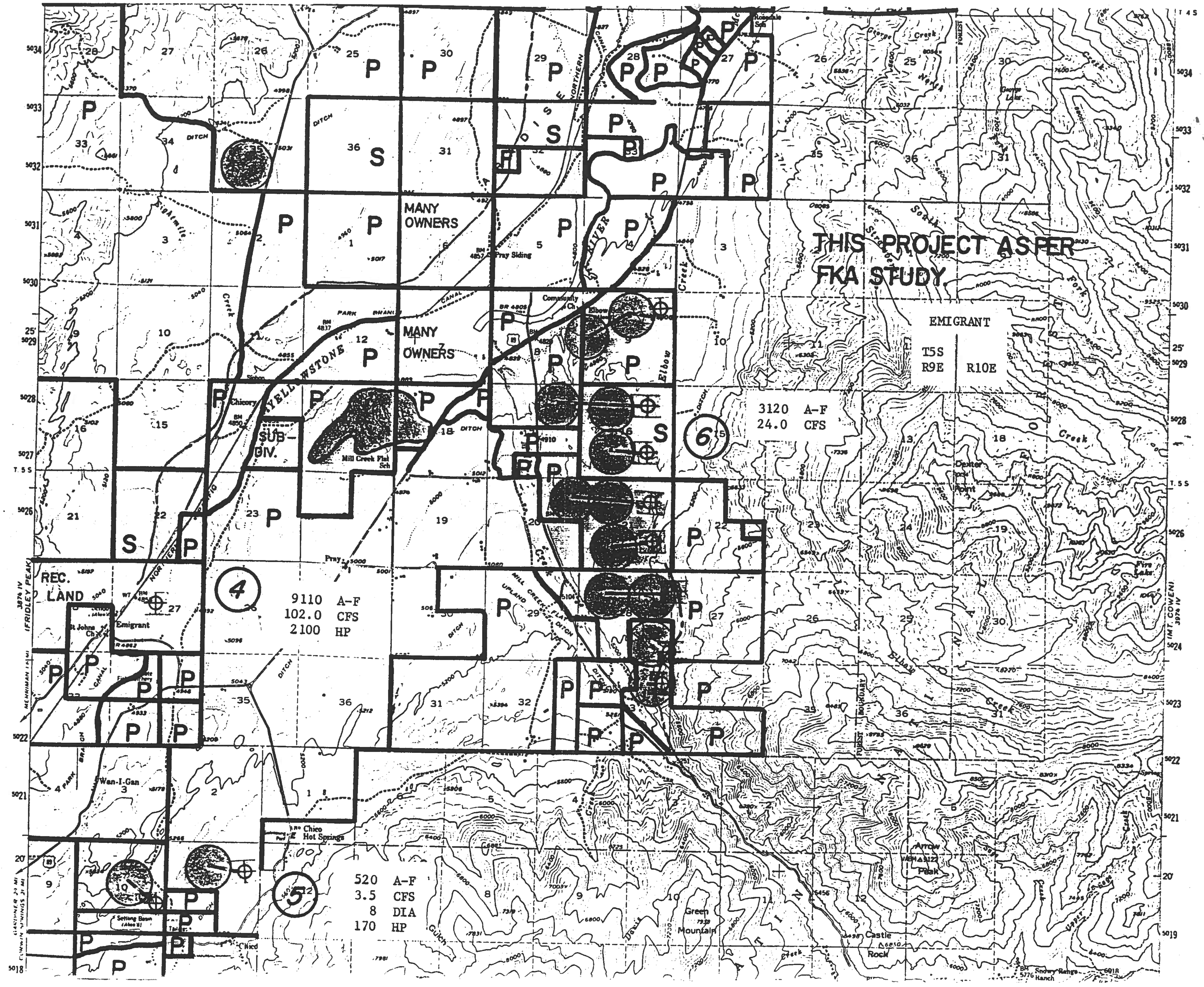
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

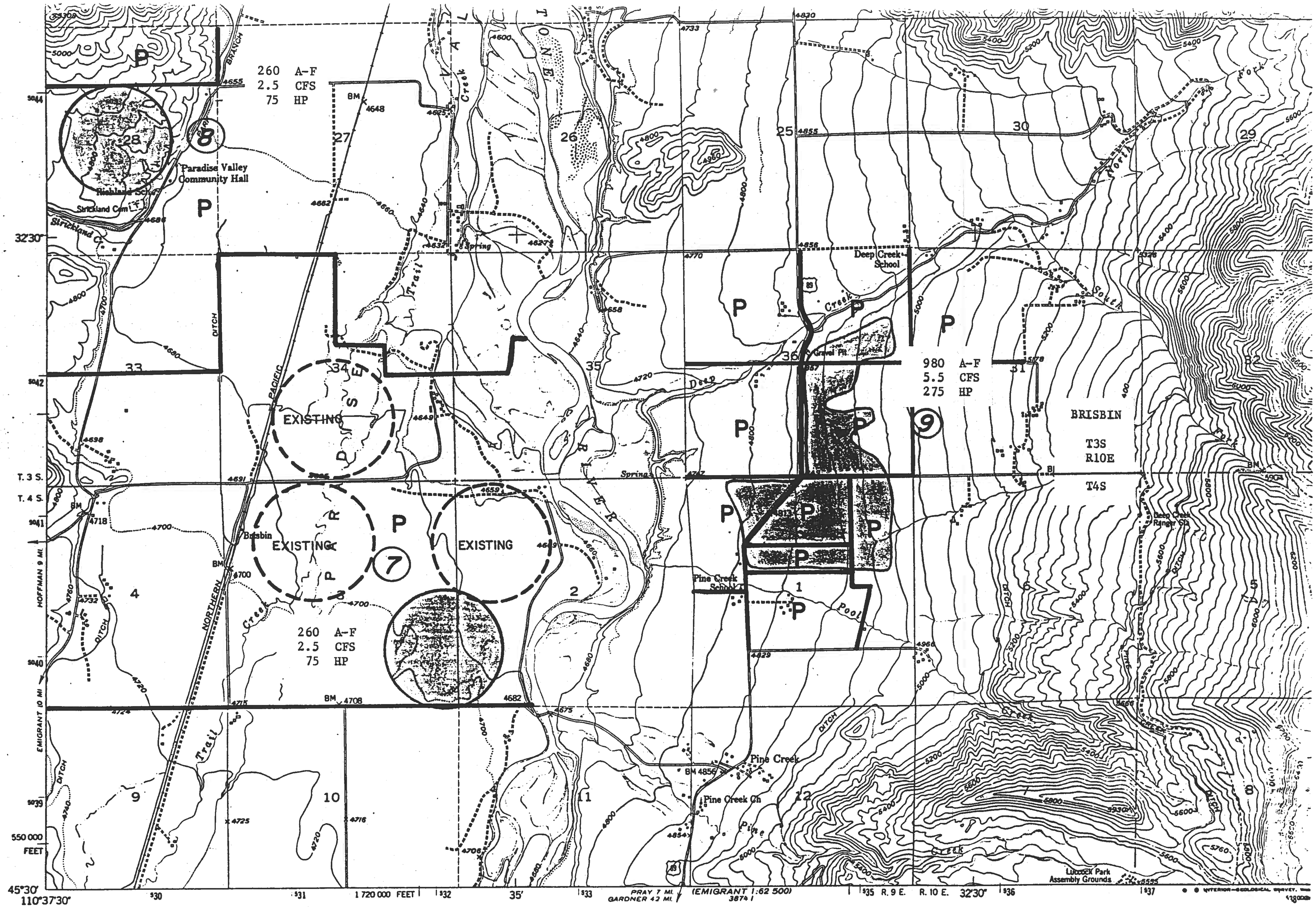
MINER QUADRANGLE
MONTANA-WYOMING
15 MINUTE SERIES (TOPOGRAPHIC)

2200 A-F
15.0 CFS
18 DIA
350 HP

MINER
T7S R7E R8E
T8S


NOTE
DEVELOPMENT USING TRIBUTARIES
AS SOURCE
FRIDLEY PEAK
T5S
R6E
R7E
T6S
7325 A-F
30.0 CFS
600 HP
13,425 A-F
88.5 CFS
2,200 HP
THIS AREA AS
PER FKA STUDY
MANY OWNERS
YELLOWSTONE
Big Creek Sch
Dailey Lake
Merriman
Mapped, edited, and published by the Geological Survey as part of the Department of the Interior program for the development of the Missouri River Basin
Control by USGS and USC&GS
Topography from aerial photographs by stereoplanigraph methods 1948 for the Bureau of Reclamation and by multiplex methods 1954 by USGS
Aerial photographs taken 1947 and 1949. Field check 1955
Polyconic projection. 1927 North American datum
SCALE 1:62500
CONTOUR INTERVAL 80 FEET
DATUM IS MEAN SEA LEVEL
ROAD CLASSIFICATION
Medium-duty
Light-duty
Unimproved dirt
U.S. Route
QUADRANGLE LOCATION
MONTANA
FRIDLEY PEAK, MONT.

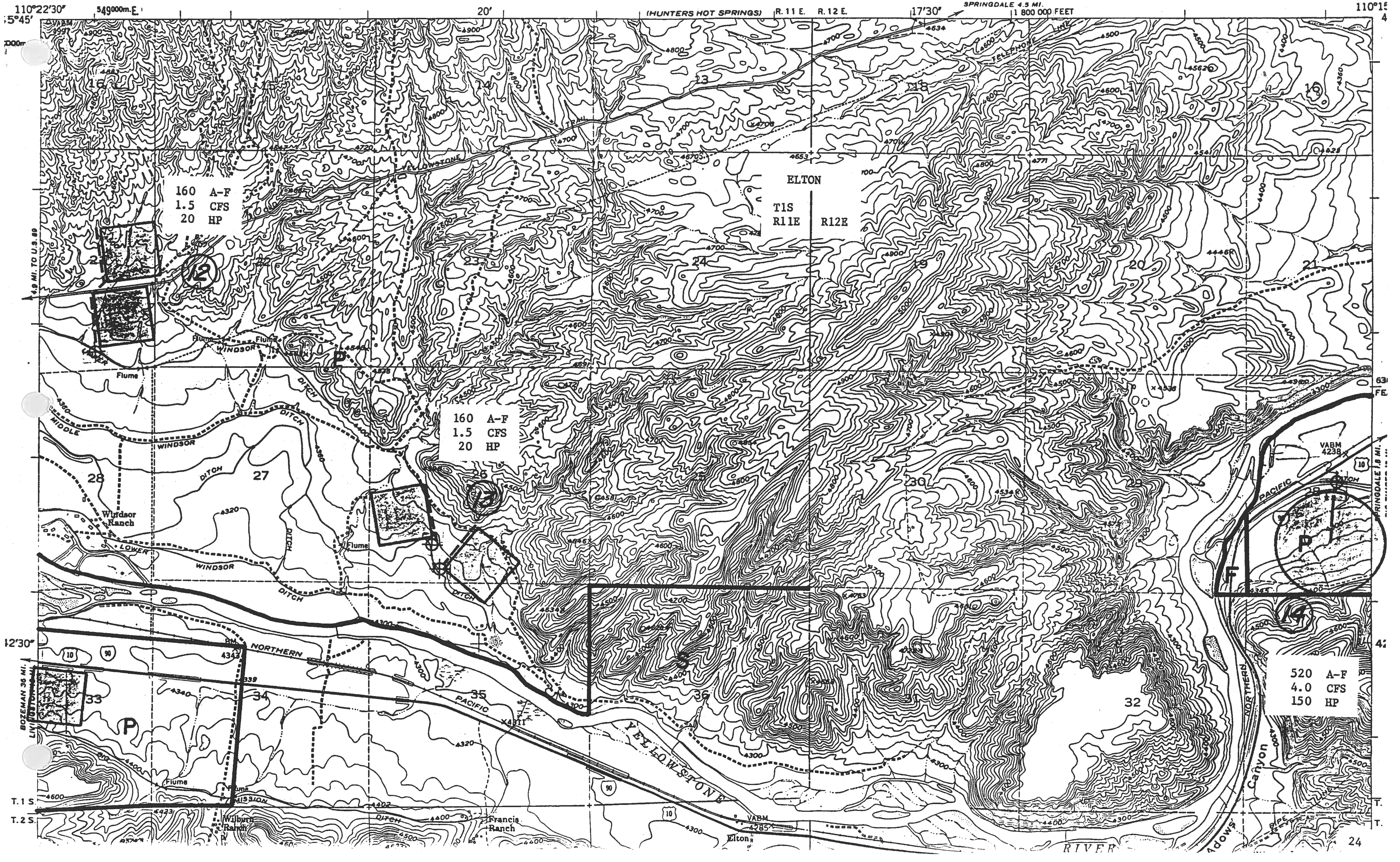

THIS PROJECT AS PER FKA STUDY
EMIGRANT
T5S
R9E R10E
3120 A-F
24.0 CFS
6
9110 A-F
102.0 CFS
2100 HP
4
520 A-F
3.5 CFS
8 DIA
170 HP
5
MANY OWNERS
MANY OWNERS
SUB-DIV.
REC. LAND
YELLOWSTONE
Mill Creek Flat Sch
Pray
Emigrant
Chico Hot Springs
Green Mountain
Arrow Peak
Castle Rock
Dexter Point


260 A-F
2.5 CFS
75 HP
Paradise Valley Community Hall
Strickland Cem
Strickland Cr
EXISTING
EXISTING
EXISTING
260 A-F
2.5 CFS
75 HP
980 A-F
5.5 CFS
275 HP
BRISBIN
T3S
R10E
T4S
Deep Creek School
Gravel Pit
Pine Creek School
Pine Creek
Pine Creek Ch
Deep Creek Ranger Sta
Luccock Park Assembly Grounds
Brisbin
DITCH
Trail
PACIFIC
NORTHERN
PARADISE
VALLEY
YELLOWSTONE
RIVER
T. 3 S.
T. 4 S.
HOFFMAN 9 MI.
EMIGRANT 10 MI.
550 000 FEET
45°30'
110°37'30"
1 720 000 FEET
35'
PRAY 7 MI.
GARDNER 42 MI.
(EMIGRANT 1:62 500)
R. 9 E.
R. 10 E.
32'30"

Mapped, edited, and published by the Geological Survey

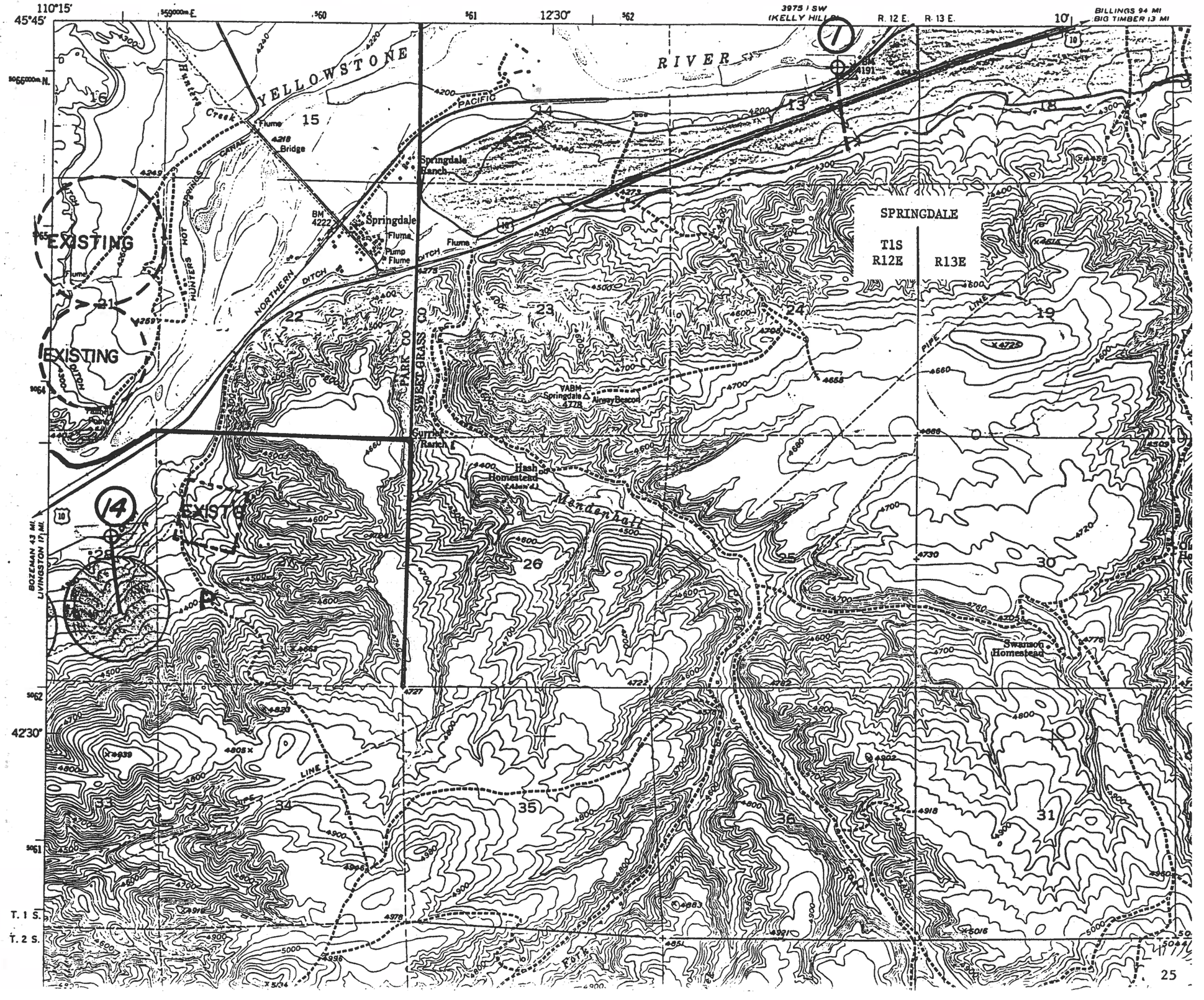
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

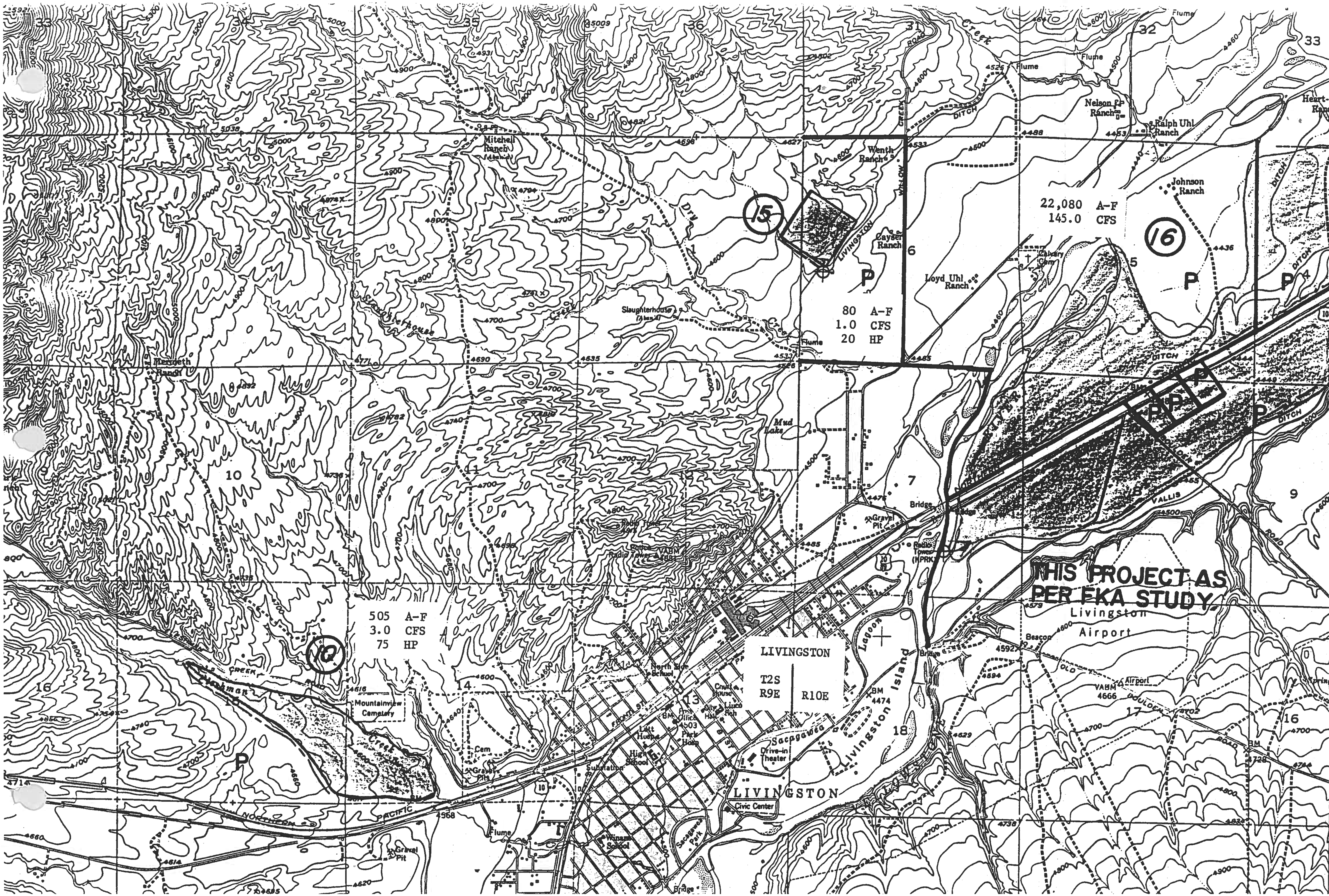
MONTANA—PARK CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



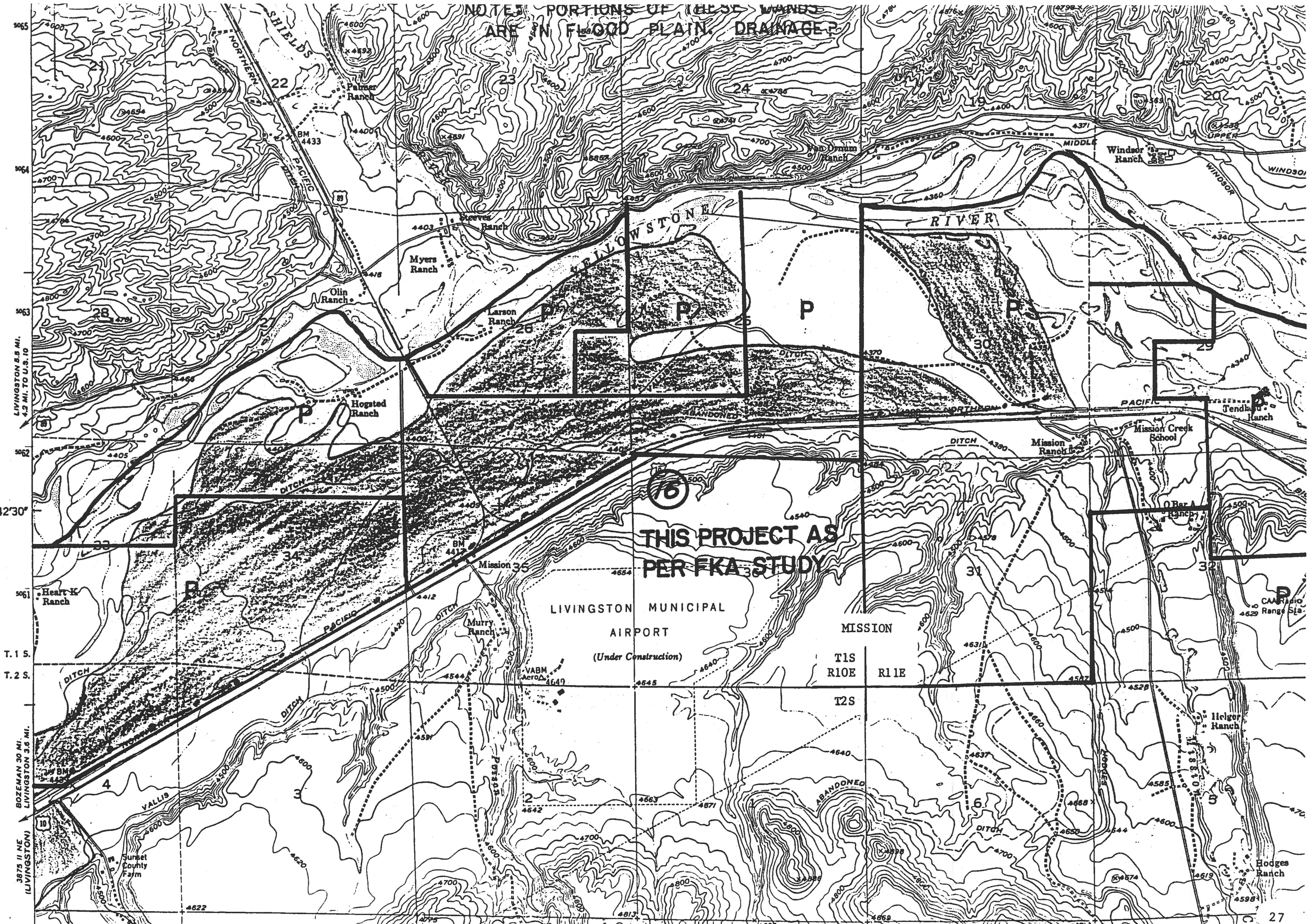
110°22'30"
549000m.E.
20'
(HUNTERS HOT SPRINGS)
R. 11 E.
R. 12 E.
17'30"
SPRINGDALE 4.5 MI.
1 800 000 FEET
110°15'
160 A-F
1.5 CFS
20 HP
ELTON
T1S
R11E
R12E
160 A-F
1.5 CFS
20 HP
TELEPHONE LINE
YELLOWSTONE
TRAIL
WINDSOR DITCH
MIDDLE WINDSOR DITCH
LOWER WINDSOR DITCH
Flume
Windsor Ranch
NORTHERN PACIFIC
YELLOWSTONE
RIVER
520 A-F
4.0 CFS
150 HP
VABM 4238
Canyon
MISSION DITCH
Wilburn Ranch
Francis Ranch
Elton
VABM 4285
T. 1 S.
T. 2 S.
BOZEMAN 36 MI.
LIVINGSTON
SPRINGDALE 1.8 MI.

GEOLOGICAL SURVEY





22,080 A-F
145.0 CFS
80 A-F
1.0 CFS
20 HP
505 A-F
3.0 CFS
75 HP
LIVINGSTON
T2S
R9E
R10E
THIS PROJECT AS
PER FKA STUDY
Livingston
Airport
LIVINGSTON
Mitchell Ranch
Wenth Ranch
Cayser Ranch
Loyd Uhl Ranch
Johnson Ranch
Nelson Ranch
Ralph Uhl Ranch
Heart-K Ranch
Meredeth Ranch
Slaughterhouse
Mud Lake
Mountainview Cemetery
North Side School
High School
Civic Center
Drive-in Theater
Livingston Island
Sacagawea
Winans School
Gravel Pit
Bridge
Flume
T. 1 S.
T. 2 S.


NOTE: PORTIONS OF THESE LANDS ARE IN FLOOD PLAIN. DRAINAGE?
THIS PROJECT AS PER FKA STUDY
16
LIVINGSTON MUNICIPAL AIRPORT
(Under Construction)
MISSION
T1S
R10E
R11E
T2S
T. 1 S.
T. 2 S.
42°30″
YELLOWSTONE
RIVER
NORTHERN PACIFIC
SHIELDS
Palmer Ranch
Van Dyum Ranch
Windsor Ranch
Steeves Ranch
Myers Ranch
Olin Ranch
Larson Ranch
Hogsted Ranch
Mission Ranch
Mission Creek School
O Bar A Ranch
Heart K Ranch
Murry Ranch
Helger Ranch
Hodges Ranch
Tendland Ranch
CAA Radio Range Sta.
Sunset County Farm
Mission
DITCH
ABANDONED
VALLIS
UPPER
MIDDLE
WINDSOR
P
LIVINGSTON 5.8 MI.
4.2 MI. TO U.S. 10
BOZEMAN 30 MI.
LIVINGSTON 3.5 MI.
3875 II NE
(LIVINGSTON)

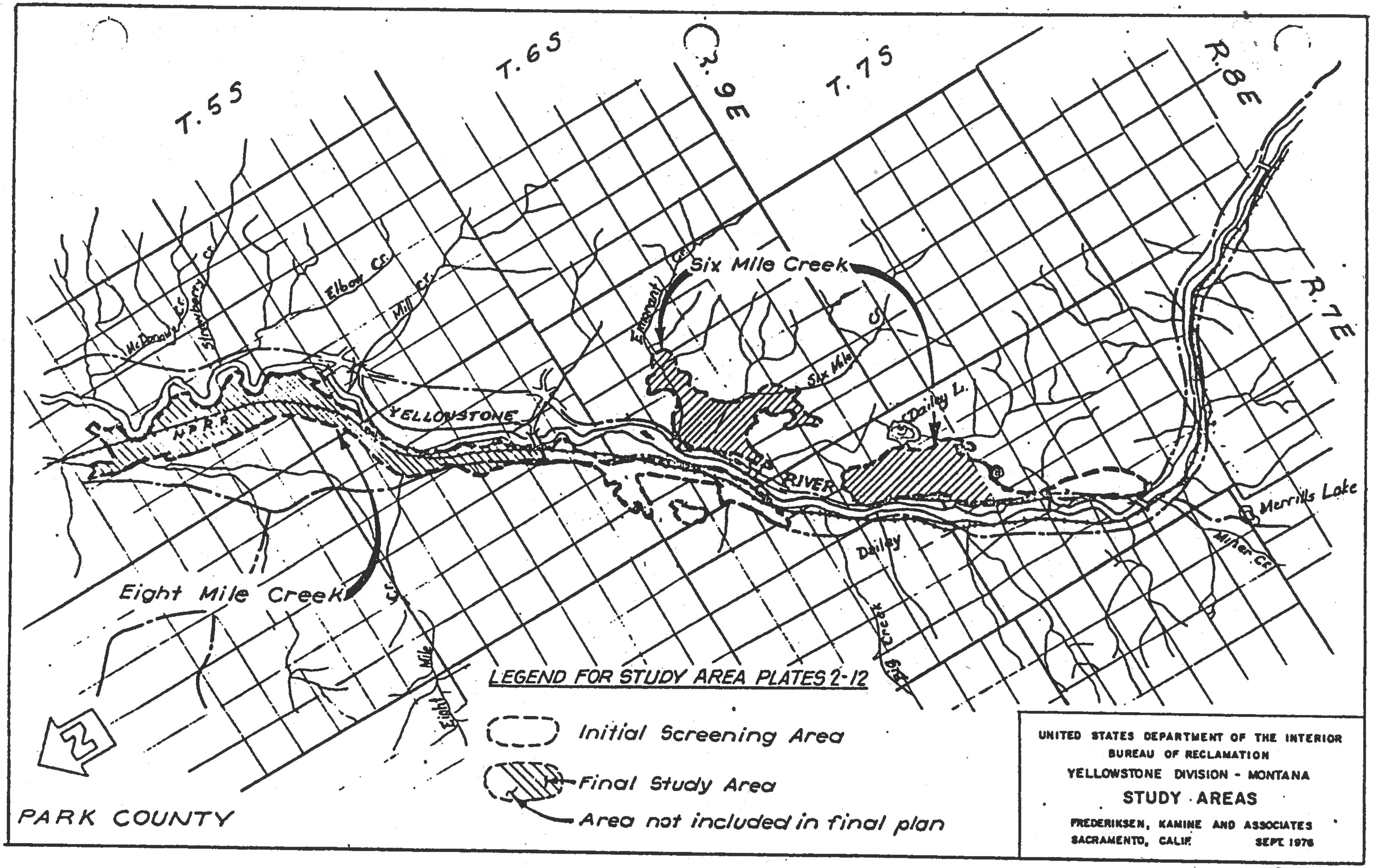

T.5S
T.6S
T.7S
R.9E
R.8E
R.7E
Six Mile Creek
Elbow Cr.
Mill Cr.
McDonald Cr.
Strawberry Cr.
N.P.R.R.
YELLOWSTONE
RIVER
Six Mile
Emigrant
Dailey L.
Dailey
Merrills Lake
Miner Cr.
Big Creek
Eight Mile
Eight Mile Creek
N
PARK COUNTY
LEGEND FOR STUDY AREA PLATES 2-12
Initial Screening Area
Final Study Area
Area not included in final plan
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
YELLOWSTONE DIVISION - MONTANA
STUDY AREAS
FREDERIKSEN, KAMINE AND ASSOCIATES
SACRAMENTO, CALIF.
SEPT 1976

PLATE 2

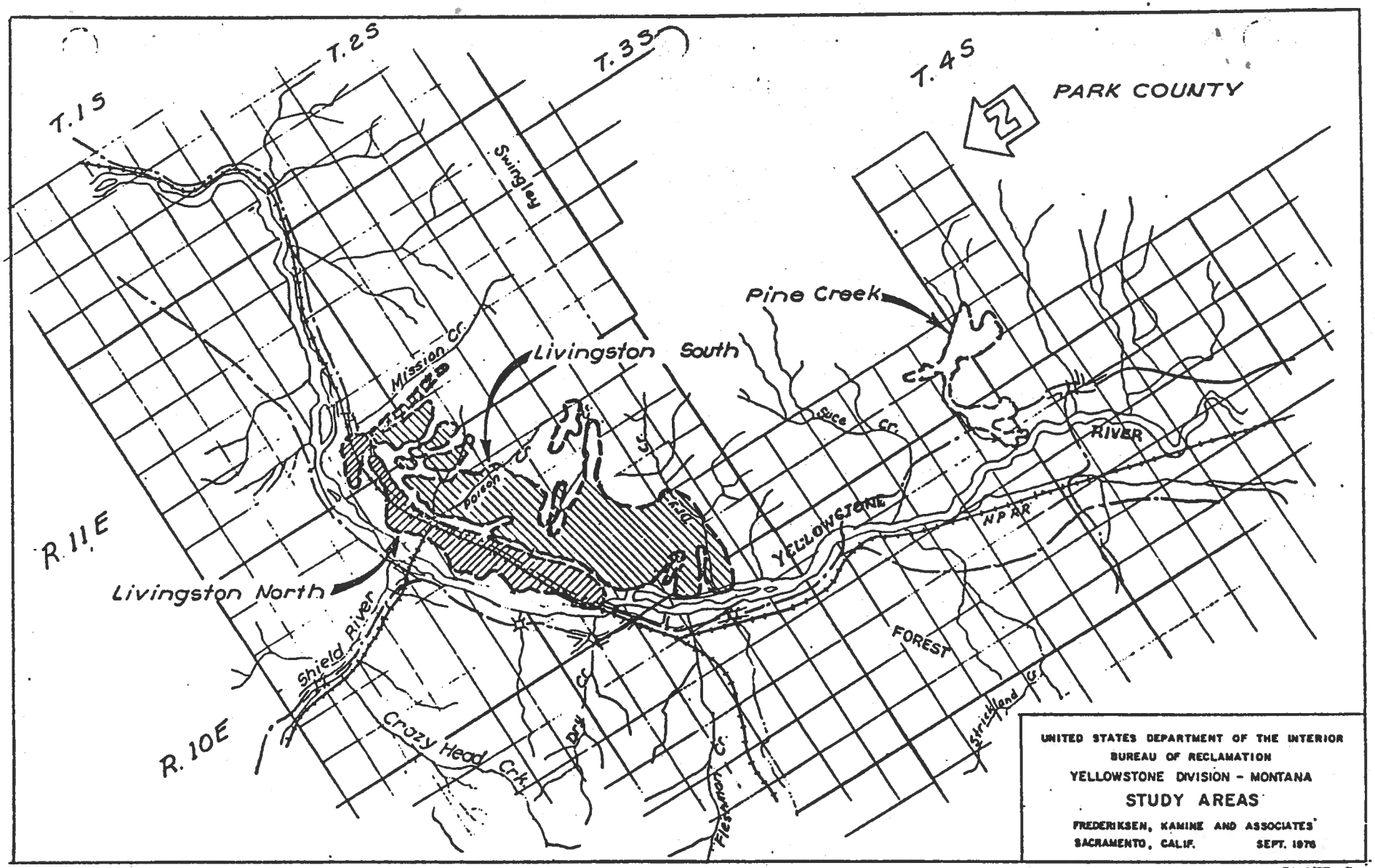
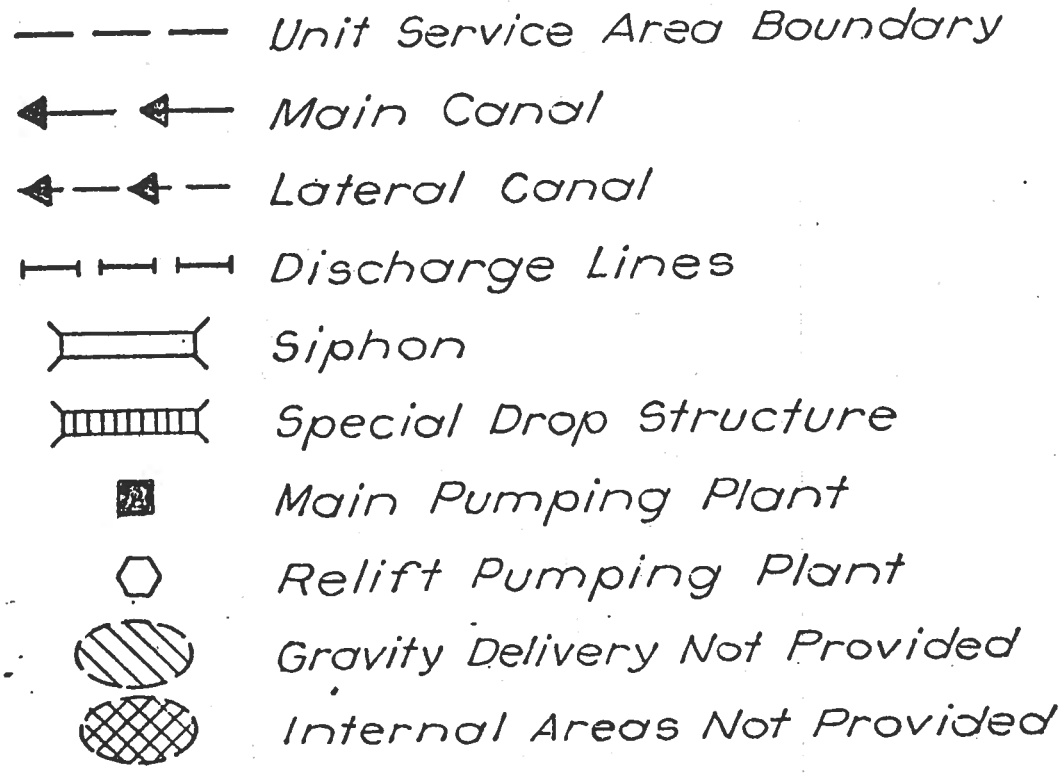
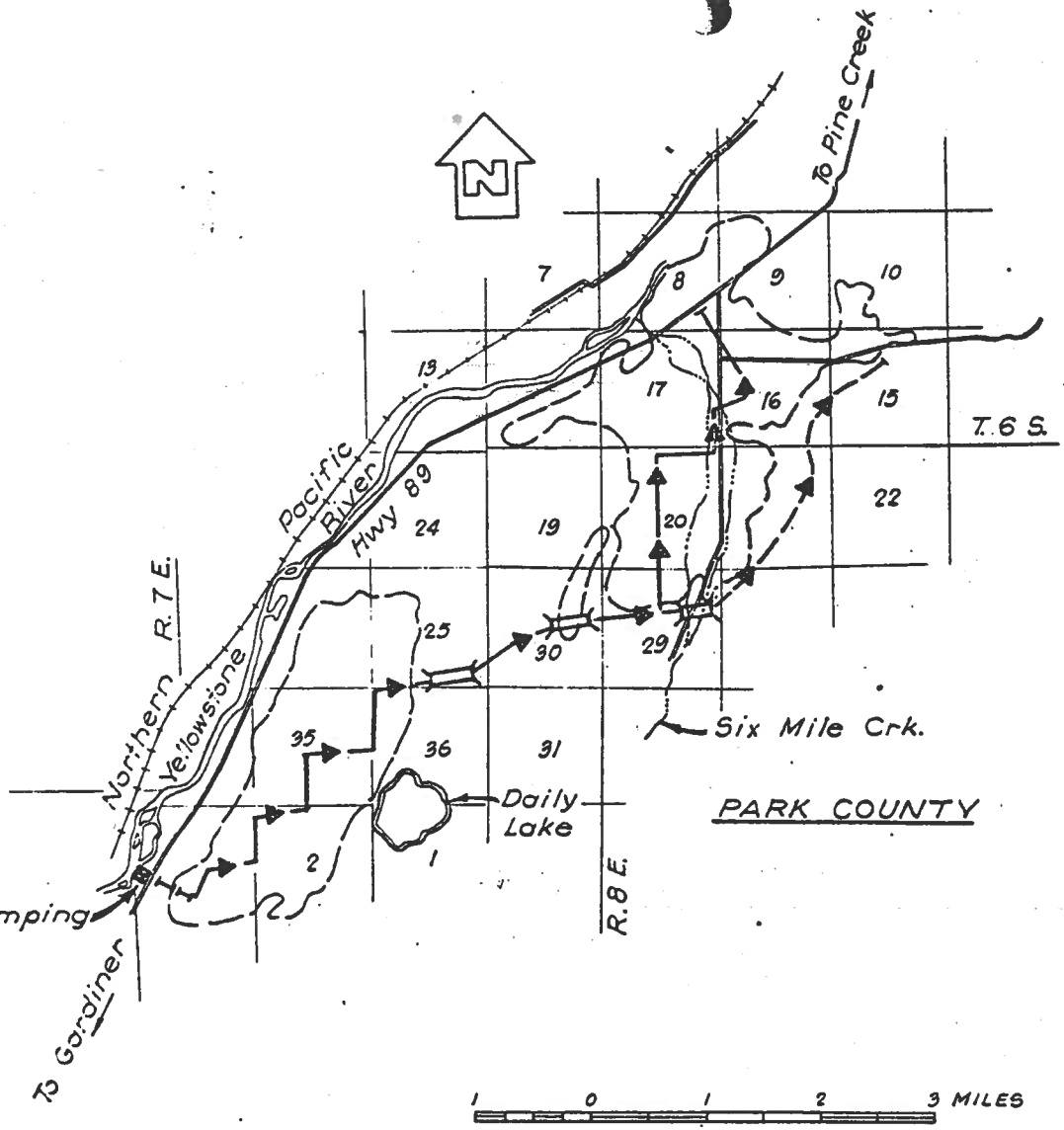

T.1S
T.2S
T.3S
T.4S
PARK COUNTY
Swingley
Pine Creek
Livingston South
Livingston North
Mission Cr.
Suce Cr.
RIVER
YELLOWSTONE
NP AR
FOREST
R.11E
R.10E
Shield River
Crazy Head Crk
Strickland Cr.
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
YELLOWSTONE DIVISION - MONTANA
STUDY AREAS
FREDERIKSEN, KAMINE AND ASSOCIATES
SACRAMENTO, CALIF. SEPT. 1976

PLATE 3

LEGEND



LEGEND FOR
UNIT MAPS

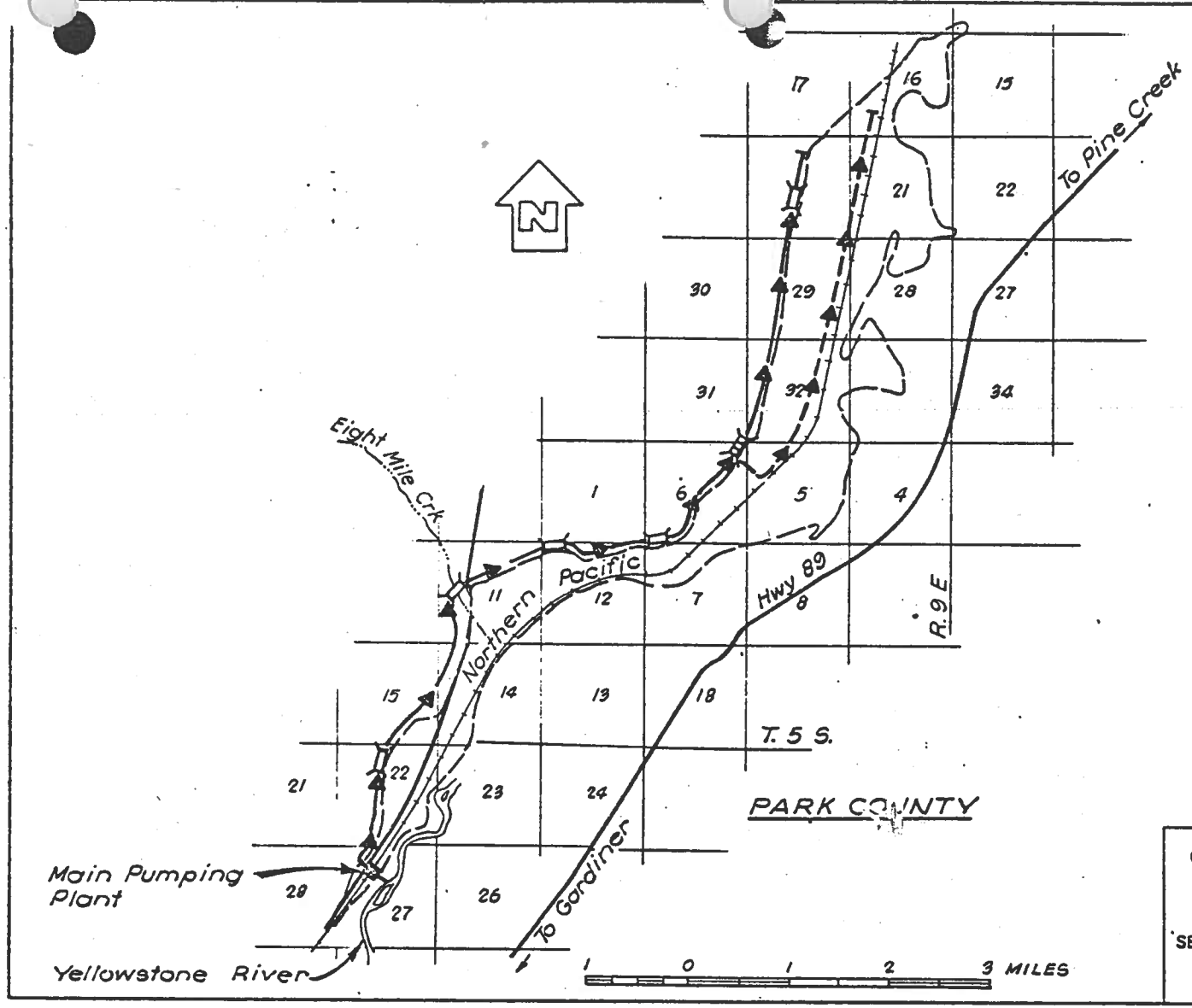


UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
YELLOWSTONE DIVISION - MONTANA

SIX MILE CREEK
SERVICE AREA AND PROPOSED FACILITIES

FREDERIKSEN, KAMINE AND ASSOCIATES
SACRAMENTO, CALIF. SEPT. 1976

PLATE A-1

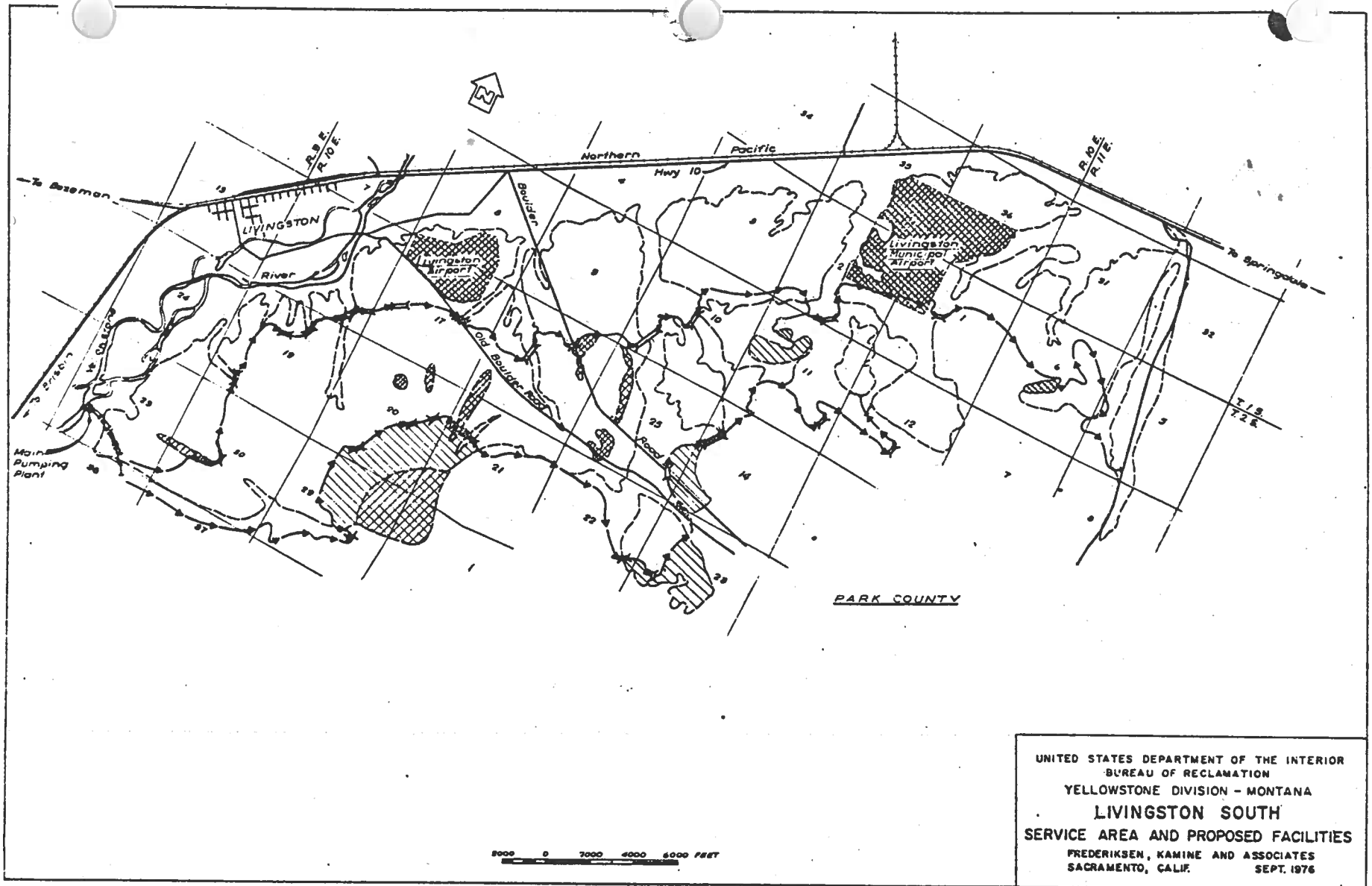


UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
YELLOWSTONE DIVISION - MONTANA

EIGHT MILE CREEK
SERVICE AREA AND PROPOSED FACILITIES

FREDERIKSEN, KAMINE AND ASSOCIATES
SACRAMENTO, CALIF. SEPT. 1976

PLATE A-2



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
YELLOWSTONE DIVISION – MONTANA

LIVINGSTON SOUTH
SERVICE AREA AND PROPOSED FACILITIES

FREDERIKSEN, KAMINE AND ASSOCIATES
SACRAMENTO, CALIF. SEPT. 1976

PLATE A-3

FOLLOW-UP PAGE

Applicant will provide all responses to questions marked for follow-up on a separate document entitled "Follow-up Responses" with the question number labeled. Answer questions in the same format as the form. For responses in the form of checkboxes, write "Y", "N", or "S". Constrain narrative responses to the specific question as is asked on the form; do not respond to multiple questions in one narrative. Label units in narrative responses and tables. Tables must have the exact headings found on the form. Questions that require items to be submitted to the Department may be marked "S" when the required item is attached to the Preapplication Meeting Form. Label all submitted items with the question number for which they were submitted. The Applicant may not alter the Preapplication Meeting Form signed at the Preapplication Meeting. Instead, the Applicant must use the Amended Responses procedure defined below. Do not include additional information for questions not marked for follow-up here; instead include any additional information pursuant to the process for amending responses defined below.

Questions marked for follow-up

-9.a.ii	-
-47.a.i	-
-	-
-	-
-	-
-	-
-	-
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-	-
-	-
-	-
-	-
-	-
-	-
-	-
-	-

AMENDED RESPONSES PAGE

The Applicant may not alter the Preapplication Meeting Form signed at the Preapplication Meeting or the Follow-up Page. If a response has changed to a question answered at the preapplication meeting, the Applicant can provide a new response in a separate document entitled "Amended Responses" with the question number labeled. Answer questions in the same format as the form. For responses in the form of checkboxes, write "Y", "N", or "S". Constrain narrative responses to the specific question as is asked on the form; do not respond to multiple questions in one narrative. Label units in narrative responses and tables. Tables must have the exact headings found on the form. Questions that require items to be submitted to the Department may be marked "S" when the required item is attached to the Preapplication Meeting Form. Label all submitted items with the question number for which they were submitted. The Applicant will mark all question numbers with an amended response in the table below and note for each question whether the response will replace the response given at the preapplication meeting or will provide additional information to consider in conjunction with the response given at the preapplication meeting. The Applicant will return the "Amended Responses" document with the "Follow-up Responses" document and the signed Preapplication Meeting Form.

Questions with amended responses

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Form 606CD Pre-Application Follow Up Information - Application 43B 30164489 - Park Conservation District

Follow Up Response to Question 9.a.ii: Describe the legal land description of the proposed place of use and, if the water rights being changed will have an irrigation or lawn and garden purpose, list the number of irrigated acres.

Proposed Full Service Pivot Irrigation

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County	NOTES
	5.4		NESE	33	6S	7E	Park	
	6.4		SESE	33	6S	7E	Park	
	0.5	4	E2SWNW	34	6S	7E	Park	
	2.5	5	W2N2SW	34	6S	7E	Park	
	8.1		E2E2NW	34	6S	7E	Park	
	12.1		W2NE	34	6S	7E	Park	*Includes acres that are not part of surveyed PLSS within COS 1400, Parcel 4 & 4A, E of HWY*
Total	***35.0***							

Proposed Supplemental Pivot Irrigation

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County	
	0.1		SENESE	33	6S	7E	Park	
	9.2		E2SESE	33	6S	7E	Park	
	42.8		N2SW	34	6S	7E	Park	*Includes acres that are not part of surveyed PLSS within Parcel 1, COS 1391; also COS 1400, Parcel 4 & 4A, E of HWY. Most acres are within Gov Lot 5, but includes acres in unsurveyed PLSS so not using GovLot as part of official description.*
	51.0	6	S2SW	34	6S	7E	Park	
	7.5		N2NW	34	6S	7E	Park	
	6.4	4	E2SWNW	34	6S	7E	Park	
	15.1		SENW	34	6S	7E	Park	*Includes acres that are not part of surveyed PLSS within COS 1400, Parcel 4 & 4A, E of HWY. Most acres are within Gov Lot 3, but includes acres in unsurveyed PLSS so not using GovLot as part of official description.*
	4.8	7	NWNW	3	7S	7E	Park	
	1.2		NENE	4	7S	7E	Park	*Includes acres that are not part of surveyed PLSS within Govt Tract 38 (Govt Lots 2, 3, S2NW)*
Total	***138.1***							

Proposed Supplemental Wheel Line Irrigation

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	6.5	1	NE	34	6S	7E	Park
2	9.5		NENW	34	6S	7E	Park
3	0.5	3	NESENW	34	6S	7E	Park
Total	***16.5***						

TOTAL Pivot Acres	***173.1***
TOTAL Wheelline Acres	***16.5***
TOTAL Acres	***189.6***

Proposed Informational Remark: POU located on west side of the Yellowstone River within the following cadastral parcels: C.O.S. 1400, PARCEL 4 & 4A, E OF HWY; COS 1391, PARCEL 001; S33, T06 S, R07 E, ALL LESS C/S 1391; C.O.S 986, PARCEL 1-2; GOVT TRACT 38 (GOVT LOTS 2, 3, S2NW4)

TOTAL Supplemental Acres	***154.6***
TOTAL Full Service	***35***
TOTAL Acres	***189.6***

Form 606CD Pre-Application Follow Up Information

Application 43B 30164489 - Park Conservation District

Follow Up Response to Question 47.a.i:

47.a.i.: Are irrigated acres proposed that are outside the historical place of use? If yes, how many acres?

Per email from Lyra Reynolds at DNRC dated Friday, October 4, 2024, DNRC indicated: *"We will look at the project as a whole, meaning we will not distinguish what acres are inside vs. outside the CD POU. The Department will need information about supplemental acres and the type of irrigation. Therefore, the document attached in your email would work for follow-up information, as long as all the acres have a legal land description identified (following the ¼ section, section, township, range, county format shown in the table for question 9.a.ii)."*

Based on DNRC's direction to NOT distinguish between acres inside vs outside the CD POU, the **total acres irrigated for the entire project is 189.6 acres.** Also see follow up information to question 9.a.ii. for a table of acres by legal land description. Also see table provided as Exhibit D-4 which was provided to DNRC as part of the request for pre-application materials.

FOLLOW-UP PAGE AFFIDAVIT & CERTIFICATION

"I/we attest that this preapplication meeting form, follow-up page, and amended responses page accurately portray my proposed project. I am aware that my application for this project will not qualify for a discounted filing fee and expedited timelines if upon submittal of the application to the department, I change any element of the proposed application from the preapplication meeting form and follow-up materials (ARM 36.12.1302(6)(a))."

Ned Gimmeman Park CD — 10/23/24

Applicant Signature — Date

Applicant Signature — Date

"We confirm that the preapplication form and follow-up information are adequate for the Department to proceed with technical analyses in ARM 36.12.1303. If the applicant has elected to complete technical analyses, we confirm they have submitted each piece of technical analysis required based on the proposed project and the Department is able to proceed with the scientific credibility review (ARM 36.12.1303(8))."

Andrew R Ew — 11/1/24

Department Signature — Date

Department Signature — Date

November 1, 2024

Park Conservation District
52442 US Hwy 89 S
Livingston, MT 59047

Subject: Complete Preapplication Form for Change Application No. 43B 30164489

Dear Applicant -

The Bozeman Regional Office of the Department of Natural Resources and Conservation (DNRC or Department) received your Preapplication Meeting Form and preapplication meeting fee on October 29, 2024, and the Department deems the submitted Preapplication Meeting Form to be successfully completed per ARM 36.12.1302.

As designated on the submitted Preapplication Meeting Form per §85-2-302(3)(b), MCA, the Department will produce the technical analyses based on the parameters included in the Preapplication Meeting Form (ARM 36.12.1302(4)) within 45 days of October 29, 2024.

Please let me know if you have any questions.

Best,

Kendrew R Ellis

Kendrew Ellis
Water Resource Specialist
Bozeman Water Resources Office
Kendrew.Ellis@mt.gov

CC:

Mike Sanctuary, Confluence Consulting
msanctuary@confluenceinc.com

Hannah Cantu, Confluence Consulting
hCantu@confluenceinc.com

Deb Stephenson, DMS Natural Resources, LLC, consultant
stephenson@dmsnaturalresources.com

Outlook

Complete Preapplication Meeting Form for Change Application 43B 30164489

From Ellis, Kendrew <Kendrew.Ellis@mt.gov>
Date Fri 11/1/2024 10:09 AM
To kelly.arterburn@mt.nacd <kelly.arterburn@mt.nacd>
Cc Reynolds, Lyra <Lyra.Reynolds@mt.gov>; Strasheim, Kerri <kstrasheim@mt.gov>; Rasmussen, Derek <Derek.Rasmussen@mt.gov>; stephenson@dmsnaturalresources.com <stephenson@dmsnaturalresources.com>; Mike Sanctuary <msanctuary@confluenceinc.com>; hCantu@confluenceinc.com <hCantu@confluenceinc.com>

2 attachments (1 MB)
43B_30164489_PA1_Letter_COMPLETE_Signed.pdf; Completed_43B_30164489_SignedPreappMeetingForm.pdf;

Kelly-

The Department has deemed the Preapplication Meeting Form and follow-up information submitted for Change Application 43B 30164489 by Park Conservation District on October 29, 2024, to be **complete.** I have attached a copy of the letter sent to the Applicant that states this.

I have also included a copy of the front page of the Preapplication Meeting Form and the Follow-Up affidavit page with Department signatures. The Department Block of the front page of the Form shows a stamped received date for the day the Department received the payment (10/29/2024). The second signatures were signed by the Department after the form was deemed complete.

The Preapplication Meeting Form and follow-up information has been deemed adequate for the Department to conduct a Technical Analysis. The Technical Analysis will be completed and sent to the Applicant within **45 days** of completed form receipt. The completed form was received on **October 29, 2024**, and the Technical Analysis will be completed by **December 13, 2024.**

Please let me know if you have any further questions at this time.
-Kendrew

Kendrew Ellis (she/her)| Water Resource Specialist
Bozeman Water Resources Office
Montana Department of Natural Resources and Conservation
2273 Boot Hill Court, Suite 110; Bozeman, MT 59715
DESK: 406-556-4538 **EMAIL**: kendrew.ellis@mt.gov
Website | **Facebook** | **X (Twitter)** | **Instagram**
How did we do? Let us know here: Feedback Survey

From:	Reynolds, Lyra
To:	stephenson dmsnaturalresources.com; Arterburn, Kelly - FPAC-NRCS, MT
Cc:	Strasheim, Kerri; Ellis, Kendrew; Mike Sanctuary; Hannah Cantu
Subject:	RE: Received First Signature Page
Date:	Monday, October 14, 2024 10:00:00 AM
Attachments:	image001.png

Deb-

I have the original signature dated 9/24/2024 that was signed following the updated Preapplication Meeting Form. A scan of a wet signature was first emailed to the office on 9/18/2024, prior to the corrected form. The first signature page that was received and considered correct is the signature dated 9/24/2024.

Please let me know if you have any further questions.
-Lyra

Lyra Reynolds (they/them/she/her)| Regional Hydrospecialist
Bozeman Water Resources Office
Montana Department of Natural Resources and Conservation
2273 Boot Hill Court, Suite 110; Bozeman, MT 59715
DESK: 406-556-4500 **EMAIL:** lyra.reynolds@mt.gov
Website | **Facebook** | **X (Twitter)** | **Instagram**
How did we do? Let us know here: Feedback Survey

From: stephenson dmsnaturalresources.com <stephenson@dmsnaturalresources.com>
Sent: Friday, October 11, 2024 6:09 AM
To: Reynolds, Lyra <Lyra.Reynolds@mt.gov>; Arterburn, Kelly - FPAC-NRCS, MT <Kelly.Arterburn@mt.nacdnet.net>
Cc: Strasheim, Kerri <kstrasheim@mt.gov>; Ellis, Kendrew <Kendrew.Ellis@mt.gov>; Mike Sanctuary <msanctuary@confluenceinc.com>; Hannah Cantu <hCantu@confluenceinc.com>
Subject: [EXTERNAL] RE: Received First Signature Page

Lyra
Do you have the original signature page for the first signature on the pre-application form? Or did you send the pre-application form (updated 9/20/2024) plus the original signature page back to Kelly?
Deb

Sincerely,

Deborah Stephenson
DMS Natural Resources, LLC
602 S. Ferguson Ave., Suite 2
Bozeman, MT 59718
Office: 406-582-4988
Cell: 406-600-1422

stephenson@dmsnaturalresources.com
www.dmsnaturalresources.com [dmsnaturalresources.com]

From: Reynolds, Lyra <Lyra.Reynolds@mt.gov>
Sent: Thursday, September 26, 2024 3:55 PM
To: Arterburn, Kelly - FPAC-NRCS, MT <Kelly.Arterburn@mt.nacdnet.net>
Cc: Strasheim, Kerri <kstrasheim@mt.gov>; Ellis, Kendrew <Kendrew.Ellis@mt.gov>; Mike Sanctuary <msanctuary@confluenceinc.com>; Hannah Cantu <hCantu@confluenceinc.com>; stephenson dmsnaturalresources.com [dmsnaturalresources.com] <stephenson@dmsnaturalresources.com>
Subject: Received First Signature Page

Hi Kelly-

I have attached scan of the first signature page complete with the Applicant's and Department's signature for your records.

Please let us know if you have any questions as the CD prepares the Preapplication Meeting Form, which is due on March 16, 2025. If possible, we would appreciate being notified when the Applicant plans to send the completed Preapplication Meeting Form, follow-up info, and fee. This is not required, but coordinating when the form may be sent into the office allows us to make sure the proper staff members are in the office and make sure all materials are submitted as needed. This allows us to be the most effective with your time and ours.

Best-
Lyra

Lyra Reynolds (they/them/she/her)| Regional Hydrospecialist
Bozeman Water Resources Office
Montana Department of Natural Resources and Conservation
2273 Boot Hill Court, Suite 110; Bozeman, MT 59715
DESK: 406-556-4500 **EMAIL:** lyra.reynolds@mt.gov
Website | **Facebook** [facebook.com]| **X (Twitter** [twitter.com]**)** | **Instagram** [instagram.com]
How did we do? Let us know here: Feedback Survey [forms.office.com]

From: Reynolds, Lyra
To: stephenson dmsnaturalresources.com; Arterburn, Kelly - FPAC-NRCS, MT
Cc: Strasheim, Kerri; Ellis, Kendrew; Hannah Cantu; Mike Sanctuary
Subject: RE: 606P CD - Park CD - Preapplication Meeting Form
Date: Monday, October 7, 2024 9:15:00 AM
Attachments: image001.png

Deb-

To follow-up, the Department requests that all acres are in the format below and include at least one ¼ or ½ section in their legal land description. For any acres that fall within an odd ¼ section or section block, the method in which we recommend obtaining these quarter sections is outlined below and on page 295 of the 2013 Claims Examination Manual (found here):

- To break an odd-shaped section into quadrants, align a standard section grid with the southeast corner. If the southeast corner is part of a lot boundary, align the grid with a standard corner which is not part of a lot boundary. The quadrant containing the standard corner (usually the southeast) will be normal size with the error evident in the remaining quadrants (usually the north and west).

I understand that the LLDs found using the above guidance may not exactly reflect the PLSS. However, we need the POUs generally described using the above information to include at least one ¼ section or one ½ section. If acres in the POU lie within a government lot, please include that along with the ¼ section(s).

Please let me know if you have any further questions.
-Lyra

Lyra Reynolds (they/them/she/her)| Regional Hydrospecialist
Bozeman Water Resources Office
Montana Department of Natural Resources and Conservation
2273 Boot Hill Court, Suite 110; Bozeman, MT 59715
DESK: 406-556-4500 **EMAIL:** lyra.reynolds@mt.gov
Website | Facebook | X (Twitter) | Instagram
How did we do? Let us know here: Feedback Survey

From: Reynolds, Lyra
Sent: Friday, October 4, 2024 1:13 PM
To: stephenson dmsnaturalresources.com <stephenson@dmsnaturalresources.com>; Arterburn, Kelly - FPAC-NRCS, MT <Kelly.Arterburn@mt.nacdnet.net>
Cc: Strasheim, Kerri <kstrasheim@mt.gov>; Ellis, Kendrew <Kendrew.Ellis@mt.gov>; Hannah Cantu <hCantu@confluenceinc.com>; Mike Sanctuary <msanctuary@confluenceinc.com>
Subject: RE: 606P CD - Park CD - Preapplication Meeting Form

Hi-

We will look at the project as a whole, meaning we will not distinguish what acres are inside vs. outside the CD POU. The Department will need information about supplemental acres and the type of irrigation. Therefore, the document attached in your email would work for follow-up information, as long as all the acres have a legal land description identified (following the ¼ section, section, township, range, county format shown in the table for question 9.a.ii).

No additional information is required for questions 125 & 173.

Let me know if you have any other questions.
Happy Friday!
-Lyra

Lyra Reynolds (they/them/she/her)| Regional Hydrospecialist
Bozeman Water Resources Office
Montana Department of Natural Resources and Conservation
2273 Boot Hill Court, Suite 110; Bozeman, MT 59715
DESK: 406-556-4500 **EMAIL:** lyra.reynolds@mt.gov
Website | Facebook | X (Twitter) | Instagram
How did we do? Let us know here: Feedback Survey

From: stephenson dmsnaturalresources.com <stephenson@dmsnaturalresources.com>
Sent: Friday, October 4, 2024 5:55 AM
To: Reynolds, Lyra <Lyra.Reynolds@mt.gov>
Subject: [EXTERNAL] RE: 606P CD - Park CD - Preapplication Meeting Form

Lyra

The CD has asked me to assemble the follow up info the DNRC. I left a VM for you yesterday asking a question, but thought I would follow up with my question via email.

Looks like follow up is required for questions 9.a.ii. (place of use legal land descriptions) and 47.a.i. (proposed acres outside place of use). I just had a quick question about the format: does DNRC want me to just break the attached document (which was provided to DNRC as part of the pre-application meeting request form) by inside vs outside of CD POU?? Or does DNRC want me to consolidate the POUs a different way? In the attached document we left the detail to be able to distinguish between type of irrigation (pivot v wheelline) and distinguish between supplemental vs full service. However, it is easy to re-consolidate just by legal land description if needed (with the only distinguishing being inside vs outside POU). Please let me know how you would like the information so it saves time on your end. I'm also more than happy to provide the spreadsheet and/or GIS layer if you would like.

Please also confirm no additional information is required for questions 125 & 173? They were not listed in follow up section of the pre-app form, and per your email below you did not think the Applicant needed to

provide additional information for these questions. I just want to confirm DNRC has not changed their position on this?

Thank you for your help – much appreciated.

Sincerely,

Deborah Stephenson
DMS Natural Resources, LLC
602 S. Ferguson Ave., Suite 2
Bozeman, MT 59718
Office: 406-582-4988
Cell: 406-600-1422
stephenson@dmsnaturalresources.com
www.dmsnaturalresources.com [dmsnaturalresources.com]

From: Reynolds, Lyra <Lyra.Reynolds@mt.gov>
Sent: Friday, September 20, 2024 9:58 AM
To: stephenson dmsnaturalresources.com [dmsnaturalresources.com] <stephenson@dmsnaturalresources.com>; Arterburn, Kelly - FPAC-NRCS, MT <Kelly.Arterburn@mt.nacdnet.net>; Hannah Cantu <hCantu@confluenceinc.com>; Mike Sanctuary <msanctuary@confluenceinc.com>
Cc: Ellis, Kendrew <Kendrew.Ellis@mt.gov>; Strasheim, Kerri <kstrasheim@mt.gov>
Subject: RE: 606P CD - Park CD - Preapplication Meeting Form

Hi Deb-

Thank you for looking over the form. We received a scan of a signature, but we do require either an original “wet” signature or a certified electronic signature for this form. Therefore, we have not received an adequate signature, and the form is still to be signed. I have communicated this with Kelly and the CD Chair will mail in the signature page with a wet signature after the form is corrected. I will send a copy of the corrected form to them today.

All these answers were discussed at the meeting originally, so any updates reflect originally agreed upon items. I made sure the boxes were checked for Questions 41 and 44 on the attached version. I updated the typo and added “using/per 36.12.115” on Questions 47.a.vii and 185 for clarification. Question 186 is inquiring if the DNRC has a standard per 36.12.112 for period of diversion/use for a purpose, not a volume standard per 36.12.115 so this question was not edited.

Questions 125 & 173 – We are double checking to see if conveyance water needs to be considered in the proposed volumes. If it is determined additional volume for conveyance is needed, we will communicate as such. No further information from the Applicant is needed at

this time.

The correct Preapplication Meeting Form is attached. Please let me know if you have any further questions.
-Lyra

Lyra Reynolds (they/them/she/her)| Regional Hydrospecialist
Bozeman Water Resources Office
Montana Department of Natural Resources and Conservation
2273 Boot Hill Court, Suite 110; Bozeman, MT 59715
DESK: 406-556-4500 **EMAIL:** lyra.reynolds@mt.gov
Website | **Facebook** [facebook.com] | **X (Twitter** [twitter.com]) | **Instagram** [instagram.com]
How did we do? Let us know here: Feedback Survey [forms.office.com]

From: stephenson dmsnaturalresources.com [dmsnaturalresources.com] <stephenson@dmsnaturalresources.com>
Sent: Thursday, September 19, 2024 2:18 PM
To: Reynolds, Lyra <Lyra.Reynolds@mt.gov>; Arterburn, Kelly - FPAC-NRCS, MT <Kelly.Arterburn@mt.nacdnet.net>; Hannah Cantu <hCantu@confluenceinc.com>; Mike Sanctuary <msanctuary@confluenceinc.com>
Cc: Ellis, Kendrew <Kendrew.Ellis@mt.gov>; Strasheim, Kerri <kstrasheim@mt.gov>
Subject: [EXTERNAL] RE: 606P CD - Park CD - Preapplication Meeting Form

Lyra,

Thank you for your time on the call earlier this week. I spoke with Kelly yesterday and she mentioned she already signed/returned the form, but still wanted me to review to make sure all looks ok. I have the following questions. It may be that none of these require an edit. If you do feel edits to the form are necessary, I think Kelly is open to resigning the edited form. Please let me know your thoughts on the topics below. Thank you for your consideration.

1. Should question 41 be checked "N"?
2. 44 – check "Y" ?
3. 47.a.vii – maybe be N/A? OR used 36.12.115?
4. 47.a.viii – spelling error typo "explanation" not "explination"
5. 125 and 173 – I guess I'm still not clear what the DNRC is looking for related to the ditch from the river to the pumps. The info requested in question 125 is not in the application to the CD. But does DNRC need this information?
6. 185 – need to add 36.12.115
7. Question 186 I think has a typo? Should it be 36.12.11**5** rather than 36.12.11**2**??

Sincerely,

Deborah Stephenson
DMS Natural Resources, LLC
602 S. Ferguson Ave., Suite 2
Bozeman, MT 59718
Office: 406-582-4988
Cell: 406-600-1422
stephenson@dmsnaturalresources.com
www.dmsnaturalresources.com [dmsnaturalresources.com]

From: Reynolds, Lyra <Lyra.Reynolds@mt.gov>
Sent: Wednesday, September 18, 2024 8:10 AM
To: Arterburn, Kelly - FPAC-NRCS, MT <Kelly.Arterburn@mt.nacdnet.net>; Hannah Cantu <hCantu@confluenceinc.com>; Mike Sanctuary <msanctuary@confluenceinc.com>
Cc: stephenson dmsnaturalresources.com [dmsnaturalresources.com] <stephenson@dmsnaturalresources.com>; Ellis, Kendrew <Kendrew.Ellis@mt.gov>; Strasheim, Kerri <kstrasheim@mt.gov>
Subject: 606P CD - Park CD - Preapplication Meeting Form

Hello-

I have attached the Preapplication Meeting Form from yesterday's meeting for the Conservation District Change Preapplication for Park CD.

The first signature page must be returned within *5 days* of the preapplication meeting. This form has been sent to the Park CD Chair for the first signature.

Reminder that the Preapplication Meeting Form, including the $500 fee, all follow-up information, and any amended responses, must be completed and returned to the Bozeman Office within **180 days** (March 16, 2025). Please make sure to submit the Preapplication Meeting Form along with all the required information and the second signature page signed. The Department will review the form upon receipt and determine if the form is complete within 5 days of receipt. If the form is complete, the Department will complete a Technical Analysis within 45 days of receipt. If incomplete, the form will be returned to the Applicant and the remaining time in the 180 days may be used to complete the form.

Please let me know if you have any further questions.
-Lyra

Lyra Reynolds (they/them/she/her)| Regional Hydrospecialist
Bozeman Water Resources Office

Montana Department of Natural Resources and Conservation
2273 Boot Hill Court, Suite 110; Bozeman, MT 59715
DESK: 406-556-4500 **EMAIL:** lyra.reynolds@mt.gov
Website | **Facebook** [facebook.com] | **X (Twitter** [twitter.com]) | **Instagram** [instagram.com]
How did we do? Let us know here: Feedback Survey [forms.office.com]

From: Arterburn, Kelly - FPAC-NRCS, MT
To: Reynolds, Lyra
Subject: [EXTERNAL] RE: PA-2301_Park CD - DocuSign
Date: Wednesday, September 18, 2024 12:52:31 PM
Attachments: image001.png
43B 30164489 ParkCD PreapplicationMeetingForm ParkCDsigned.pdf

---

Hello Lyra,

Here is the attached form with signature from the Park CD Chair. The Adobe certified signatures went away as he wasn't able to do a digital signature on his computer.

Do you need anything else from me right now?

Kelly Arterburn | District Administrator

PARK CONSERVATION DISTRICT
5242 HWY 89 SOUTH, LIVINGSTON, MT 59047
O: (406) 946-3007 | C: (406) 223-1048 | E: kelly.arterburn@mt.nacdnet.net
www.parkcd.org [parkcd.org]

From: Reynolds, Lyra <Lyra.Reynolds@mt.gov>
Sent: Tuesday, September 17, 2024 4:12 PM
To: Arterburn, Kelly - FPAC-NRCS, MT <Kelly.Arterburn@mt.nacdnet.net>
Subject: RE: Park CD - DocuSign

Thank you, Kelly. I will end up having to send the form as an Adobe PDF for signatures via email (there are signature blocks for signing with an Adobe Certified Signature on Adobe Acrobat) as we do not have DocuSign yet.

I will send the email to the Park CD Chair for signatures. I am also sending a copy of the form to everyone at today's meeting for their own records.

Please let me know if there are any other questions.
-Lyra

Lyra Reynolds (they/them/she/her)| Regional Hydrospecialist
Bozeman Water Resources Office
Montana Department of Natural Resources and Conservation
2273 Boot Hill Court, Suite 110; Bozeman, MT 59715
DESK: 406-556-4500 **EMAIL:** lyra.reynolds@mt.gov
Website | **Facebook** [facebook.com]| **X (Twitter** [twitter.com]**)** | **Instagram** [instagram.com]
How did we do? Let us know here: Feedback Survey [forms.office.com]

From: Arterburn, Kelly - FPAC-NRCS, MT <Kelly.Arterburn@mt.nacdnet.net>
Sent: Tuesday, September 17, 2024 3:57 PM

To: Reynolds, Lyra <Lyra.Reynolds@mt.gov>
Subject: [EXTERNAL] Park CD - DocuSign

The Park CD Chair's email address for a signature on the Pre-Application form:

znccattle@gmail.com

Kelly Arterburn | District Administrator

PARK CONSERVATION DISTRICT
5242 HWY 89 SOUTH, LIVINGSTON, MT 59047
O: (406) 946-3007 | C: (406) 223-1048 | E: kelly.arterburn@mt.nacdnet.net

www.parkcd.org [parkcd.org]