Environmental Assessment & Public Notice for Public Comment

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

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:
   Brent & Theresa Zubot
   292229 Butte Hills Ln
   Rockview County, AB T4A0N8

2. Type of action: Permit application to install a pump for domestic and lawn & garden use.

3. Water source name: Flathead River (Flathead Lake)

4. Location affected by project: The proposed point of diversion (POD) and place of use (POU) will occur in Government lot 2, NENWNE of Section 29, Township 25N, Range 20W, Lake County.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: Applicants submitted Application 76LJ 30175577 on July 23rd 2026, to the Bozeman DNRC Water Resources Office. The Application proposes to add a pump to the Flathead River (Flathead Lake). The proposed POD is located in Government lot 2, NENWNE of Section 29, Township 25N, Range 20W, Lake County. The proposed POD is a pump site composed of one stationary pump that will divert water from the Flathead River (Flathead Lake). Water will be conveyed from the proposed POD to the POU via pipelines. The applicant proposes to pump surface water at a flow rate of 25 gallons per minute (GPM) for the purposes of domestic and lawn & garden at a volume of 0.50 acre-feet (AF). The DNRC shall issue a permit 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

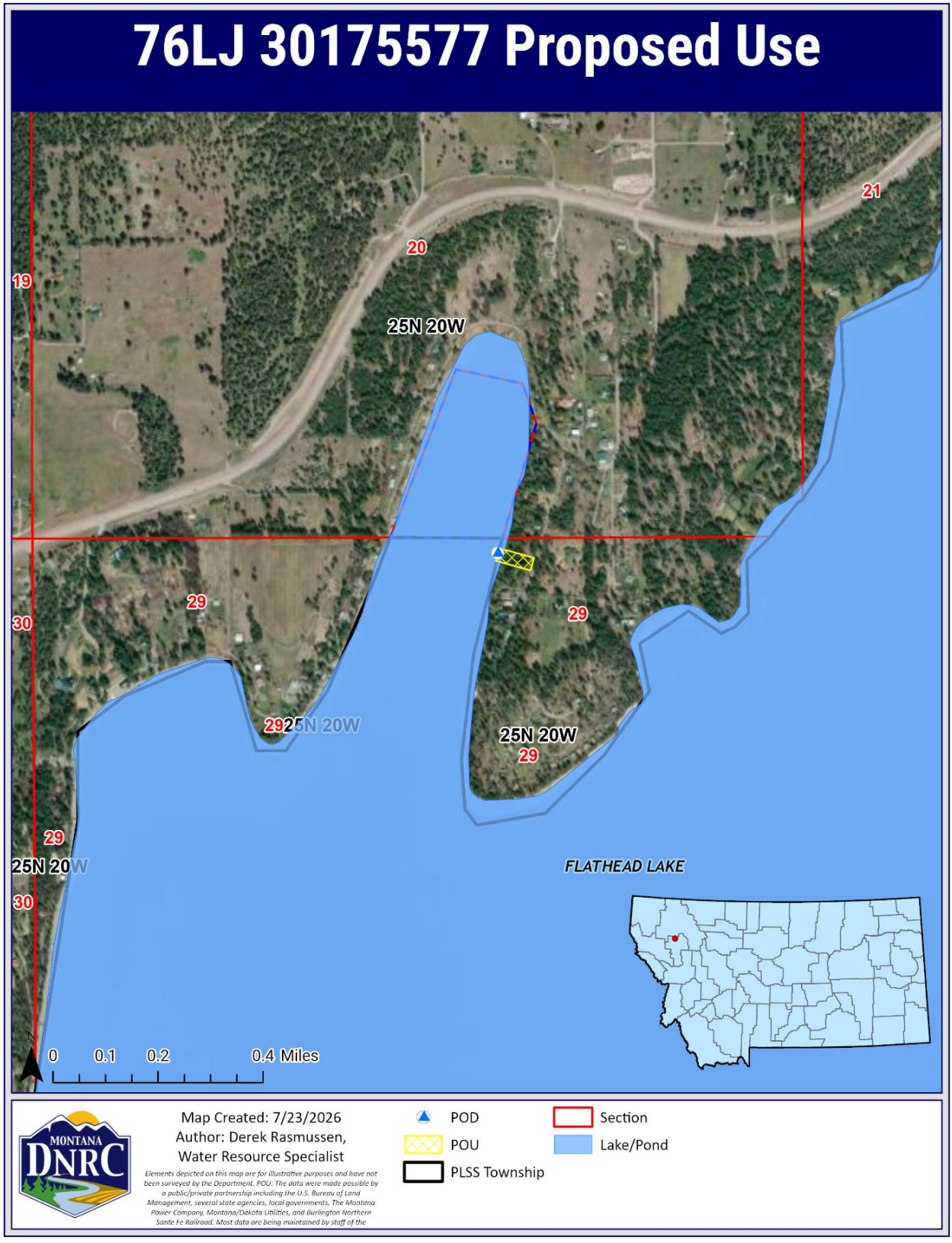


Figure 1. Proposed use for Permit Application 76LJ 30175577

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.

A July 8, 2026 search of DFWP data does not list the Flathead River (Flathead Lake) as periodically or chronically dewatered. No impact to water quantity is expected as a result of this permit.

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.

A July 8, 2026, search of DEQ Impaired Waters 2020 data on the CWAIC identified the Flathead River, was assessed for impairments. The search showed the source to be fully supporting Agriculture, Drinking Water, and Primary Contact Recreation use. The search showed that Aquatic Life is not fully supported. The impairment is suspected to be caused by the following:

- Mercury
    - Atmospheric Deposition - Nitrogen
    - Impacts from Hydrostructure Flow Regulation/modification
    - Municipal Point Source Discharges
    - Silviculture Harvesting
    - Source Unknown
    - Dam or Impoundment
    - Unspecified Urban Stormwater
- Polychlorinated Biphenyls (PCBs)
    - Atmospheric Deposition - Nitrogen
    - Dam or Impoundment
    - Impacts from Hydrostructure Flow Regulation/modification
    - Municipal Point Source Discharges
    - Silviculture Harvesting
    - Source Unknown
    - Unspecified Urban Stormwater
- Nitrogen, Total
    - Atmospheric Deposition - Nitrogen

    - Municipal Point Source Discharges
    - Unspecified Urban Stormwater
- Phosphorus, Total
    - Atmospheric Deposition - Nitrogen
    - Municipal Point Source Discharges
    - Unspecified Urban Stormwater

The proposed project involves adding the POD and diverting water by a pipeline to the POU. The proposed application is not likely to affect water quality because the household wastewater will be disposed of via a permitted septic system.

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 involves installing a pump with pipelines to supply domestic and lawn & garden use. The proposed POD will convey water from the pump site by means of a pipeline. There will be a small disturbance of native soils during construction, but no significant impact to the channel, flow regime, or riparian areas are expected by using the diversion works.

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.

A July 8, 2026, search of the Montana Heritage Programs website for Section 29, T25N, R20W, Lake County returned the following results:

- 7 Animal Species of Concern: Common Loon, Golden Eagle, Horned Grebe, Pileated Woodpecker, Northern Alligator Lizard, Northern Pikeminnow, Peamouth
- 3 Animal Potential Species of Concern: Barrow's Goldeneye, Hooded Merganser, Rufous Hummingbird

- 1 Animal Special Status Species: Bald Eagle
- 1 Invertebrate Potential Species of Concern: A Millipede
- 1 Plant Species of Concern: Columbia Locoweed
- 0 Plant Potential Species of Concern
- 0 Plant Special Status Species

The proposed pump diversion is not expected 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.

A July 8, 2026 search on the National Wetlands Inventory Mappers shows a lake near the project area (**Figure 2**). No significant impact on wetlands in the area are expected as a result of the proposed permit.

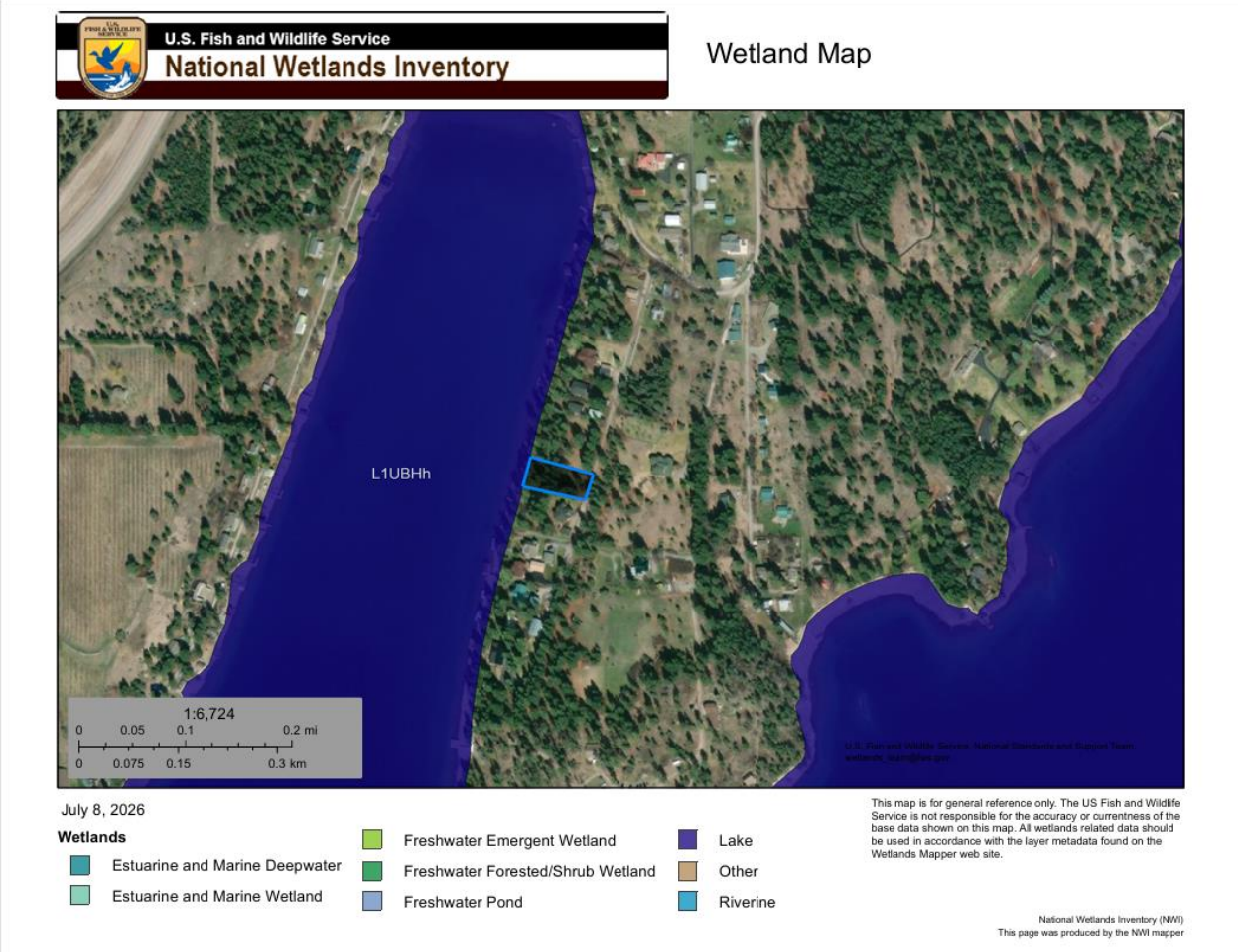


Figure 2. Wetlands surrounding the proposed project area

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

Determination: No significant impact.

No ponds are involved with this 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: No significant impact.

A July 8, 2026, search of the NRCS Web soil Survey identified low surface salinization risk in the project area. The proposed project is not predicted to increase soil salinization risk. The installation of the pump diversion may cause temporary and minor disturbance to the soil but is not anticipated to have significant impact.

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 disturbance associated with construction of the pumps and pipeline structure in the Flathead River should be minimal and 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 permit application is to add a POD and the POU for domestic and lawn & garden use which is recognized beneficial use of water within the State of Montana (§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 application 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: Water will be diverted via a pump site and conveyed via a pipeline. For the permit 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 be to not construct a pump site at the proposed point of diversion. The Applicant stated it is not possible to drill a well on this property due to DEQ restrictions. The applicant may be able to haul water in and store it in a cistern.

PART III. Conclusion

1. ***Preferred Alternative:*** The preferred alternative is to grant the permit 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 add the POD for the uses described in the POU above. The Applicant proposes to use the water right for domestic and lawn & garden use and will use a maximum diverted volume of 0.50 AF and up to a maximum 25 GPM flow rate. Domestic and lawn & garden use 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: October 8, 2026

NOTICE AREA

Application No. **76LJ 30175577** Regional Office # **10**

Applicant's Name **Brent and Theresa Zubot**

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

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

Specialist **Kendrew Ellis** Date **11/2/2026**

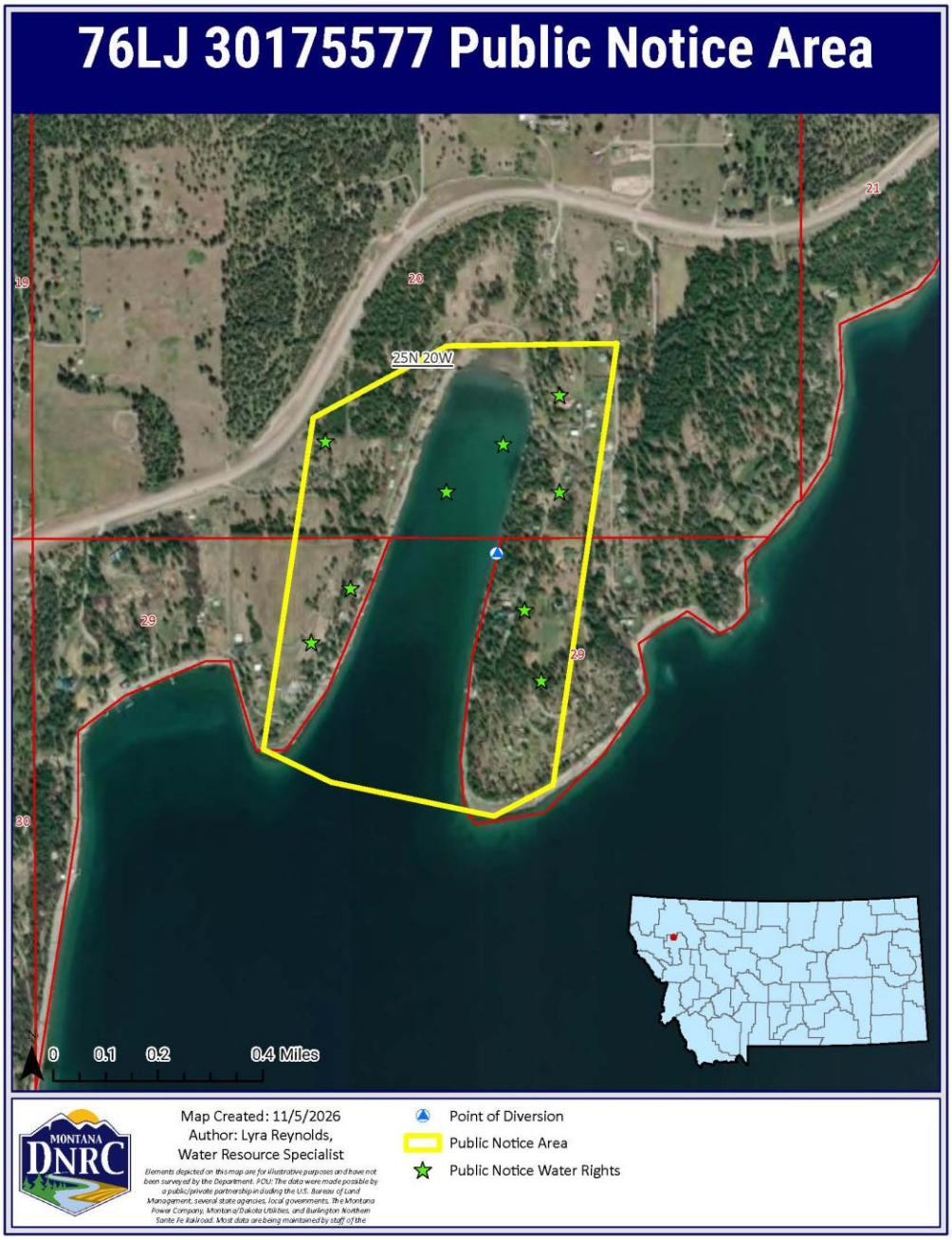


Figure 1. Map of Public Notice Area for **Permit Application 76 LJ 30175577**. The public notice area is marked with the **yellow** polygon; water rights in the polygon were identified for public notice. See the Remarks Section on the next page for a description of the notice area and which owners were noticed.

Water Right Owner	Water Right # (Basin, ID, and Number)
Applicant: Brent and Theresa Zubot	76LJ 30175577
0BZM DEPT OF NATURAL RESOURCES & CONSERVATION	
1BRW BUREAU OF RECLAMATION	
1CFC CLARK FORK COALITION	
1DSL MONTANA BOARD OF LAND COMMISSIONERS	
1EQC ENVIRONMENTAL QUALITY COUNCIL	
1FWP DEPT OF FISH WILDLIFE & PARKS	
1PPL PPL MONTANA LLC	
1WWP AVISTA CORP	
2BIA BUREAU OF INDIAN AFFAIRS	
1WQB DEPT OF ENVIRONMENTAL QUALITY	
2FWP DEPT OF FISH WILDLIFE & PARKS	
8KAL DEPT OF NATURAL RESOURCES & CONSERVATION	
ALICE S ALKOSSER	76LJ 98388 00
ALICE S ALKOSSER; DAVID ALKOSSER	76LJ 30152908
AMANDA TORGERSON; JASON TORGERSON	76LJ 39842 00
ANGELA C STINCHFIELD; LUKE A STINCHFIELD	76LJ 46882 00
ANNE W BAKER; CHRISTOHER ROWAN	76LJ 39631 00
BLAIR R SHAW; BRENDA M SHAW; VIRGINIA L SHAW	76LJ 150449 00
BRADLEY D MCCLAIN; MELODY J MCCLAIN	76LJ 39637 00
BRUNSON, TODD A IRREVOCABLE TRUST	76LJ 46287 00
CARROLL FAMILY LEGACY LLC	76LJ 134799 00
CATHERINE J MEYER; CHARLES C MEYER	76LJ 19226 00
CHRISTENE T ADRIGNOLA	76LJ 114587 00
CHRISTOPHER PRICE; SHALAYNE PRICE	76LJ 32552 00
CRESCENT BEACH LLC	76LJ 37785 00
DANA L WAGNER; TAMY L WAGNER	76LJ 30154839
DANA L WAGNER; TAMY L WAGNER; CRAIG S WALSTEN; LINDA WALSTEN	76LJ 31051 00
DEANNA HALE; JOHN HALE; WIDTFELDT, DAVID & JULIE FAMILY TRUST	76LJ 35674 00
GEORGE F HARTMAN; DONALD W VANLANDINGHAM; MARY L VANLANDINGHAM	76LJ 30867 00
GINA COLLINS; TROY COLLINS; JAMES D HILL; KAREN M REID	76LJ 46945 00
HARRIET MISTOWSKI; JOSEPH P MISTOWSKI	76LJ 39780 00
HENNEFORD FAMILY TRUST	76LJ 39768 00
HT LAKESHORE LLC; KOBE YEET LLC	76LJ 122971 00
JAMES A GRANT; LORI GRANT; WEAVER, LYNN H LIVING TRUST	76LJ 34236 00
JAMES A SLACK; PATRICIA A SLACK	76LJ 47772 00
JAMES D HILL; MCDOWELL FAMILY TRUST; KAREN M REID	76LJ 41437 00
JANICE M ANDERSON	76LJ 45188 00
JEANNE R HAMILTON; JABBR LLC	76LJ 103250 00
KATHLEEN D LINNEY; THOMAS NB MOSS	76LJ 6120 00
KIM R LOBERG; THOMAS L LOBERG	76LJ 19038 00
LAKE COUNTY SCHOOL DISTRICT #33	76LJ 45059 00
LAUREL GATES; WARREN, DAVID L SPECIAL NEEDS TRUST	76LJ 45214 00
M THOMAS WEAVER	76LJ 34276 00
MADICH FAMILY REVOCABLE TRUST	76LJ 109410 00
MARK E KASKI; ULLA EM KASKI	76LJ 30118123
OK PROPERTIES LLC	76LJ 42416 00
QUIRAM FAMILY REVOCABLE TRUST	76LJ 30016274
REBECCA L BARKLEY; THOMAS W BARKLEY	76LJ 104746 00
SCHUMAN FAMILY TRUST	76LJ 45209 00
SENOUR, ROBERT & CAROL TRUST	76LJ 131503 00
SHANE BARFOOT; LINDA K JOHNSON; PEGGY A LEWIS; WEAVER, RICK V & KAREN E REVOCABLE LIVING TRUST	76LJ 215989 00
TODD BRUNSON	76LJ 30007528

PUBLISHED IN: Daily Inter Lake

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

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

   The notice area for public comment included water rights on Flathead River (Flathead Lake) with points of diversion located within the same geographic area on Flathead Lake as the proposed project. Only surface water rights were noticed, as no groundwater rights were identified for potential impact. A total of 51 water rights exist in the public notice area, as seen in the yellow polygon in Figure 1. Owners with multiple water rights were only noticed one time. The lowest water right number in the notice area for each owner is listed above. Owners of 40 water rights were noticed.

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

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

October 8, 2026

Brent & Theresa Zubot
292229 Butte Hills Ln
Rockview County, AB T4A0N8

Subject: Draft Preliminary Determination to Grant Beneficial Water Use Permit Application No. 76LJ 30175577

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 Permit authorization found in §85-2-311MCA. 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 written request for an extension is received by October 30, 2026, 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.

Kendrew R Ellis

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

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

*** * * * * * ***

APPLICATION FOR BENEFICIAL WATER USE PERMIT NO. 76LJ 30175577 BY BRENT & THERESA ZUBOT	**)** **)** **)**	**DRAFT PRELIMINARY DETERMINATION TO GRANT**

*** * * * * * ***

On July 23, 2026, Brent & Theresa Zubot (Applicants) submitted Application for Beneficial Water Use Permit No. 76LJ 30175577 to the Bozeman Regional Office of the Department of Natural Resources and Conservation (Department or DNRC). The Applicant proposes to divert water from Flathead River (Flathead Lake) at a rate of 25.0 gallons per minute (GPM) up to 0.50 acre-feet (AF) for a five-bedroom dwelling from January 1 through December 31 and irrigate 0.02 acres of lawn and garden from April 1 to October 31 annually. The Department published receipt of the application on its website. A preapplication meeting was held between the Department and the Applicant on June 11, 2026, 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 June 17, 2026. The Department delivered the Technical Analyses on July 13, 2026. The application was determined to be correct and complete as of August 13, 2026. An Environmental Assessment for this application was completed on October 8, 2026.

INFORMATION

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

Application as filed:

- Application for Beneficial Water Use Permit, Form 600
- Attachments:
    - System diagram drawing
    - Pressure tank specs
    - Pump specs

- Maps:
    - Question No. 2: 76LJ 30175577- Lake County GIS Department proposed POD Map dated May 12, 2026
- Department completed Technical Analyses Report based on information provided in the Preapplication Meeting Form, dated July 13, 2026.

Information within the Department's Possession/Knowledge

- Mean monthly stream flow data from United States Geological Survey (USGS) Gaging Station No. 12372000, Flathead River near Polson, MT. Period of record: October 1938 to April 2025.
- List of existing water rights on the Flathead River from the Inlet of Flathead Lake downstream to the USGS Gaging Station No. 12372000. This list has further been divided into two reaches:
    - From the inlet of Flathead Lake to the Sėliš Ksanka Qĺispe Dam (SKQ Dam); and,
    - From the SKQ Dam on Flathead Lake to USGS Gaging Station No. 12372000, Flathead River near Polson, MT.
- The following information is not included in the administrative file for this application but is available upon request. Please contact the Bozeman Regional Office at 406-586-3136 to request copies of the following documents.
    - DNRC Technical Memorandum: Physical Availability of Surface Water with Gage Data, Dated November 1, 2019
    - Department Standard Practice for Determining Physical Availability of Surface Water
    - Department Standard Practice for Determining Area of Potential Impact

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, 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.

PROPOSED APPROPRIATION

FINDINGS OF FACT

1. The Applicant proposes to divert Flathead Lake water from January 1 to December 31 at a rate of 25.0 GPM from a pump in Government Lot 2, NENWNE of Section 29, T25N, R20W, Lake County. Water will be diverted at a volume of 0.5 AF per year for year-round domestic use (0.45 AF) and for irrigation of 0.02 acres of lawn and garden (0.05 AF) from April 1 to October 31. The proposed place of use is in Government Lot 2, NENWNE of Section 29, T25N, R20W, Lake County, as seen in **Figure 1**. The proposed use can be seen in **Table 1** below.

Table 1. Summary of Proposed Use

Source	Flow Rate (GPM)	Diverted Volume (AF)	Purpose	Period of Diversion	Period of Use	Point of Diversion	Place of Use
Flathead Lake	25.0	0.45	Domestic (one five-bedroom dwelling)	01/01 to 12/31	01/01 to 12/31	Gov't Lot 2, NENWNE Section 29, T25N, R20W, Lake County	Gov't Lot 2, NENWNE Section 29, T25N, R20W, Lake County
		0.05	Lawn and Garden (0.02 Acres)	01/01 to 12/31	04/01 to 10/31		
Total		0.50					

2. The POD is located in Water Right Basin 76LJ (Flathead Lake) in an area that is not subject to water right basin clasures or controlled groundwater area restrictions.

3. No other water rights will be used in the proposed place of use.

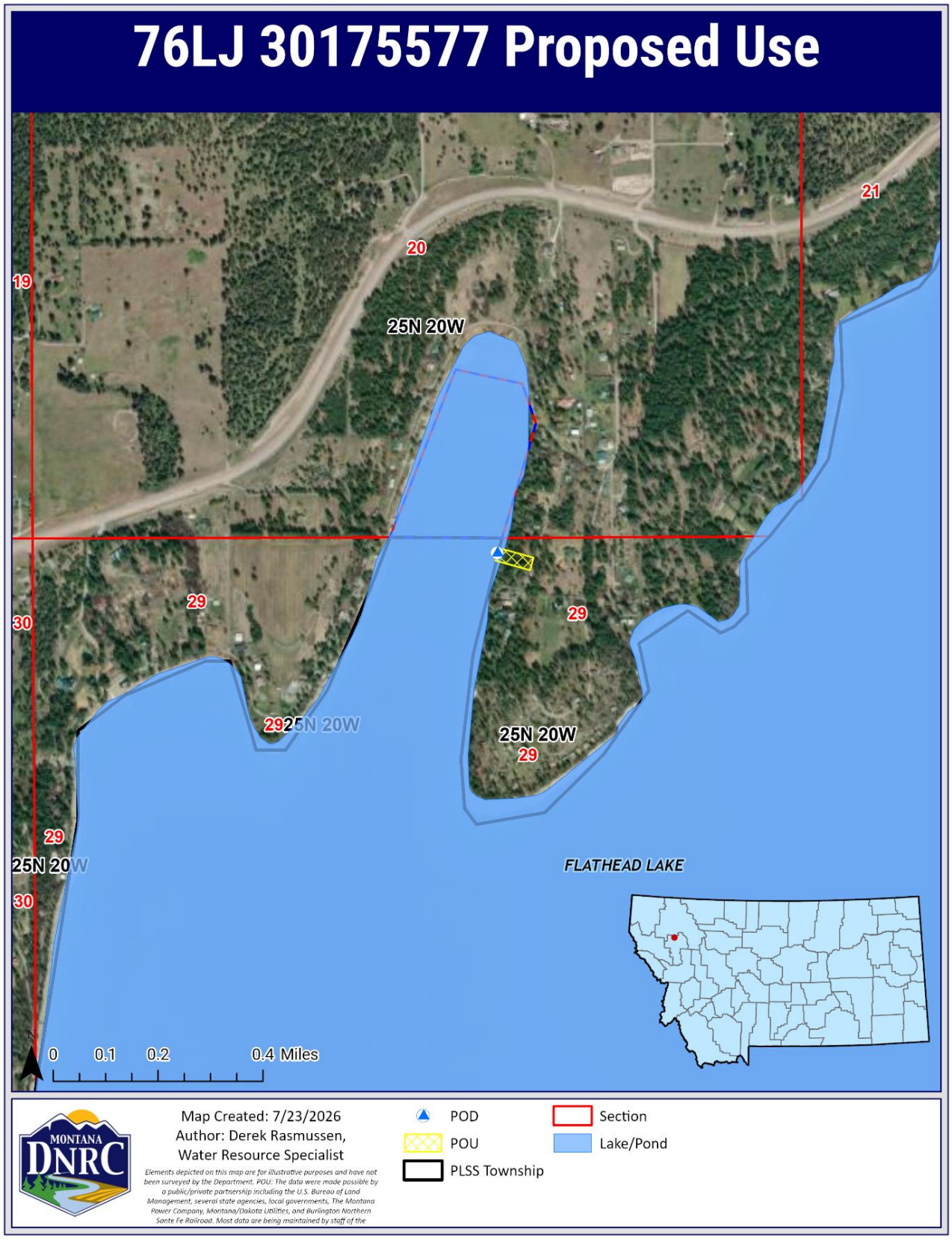


Figure 1. Map of the Applicant's proposed POD on the source and proposed POU

BENEFICIAL WATER USE PERMIT CRITERIA (§ 85-2-311, MCA)

GENERAL CONCLUSIONS OF LAW

4. The Montana Constitution expressly recognizes in relevant part that:

> (1) All existing rights to the use of any waters for any useful or beneficial purpose are hereby recognized and confirmed.
> (2) The use of all water that is now or may hereafter be appropriated for sale, rent, distribution, or other beneficial use . . . shall be held to be a public use.
> (3) All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law.

Mont. Const. Art. IX, § 3. While the Montana Constitution recognizes the need to protect senior appropriators, it also recognizes a policy to promote the development and use of the waters of the state by the public. This policy is further expressly recognized in the water policy adopted by the Legislature codified at § 85-2-102, MCA, which states in relevant part:

> (1) Pursuant to Article IX of the Montana constitution, the legislature declares that any use of water is a public use and that the waters within the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided in this chapter. . . .
> (3) It is the policy of this state and a purpose of this chapter to encourage the wise use of the state's water resources by making them available for appropriation consistent with this chapter and to provide for the wise utilization, development, and conservation of the waters of the state for the maximum benefit of its people with the least possible degradation of the natural aquatic ecosystems. In pursuit of this policy, the state encourages the development of facilities that store and conserve waters for beneficial use, for the maximization of the use of those waters in Montana . . .

5. Pursuant to § 85-2-302(1), MCA, except as provided in §§ 85-2-306 and 85-2-369, MCA, a person may not appropriate water or commence construction of diversion, impoundment, withdrawal, or related distribution works except by applying for and receiving a permit from the Department. *See* § 85-2-102(1), MCA. An Applicant in a beneficial water use permit proceeding must affirmatively prove all of the applicable criteria in § 85-2-311, MCA. Section § 85-2-311(1) states in relevant part:

> … the department shall issue a permit if the Applicant proves by a preponderance of evidence that the following criteria are met:
> (a) (I) there is water physically available at the proposed point of diversion in the amount that the Applicant seeks to appropriate; and

(ii) water can reasonably be considered legally available during the period in which the Applicant seeks to appropriate, in the amount requested, based on the records of the department and other evidence provided to the department. Legal availability is determined using an analysis involving the following factors:
(A) identification of physical water availability;
(B) identification of existing legal demands on the source of supply throughout the area of potential impact by the proposed use; and
(C) analysis of the evidence on physical water availability and the existing legal demands, including but not limited to a comparison of the physical water supply at the proposed point of diversion with the existing legal demands on the supply of water.
(b) the water rights of a prior appropriator under an existing water right, a certificate, a permit, or a state water reservation will not be adversely affected. In this subsection (1)(b), adverse effect must be determined based on a consideration of an Applicant's plan for the exercise of the permit that demonstrates that the Applicant's use of the water will be controlled so the water right of a prior appropriator will be satisfied;
(c) the proposed means of diversion, construction, and operation of the appropriation works are adequate;
(d) the proposed use of water is a beneficial use;
(e) 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 use has 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 under the permit;
(f) the water quality of a prior appropriator will not be adversely affected;
(g) the proposed use will be substantially in accordance with the classification of water set for the source of supply pursuant to 75-5-301(1); and
(h) the ability of a discharge permit holder to satisfy effluent limitations of a permit issued in accordance with Title 75, chapter 5, part 4, will not be adversely affected.
(2) The Applicant is required to prove that the criteria in subsections (1)(f) through (1)(h) have been met only if a valid objection is filed. A valid objection must contain substantial credible information establishing to the satisfaction of the department that the criteria in subsection (1)(f), (1)(g), or (1)(h), as applicable, may not be met. For the criteria set forth in subsection (1)(g), only the department of environmental quality or a local water quality district established under Title 7, chapter 13, part 45, may file a valid objection.

To meet the preponderance of evidence standard, "the Applicant, in addition to other evidence demonstrating that the criteria of subsection (1) have been met, shall submit hydrologic or other evidence, including but not limited to water supply data, field reports, and other information developed by the Applicant, the department, the U.S. geological survey, or

the U.S. natural resources conservation service and other specific field studies." Section 85-2-311(5), MCA (emphasis added). The determination of whether an application has satisfied the § 85-2-311, MCA criteria is committed to the discretion of the Department. *Bostwick Properties, Inc. v. Montana Dept. of Natural Resources and Conservation*, 2009 MT 181, ¶ 21. The Department is required grant a permit only if the § 85-2-311, MCA, criteria are proven by the Applicant by a preponderance of the evidence. Id. A preponderance of evidence is "more probably than not." *Hohenlohe v. DNRC*, 2010 MT 203, ¶¶ 33, 35, 357 Mont. 438, 240 P.3d 628.

6. Pursuant to § 85-2-312, MCA, the Department may condition permits as it deems necessary to meet the statutory criteria:

> (1) (a) The department may issue a permit for less than the amount of water requested, but may not issue a permit for more water than is requested or than can be beneficially used without waste for the purpose stated in the application. The department may require modification of plans and specifications for the appropriation or related diversion or construction. The department may issue a permit subject to terms, conditions, restrictions, and limitations it considers necessary to satisfy the criteria listed in 85-2-311 and subject to subsection (1)(b), and it may issue temporary or seasonal permits. A permit must be issued subject to existing rights and any final determination of those rights made under this chapter.

E.g., Montana Power Co. v. Carey (1984), 211 Mont. 91, 96, 685 P.2d 336, 339 (requirement to grant applications as applied for, would result in, "uncontrolled development of a valuable natural resource" which "contradicts the spirit and purpose underlying the Water Use Act."); *see also*, *In the Matter of Application for Beneficial Water Use Permit No. 65779-76M by Barbara L. Sowers* (DNRC Final Order 1988)(conditions in stipulations may be included if it further compliance with statutory criteria); *In the Matter of Application for Beneficial Water Use Permit No. 42M-80600 and Application for Change of Appropriation Water Right No. 42M-036242 by Donald H. Wyrick* (DNRC Final Order 1994); Admin. R. Mont. (ARM) 36.12.207.

7. The Montana Supreme Court further recognized in *Matter of Beneficial Water Use Permit Numbers 66459-76L, Ciotti: 64988-G76L, Starner*, 278 Mont. 50, 60-61, 923 P.2d 1073, 1079, 1080 (1996), *superseded by legislation on another issue*:

> Nothing in that section [85-2-313], however, relieves an Applicant of his burden to meet the statutory requirements of § 85-2-311, MCA, before DNRC may issue that provisional permit. Instead of resolving doubts in favor of appropriation, the Montana Water Use Act requires an Applicant to make explicit statutory showings that there are unappropriated waters in the source of supply, that the water rights of a prior appropriator will not be adversely affected, and that the proposed use will not unreasonably interfere with a planned use for which water has been reserved.

See also, Wesmont Developers v. DNRC, CDV-2009-823, First Judicial District Court, *Memorandum and Order* (2011). The Supreme Court likewise explained that:

> .... unambiguous language of the legislature promotes the understanding that the Water Use Act was designed to protect senior water rights holders from encroachment by junior appropriators adversely affecting those senior rights.

Montana Power Co., 211 Mont. at 97-98, 685 P.2d at 340; *see also* Mont. Const. art. IX § 3(1).

8. An appropriation, diversion, impoundment, use, restraint, or attempted appropriation, diversion, impoundment, use, or restraint contrary to the provisions of § 85-2-311, MCA is invalid. An officer, agent, agency, or employee of the state may not knowingly permit, aid, or assist in any manner an unauthorized appropriation, diversion, impoundment, use, or other restraint. A person or corporation may not, directly or indirectly, personally or through an agent, officer, or employee, attempt to appropriate, divert, impound, use, or otherwise restrain or control waters within the boundaries of this state except in accordance with this § 85-2-311, MCA. Section 85-2-311(6), MCA.

9. The Department may take notice of judicially cognizable facts and generally recognized technical or scientific facts within the Department's specialized knowledge, as specifically identified in this document. ARM 36.12.221(4).

PHYSICAL AVAILABILITY

FINDINGS OF FACT

10. The Applicant proposes to divert Flathead Lake water from January 1 to December 31 at a rate of 25.0 GPM. Water will be diverted at a volume of 0.5 AF per year for year-round domestic use (0.45 AF) and for irrigation of 0.02 acres of lawn and garden (0.05 AF) from April 1 to October 31.

11. Physical availability of Flathead Lake was calculated using data from USGS Gaging Station No. 12372000 on the Flathead River near Polson, MT. This gage was selcted as it is the nearest gage to the proposed POD and is located approximately 15 miles downstream of the proposed POD. The entire period of record for USGS Gaging Station No. 12372000, that ranges from October 1938 to April 2025, was used. The Department calculated the physical availability using the following method:

a. The Department calculated median of the mean monthly flow rates in cubic feet per second (CFS) for Flathead Lake, using USGS Gaging Station No. 12372000 records for each month of the proposed period of diversion (Table 2, column B). Those flows were converted to monthly volumes in AF (Table 2, column C) using the following conversion found in the DNRC Water Calculation Guide: median of the mean monthly flow (CFS) × 1.98 (AF/day/1 CFS) × days per month = AF/month.

The Department calculated the monthly flows appropriated by existing users upstream of USGS Gaging Station No. 12372000 (Table 2, column D) by:

i. Generating a list of existing water rights from the Flathead Lake inlet down to USGS Gaging Station No. 12372000 (this list is contained in the administrative file and is available upon request);
ii. Designating uses as occurring during their claimed or permitted periods of diversion;
iii. Assigning a single combined flow rate of 0.08 CFS to all livestock direct from source rights without a designated flow rate (per DNRC adjudication standards); and,
iv. Assuming that the flow rate of each existing right is continuously diverted throughout each month of the period of diversion. This assumption is necessary due to the difficulty of differentiating the distribution of appropriated volume over the period of diversion. This leads to an overestimation of existing uses from the source. The Department finds this an appropriate measure of assessing existing rights as it protects existing water users.

b. Since the gage used is downstream of the POD, the Department added in the flow rates of the existing diversionary water rights between USGS Gaging Station No. 12372000 and the Flathead Lake inlet (Table 2, column D) to the median of the mean monthly gage values (Table 2, column B) to determine physical availability at the POD from Flathead Lake (Table 2, column E). Physically available monthly flows were then converted to monthly volumes (Table 2, column F).

Table 2. Physical Availability at the Point of Diversion on Flathead Lake

A	B	C	D	E	F
Month	Median of the Mean Monthly Flows at USGS Gaging Station 12372000 (CFS)	Median of the Mean Monthly Volume at USGS Gaging Station 12372000 (AF)	Existing Water Rights from the Flathead Lake Inlet to USGS Gaging Station 12372000 (CFS)	Physically Available Flow in Flathead Lake at the POD (CFS)	Physically Available Volume in Flathead Lake at the POD (AF)
January	10,380.0	637,124.4	78.7	10,458.7	641,956.8
February	9,133.0	506,333.5	81.3	9,214.3	510,841.3
March	7,748.0	475,572.2	86.5	7,834.5	480,881.6
April	9,214.5	547,341.3	5,378.8	14,593.3	866,842.6
May	18,560.0	1,139,212.8	5,429.5	23,989.5	1,472,474.9
June	25,400.0	1,508,760.0	5,437.6	30,837.6	1,831,751.7
July	12,730.0	781,367.4	5,438.1	18,168.1	1,115,159.2
August	6,126.0	376,013.9	5,438.1	11,564.1	709,805.7
September	5,956.5	353,816.1	5,413.5	11,370.0	675,375.6
October	7,184.0	440,953.9	5,385.7	12,569.7	771,525.1
November	8,556.0	508,226.4	90.6	8,646.6	513,610.4
December	9,837.0	603,795.1	81.7	9,918.7	608,812.3

12. Based on the physical availability analysis of Flathead Lake at the Applicant's proposed POD, the Department finds that the requested flow rate of 25.0 GPM and 0.50 AF of volume annually is physically available in Flathead Lake during the proposed period of diversion from January 1 to December 31.

LEGAL AVAILABILITY

FINDINGS OF FACT

13. The Applicant proposes to divert up to 0.5 AF from Flathead Lake at a maximum flow rate of 25 GPM for year-round domestic and lawn and garden use from April 1 to October 31. The Department determined the Area of potential impact (AOPI) for this application to be

Flathead Lake from the inlet of the lake downstream to the SKQ Dam (Figure 2). This AOPI is appropriate as diversion of water at the proposed POD would reduce flow and volume in the lake and the outflow of which is controlled by the SKQ Dam. The Department found 1,796 water rights within the AOPI to evaluate for legal availability. This list is in the administrative file and is available upon request.

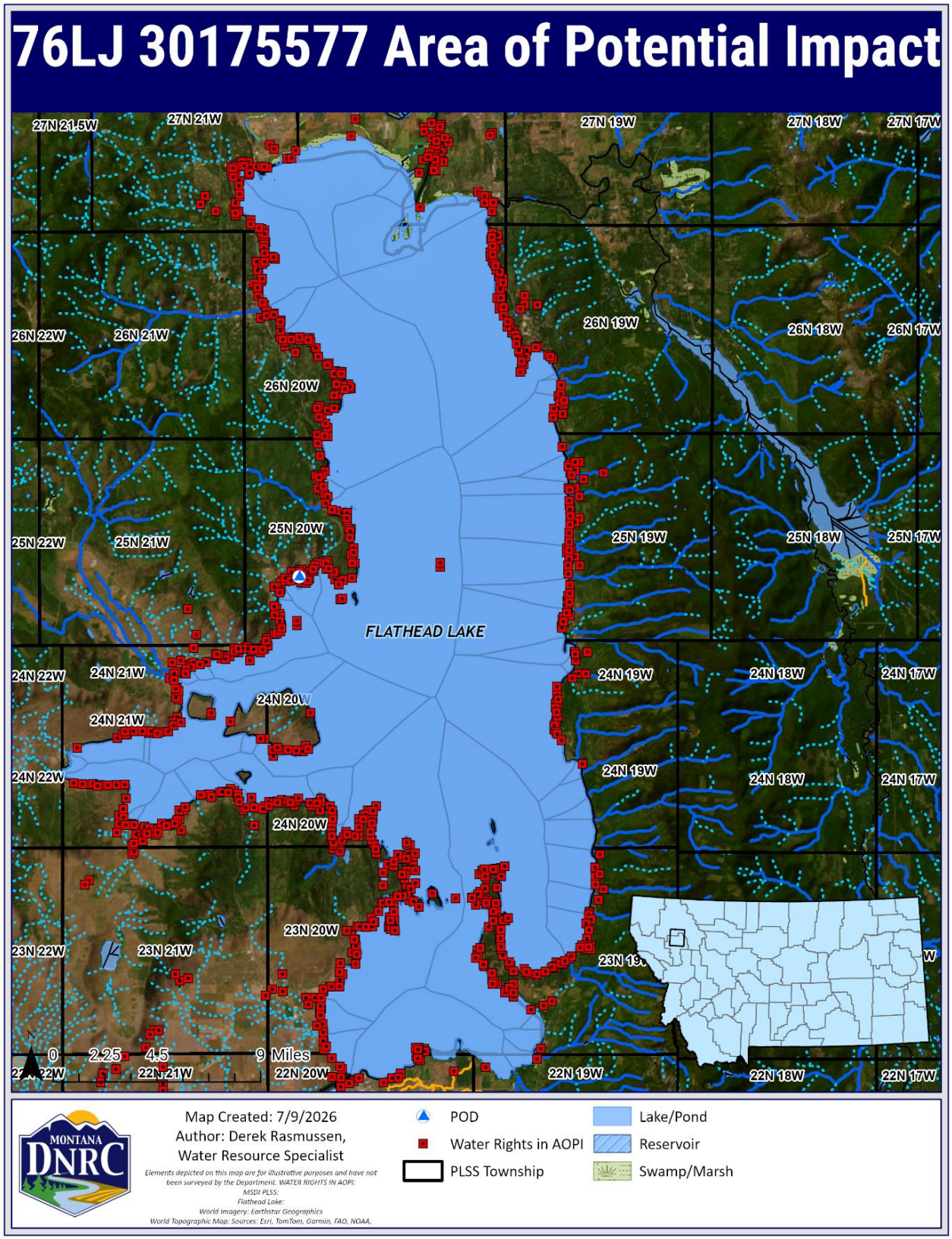


Figure 2. Area of potential impact for Permit Application No. 76LJ 30175577

14. The Department calculated physically available flows and volumes at the proposed point of diversion (Table 3, Columns B-C). The DNRC used the method below to quantify legal demand in the depleted reach during the period of diversion:

a. The Department calculated median of the mean monthly flow rates in cubic feet per second (CFS) for the Flathead Lake using USGS Gaging Station No. 12372000 records for each month of the proposed period of diversion (Table 3, column B). Those flows were converted to monthly volumes in AF (Table 3, column C) using the following conversion found in the DNRC Water Calculation Guide: median of the mean monthly flow (CFS) × 1.98 (AF/day/1 CFS) × days per month = AF/month.

b. The Department calculated the monthly flows appropriated by existing users (Table 2, Column D) between the proposed point of diversion and the SKQ Dam by:

    i. Generating a list of existing water rights from the Flathead Lake inlet to the SKQ Dam (this list is included in the application file and is available upon request);

    ii. Designating the uses as occurring during their periods of diversion;

    iii. Assigning a single combined flow rate of 0.08 CFS to all livestock direct from source rights without a designated flow rate (per DNRC adjudication standards); and,

    iv. Assuming the flow rate of each existing water right is continuously diverted throughout each month of the period of diversion. This assumption is necessary due to the difficulty of differentiating the distribution of appropriated volume over the period of diversion. This leads to an overestimation of legal demands on the physical volume of water. The Department finds this Is an appropriate measure of assessing existing water rights as it protects existing water users.

15. The Department subtracted the flow rates of the existing legal demands (Table 3, Column D) within the AOPI from the physically available water (Table 3, Column B) to get the

legally available flow rates at the POD (Table 3, Column E). Legally available monthly flow rates were then converted into monthly volumes (Table 3, Column F).

Table 3. Legal Availability from the proposed POD to the SKQ Dam

A	B	C	D	E	F
Month	**Physically Available Water (CFS)**	**Physically Available Water (AF)**	**Existing Legal Demands within the AOPI (CFS)**	**Legally Available Water (CFS)**	**Legally Available Water (AF)**
January	10,458.7	641,956.8	78.6	10,380.1	637,132.4
February	9,214.3	510,841.3	81.2	9,133.1	506,339.6
March	7,834.5	480,881.6	86.4	7,748.1	475,578.4
April	14,601.8	867,347.5	5,378.7	9,223.1	547,852.7
May	23,989.5	1,472,474.9	5,428.7	18,560.8	1,139,261.3
June	30,837.6	1,831,751.7	5,436.8	25,400.8	1,508,805.7
July	18,168.1	1,115,159.2	5,437.4	12,730.7	781,411.6
August	11,564.1	709,805.7	5,437.4	6,126.7	376,058.1
September	11,370.0	675,375.6	5,412.7	5,957.3	353,861.2
October	12,569.7	771,525.1	5,385.6	7,184.1	440,957.0
November	8,646.6	513,610.4	90.6	8,556.0	508,228.8
December	9,918.7	608,812.3	81.7	9,837.0	603,797.5

16. Based on the evaluation of legally available water, the Department finds that the requested flow rate of 25.0 GPM up to 0.50 AF of volume is legally available in Flathead Lake during the proposed period of diversion from January 1 to December 31.

ADVERSE EFFECT

FINDINGS OF FACT

17. The Applicant proposes to divert Flathead Lake water from January 1 to December 31 at a rate of 25.0 GPM for domestic and lawn and garden use. The Applicant provided a plan showing they can regulate water during times of shortage to ensure senior appropriators' water rights are met. The Applicant's plan during times of a water shortage is to turn the pump off and use bottled water.

18. The Applicant has shown that they can regulate their water usage and that a plan is in place to protect existing water users. The Department finds that water is both physically and legally available during the proposed period of diversion . The Department finds that the proposed water use will not adversely affect senior water users.

ADEQUATE MEANS OF DIVERSION

FINDINGS OF FACT

19. The Applicant proposes to divert water from Flathead Lake at a rate of 25.0 GPM up to 0.50 AF to irrigate 0.02 acres of lawn and garden & a 5-bedroom domestic dwelling from January 1 to December 31 by means of a Red Lion RS 22G15-3W2V submersible motor. The pump will sit approximately 70 feet from the shoreline and 24 inches off the lake bottom. The pump outlet is connected to a 160 foot long 1 ¼- inch HDPE blue schedule 40 drinking water pipe that runs from the lake to the basement of the main home. Once in the basement the pressure in the system is maintained by a RL44A pressure tank set to a target pressure of 40-60 PSI. The proposed pump capacity at a pressure of 40 to 60 PSI is approximately 25 GPM, equal to the requested flow rate of the permit.

20. From the pressure tank, water will be conveyed to domestic fixtures and to a sprinkler system. The lawn and garden irrigation zone will consist of four sprinkler heads requiring 10.4 GPM total, which will leave 14.6 GPM available for use by domestic fixtures during times of overlapping use. The applicant calculated that even with all domestic fixtures running and the sprinkler system active, 25 GPM will be sufficient to supply all possible needs at the same time.

21. The Applicant calculated a total dynamic head (TDH) of 47.4 feet for the system and will utilize a RL44A pressure tank with an output pressure of 40-60 PSI and flow rate of 25.0 GPM. The Applicant provided the pump curve for the Red Lion RS 22G15-3W2V submersible motor demonstrating that the pump is capable of producing 25.0 GPM at the TDH calculated.

22. Based on the system design and specifications, the Department finds that the diversion and conveyance system is adequate to supply the requested flow rate of 25.0 GPM up to an annual volume of 0.50 AF.

BENEFICIAL USE

FINDINGS OF FACT

23. The Applicant requests to divert Flathead Lake water from January 1 to December 31 at a rate of 25.0 GPM. Water will be diverted at a volume of 0.5 AF per year for year-round

domestic use (0.45 AF) and for irrigation of 0.02 acres of lawn and garden (0.05 AF) from April 1 to October 31.

24. The requested volume of 0.50 AF/year was calculated using ARM 36.12.115 standard of 2.5 AF per acre for lawn and garden irrigation (0.02 acres X 2.5 AF/acre/year) = 0.05 AF/year and a 5-bedroom dwelling (400 GPD X 365)/325,851 = 0.45 AF/year.

25. The Applicant requested a period of diversion for domestic use from January 1 to December 31 and lawn and garden use from April 1 to October 31 from Flathead Lake. The requested period of diversion and use falls within the standards of ARM 36.12.112.

26. The Department finds that the proposed water use is beneficial, and that the requested flow rate of 25.0 GPM is justified per ARM 36.12.1801(3)(a). Additionally, the Department finds that the 0.50 AF is reasonable to satisfy the beneficial use requested during the period of diversion and use of January 1 to December 31.

27. The Department finds the proposed flow rate of 25 GPM and diverted volume of 0.5 AF for domestic and lawn and garden use a beneficial use of water.

POSSESSORY INTEREST

FINDINGS OF FACT

28. The Applicant owns the property where water is to be put to beneficial use, which demonstrates possessory interest. The Department finds the possessory interest criterion to be met.

CONCLUSIONS OF LAW

PHYSICAL AVAILABILITY

29. Pursuant to § 85-2-311(1)(a)(i), MCA, an Applicant must prove by a preponderance of the evidence that "there is water physically available at the proposed point of diversion in the amount that the Applicant seeks to appropriate."

30. It is the Applicant's burden to produce the required evidence. *In the Matter of Application for Beneficial Water Use Permit No. 27665-41I by Anson* (DNRC Final Order 1987) (Applicant produced no flow measurements or any other information to show the availability

of water; permit denied); *In the Matter of Application to Change Water Right No. 41H 1223599 by MGRR #1, LLC.,* (DNRC Final Order 2005).

31. An Applicant must prove that at least in some years there is water physically available at the point of diversion in the amount the Applicant seeks to appropriate. *In the Matter of Application for Beneficial Water Use Permit No. 72662s76G by John Fee and Don Carlson* (DNRC Final Order 1990); *In the Matter of Application for Beneficial Water Use Permit No. 85184s76F by Wills Cattle Co. and Ed McLean* (DNRC Final Order 1994).

32. The Applicant has proven that water is physically available at the proposed point of diversion in the amount Applicant seeks to appropriate. Section 85-2-311(1)(a)(i), MCA. (FOF 10-12)

LEGAL AVAILABILITY

33. Pursuant to § 85-2-311(1)(a), MCA, an Applicant must prove by a preponderance of the evidence that:

> (ii) water can reasonably be considered legally available during the period in which the Applicant seeks to appropriate, in the amount requested, based on the records of the department and other evidence provided to the department. Legal availability is determined using an analysis involving the following factors:
> (A) identification of physical water availability;
> (B) identification of existing legal demands on the source of supply throughout the area of potential impact by the proposed use; and
> (C) analysis of the evidence on physical water availability and the existing legal demands, including but not limited to a comparison of the physical water supply at the proposed point of diversion with the existing legal demands on the supply of water.

E.g., ARM 36.12.101 and 36.12.120; *Montana Power Co.*, 211 Mont. 91, 685 P.2d 336 (Permit granted to include only early irrigation season because no water legally available in late irrigation season); *In the Matter of Application for Beneficial Water Use Permit No. 81705-g76F by Hanson* (DNRC Final Order 1992).

34. It is the Applicant's burden to present evidence to prove water can be reasonably considered legally available. *Sitz Ranch v. DNRC*, DV-10-13390, Fifth Judicial District Court, *Order Affirming DNRC Decision*, (2011) Pg. 7 (the legislature set out the criteria (§ 85-2-311, MCA) and placed the burden of proof squarely on the Applicant. The Supreme Court has

instructed that those burdens are exacting.); *see also Matter of Application for Change of Appropriation Water Rights Nos. 101960-41S and 101967-41S by Royston* (1991), 249 Mont. 425, 816 P.2d 1054 (burden of proof on Applicant in a change proceeding to prove required criteria); *In the Matter of Application to Change Water Right No. 41H 1223599 by MGRR #1, LLC.*, (DNRC Final Order 2005))(it is the Applicant's burden to produce the required evidence.); *In the Matter of Application for Beneficial Water Use Permit No. 41H 30023457 by Utility Solutions, LLC* (DNRC Final Order 2007) (permit denied for failure to prove legal availability); *see also* ARM 36.12.1705.

35. Applicant has proven by a preponderance of the evidence that water can reasonably be considered legally available during the period in which the Applicant seeks to appropriate, in the amount requested, based on the records of the Department and other evidence provided to the Department. Section 85-2-311(1)(a)(ii), MCA. (FOF 13-16)

ADVERSE EFFECT

36. Pursuant to § 85-2-311(1)(b), MCA, the Applicant bears the affirmative burden of proving by a preponderance of the evidence that the water rights of a prior appropriator under an existing water right, a certificate, a permit, or a state water reservation will not be adversely affected. Analysis of adverse effect must be determined based on a consideration of an Applicant's plan for the exercise of the permit that demonstrates that the Applicant's use of the water will be controlled so the water right of a prior appropriator will be satisfied. *See Montana Power Co.*, 211 Mont. 91, 685 P.2d 336 (1984) (purpose of the Water Use Act is to protect senior appropriators from encroachment by junior users); *Bostwick Properties, Inc.*, ¶ 21.

37. An Applicant must analyze the full area of potential impact under the § 85-2-311, MCA criteria. *In the Matter of Beneficial Water Use Permit No. 76N-30010429 by Thompson River Lumber Company* (DNRC Final Order 2006). While § 85-2-361, MCA, limits the boundaries expressly required for compliance with the hydrogeologic assessment requirement, an Applicant is required to analyze the full area of potential impact for adverse effect in addition to the requirement of a hydrogeologic assessment. *Id.* ARM 36.12.120(5).

38. Applicant must prove that no prior appropriator will be adversely affected, not just the objectors. *Sitz Ranch v. DNRC*, DV-10-13390, Fifth Judicial District Court, *Order Affirming DNRC Decision*, 4 (2011).

39. In analyzing adverse effect to other appropriators, an Applicant may use the water rights claims of potentially affected appropriators as evidence of their "historic beneficial use." *See Matter of Application for Change of Appropriation Water Rights Nos. 101960-41S and 101967-41S by Royston*, 249 Mont. 425, 816 P.2d 1054 (1991).

40. It is the Applicant's burden to produce the required evidence. *E.g., Sitz Ranch v. DNRC*, DV-10-13390, Fifth Judicial District Court, *Order Affirming DNRC Decision*, 7 (2011) (legislature has placed the burden of proof squarely on the Applicant); *In the Matter of Application to Change Water Right No. 41H 1223599 by MGRR #1, LLC.*, (DNRC Final Order 2005). The Department is required to grant a permit only if the § 85-2-311, MCA, criteria are proven by the Applicant by a preponderance of the evidence. *Bostwick Properties, Inc.*, ¶ 21.

41. Section 85-2-311 (1)(b) of the Water Use Act does not contemplate a de minimis level of adverse effect on prior appropriators. *Wesmont Developers v. DNRC*, CDV-2009-823, First Judicial District Court, *Memorandum and Order*, 8 (2011).

42. The Applicant has proven by a preponderance of the evidence that the water rights of a prior appropriator under an existing water right, a certificate, a permit, or a state water reservation will not be adversely affected. Section 85-2-311(1)(b), MCA. (FOF 17-18)

ADEQUATE DIVERSION

43. Pursuant to § 85-2-311(1)(c), MCA, an Applicant must demonstrate that the proposed means of diversion, construction, and operation of the appropriation works are adequate.

44. The adequate means of diversion statutory test merely codifies and encapsulates the case law notion of appropriation to the effect that the means of diversion must be reasonably effective, i.e., must not result in a waste of the resource. *In the Matter of Application for Beneficial Water Use Permit No. 33983s41Q by Hoyt* (DNRC Final Order 1981); § 85-2-312(1)(a), MCA.

45. 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. Section 85-2-311(1)(c), MCA (FOF 19-22).

BENEFICIAL USE

46. Under § 85-2-311(1)(d), MCA, an Applicant must prove by a preponderance of the evidence the proposed use is a beneficial use.

47. An appropriator may appropriate water only for a beneficial use. See also, § 85-2-301 MCA. It is a fundamental premise of Montana water law that beneficial use is the basis, measure, and limit of the use. *E.g.*, *McDonald*; *Toohey v. Campbell* (1900), 24 Mont. 13, 60 P. 396. The amount of water under a water right 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, Montana First Judicial District Court, Lewis and Clark County (2003), *affirmed on other grounds*, 2005 MT 60, 326 Mont. 241, 108 P.3d 518; *In The Matter Of Application For Beneficial Water Use Permit No. 43C 30007297 by Dee Deaterly* (DNRC Final Order), *affirmed other grounds*, *Dee Deaterly v. DNRC* , Cause No. 2007-186, Montana First Judicial District, *Order Nunc Pro Tunc on Petition for Judicial Review* (2009); *Worden v. Alexander* (1939), 108 Mont. 208, 90 P.2d 160; *Allen v. Petrick* (1924), 69 Mont. 373, 222 P. 451; *In the Matter of Application for Beneficial Water Use Permit No. 41S-105823 by French* (DNRC Final Order 2000).

48. Amount of water to be diverted must be shown precisely. *Sitz Ranch v. DNRC*, DV-10-13390, Fifth Judicial District Court, *Order Affirming DNRC Decision*, 3 (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).

49. It is the Applicant's burden to produce the required evidence. *Bostwick Properties, Inc. v. DNRC*, 2013 MT 48, ¶ 22, 369 Mont. 150, 296 P.3d 1154 ("issuance of the water permit itself does not become a clear, legal duty until [the applicant] proves, by a preponderance of the evidence, that the required criteria have been satisfied"); *Sitz Ranch v. DNRC*, DV-10-13390, Fifth Judicial District Court, *Order Affirming DNRC Decision*, (2011) Pg. 7; *In the Matter*

of Application to Change Water Right No. 41H 1223599 by MGRR #1, LLC., (DNRC Final Order 2005); *see also Royston; Ciotti*.

50. Applicant proposes to use water for domestic & lawn and garden which is a recognized beneficial use. Section 85-2-102(5), MCA. Applicant has proven by a preponderance of the evidence domestic and lawn and garden are a beneficial use and that 0.50 AF of diverted volume and 25 GPM is the amount needed to sustain the beneficial use. Section 85-2-311(1)(d), MCA. (FOF 23-27)

POSSESSORY INTEREST

51. Pursuant to § 85-2-311(1)(e), MCA, an 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, or if the proposed use has 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 under the permit.

52. Pursuant to ARM 36.12.1802:

> (1) An Applicant or a representative shall sign the application affidavit to affirm the following:
> (a) the statements on the application and all information submitted with the application are true and correct and
> (b) except in cases of an instream flow application, or where the application is for sale, rental, distribution, or is a municipal use, or in any other context in which water is being supplied to another and it is clear that the ultimate user will not accept the supply without consenting to the use of water on the user's place of use, the Applicant has possessory interest in the property where the water is to be put to beneficial use or has the written consent of the person having the possessory interest.
> (2) If a representative of the Applicant signs the application form affidavit, the representative shall state the relationship of the representative to the Applicant on the form, such as president of the corporation, and provide documentation that establishes the authority of the representative to sign the application, such as a copy of a power of attorney.
> (3) The department may require a copy of the written consent of the person having the possessory interest.

53. 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. Section 85-2-311(1)(e), MCA. (FOF 28)

PRELIMINARY DETERMINATION

Subject to the terms, analysis, and conditions in this Order, the Department preliminarily determines that this Application for Beneficial Water Use Permit No. 76LJ 30175577 should be GRANTED.

The Applicant may divert Flathead Lake water from a pump located in Government Lot 2, NENWNE of Section 29, T25N, R20W, Lake County. The Applicant is authorized to divert at a total flow rate of 25 GPM up to 0.5 AF per year for year-round domestic use (0.45 AF) and for irrigation of 0.02 acres of lawn and garden (0.05 AF) from April 1 to October 31. The authorized place of use is in Government Lot 2, NENWNE of Section 29, T25N, R20W, Lake County. The maximum flow rate and volume that will be diverted from Flathead Lake under the new appropriation cannot exceed 25 GPM and 0.5 AF.

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 pursuant to § 85-2-307(4), 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 8 day of October, 2026.

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 8 day of October, 2026, by first class United States mail.

BRENT & THERESA ZUBOT

292229 BUTTE HILLS LN

ROCKVIEW COUNTY, AB T4A0N8

Kenneth A Ell

BOZEMAN Regional Office, (406) 586-3136

Outlook

Draft Preliminary Determination to Grant Beneficial Water use Permit Application No. 76LJ 30175577

From Ellis, Kendrew <Kendrew.Ellis@mt.gov>
Date Thu 10/15/2026 2:17 PM
To bzubot@icloud.com <bzubot@icloud.com>

2 attachments (2 MB)
A3_ZUBOT_DRAFTPD_COVERLETTER.pdf; DRAFT-PD-76LJ-30175577-ZUBOT-V2-WITH SIGNATURES.pdf;

Hi Brent-

Here I have attached your Draft Preliminary Determination to Grant and the letter sent on October 8th, 2026! If you have any other questions please feel free to reach out!

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 Ct, STE 110
Bozeman, MT 59715

August 13, 2026

Brent & Theresa Zubot
292229 Butte Hills Ln
Rocky View County, Alberta T4A0N8

Subject: Correct and Complete Application for Beneficial Water Use Permit No. 76LJ 30175577

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

Outlook

Correct and Complete Application for Beneficial Water Use Permit No. 76LJ 30175577

From Ellis, Kendrew <Kendrew.Ellis@mt.gov>
Date Fri 8/14/2026 9:28 AM
To bzubot@icloud.com <bzubot@icloud.com>
Cc Strasheim, Kerri <kstrasheim@mt.gov>; Reynolds, Lyra <Lyra.Reynolds@mt.gov>

1 attachment (629 KB)
ZUBOT_A2_C&C.pdf;

Hi Brent-

The Department of Natural Resources and Conservation (Department) has determined that Permit Application No. 76LJ 30175577 is correct and complete pursuant to ARM 36.12.1601. The Department will issue a Draft Preliminary Determination within 60 days of the date of this letter, by 10/12/2026, per §85-2-307(2)(b), MCA. The correct and complete letter is attached to this email and was sent yesterday, 8/13/2026.

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

Docusign Envelope ID: 87626517-9D38-8B75-802B-8E0BF5420881

APPLICATION FOR BENEFICIAL WATER USE PERMIT

§ 85-2-302, MCA

Form No. 600 *(10/2025)*

For Department Use Only

RECEIVED

JUL 23 2026

DNRC

BOZEMAN WATER RESOURCES

Application # 30175577 Basin 76LJ

Priority Date 7/23/2026 Time 15:46 AM/PM

Rec'd By LR

Fee Rec'd $ 700 Check # cc 12339127904

Deposit Receipt #

Payor Brent Zubot

Refund $ Date

FILING FEE

$2900/$1600 – Inside a Basin Closure Area, Controlled Groundwater Area or Compact Closure; without/with filing fee reduction.

$2500/$1200 – Outside a Basin Closure Area; Controlled Groundwater Area or Compact Closure; without/with filing fee reduction.

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)). If application is eligible for a filing fee reduction, $500 paid for Form 600P-B will be credited toward filing fees shown above.

Applicant Information: *Add more as necessary.*

Applicant Name Brent & Theresa Zubot

Mailing Address 292229 Butte hills lane City RockyView County State alberta Zip T4A0N8

Phone Numbers: Home 587 582 9967 Work 587 582 9967 Cell

Email Address bzubot@icloud.com

Applicant Name

Mailing Address City State Zip

Phone Numbers: Home Work Cell

Email Address

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

Contact/Representative Name Brent Zubot

Mailing Address City State Zip

Phone Numbers: Home 587 582 9967 Work Cell

Email Address bzubot@icloud.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 (ARM 36.12.122(2)). 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 correspondences, and a copy may be sent to the contact person (ARM 36.12.122(3)).*

Answer every question and applicable follow-up questions. Use the checkboxes to denote yes ("Y"), no ("N"), or not applicable ("NA"). Questions that require items to be submitted to the Department have a submitted ("S") checkbox, which is marked when the required item is attached to the Application. Label all submitted items with the question number for which they were submitted. Narrative responses that are larger than the space provided can be answered in an attachment. If an attachment is used, specify "see attachment" 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. Responses in the form of a table may be entered into the table provided on this form or in an attachment. If an attachment is used, the table must have the exact headings found on this form, and "see attachment" must be entered as a response to the relevant question. Clearly label all units in tables and narrative responses.

PREAPPLICATION AND TECHNICAL ANALYSES INFORMATION

1. ☑ **Y** ☐ **N** Do you elect for Department technical analyses to be used for criteria assessment?

2. ☑ **Y** ☐ **N** Did you have a preapplication meeting AND complete a Permit Preapplication Meeting Form Part A and Part B (Form 600P-A and 600P-B)?

IF QUESTION 2 IS NO, answer 2.a and 2.b:

2.a. ☐ **S** Submit the Technical Analyses Addendum (Form 600-TAA).

2.b. ☐ **S** ☐ **NA** Submit the technical analyses, if you elected in question 1 for Applicant technical analyses to be used for criteria assessment. Select "NA" if you elected for Departmental technical analyses.

IF QUESTION 2 IS YES, answer 2.c, 2.d, and 2.e:

2.c. ☐ **Y** ☑ **N** Has any element of the project described in this application changed from the mandatory elements of the project described in the completed form 600P? **If yes:**
2.c.i. Please explain.

_____
_____
_____
_____
_____
_____

2.c.ii. ☐ **S** Submit the Technical Analyses Addendum (Form 600-TAA).

2.d. ☑ **Y** ☐ **N** Are the technical analyses to be used for criteria assessment exactly the same as those completed during the preapplication process? **If no:**
2.d.i. Please explain.

_____
_____
_____
_____
_____

2.d.ii. ☐ **S** Submit the Technical Analyses Addendum (Form 600-TAA).

2.e. ☑ **Y** ☐ **N** Did you elect in Question 1 for Department technical analyses to be used for criteria assessment? **If no:**
2.e.i. ☐ **S** Submit the technical analyses.

APPLICATION ADDENDA AND REVIEW

3. ☐ **S** ☑ **NA** If your application is for groundwater, not surface water, and one or more of your points of diversion are in a Basin Closure Area, then submit the Basin Closure Area Addendum (Form 600-BCA).

4. ☐ **S** ☑ **NA** If your application is for groundwater and one or more points of diversion are in a Basin Closure Area, then your project must have a Hydrogeologic Report that conforms with MCA 85-2-361 to comply with the requirements of § 85-2-360, MCA. A Hydrogeologic Report Addendum (Form 600-HRA) or Department Technical Analyses may be used to meet these requirements. Please mark the box below that best applies, then select "S" if submitting a Hydrogeologic Report or "NA" if one is not required. This question does not apply to surface water points of diversion in a Basin Closure Area.

- ☐ If you elected to conduct Technical Analyses, you must submit the Hydrogeologic Report Addendum (Form 600-HRA).
- ☐ If you elected for DNRC to conduct Technical Analyses but did not have a preapplication meeting AND complete a Form 600P Permit Preapplication Meeting Form (or changes have occurred since the completed Form 600P), you must submit the Hydrogeologic Report Addendum (Form 600-HRA).
- ☐ If you elected for DNRC to conduct Technical Analyses, had a preapplication meeting, completed a Form 600P, and the Technical Analyses remain unchanged since the preapplication meeting, you do not need to submit Form 600-HRA because the Department's Technical Analyses meet the report requirements of § 85-2-360 and § 85-2-361, MCA.

5. ☐ **S** ☑ **NA** If the project is for one or more groundwater points of diversion located in a Controlled Groundwater Area, then submit the Controlled Groundwater Area Addendum (Form 600-CGWA).

6. ☐ **S** ☑ **NA** If the project involves an appropriation that is greater than 5.5 CFS and 4,000 acre-feet, then submit a Criteria Addendum Application for Beneficial Water Use Permit for Appropriations Greater than 5.5 CFS and 4,000 AC-FT (Form 600-B).

7. ☐ **S** ☑ **NA** If the project involves out-of-state water use, then submit the Out-of-State Use Addendum (Form 600/606-OSA).

8. ☐ **S** ☑ **NA** If you require mitigation water to meet the criteria of issuance, then submit a Mitigation Purpose Addendum (Form 600/606-MIT).

9. ☐ **S** ☑ **NA** If the proposed purposes include marketing or selling water, (not marketing for mitigation/ aquifer recharge), then submit the Marketing Purpose Addendum (Form 600/606-WMA).

10. ☐ **S** ☑ **NA** If the project involves one or more places of storage, then submit a Permit Storage Addendum (Form 600-SA). This does not include reservoirs, pits, pit-dams, or ponds with a capacity less than 0.1 AF; water tanks; or cisterns (ARM 36.12.113(6)).

11. ☐ **S** ☑ **NA** If the project is in designated sage grouse habitat, then submit a review letter from the Montana Sage Grouse Habitat Conservation Program.

12. ☐ **S** ☑ **NA** If the project includes a point of diversion and/or place of use on State of Montana Trust Land, submit documentation of consent from the DNRC Trust Lands Management Division.

13. ☐ **S** ☑ **NA** You must provide a written notice of the application to each owner of an appropriation right sharing a point of diversion or means of conveyance (e.g., canal, ditch, flume, pipeline, or constructed waterway) pursuant to §85-2-302(4)(c), MCA. Submit a copy of this notice and the recipient list.

PURPOSE AND DIVERSION INFORMATION

14. ☐ **Y** ☑ **N** Is the proposed use temporary?

14.a. If yes, when will the appropriation cease? _____

15. Is the proposed source surface water or groundwater? surface water

16. What is the source name? Flathead lake

17. ☑ **S** Attach a map utilizing an aerial photograph or topographic map that shows the following: section corners; township and range; north arrow; scale bar; all proposed points of diversion labeled with a unique Point of Diversion (POD) ID number and, if applicable, GWIC number; all proposed places of use; all proposed conveyance facilities and or routes; all proposed places of storage labeled with a unique Storage ID number; and places of use (POU) for all overlapping water rights. More than one map may be submitted, if necessary to clearly convey all required information.

18. Fill out the table below. Means of diversion for surface water includes headgate, pump, dam, and others. Means of diversion for groundwater includes well, developed spring, pit pond, and others.

Purpose	**Means of Diversion**	**Acres Irrigated** (if appl.)	**Period of Diversion** *(Month/Day - Month/Day)*	**Period of Use** *(Month/Day - Month/Day)*	**Flow Rate** ☑ *GPM* ☐ *CFS*	**Volume** *(Acre-Feet)*
domestic	water pump		01/01to12-31	01/01-12/31	25	0.45
lawn garden	waterpump		01/01 to 12/31	04/01 to 10/31	25	.05
				Total Flow Rate and Volume Required	25	0.50

19. ☑ **Y** ☐ **N** Does the proposed use include on or more of the following purposes: domestic, multiple domestic, stock, or irrigation? If yes, fill out the table below, where applicable.

Purpose	**Requested Information**	**Response**
Domestic or multiple domestic	Number of households and bedrooms served per household	1 home(5 bedroom)
Stock	Number of animal units	0
Irrigation	Method of irrigation type (sprinkler or flood) and subtype (if flood: level border, graded border, furrow, contour ditch, or other; if sprinkler: center pivot, wheel line, or other)	lawn sprinkler
Irrigation (flood only)	Design slope	n/a

POINT(S) OF DIVERSION

20. Describe the proposed location of the point(s) diversion to the nearest ¼ ¼ ¼ Section. Label each POD with the POD ID number used for the project map (question 17).

POD #	¼	¼	¼	Sec.	Twp.	Rge.	County	Lot	Block	Tract	Subdivision	Gov. Lot
1		**NW**	**NE**	**29**	**25N**	**20W**	**Lake County**	**6-7**				**2**

PLACE OF USE

21. What are the geocodes of the place of use?

15-3583-29-1-03-03-0000	

22. Describe the legal land description for the proposed place of use and, if applying for an irrigation or lawn and garden purpose, list the number of irrigated acres.

Acres	Gov. Lot	Block	¼	¼	¼	Sec.	Twp.	Rge.	County
.02	2			NW	NE	29	25N	20W	Lake

SUPPLEMENTAL AND OVERLAPPING WATER RIGHTS

23. ☐ **Y** ☑ **N** Will other water rights supplement or overlap the place of use to contribute to the purpose(s)?

23.a. If yes, summarize how the supplemental and proposed water rights will be operated as a whole to serve the purpose(s).

24. For each supplemental or overlapping water right, please list the water right number, typical period of diversion and use (MM/DD-MM/DD), flow rate (GPM or CFS), and the volume of water (AF) contributed to the shared place of use.

Water Right #	Average Period of Diversion	Average Period of Use	Flow Rate	Volume Contributed

25. ☐ **Y** ☑ **N** Will this application supplement contract water from a Federal Project, ditch company, or other source?

25.a. If yes, explain.

ADVERSE EFFECT

26. Explain how you can control your diversion in response to a call being made.
turn off pump

27. Describe any plans you have for ensuring existing water rights will be satisfied during times of water shortage.

Turn off pump and use bottled water

28. ☐ **Y** ☑ **N** Are you aware of any calls that have been made on the source of supply or, if groundwater, on nearby surface water sources?

28.a. If yes, explain.

29. ☐ **Y** ☑ **N** Does a water commissioner distribute water or oversee water distribution on your proposed source?

29.a. If yes, list the source(s).

30. ☐ **Y** ☑ **N** Do other water rights share any of the proposed points of diversion?

30.a. If yes, describe how the proposed project will not adversely affect these water rights.

31. ☐ **Y** ☑ **N** Do other water rights share any conveyance infrastructure associated with the proposed project?

31.a. If yes, describe how the proposed project will not adversely affect these water rights.

ADEQUATE MEANS OF DIVERSION AND OPERATION

32. ☑ **S** Submit a diagram of how you will operate your system from all proposed points of diversion to all proposed places of use.

33. Describe specific information about the capacity of all proposed diversionary structures. This may include, where applicable: pump curves and total dynamic head calculations, headgate design specifications, and dike or dam height and length.

A well pump "Red Lion RS 22G15-3W2V " be placed in flathead lake in a rack to allow the intake to sit 24" off the lake bed approximately 70' from the shoreline and pump water through an 1.25" HDPE Blue drinking water pipe. The pipe is connected to a pressure tank regulated 40-60 psi by the control box in the basement of the constructed home.
Static Head 25ft
friction loss for 25 GPM over 160 feet of pipe 14 psi x 2.31 =22.4 feet of head
Total Dynamic head is 47.4 feet

34. Describe the size, materials, capacity, and configuration of infrastructure to convey water from all proposed points of diversion to all proposed places of use. This may include but is not limited to, pipelines and ditches. Include a description of any losses related to the proposed conveyance. Ditch conveyance losses may be estimated numerous ways, which include a ditch loss rate or Department standard methods.

plumber to supply pump and pipe to supply household requirements

-Red Lion pump RS 22G15-3W2V (25GPM)
-160 feet of 1.25" of blue schedule 40 drinking water pipe
-RL44A 604684 0 10121 01407 7 44 12.7 14 Vertical 1-1/4" FNPT Elbow Pressure tank (44 GAL)and control box

35. Describe how the proposed diversion and conveyance infrastructure can provide the required flow and volume, for the purposes plus any conveyance losses and storage, throughout the proposed period of diversion.

pump system designed to adequately supply Home and Irrigation
4 sprinkler heads require 10.4 GPM leaving the home with approx 14.6 GPM for Household when operated simultaneously. Considering this home will have toilets at 1.6 Gallons/flush and showers at less than 2.5 Gallons per minute, there will be no shortage.
25 GPM will be sufficient at all times of the year .
The system will have no conveyance losses as the system is no pipe connections underground that could leak.

36. Provide a plan of operations, which includes 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.

pump will provide up to 25 gpm to household pressure tank which regulates between 40-60 psi.

3 Bath showers@2.5 gpm =7.5 gpm
1 kitchen faucet @ 2.0 gpm
1 laundry washer @ 2.0 gpm
4 sprinklers = 10.4 gpm
2 toilets filling 3.1 gpm
Total if all used overlaping =25gpm

37. ☐ **Y** ☑ **N** Does the proposed conveyance require easements?

37.a. If yes, explain.

38. ☑ **Y** ☐ **N** Do you own the land where all proposed points of diversion are located?

38.a. ☐ **S** If no, submit documentation to show you have the right to use all points of diversion located on each property you do not own. This may include, but is not limited to, a well agreement, an easement, or permission of the party that owns the property where the proposed point(s) of diversion are located.

39. ☑ **Y** ☐ **N** Will your system be designed to discharge water from the project?

IF YES,

39.a. Explain the wastewater disposal method.

Engineered system has been completed and permit has been applied for to Lake county.

39.b. ☐ **Y** ☐ **N** ☑ **NA** Have the necessary permits been obtained to comply with §§ 75-5-410 and 85-2-364, MCA?

40. ☐ **Y** ☑ **N** Do you have any plans to measure your diversion and use?

40.a. If yes, describe the plan and the type of measurements you will take.

41. ☐ **Y** ☑ **N** Is the means of diversion for any proposed point of diversion a well?

IF YES,

41.a. ☐ **Y** ☐ **N** Have all wells been drilled?

41.b. For all wells that have been drilled, what is the name of the well driller and, if available, what is their license number?

_____

41.c. ☐ **Y** ☐ **N** For all wells yet to be drilled, will a licensed well driller construct the wells?

41.d. ☐ **S** ☐ **NA** Submit any well logs not yet submitted to the Department.

BENEFICIAL USE

42. ☑ **Y** ☐ **N** Does the Department have a volume, period of diversion, or period of use standard for the purposes for which water is proposed? Department standards can be found in the DNRC Water Calculation Guide, ARM 36.12.112, and ARM 36.12.115.

42.a. ☑ **Y** ☐ **N** If yes, do all proposed beneficial uses fall within Department standards?

42.b. If no Department standard exists, or if any proposed beneficial use falls outside of Department standards, explain how the requested flow rate and volume are reasonable for the purpose.

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

43. ☐ **Y** ☑ **N** Will your proposed project be subject to DEQ requirements for a public water supply (PWS) system or Certificate of Subdivision Approval (COSA)?

44. ☑ **Y** ☐ **N** Are you proposing to use surface water for in-house domestic use?

44.a. ☐ **Y** ☑ **N** If yes, does a COSA exist for the proposed place of use?

44.a.i. ☐ **S** ☐ **NA** If yes, please submit the COSA.

44.a.ii. ☑ **Y** ☐ **N** If no, have you researched or consulted with DEQ regarding their requirements?

POSSESSORY INTEREST

45. ☐ **Y** ☑ **N** Do you meet one of the exceptions to possessory interest requirements, pursuant to ARM 36.12.1802? Exceptions include cases where the application is for sale, rental, distribution, or is a municipal use, or in any other context in which water is being supplied to another and it is clear that the ultimate user will not accept the supply without consenting to the use of water on the user's place of use.

45.a. If yes, explain.

_____
_____
_____
_____

46. ☑ **Y** ☐ **N** ☐ **NA** Do you own all proposed places of use? Mark "NA" if you meet one of the exceptions to the possessory interest requirement.

IF NO,

46.a. ☐ **S** Explain and submit documentation that shows you either have possessory interest or written permission of the parties with possessory interest of the place of use.

_____
_____
_____
_____
_____
_____
_____

46.b. ☑ **Y** ☐ **N** Would you like the water right to be appurtenant to the land? Please note that if your water right is not appurtenant to land it will not transfer by default with the conveyance of the property, pursuant to § 85-2-403, MCA.

46.b.i. If no, explain.

_____
_____
_____

PROPOSED COMPLETION PERIOD

47. How much time will be needed to complete this project and to submit to the DNRC a Project Completion Notice (Form 617)? 1 year

48. Please describe why this amount of time is needed to complete this project.
building/septic permits are in process

AFFIDAVIT & CERTIFICATION

Read carefully before you sign and review with legal counsel if you have any questions. All owners (or trustees) must sign the form. ***If the owner is a business or trust, include the title of the representative(s) signing the form (i.e., president, trustee, managing partner, etc.) and provide documentation that establishes the authority of the representative to sign the application.*

I affirm the information provided for this application is to the best of my knowledge true and correct. If a preapplication meeting form was submitted, 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 changed any element of the proposed application from the preapplication meeting form and follow-up materials (ARM 36.12.1302(6)(a)).

I affirm I have possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use, unless this application meets an exception to the possessory interest requirements in ARM 36.12.1802(1)(b).

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

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

Printed Name Brent Zubot

Applicant Signature Brent Zubot Date: 7/23/2026

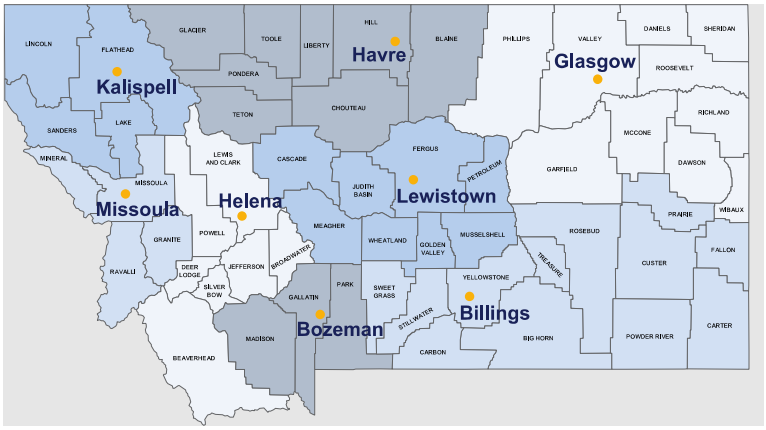
Printed Name Theresa Zubot

Applicant Signature _____ Date: 7/23/2026

Printed Name _____

Applicant Signature _____ Date: _____

WATER RESOURCES REGIONAL OFFICES



BILLINGS
Airport Industrial Park, 1371 Rimtop Dr
Billings, MT 59105-9702

PHONE 406-247-4415 FAX 406-247-4416
EMAIL DNRCBillingsWater@mt.gov

Big Horn, Carbon, Carter, Custer, Fallon, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, and Yellowstone Counties

BOZEMAN
2273 Boot Hill Court, Suite 110
Bozeman, MT 59715-7249

PHONE 406-586-3136 FAX 406-587-9726
EMAIL DNRCBozemanWater@mt.gov

Gallatin, Madison, and Park Counties

GLASGOW
222 6th Street South, PO Box 1269
Glasgow, MT 59230-1269

PHONE 406-228-2561
EMAIL DNRCGlasgowWater@mt.gov

Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties

HAVRE
210 6th Ave., PO Box 1828
Havre, MT 59501-1828

PHONE 406-265-5516
EMAIL DNRCHavreWater@mt.gov

Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton, and Toole Counties

HELENA
1424 9th Ave., PO Box 201601,
Helena, MT 59620-1601

PHONE 406-444-6999 FAX 406-444-9317
EMAIL DNRCHelenaWater@mt.gov

Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis and Clark, Powell, and Silver Bow Counties

KALISPELL
655 Timberwolf Parkway, Suite 4
Kalispell, MT 59901-1215

PHONE 406-752-2288
EMAIL DNRCKalispellWater@mt.gov

Flathead, Lake, Lincoln, and Sanders Counties

LEWISTOWN
613 Northeast Main St., Suite E
Lewistown, MT 59457-2020

PHONE 406-538-7459
EMAIL DNRCLewistownWater@mt.gov

Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum, and Wheatland Counties

MISSOULA
2705 Spurgin Rd. Bldg. C, PO Box 5004
Missoula, MT 59806-5004

PHONE 406-721-4284 FAX 406-542-5899
EMAIL DNRCMissoulaWater@mt.gov

Granite, Mineral, Missoula, and Ravalli Counties

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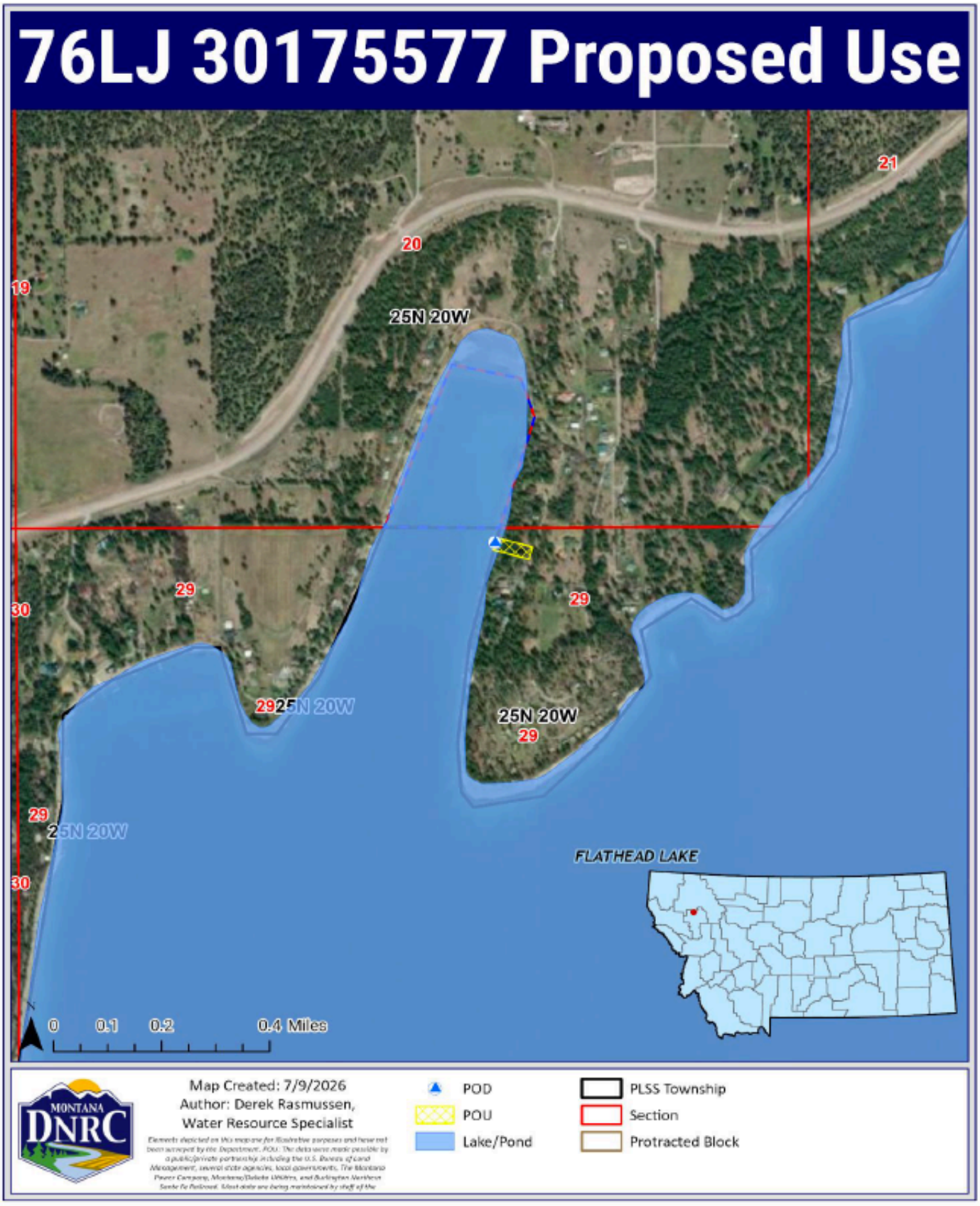
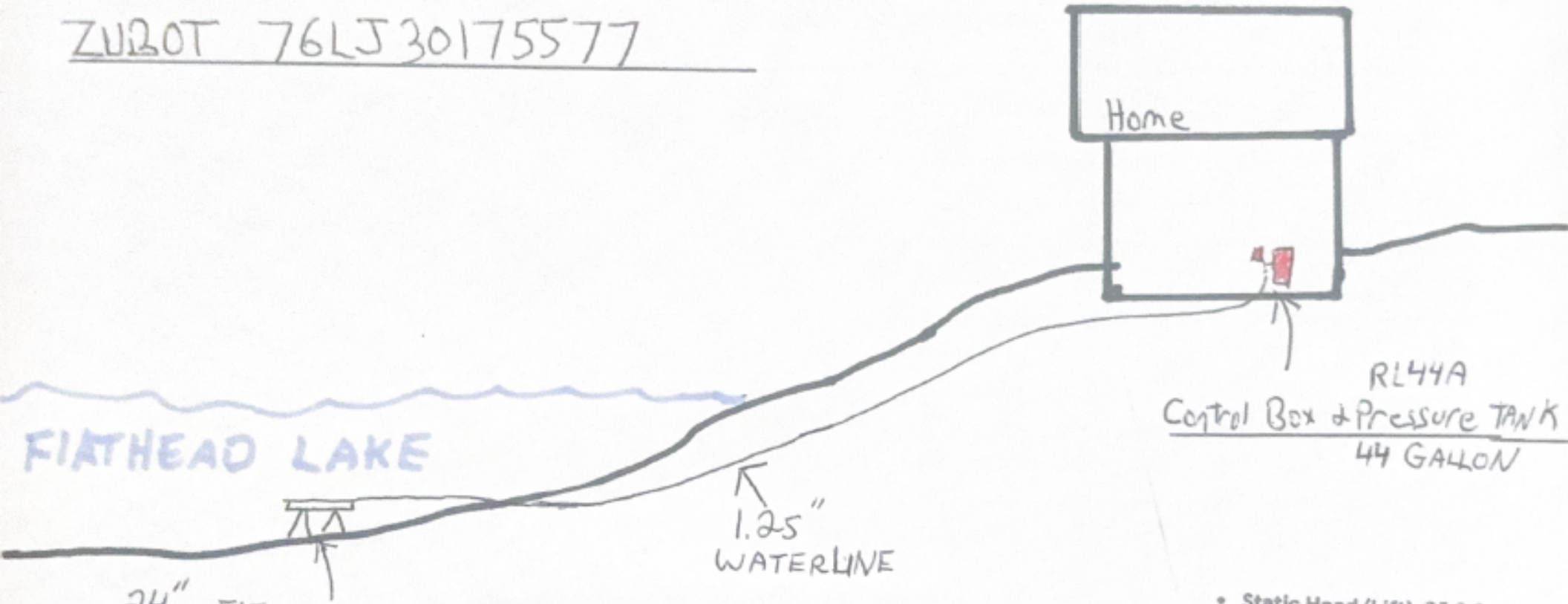


Figure 1: Map of the Applicant's proposed POD on the source and proposed place of use.

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ZUBOT 76LJ30175577



- **Static Head (Lift):** 25.0 feet
- **Friction Loss:** 160 feet of $1\frac{1}{4}$" pipe at 25 GPM produces about 14 PSI of pressure drop. In hydraulic terms, 14 PSI × 2.31 (conversion factor) = 22.4 feet of head.
- **Total Dynamic Head:** 25 ft + 22.4 ft = 47.4 feet

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Overview

Shallow Well Jet Pump

Cast Iron Shallow Well Jet Pumps SWJ Series

Premium Cast Iron Shallow Well Jet Pump RJS PREM Series

Stainless Steel Shallow Well Jet Pump RJS-75SS

Convertible Jet Pumps

Premium Cast Iron Convertible Jet Pumps

High Performance Cast Iron Convertible Jet Pump

Pump & Tank Systems

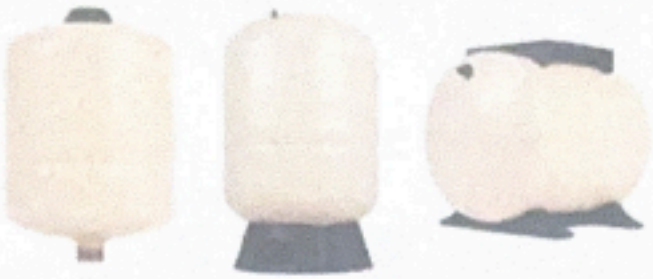
Stainless Steel Pump & Tank System

4" Submersible Well Pumps - RL Series

4" Submersible Well Pumps - RS Series

Pressure Boosting System RBSS-75FC

Pre-Charged Pressure Tanks



5 FIVE YEAR WARRANTY

PRE-CHARGED PRESSURE TANKS

APPLICATIONS

For maintaining the water pressure in a residential water pump system when the pump is not running.

FEATURES & BENEFITS

- Heavy-duty 20-gauge steel construction
- 304 Stainless Steel water connection with patented leak safe technology
- High-performance variable geometry Butyl Rubber diaphragm membrane
- Internal polypropylene liner
- Certified for safe, clean drinking water NSF/ANSI/CAN 61 and NSF/ANSI/ CAN 372 approved
- Can be installed in series or in parallel for increased system capacity

PRODUCT INFO | DOWNLOADS

Product Info

Model	Item Number	UPC	Gallons	Drawdown @ 30/50 PSI (gal)	Fixtures	Type	System Connect
RL2A	604652	0 10121 01400 8	2	0.7	-	Inline	3/4" MNPT Straight
RL4A	604653	0 10121 01401 5	4.5	1.5	-	Inline	3/4" MNPT Straight
RL6AH	604629	0 10121 01402 2	6	1.9	1	Horizontal	3/4" MNPT Straight
RL14AH	604693	0 10121 01403 9	14	4.8	4	Horizontal	3/4" MNPT Straight
RL14A	604687	0 10121 01404 6	14	4.9	4	Vertical	1" FNPT Elbow
RL20A	604682	0 10121 01405 3	20	7.2	6	Vertical	1" FNPT Elbow
RL34A	604683	0 10121 01406 0	34	10.8	11	Vertical	1" FNPT Elbow
RL44A	604684	0 10121 01407 7	44	12.7	14	Vertical	1-1/4" FNPT Elbow
RLB1A	604641	0 10121 02226 3	81	27.6	27	Vertical	1-1/4" FNPT Elbow

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4" SUBMERSIBLE WELL PUMPS - RS SERIES

Model	Item No.	HP	Wires	Volts	Amps	PSI	Depth to Pumping Water Level (ft)																	Shut-Off (ft)	Rated Flow (GPM)
							0	20	40	60	80	100	120	140	160	180	200	240	280	320	360	400	440	480	500	
							Gallons Per Minute																		
RS5G05-3W2V	14942373	1/2	3	230	5.0	0						8	8	8	7	7	6	5								303	5
						10					8	8	8	7	7	6	6	4									
						20				8	8	8	7	7	6	5	5									
						30			8	8	7	7	7	6	5	4										
						40		8	8	7	7	6	6	5	4											
						50	8	8	7	7	6	6	5	4												
						60	8	7	7	6	6	5	4													
						70	7	7	6	6	5	4														
						80	7	6	5	5																
						Shut off PSI	131	123	114	105	97	88	79	71	62	53	45	27								
RS5G07-3W2V	14942374	3/4	3	230	6.8	0								8	8	8	8	7	7	6	5					455	5
						10							8	8	8	8	7	7	6	5	4						
						20						8	8	8	8	7	7	7	6	5							
						30					8	8	8	8	7	7	7	6	5	4							
						40				8	8	8	8	7	7	7	6	6	4								
						50			8	8	8	8	7	7	7	6	6	5	4								
						60		8	8	8	8	7	7	7	6	6	5	4									
						70	8	8	8	8	7	7	7	6	6	5	5										
						80	8	8	7	7	7	7	6	6	5	5	4										
						Shut off PSI	197	188	180	171	162	154	145	136	128	119	110	93	76	58	41					
RS12G05-3W2V	14942377	1/2	3	230	5.0	0						14	13	11	8											200	12
						10					14	12	10	8													
						20				14	12	10	7														
						30			14	12	10	7															
						40		13	11	9	6																
						50	13	11	9	6																	
						60	11	8	5																		
						70	8	5																			
						80	4																				
						Shut off PSI	87	78	69	61	52	43	35	26	17											
RS12G07-3W2V	14942378	3/4	3	230	6.8	0									14	13	12	9	6							319	12
						10								14	13	12	11	8									
						20							14	13	12	10	9										
						30						14	13	12	10	9	7										
						40					14	13	11	10	9	7											
						50				14	13	12	11	8	6												
						60			14	13	12	11	10	8	6												
						70		14	13	12	11	9	8	6													
						80		13	12	11	9	7															
						Shut off PSI	138	129	121	112	103	95	86	77	69	60	52	34	17							
RS12G10-3W2V	14942379	1	3	230	8.2	0												13	12	10	7					432	12
						10										14	12	11	8	6							
						20									14	13	11	9	7								
						30									14	13	12	10	8								
						40							14	14	13	12	11	9	6								
						50						14	14	13	12	11	10	8									
						60					14	13	13	12	11	10	9	6									
						70				14	13	13	12	11	10	9	7										
						80			14	13	12	11	11	10	8	7											
						Shut off PSI	187	178	170	161	152	144	135	126	118	109	100	83	66	48	31					
RS12G15-3W2V	14942380	1-1/2	3	230	10.0	0													14	12	11	9	7			519	12
						10												14	13	11	10	8					
						20										15	13	12	11	9	7						
						30										15	14	13	11	10	7						
						40									14	14	13	12	10	8	6						
						50								14	14	13	12	11	9	7							
						60							14	14	13	12	12	10	8	6							
						70						14	14	13	12	11	11	9	7								
						80					14	13	13	12	11	11	10	8									
						Shut off PSI	225	216	207	199	190	181	173	164	155	147	138	121	103	86	69	52	34			
RS22G07-3W2V	14942381	3/4	3	230	6.8	0						28	25	21												178	22
						10					28	24	20														
						20				27	24	19															
						30			27	23	18																
						40		26	22	18																	
						50	26	22																			
						60	21																				
						Shut off PSI	77	68	60	51	42	34	25	16												
RS22G10-3W2V	14942382	1	3	230	8.2	0							29	26	22	18										213	22
						10						28	25	22	18												
						20					28	25	21														
						30				27	24	21															
						40			27	24	20																
						50		26	23	19																	
						60	26	23	19																		
						70	22	18																			
						80	17																				
						Shut off PSI	92	84	75	66	58	49	40	32	23	14										
RS22G15-3W2V	14942383	1-1/2	3	230	10.0	0								29	28	26	24	18								284	22
						10							29	28	26	24	21										
						20						29	28	26	23	20											
						30					29	27	25	23	20												
						40				29	27	25	22	19													
						50			29	27	24	22	19														
						60		29	26	24	22	18															
						70	28	26	24	21	18																
						80	26	23	21																		
						Shut off PSI	123	114	106	97	88	80	71	62	54	45	36	19								

WELL PUMP

25GPM

* Includes control box

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Envelope Summary Events	Status	Timestamps
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Montana Department of Natural Resources and Conservation

The Montana Department of Natural Resources & Conservation

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07/23/26 03:45 PM MST

Transaction Id : 12339127904 **Payment Type** : Credit/Debit Card

Description	Price	Quantity	Amount
Water-Filing Fees (All Forms)	$700.00	1	$700.00
Surcharge *			$27.50
TOTAL			**$727.50**

Billing Information
BRENT ZUBOT
292229 BUTTE HILLS LN
ROCKY VIEW COUNTY, AB T4A0N8
587-582-9967
BZUBOT@ICLOUD.COM

* When making a payment, please be aware of the following fees:

1. **Online Payment Fee** – A 5% fee is applied to all online payments (credit card or ACH). This fee helps cover the cost of maintaining the state's online payment system.
   - Minimum charge: $0.50
   - Maximum charge: $10.00
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Thank you for your payment!

Montana Department of Natural Resources and Conservation

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 Permit Technical Analyses Report

Department of Natural Resources and Conservation (DNRC or Department) Water Resources Division

Derek Rasmussen, Water Resource Specialist, Bozeman Regional Office

Applicant	Brent & Theresa Zubot
Application No.	76LJ 30175577
Proposed Point of Diversion (POD)	Gov't Lot 2, NWNE of Section 29, Township 25N, Range 20W, Lake County

Overview

This report analyzes data submitted by the Applicant in support of the above-mentioned water right 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 § 85-2-311, Montana Code Annotated (MCA).

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

Overview 1
Variances 2
1.0 Application Details 2
2.0 Surface Water Analysis 3
  2.1 Source Description 4
  2.2 Method of Estimation 4
  2.3 Monthly Flow Rate and Volume 4
3.0 Area of Potential Impact Analysis 4
Review 7
References 7
Appendix A: Water Rights within the Area of Potential Impact 8

Variances

No variances were requested for this application.

1.0 Application Details

The Applicant proposes to divert Flathead River (Flathead Lake) water from January 1 to December 31 at a rate of 25.0 gallons per minute (GPM). Water will be diverted at a volume of 0.5 acre-feet (AF) per year for year-round domestic use (0.45 AF) and for irrigation of 0.02 acres of lawn and garden (0.05 AF) from April 1 to October 31. Water will be diverted from a pump in Government Lot 2, NWNE of Section 29, Township 25N, Range 20W, Lake County (**Figure 1**). The proposed place of use is in Government Lot 2, NWNE of Section 29, Township 25N, Range 20W, Lake County (**Figure 1**). The proposed use can be seen in **Table 1** below.

Table 1: Summary of the Proposed Use

Source	Flow Rate (GPM)	Diverted Volume (AF)	Purpose	Period of Diversion	Period of Use	Point of Diversion	Place of Use
Flathead River (Flathead Lake)	25.0	0.45	Domestic (one five-bedroom dwelling)	01/01 to 12/31	01/01 to 12/31	Gov't Lot 2, NWNE Section 29, Township 25N, Range 20W, Lake County	Gov't Lot 2, NWNE Section 29, Township 25N, Range 20W, Lake County
		0.05	Lawn and Garden (0.02 Acres)	01/01 to 12/31	04/01 to 10/31		
Total		0.50					

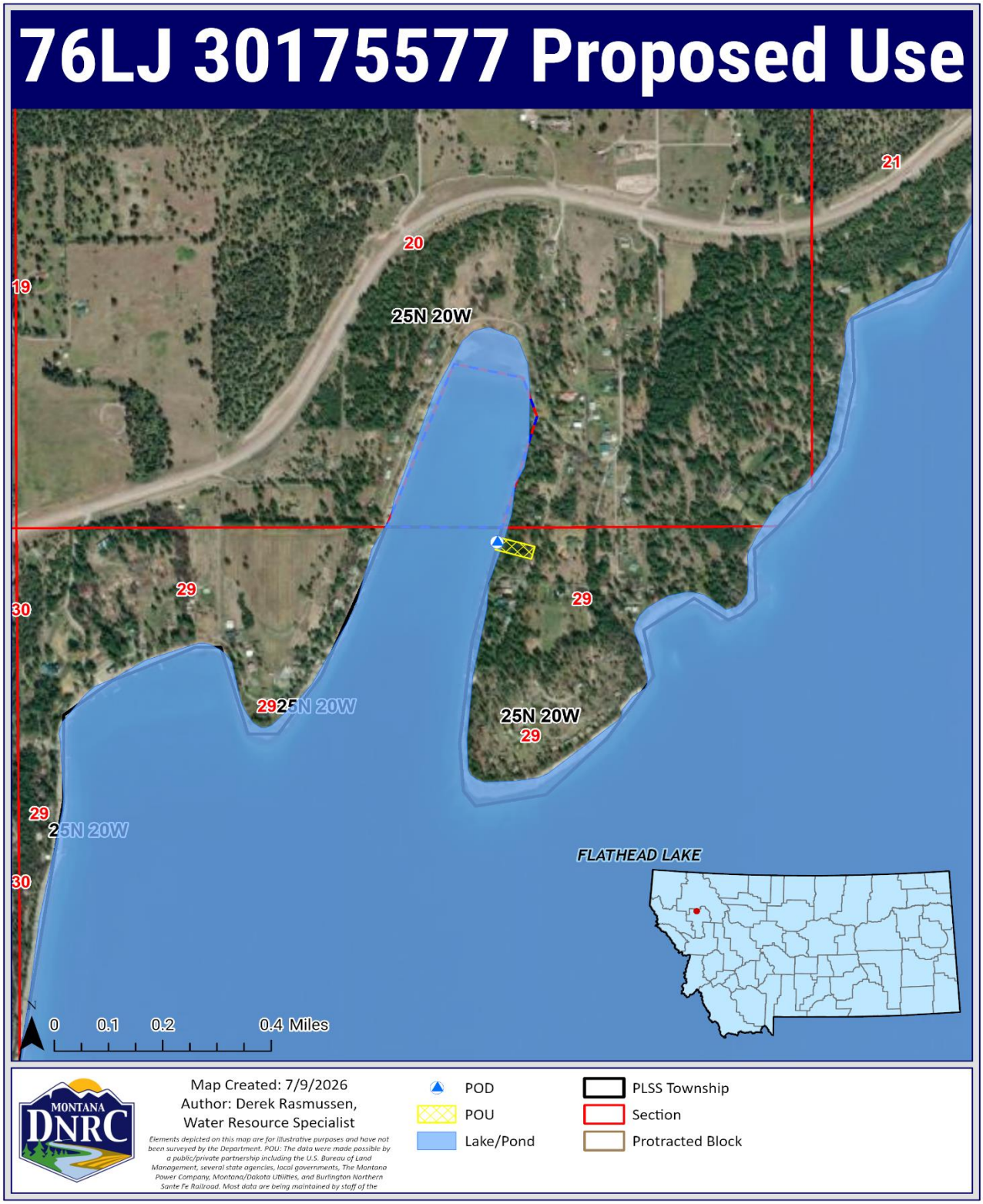


Figure 1: Map of the Applicant's proposed POD on the source and proposed place of use.

2.0 Surface Water Analysis

2.1 Source Description

Proposed Source of Water: Flathead River (Flathead Lake)

Proposed Source Type: Perennial River / Lake System

Proposed Point of Diversion: Gov't Lot 2, NWNE of Section 29, Township 25N, Range 20W, Lake County

2.2 Method of Estimation

Gage Name: Flathead River near Polson, MT

Gage Number: USGS-12372000

Period of Record: October 1938 – Present. Only approved discharge data from October 1938 to April 2025 was used for this analysis.

Explanation of why this gage is considered an appropriate data source: USGS Gaging Station No. 12372000 is the nearest gage to the proposed POD and is located approximately 15 miles downstream of the POD. The date range used includes only approved data records for this gage. The period of record for the gage is greater than ten years and is maintained by the USGS, meeting the DNRC requirements outlined to estimate the median monthly flow on the source.

2.3 Monthly Flow Rate and Volume

Methodology: Physical availability of Flathead Lake water at the POD will be quantified monthly. The Department's practice for the physical availability analyses where the gaging station used is downstream of the POD, is to add the monthly flow rates of existing diversionary water rights between the gaging station and the POD to the median of the mean monthly flows at the gaging station. The DNRC used the method below to quantify physically available monthly flows and volumes at the POD during the proposed period of diversion.

The Department calculated median of the mean monthly flow rates in cubic feet per second (CFS) for the Flathead River (Flathead Lake) using USGS Gaging Station No. 12372000 records for each month of the proposed period of diversion (**Table 2**, column B). Those flows were converted to monthly volumes in AF (**Table 2**, column C) using the following conversion found in the DNRC Water Calculation Guide: median of the mean monthly flow (CFS) × 1.98 (AF/day/1 CFS) × days per month = AF/month

The Department calculated the monthly flows appropriated by existing users upstream of USGS Gaging Station No. 12372000 (**Table 2**, column D) by:

i. Generating a list of existing water rights from the Flathead Lake inlet down to USGS Gaging Station No. 12372000 (this list is contained in the administrative file and is available upon request);

ii. Designating uses as occurring during their claimed or permitted periods of diversion;

iii. Assigning a single combined flow rate of 0.08 CFS to all livestock direct from source rights without a designated flow rate (per DNRC adjudication standards); and,

iv. Assuming that the flow rate of each existing right is continuously diverted throughout each month

of the period of diversion. This assumption is necessary due to the difficulty of differentiating the distribution of appropriated volume over the period of diversion. This leads to an overestimation of existing uses from the source. The Department finds this an appropriate measure of assessing existing rights as it protects existing water users.

Since the gage used is downstream of the POD, the Department added in the flow rates of the existing diversionary water rights between USGS Gaging Station No. 12372000 and the Flathead Lake inlet (**Table 2**, column D) to the median of the mean monthly gage values (**Table 2**, column B) to determine physical availability at the POD from Flathead Lake (**Table 2**, column E). Physically available monthly flows were then converted to monthly volumes (**Table 2**, column F).

Table 2: Physical Availability at the Point of Diversion on Flathead Lake

A	B	C	D	E	F
Month	Median of the Mean Monthly Flows at USGS Gaging Station 12372000 (CFS)	Median of the Mean Monthly Volume at USGS Gaging Station 12372000 (AF)	Existing Water Rights from the Flathead Lake Inlet to USGS Gaging Station 12372000 (CFS)	Physically Available Flow in Flathead Lake at the POD (CFS)	Physically Available Volume in Flathead Lake at the POD (AF)
January	10,380.0	637,124.4	78.7	10,458.7	641,956.8
February	9,133.0	506,333.5	81.3	9,214.3	510,841.3
March	7,748.0	475,572.2	86.5	7,834.5	480,881.6
April	9,214.5	547,341.3	5,378.8	14,593.3	866,842.6
May	18,560.0	1,139,212.8	5,429.5	23,989.5	1,472,474.9
June	25,400.0	1,508,760.0	5,437.6	30,837.6	1,831,751.7
July	12,730.0	781,367.4	5,438.1	18,168.1	1,115,159.2
August	6,126.0	376,013.9	5,438.1	11,564.1	709,805.7
September	5,956.5	353,816.1	5,413.5	11,370.0	675,375.6
October	7,184.0	440,953.9	5,385.7	12,569.7	771,525.1
November	8,556.0	508,226.4	90.6	8,646.6	513,610.4
December	9,837.0	603,795.1	81.7	9,918.7	608,812.3

3.0 Area of Potential Impact Analysis

The Area of Potential Impact (AOPI) for this application is: The AOPI is the portion of the Flathead River system (including the entirety of Flathead Lake) from the Flathead Lake inlet in Section 34, Township 27N, Range 20W, Flathead County, downstream to the Seli'š Ksanka Qlispe' (SKQ) Dam in Section 12, Township 22N, Range 21W, Lake County. A total of 1,796 surface water rights exist within this reach. A list of these rights can be found in the administrative file and is available upon request.

Why this is an appropriate Area of Potential Impact: The inlet of Flathead Lake was chosen as the upstream extent of the AOPI to account for all existing water users with diversions out of the lake. SKQ Dam was chosen as the downstream extent of the AOPI because it is the control structure for water discharging from Flathead Lake. Diversion of water from Flathead Lake will reduce the total flow and volume of water discharging from the lake (passing over or through the dam).

Methodology: The Department considered the source characteristics of the Flathead River system (including Flathead Lake) and of the Seli'š Ksanka Qlispe' Dam, which controls the flow of water discharging from Flathead Lake when determining an appropriate AOPI. Legal demands were indexed and quantified in the AOPI using the same methodology seen in Section 2.3 for physical availability of the source. The legal demands within the AOPI are seen in the table below.

Table 3: Legal Demands in the Area of Potential Impact (AOPI)

Month	Legal Demands in AOPI (CFS)	Legal Demands in AOPI (AF)
January	78.6	4,826.9
February	81.2	4,502.8
March	86.4	5,303.8
April	5,378.7	319,496.0
May	5,428.7	333,216.1
June	5,436.8	322,947.1
July	5,437.4	333,745.8
August	5,437.4	333,745.8
September	5,412.7	321,515.0
October	5,385.6	330,565.7
November	90.6	5,378.7
December	81.7	5,011.7

Review

This document has been reviewed by the Department on July 13, 2026.

References

Department Standard Practice for Determining Physical Availability of Surface Water
Department Standard Practice for Area of Potential Impact Analysis

Appendix A: Water Rights within the Area of Potential Impact

Due to the large size of the list of water rights within the AOPI, the list is contained in the administrative file for this preapplication and is available as an excel spreadsheet upon request.

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

July 13, 2026

Brent & Theresa Zubot
292229 Butte Hills Ln
Rockview County, AB T4A0N8

Subject: Completed Technical Analyses for Beneficial Water Use Permit Preapplication No. 76LJ 30175577

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 Permit Preapplication No. 76LJ 30175577 based on the information provided in your Preapplication Meeting Form submitted to the Department on June 17, 2026. The technical analyses can be found in the attached document.

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- 311, 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- 311, MCA).

You have 180 days to submit the Beneficial Water Use Permit Application Form 600 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 January 9, 2027, 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 July 13, 2026 (ARM 36.12.1302(8)).

Please let me know if you have any questions.

Derek Rasmussen
Water Resources Specialist
Bozeman Water Resources Office
Water Resources Division

Preapplication Materials

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

Preapplication Materials

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PREAPPLICATION MEETING FORM: PART B
PERMIT

§ 85-2-302, MCA

Form No. 600P-B *(Revised 02/2025)*

For Department Use Only

Application # 3015577 Basin 76LJ

Form Received 6/17/2026

Fee Rec'd $ 500 Check #

Deposit Receipt # CC12197827666

Payor BRENT ZUBOT

Form Returned

Refund $ Date

RECEIVED
JUNE 17 2026
DNRC
BOZEMAN WATER RESOURCES

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 Applicant is responsible for providing a "Follow-up Responses" document for all follow-up identified in Preapplication Meeting Form Part A (Form 600P-A). The Applicant may not alter Form 600P-A. 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.

The following guidelines are applicable to both the "Follow-up Responses" and "Amended Responses" documents. Clearly label all question numbers. Answer questions in the same format as Form 600P-A. 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 included with the document.

1. ☐ **Y** ■ **N** Are you submitting this form in response to a determination by the Department that a previously submitted Form 600P-B was inadequately completed?

If yes,

a. Date form was returned ("Form Returned" date found in "For Department Use Only" box on the previously submitted Form 600P-B): _____

b. If a "Follow-up Responses" or "Amended Responses" document is required by questions 2 or 3, submit complete updated documents with responses that stand-alone. The Department will only use the most recently submitted "Follow-up Responses" and "Amended Responses" documents for departmental technical analyses or scientific credibility review; the Department will not use multiple versions of a document.

2. ☐ **Y** ■ **N** Were any questions identified as requiring follow-up on Form 600P-A?

If yes,

a. ☐ **S** Submit "Follow-up Responses" document for all questions requiring follow-up.

3. ☐ **Y** ■ **N** Are you submitting amended responses to any questions from Form 600P-A?

If yes,

a. ☐ **S** Submit "Amended Responses" document and record in the table below each question number with an amended response. The amended response will entirely replace the previous response; the amended response cannot build off the previous response.

Question No.	Question No.	Question No.	Question No.

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FOLLOW-UP AND AMENDED RESPONSES AFFIDAVIT & CERTIFICATION

"I attest that this preapplication meeting form (Form 600P-A and Form 600P-B), follow-up, and amended responses accurately portray the 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, amended responses, or follow-up materials (ARM 36.12.1302(6)(a))."

Brent Eubot 6/17/2026

Applicant Signature Date

Applicant Signature Date

"We confirm that the preapplication form (Form 600P-A and Form 600P-B), amended responses, and follow-up information are adequate for the Department to proceed with technical analyses in ARM 36.12.1303. Or, if the Applicant has elected to complete technical analyses, we confirm they have submitted each required element of technical analysis based on the proposed project and the Department is able to proceed with the scientific credibility review (ARM 36.12.1303(8))."

Department Signature Date

Department Signature Date

Certificate Of Completion

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Certified Delivered	Security Checked	6/17/2026 2:09:51 PM
Signing Complete	Security Checked	6/17/2026 2:10:06 PM
Completed	Security Checked	6/17/2026 2:10:06 PM

Payment Events	Status	Timestamps

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ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Montana Dept of Natural Resources & Conservation (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a $0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Montana Dept of Natural Resources & Conservation:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:
To contact us by email send messages to: servicedesk@sitsd.mt.gov

To advise Montana Dept of Natural Resources & Conservation of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at servicedesk@sitsd.mt.gov and in the body of such request you must state: your

previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Montana Dept of Natural Resources & Conservation

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to servicedesk@sitsd.mt.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Montana Dept of Natural Resources & Conservation

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to servicedesk@sitsd.mt.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Montana Dept of Natural Resources & Conservation as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Montana Dept of Natural Resources & Conservation during the course of your relationship with Montana Dept of Natural Resources & Conservation.

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PREAPPLICATION MEETING FORM: PART A
PERMIT

§ 85-2-302, MCA
Form No. 600P-A *(Revised 10/2025)*

For Department Use Only

Application # 30175577 Basin # 76LJ

Meeting Date 6/11/2026 Time 13:00

Variance Request Deadline _____

Completed Form Deadline 12/8/2026

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 Permit Preapplication Meeting Form Part A (Form 600P-A) and will identify items for follow-up during the preapplication meeting. The Department and Applicant will sign the Preapplication Meeting Affidavit and Certification within 10 business days. Within 180 days of the preapplication meeting, the Applicant will complete Preapplication Meeting Form Part B (Form 600P-B), including identified follow-up, any amended responses, and Follow-up and Amended Responses Affidavit & Certification. Variance requests must be submitted on Form 653 to the Department on or before the Variance Request Deadline, which is day 138 of the 180 day-deadline for a completed preapplication meeting form. Form 653 may be submitted earlier than the Variance Request Deadline. The Department has 30 business days to process the Form 653.

Applicant Information: *Add more as necessary.*

Applicant Name Brent & Theresa Zubot
Mailing Address 292229 Butte hills lane City Rockyview State alber Zip T4A0N8
Phone Numbers: Home 587-582-9967 Work _____ Cell _____
Email Address bzubot@icloud.com

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 Brent Zubot
Mailing Address 292229 Butte Hills Lane City Rockyview State Alberl Zip T4A0N8
Phone Numbers: Home 587-582-9967 Work _____ Cell _____
Email Address _____

NOTE: *If a contact person is identified as an attorney, all communication will be sent only to the attorney unless the attorney provides written instruction to the contrary (ARM 36.12.122(2)). If a contact person is identified as a consultant, employee, or lessee, the applicant will receive all correspondences, and a copy may be sent to the contact person (ARM 36.12.122(3)).*

Meeting Attendees: *Add more as necessary.*

Name	Role	Name	Role
Brent Zubot	Applicant		
Kerri Strasheim	Bozeman Regional Manager		
Lyra Reynolds	Hydrospecialst		
Kendrew Ellis	Water Resource Specialist		
Derek Rasmussen	Water Resource Specialist		

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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. Responses in the form of a table may be entered into the table provided on this form or 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. Label units in narrative responses and tables. 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".

S = Submitted. *Use when required item is included with form.*

A = See attachment. *Use when additional space is needed to answer a question.*

F = Follow-up. *Use when follow-up is necessary.*

Questions, Narrative Responses, and Tables	**Check-boxes**	**Follow-up**
1. Do you elect to have DNRC conduct Technical Analyses?	■ Y ☐ N	☐ F
2. Provide a map created on an aerial photograph or topographic map that shows the following: section corners, township and range, scale bar, north arrow, all proposed points of diversion labeled with a unique POD ID number (include GWIC ID, if available, for wells), all proposed places of use, all proposed conveyance structures (including ditches and pipelines), all proposed places of storage, and places of use for all overlapping water rights. More than one map may be submitted, if necessary to clearly convey all required information.	■ S	☐ F
3. Is the project located in a Controlled Groundwater Area or Basin Closure Area? If yes, immediately go to Mandatory Project-Specific questions 54 to 56 because Form 600 may be the incorrect form, or this project may not meet the requirements for the Department to accept a Form 600.	☐ Y ■ N	☐ F
4. Is the proposed use temporary?	☐ Y ■ N	☐ F
a. If yes, when will the appropriation cease? _____	☐ A	☐ F

5. Describe the proposed purpose information, including period of diversion (MM/DD-MM/DD), period of use (MM/DD-MM/DD), flow rate (GPM or CFS) and volume (AF). ☐ A ☐ F

Purpose	Period of Diversion	Period of Use	Flow Rate			Volume
	(MM/DD-MM/DD)	*(MM/DD-MM/DD)*	*Flow Rate*	*GPM*	*CFS*	*(AF)*
Domestic	01/01-12/31	01/01-12/31	25	☑	☐	0.45
Lawn and Garden	01/01-12/31	04/01-10/31	25	☑	☐	0.05
				☐	☐	
				☐	☐	
				☐	☐	
		Total	25	☐	☐	0.5

6. Does the proposed use include one or more of the following purposes: domestic, multiple domestic, stock, or irrigation? If yes, fill out the following table, where applicable. ☒ Y ☐ N ☐ F

Purpose	Requested Information	Response
Domestic or multiple domestic	Number of households and bedrooms served per household	5 bedrooms, 1 house
Stock	Number of animal units	
Irrigation	Method of irrigation type (sprinkler or flood) and subtype (if flood: level border, graded border, furrow, contour ditch, or other; if sprinkler: center pivot, wheel line, or other)	
Irrigation (flood only)	Design slope	

7. Describe the proposed location of the point(s) 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 each POD with the POD # used for the project map (question 2). ☐ A ☐ F

POD #	¼	¼	¼	Sec	Twp	Rge	County	Lot	Block	Tract	Subdivision	Gov Lot	SW or GW	Source Name	Means
1		NW	NE	29	25N	20W	Lake	6-7				2	SW	Flathead Lake	Pump

8. What are the geocodes of the place of use?	☐ A	☐ F

15-3583-29-1-03-03-0000	

9. Describe the legal land description for the proposed place of use and, if an irrigation or lawn and garden purpose, list the number of irrigated acres.	☐ A	☐ F

Acres	Gov't Lot	Block	¼	¼	¼	Sec	Twp	Rge	County
0.02 (Lawn)	2			NW	NE	29	25N	20W	LAKE
(Domestic)	2			NW	NE	29	25N	20W	LAKE
0.02	***Total***								

10. Will other water rights supplement or overlap the place of use to contribute to the purpose(s)?	☐ Y ☒ N	☐ F
a. If yes, summarize how the water rights will be operated as a whole to serve the purpose(s).	☐ A	☐ F

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11. For each supplemental or overlapping water right, please list the water right number, purpose, typical period of diversion and use (MM/DD-MM/DD), flow rate (GPM or CFS), and the volume of water (AF) contributed.	☐ A	☐ F

Water Right No.	**Avg. Period of Diversion**	**Avg. Period of Use**	**Flow Rate**			**Volume Contributed**
	MM/DD-MM/DD	*MM/DD-MM/DD*	*Flow Rate*	*GPM*	*CFS*	*AF*
				☑	☐	
				☐	☐	
				☐	☐	
				☐	☐	
				☐	☐	

12. Will this application supplement contract water from a Federal Project, ditch company, or other source?	☐ Y ▣ N	☐ F
a. If yes, explain. _____ _____ _____	☐ A	☐ F
13. Does the project involve one or more places of storage? This does not include reservoirs, pits, pit-dams, or ponds with a capacity less than 0.1 AF; water tanks; or cisterns (ARM 36.12.113(6)). If yes, answer the following questions once for each place of storage. Use an "Additional Place of Storage (600P)" sheet if more than one. Additionally, you may choose to answer non-mandatory questions 76 to 80 for place of storage.	☐ Y ▣ N	☐ F
a. Is this application to enlarge an existing reservoir? If yes, list the water right numbers for the existing reservoir. _____	☐ Y ☐ N	☐ F
b. Is the place of storage located on-stream?	☐ Y ☐ N	☐ F
c. What is the capacity of the proposed place of storage or the existing place of storage after it is enlarged? 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 = Capacity (AF)* _____	☐ A	☐ F

d. What is the surface area of the place of storage?	☐ A	☐ F
14. Will your system be designed to discharge water from the project?	■ Y ☐ N	☐ F
a. If yes, explain the wastewater disposal method. A discharge permit may be required to comply with §§ 75-5-410 and 85-2-364, MCA. HOUSEHOLD WASTEWATER WILL BE DISPOSED OF VIA A PERMITED SEPTIC SYSTEM	☐ A	☐ F
15. Does the project involve an appropriation that is greater than 5.5 CFS and 4,000 AF? If yes, you must submit a Criteria Addendum Application for Beneficial Water Use Permit for Appropriations Greater than 5.5 CFS and 4,000 AF (Form 600-B) with application submittal. The criteria are found in §85-2-311(3), MCA.	☐ Y ■ N	☐ F
16. Will you be transporting water for use outside of Montana? If yes, you must 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. Does the project include the water marketing purpose? If yes, you may choose to answer non-mandatory questions 81 to 85 for water marketing. A Water Marketing Purpose Addendum (Form 600/606-WMA) will be required with application submittal.	☐ Y ■ N	☐ F
18. Are you proposing a point of diversion and/or place of use on State of Montana Trust Land? If yes, documentation of consent from the DNRC Trust Lands Management Division will be required at application submittal.	☐ Y ■ N	☐ F
19. Is the project located in designated sage grouse habitat? If yes, a review letter from the Montana Sage Grouse Habitat Conservation Program will be required at application submittal.	☐ Y ■ N	☐ F

SURFACE WATER

■ **Applicable**, move on to question 20. ☐ **Not Applicable**, skip to question 30.

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

Surface Water Analysis

Questions, Narrative Responses, and Tables	**Check-boxes**	**Follow-up**
20. What is the flow rate (GPM or CFS), volume (AF), period of diversion start date and end date (MM/DD-MM/DD), and source type (e.g., perennial, ephemeral) at each point of diversion? Use the same POD # as the project map (question 2) to label each point of diversion.	☐ A	☐ F

POD #	**Flow Rate**			**Volume**	**Period Start**	**Period End**
	Flow Rate	*GPM*	*CFS*	*AF*	*MM/DD*	*MM/DD*
1	25	☑	☐	0.50	01/01	12/31
		☐	☐			
		☐	☐			
		☐	☐			
		☐	☐			

21. Is the source type of the diversion perennial or intermittent, ephemeral, lake, or other? FLATHEAD LAKE (Perennial)	☐ A	☐ F

Perennial or intermittent	Answer questions 22 to 25	**Ephemeral**	Answer question 26	**Lake**	Answer question 27	**Other**	Answer questions 28 to 29

Surface Water Analysis: Perennial or Intermittent

■ **Applicable** ☐ **Not Applicable**

22. Are stream gage data available?	☒ Y ☐ N	☐ F
a. If yes, answer question 23.		
b. If no, answer question 24.		

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23. Stream gage data are available.		
a. Is one stream gage located above the most upstream POD and one stream gage located below the most upstream POD?	☐ Y ■ N	☐ F
i. If no, is only one stream gage located near the most upstream POD?	■ Y ☐ N	☐ F
1. If yes, is the stream gage located upstream or downstream? Downstream		☐ F
b. List the gage name(s). Write "N/A" for Gage 2 if one gage is available. Gage 1: 12372000 USGS Flathead River Near Polson Montana Gage 2: N/A		☐ F
c. What is the distance between the gage(s) and the most upstream POD? Write "N/A" for Gage 2 if one gage is available. Gage 1: ~15 miles Gage 2: N/A		■ F
d. Is there a limiting or controlling factor on the source between the stream gage(s) and the most upstream POD? This includes dams that control the flow and streams with large gaining and/or losing reaches. If you have questions about this, the Regional Office may provide assistance.	■ Y ☐ N	☐ F
i. If yes, explain. SKQ Dam	☐ A	☐ F
e. How long is the period of record? Write "N/A" for Gage 2 if one gage is available. Gage 1: Greater than 10 years Gage 2: N/A		☐ F
f. Who operates and maintains the gage(s)? Write "N/A" for Gage 2 if one gage is available. Gage 1: USGS Gage 2: N/A		☐ F

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g. Is each available stream gage operated and maintained by USGS or DNRC?	■ Y ☐ N	☐ F
i. If yes, skip to question 23.h.		
ii. If no, answer the following questions for each gage not operated and maintained by USGS or DNRC.		
1. How frequently are stage data recorded? Write "N/A" for Gage 2 if only one gage is not operated or maintained by USGS. Gage 1: _____ Gage 2: _____		☐ F
2. If data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?		
a. Gage 1._____	☐ Y ☐ N	☐ F
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	☐ Y ☐ N	☐ F
3. 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?		
a. Gage 1._____	☐ Y ☐ N	☐ F
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	☐ Y ☐ N	☐ F
4. Were requirements established and followed for maintaining a permanent gage datum and meeting specified accuracy limits?		
a. Gage 1._____	☐ Y ☐ N	☐ F
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	☐ Y ☐ N	☐ F

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h. Do the data for one or more available stream gages 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	☐ F
i. If yes, record how many meet the standard, then skip to question 54 because this section is complete. 1		☐ F
ii. If no, answer question 24.		
24. If no gage data are available or if available gage data do 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	☐ F
a. If no, measurements may be necessary. The Department cannot deem the preapplication meeting form adequately completed until the Department receives gage data and/or measurements that meet the requirements of ARM 36.12.1702 or, in combination with an approved variance request, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria. Skip to question 25.		
b. If yes,		
i. Submit available measurements to the Department.	☐ S	☐ F
ii. Who collected the measurements?	☐ A	☐ F
iii. With what method were the data collected?	☐ A	☐ F
iv. What is the period of record?		☐ F
v. What is the frequency of measurement?		☐ F
vi. Are there gaps in the data?	☐ Y ☐ N	☐ F

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1. If yes, what is the nature of the gaps and how are gaps handled to ensure data quality? _____ _____ _____	☐ A	☐ F
vii. Is there a process for maintaining the data and meeting specified accuracy limits?	☐ Y ☐ N	☐ F
1. If yes, explain. _____ _____ _____	☐ A	☐ F
viii. Do 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	☐ F
1. If yes, this section is complete. Skip to question 54.		
2. If no, answer question 25.		
25. Do 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	☐ F
a. If yes,		
i. Describe how the measurements are representative of high, moderate, and low flows. _____ _____ _____ _____	☐ A	☐ F
ii. Describe the estimation technique. _____ _____ _____ _____ _____ _____	☐ A	☐ F
b. If no, but a Department-accepted estimation technique will be appropriate for the source:		

i. Will measurements be collected prior to submission of Form 600P-B that meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for calibration of a Department-accepted estimation technique?	☐ Y ☐ N	☐ F
1. If yes,		
a. With what method will the data be collected? _____ _____	☐ A	☐ F
b. What will be the interval of measurement? _____		☐ F
c. Describe the proposed estimation technique. _____ _____ _____ _____ _____	☐ A	☐ F
2. If no, do you plan on requesting a variance from measurement requirements pursuant to ARM 36.12.1702(1)(b)? If you plan to request a variance, you must submit Form 653 on or before the Variance Request Deadline. The Department cannot deem the preapplication meeting form adequately completed until the Department receives measurements that meet the requirements of ARM 36.12.1702(1)(b) or, in combination with an approved variance request, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.	☐ Y ☐ N	☐ F
c. If no, because no Department-accepted estimation technique will be appropriate for the source:		
i. Describe why no Department-accepted estimation technique is appropriate for the source characteristics. _____ _____ _____	☐ A	☐ F
ii. Do the available measurement data, gage and/or otherwise measured, meet the Department's standard for monthly measurements throughout the proposed period of diversion pursuant to ARM 36.12.1702(4)?	☐ Y ☐ N	☐ F

1. If no, will measurements be collected prior to submission of a completed Form 600P that meet the Department's standard of monthly measurements throughout the proposed period of diversion?	☐ Y ☐ N	☐ F
a. If yes, with what method will the data be collected? _____ _____	☐ A	☐ F
b. If no, do you plan on requesting a variance from measurement requirements pursuant to ARM 36.12.1702(4)? If you plan to request a variance, you must submit Form 653 on or before the Variance Request Deadline. The Department cannot deem the preapplication meeting form adequately completed until the Department receives measurements that meet the requirements of ARM 36.12.1702(4) or, in combination with an approved variance request, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.	☐ Y ☐ N	☐ F

Surface Water Analysis: Ephemeral

☐ **Applicable** ☐ **Not Applicable**

26. Did you elect for the Department to conduct the Technical Analyses?	☐ Y ☐ N	☐ F
a. If yes, do you have climate or drainage area data you would like the Department to consider during Technical Analyses?	☐ Y ☐ N	☐ F
i. If yes, submit this information to the Department.	☐ S	☐ F
b. If no,		
i. Describe the estimation technique you propose to use to estimate physical availability at the point of diversion. _____ _____ _____	☐ A	☐ F
ii. What is the net annual precipitation? Include the source of this information. _____ _____	☐ A	☐ F

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iii. What is the drainage area upstream of the point of diversion and how was this figure calculated? _____ _____ _____	☐ A	☐ F

Surface Water Analysis: Lakes

☐ **Applicable** ☐ **Not Applicable**

27. Has the lake volume been quantified by a qualified entity based on bathymetric data?	☐ Y ☐ N	☐ F
a. If yes, provide this information to DNRC.	☐ S	☐ F
b. If no, answer the following questions,		
i. When do you plan to collect this information? _____		☐ F
ii. What data collection method will you use? _____ _____	☐ A	☐ F

Surface Water Analysis: Other

☐ **Applicable** ☐ **Not Applicable**

28. Explain why the source type is “other”. _____ _____	☐ A	☐ F
29. Have you measured the source?	☐ Y ☐ N	☐ F
a. If yes, answer the following questions,		
i. With what method was the measurement data collected? _____ _____	☐ A	☐ F

ii. What is the measurement interval? _____		☐ F
1. Does the interval meet the Department's standard for monthly measurements throughout the proposed period of diversion pursuant to ARM 36.12.1702(4)?	☐ Y ☐ N	☐ F
a. If no, do you plan on requesting a variance from measurement requirements pursuant to ARM 36.12.1702(4)? If you plan to request a variance, you must submit Form 653 on or before the Variance Request Deadline.	☐ Y ☐ N	☐ F
b. If no,		
i. When do you plan to measure? _____		☐ F
ii. What data collection method will be used? _____ _____ _____	☐ A	☐ F
iii. Do you plan on requesting a variance from measurement requirements pursuant to ARM 36.12.1702(4)? If you plan to request a variance, you must submit Form 653 on or before the Variance Request Deadline. The Department cannot deem the preapplication meeting form adequately completed until the Department receives measurements that meet the requirements of ARM 36.12.1702(4) or, in combination with an approved variance request, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.	☐ Y ☐ N	☐ F

Area of Potential Impact Analysis

No additional information needed for Technical Analyses.

GROUNDWATER

☐ **Applicable**, move on to question 30. ⬓ **Not Applicable**, skip to question 54.

The following questions are mandatory for groundwater permit applications and must be filled out before the Preapplication Meeting Form is determined to be complete.

Groundwater Analysis for Permits

Questions, Narrative Responses, and Tables	Check-boxes	Follow-up
30. What is the type of groundwater diversion? _____	☐ A	☐ F

Well/Pumping Pit	Answer questions 31 to 35	**Developed Spring**	Answer question 36	**Pond**	Answer questions 37 to 39

Groundwater Analysis for Permits: Well/Pumping Pit

☐ Applicable ☐ Not Applicable

31. Per ARM 36.12.121 a 24- or 72-hour aquifer test is required; do you propose not to conduct the test? An 8-hour test will be required, if no aquifer test is completed.	☐ Y ☐ N	☐ F
a. If yes, explain. The Department will let you know if the request is reasonable and identify additional data needs. _____ _____ _____ _____ _____	☐ A	☐ F

32. Submit Aquifer Test Data Form (Form 633). If a variance is requested, Form 633 must be submitted on or before the Variance Request Deadline. If no variance is requested, Form 633 is due by the time the preapplication meeting form is complete but may be submitted earlier. However, if the Department determines a variance is needed and the Variance Request Deadline has passed, to submit the Form 653 you must reschedule the preapplication meeting or submit the application without expedited fees and timelines (ARM 36.12.1302(6)).	☐ S	☐ F
33. Submit the Aquifer Testing Addendum (Form 600/606-ATA) and associated materials (e.g., well logs). If you request a variance, Form 600/606-ATA must be submitted on or before the Variance Request Deadline. If no variance is requested, Form 600/606-ATA is due by the time the preapplication meeting form is complete but may be submitted earlier. However, if the Department determines a variance is needed and the Variance Request Deadline has passed, to submit the Form 653 you must reschedule the preapplication meeting or submit the application without expedited fees and timelines (ARM 36.12.1302(6)).	☐ S	☐ F
34. Are you requesting a variance from ARM 36.12.121? If you are unsure if a variance request will be needed, mark follow-up and answer this question once Form 600/606-ATA and Form 633 are complete. A variance must be requested by the Variance Request Deadline.	☐ Y ☐ N	☐ F
a. If yes, submit Form 653, Form 600/606-ATA, and Form 633 together on or before the Variance Request Deadline.	☐ S	☐ F
b. If no, you may choose to submit Form 600/606-ATA and Form 633 before the Variance Request Deadline, and the Department will review these two forms. However, if the Department determines a variance is needed after the Variance Request Deadline, to submit the Form 653 you must reschedule the preapplication meeting or submit the application without expedited fees and timelines (ARM 36.12.1302(6)).		
35. Have all proposed wells/pumping pits been constructed?	☐ Y ☐ N	☐ F
a. If no, answer the following questions:		
i. Submit a list of the POD IDs for all wells/pumping pits and mark whether they have or have not been constructed.	☐ S	☐ F
ii. When will all proposed wells/pumping pits be constructed? _____		☐ F
iii. Is the requested volume for each proposed well/pumping pit known?	☐ Y ☐ N	☐ F
1. If yes, list the flow rate and volume requested for each proposed well/pumping pit. Label with POD ID. _____ _____ _____	☐ A	☐ F

2. If no, what is the total requested volume (AF) and the number of proposed PODs? _____		☐ F

Groundwater Analysis for Permits: Developed Spring

☐ Applicable ☐ Not Applicable

36. Have you measured the source?	☐ Y ☐ N	☐ F
a. If yes, submit the measurements and answer the following questions,	☐ S	☐ F
i. Do you have flow rate (GPM or CFS) and volume measurements?	☐ Y ☐ N	☐ 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), answer the following questions. The Department cannot deem the preapplication meeting form adequately completed until the Department receives measurements that meet the requirements of ARM 36.12.1703(1). Variances from ARM 36.12.1703(1) are not allowed.		
i. When do you plan to measure? _____		☐ F
ii. With what method and at what interval will measurements be collected? _____ _____	☐ A	☐ F

Groundwater Analysis for Permits: Pond

☐ Applicable ☐ Not Applicable

37. Submit Form 653 to apply for a variance from ARM 36.12.121 for the Aquifer Test on or before the Variance Request Deadline.	☐ S	☐ F
38. Submit pond bathymetry data, survey, or engineering plans to the Department.	☐ S	☐ F
39. Is the pond fed or drained by surface water?	☐ Y ☐ N	☐ F
a. If yes,		
i. Explain. _____ _____ _____	☐ A	☐ F
ii. Submit measurements of the connected surface water source. These may include inflow and outflow measurements.	☐ S	☐ F

Surface Water Depletion Analysis

40. Is the type of groundwater diversion for your proposed project a developed spring? If yes, skip to question 45 because this section is complete. If no, move onto question 41.	☐ Y ☐ N	☐ F
41. Is the type of groundwater diversion for your proposed project a pond? If yes, answer question 41.a, then skip to question 45 because this section is complete. If no, move onto question 42.	☐ Y ☐ N	☐ F
a. Will any of the ponds have diversions for out-of-pond use that differ from, if year-round use, an allocation of diverted volume by the number of days in the month, or, if irrigation/lawn and garden use, the 80% dry year net irrigation requirement (IWR, NRCS 2003)?	☐ Y ☐ N	☐ F
i. If yes, provide a schedule of the diversions for out-of-pond use in the table below. Use the same POD # as the project map (question 2). Attach any additional schedules with POD # labeled.	☐ A	☐ F

POD #			
Month	**Diversions for Out-of-Pond Use Volume (AF)**	**Month**	**Diversions for Out-of-Pond Use Volume (AF)**
January		July	
February		August	
March		September	
April		October	
May		November	
June		December	

42. What is the flow rate (GPM or CFS), volume (AF), and period of diversion required (MM/DD-MM/DD) at each well/pumping pit? What is the well/pumping pit depth (FT), if available, or estimated well/pumping pit depth (FT). Please use the same POD # as the project map (question 2) to match this information with the location information.	☐ A	☐ F

POD #	Flow Rate			Volume	Period of Diversion	Depth	Measured or Estimated
	Flow Rate	*GPM*	*CFS*	*AF*	*MM/DD-MM/DD*	*FT*	
		☐	☐				
		☐	☐				
		☐	☐				
		☐	☐				
		☐	☐				

43. Will any of the *new* wells/pumping pits have a monthly pumping schedule that differs from, if year-round use, an allocation of diverted volume by the number of days in the month, or, if irrigation/lawn and garden use, the 80% dry year net irrigation requirement (IWR, NRCS 2003)?	☐ Y ☐ N	☐ F
a. If yes, provide the alternative pumping schedule(s) in the table below. Use the same POD # as the project map (question 2). Attach any additional pumping schedules with POD # labeled.	☐ A	☐ F

POD #				POD #			
Month	**Volume (AF)**	**Month**	**Volume (AF)**	**Month**	**Volume (AF)**	**Month**	**Volume (AF)**
January		July		January		July	
February		August		February		August	
March		September		March		September	
April		October		April		October	
May		November		May		November	
June		December		June		December	

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44. Will one or more *existing* wells/pumping pits be used for the proposed project?	☐ Y ☐ N	☐ F
a. If yes, will any of the *existing* wells/pumping pits have a monthly pumping schedule, before or after the proposed project, that differs from an allocation of diverted volume by the number of days in the month (if year-round use) or the 80% dry year net irrigation requirement (if irrigation/lawn and garden use) (IWR, NRCS 2003)?	☐ Y ☐ N	☐ F
i. If yes, provide the pumping schedules before and after the proposed project in the table below. Use the same POD # as the project map (question 2). Attach any additional pumping schedules with POD # and before/after proposed project labeled.	☐ A	☐ F

Before proposed project: POD #				**After proposed project: POD #**			
Month	**Volume (AF)**	**Month**	**Volume (AF)**	**Month**	**Volume (AF)**	**Month**	**Volume (AF)**
January		July		January		July	
February		August		February		August	
March		September		March		September	
April		October		April		October	
May		November		May		November	
June		December		June		December	

Surface Water Analysis of Depleted Surface Water

45. Based on the preliminary net depletion data provided by the Department at this preapplication meeting, what are the hydraulically connected surface water source(s)? **Net depletion data provided by the Department at the preapplication meeting is preliminary and is subject to change during Technical Analyses. If the source or location of net depletion data changes during Technical Analyses, then surface water analysis of depleted surface water source(s) will reflect the Technical Analyses; this will not constitute a change of any element to the proposed application pursuant to ARM 36.12.1302(6)(a).* If the type of groundwater diversion for your proposed project is a developed spring, write "NA" and skip to question 51 because this section is complete. _____	☐ A	☐ F
46. Answer the questions in this section one time for each hydraulically connected source. Use the "Additional Hydraulically Connected Source (600P)" sheet, as necessary. For which hydraulically connected source are you answering questions 47 to 50? _____		☐ F
47. Are stream gage data available?	☐ Y ☐ N	☐ F
a. If yes, answer question 48.		
b. If no, answer question 49.		

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48. Stream gage data are available		
a. Is one stream gage located above and one stream gage located below the start of the depleted reach?	☐ Y ☐ N	☐ F
i. If no, is only one stream gage located near the start of the depleted reach?	☐ Y ☐ N	☐ F
1. If yes, is the stream gage upstream or downstream? _____		☐ F
b. List the gage name(s). Write "N/A" for Gage 2 if one gage available. Gage 1: _____ Gage 2: _____		☐ F
c. What is the distance between the gage(s) and the start of the depleted reach? Write "N/A" for Gage 2 if one gage available. Gage 1: _____ Gage 2: _____		☐ F
d. Is there a limiting or controlling factor on the source between the stream gage(s) and the start of the depleted reach? This includes dams that control the flow and streams with large gaining and/or losing reaches. If you have questions about this, the Regional Office may provide assistance.	☐ Y ☐ N	☐ F
i. If yes, explain. _____ _____ _____	☐ A	☐ F
e. How long is the period of record? Write "N/A" for Gage 2 if one gage is available. Gage 1: _____ Gage 2: _____		☐ F
f. Who operates and maintains the gage(s)? Write "N/A" for Gage 2 if one gage is available. Gage 1: _____ Gage 2: _____		☐ F
g. Is each available stream gage operated and maintained by USGS or DNRC?	☐ Y ☐ N	☐ F
i. If yes, skip to question 48.h.		
ii. If no, answer the following questions for each gage not operated and maintained by USGS or DNRC.		

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1. How frequently is stage data recorded? Write "N/A" for Gage 2 if only one gage is not operated or maintained by USGS. Gage 1: _____ Gage 2: _____		☐ F
2. 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	☐ F
a. Gage 1._____	☐ Y ☐ N	☐ F
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	☐ Y ☐ N	☐ F
3. 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	☐ F
a. Gage 1._____	☐ Y ☐ N	☐ F
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	☐ Y ☐ N	☐ F
4. Were there requirements for maintaining a permanent gage datum and meeting specified accuracy limits?	☐ Y ☐ N	☐ F
a. Gage 1._____	☐ Y ☐ N	☐ F
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	☐ Y ☐ N	☐ F
h. Do the data for one or more available stream gages meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the months with net depletions?	☐ Y ☐ N	☐ F
i. If yes, record how many meet the standard, then skip to question 54 because this section is complete. _____		
ii. If no, answer question 49.		
49. If no gage data are available or if available gage data do not meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the months with net depletions, is the source otherwise measured?	☐ Y ☐ N	☐ F

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a. If no, measurements may be necessary. The Department cannot deem the preapplication meeting form adequately completed until the Department receives gage data and/or measurements that meet the Department's measurement standards or, in combination with an approved request to deviate from the Department's standards, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria. Skip to question 50.		
b. If yes,		
i. Submit measurements to the Department.	☐ S	☐ F
ii. Who collected the measurements? _____	☐ A	☐ F
iii. With what method was the data collected? _____ _____	☐ A	☐ F
iv. What is the period of record? _____		☐ F
v. What is the frequency of measurement? _____		☐ F
vi. Are there gaps in the data?	☐ Y ☐ N	☐ F
1. If yes, what is the nature of the gaps and how are gaps handled to ensure data quality? _____ _____ _____	☐ A	☐ F
vii. Is there a process for maintaining the data and meeting specified accuracy limits?	☐ Y ☐ N	☐ F
1. If yes, explain. _____ _____ _____	☐ A	☐ F
viii. Do 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 months with net depletions?	☐ Y ☐ N	☐ F
1. If yes, this section is complete. Skip to question 54.		
2. If no, answer question 50.		

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50. Do 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 calibration of a Department-accepted estimation technique?	☐ Y ☐ N	☐ F
a. If yes,		
i. Describe how the measurements are representative of high, moderate, and low flows. _____ _____ _____ _____	☐ A	☐ F
ii. Describe the estimation technique. _____ _____ _____ _____ _____ _____	☐ A	☐ F
b. If no, but a Department-accepted estimation technique will be appropriate for the hydraulically connected surface water source:		
i. Will measurements be collected prior to submission of a completed Form 600P-B that meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for calibration of a Department-accepted estimation technique?	☐ Y ☐ N	☐ F
1. If yes,		
a. With what method will the data be collected? _____ _____	☐ A	☐ F
b. What will be the interval of measurement? _____		☐ F

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c. Describe the proposed estimation technique. _____ _____ _____ _____ _____	☐ A	☐ F
2. If no, do you plan on requesting to deviate from the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for calibration of a Department-accepted estimation technique? The Department's technical analyses or scientific credibility review of your technical analyses cannot commence until the Department receives measurements that meet Department measurement standards, or in combination with a request to deviate, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.	☐ Y ☐ N	☐ F
c. If no, because no Department-accepted estimation technique will be appropriate for the hydraulically connected surface water source:		
i. Describe why no Department-accepted estimation technique is appropriate for the source characteristics. _____ _____ _____	☐ A	☐ F
ii. Do the available measurement data, gage and/or otherwise measured, meet the Department's standard for monthly measurements throughout the months with net depletions?	☐ Y ☐ N	☐ F
1. If no, will measurements be collected prior to submission of a completed Form 600P that meet the Department's standard of monthly measurements throughout the months with net depletions?	☐ Y ☐ N	☐ F
a. If yes, with what method will the data be collected? _____ _____	☐ A	☐ F

b. If no, do you plan on requesting to deviate from the Department's standard for monthly measurements throughout the months with net depletions? The Department's technical analyses or scientific credibility review of your technical analyses cannot commence until the Department receives measurements that meet Department measurement standards, or in combination with a request to deviate, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.	☐ Y ☐ N	☐ F

Area of Potential Impact Analysis of Depleted Surface Water

All information for area of potential impact of depleted surface water was collected in previous questions.

Hydrogeologic Report

51. Does your project include one or more wells, pumping pits, or ponds that are in a basin closure area? If yes, fill out questions 52 to 53. Your project must have a Hydrogeologic Report that conforms with § 85-2-361 to comply with the requirements of § 85-2-360, MCA. A Hydrogeologic Report Addendum (Form 600-HRA) or Department Technical Analyses may be used to meet these requirements.	☐ Y ☐ N	☐ F
52. Did you elect in question 1 for the Department to conduct the Technical Analyses?	☐ Y ☐ N	☐ F
a. If yes, the Basin Closure Area Addendum (Form 600-BCA), Form 600-HRA, and Hydrogeologic Report are not required at this time. The Department's Technical Analyses will meet requirements of §85-2-360, MCA for a Hydrogeologic Report and Form 600-HRA. Form 600-BCA will be required with application submittal.		
b. If no, submit the Basin Closure Area Addendum (Form 600-BCA) and Hydrogeologic Report Addendum (600-HRA) with your Technical Analyses.	☐ S	☐ F
53. If the Hydrogeologic Report indicates that the proposed groundwater use will impact a surface water source, identify and explain which of the following three options best describes your plan to mitigate depletions of hydraulically connected surface water and respond to the relevant questions below. ☐ Application to Change a Water Right to mitigate the adverse effects created ☐ Alternative mitigation plan ☐ Documentation to show a mitigation plan is not required		
a. Application to Change a Water Right to mitigate the adverse effects created: Submit a summary of your initial proposal. *A separate Preapplication Meeting will be required for each Application to Change a Water right to a mitigation or aquifer recharge purpose to qualify for expedited timelines and reduced filing fees for the project per ARM 36.12.1302(7)(a).*	☐ S	☐ F
b. Alternative mitigation plan: Submit a summary of your initial proposal.	☐ S	☐ F

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i. Do you propose to use water with a marketing for mitigation/aquifer recharge purpose?	☐ Y ☐ N	☐ F
1. If yes,		
a. List the change authorization number(s) for all water rights proposed for use. _____	☐ A	☐ F
b. What is the area defined for marketing for all water rights proposed for use? _____	☐ A	☐ F
c. If Marketing for aquifer recharge, submit the analysis of the monthly accretions to hydraulically connected surface water(s); otherwise write “NA”. _____	☐ S	☐ F
c. Documentation to show a mitigation plan is not required: Submit all documentation.	☐ S	☐ F

MANDATORY 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.

Project-Specific Questions: Controlled Groundwater Areas and Basin Closures

Questions, Narrative Responses, and Tables	Check-boxes	Follow-up
54. Does the project include one or more groundwater points of diversion located in the East Valley Controlled Groundwater Area (EVCGWA)?	☐ Y ■ N	☐ F
a. If yes, is the use over 35 GPM or 10 AF/YR?	☐ Y ☐ N	☐ F
i. If no, this is the incorrect form. Use instead Form 600-EVCGWA: East Valley Controlled Groundwater Area Permit Application.		
ii. If yes, how does this project meet the specific requirements of the East Valley Controlled Groundwater Area? Include any relevant documentation. _____ _____ _____ _____	☐ A	☐ F
b. If no, skip to question 55.		
55. Does the project include one or more groundwater points of diversion located in the Yellowstone Controlled Groundwater Area?	☐ Y ■ N	☐ F
a. If yes, is the proposed flow rate and volume over 35 GPM or 10 AF/YR?	☐ Y ☐ N	☐ F
i. If no, this is the incorrect form. Use instead Form 600-YCGA: Yellowstone Controlled Groundwater Area Permit Application.		
ii. If yes, answer the remaining parts of question 55 and submit *Form 600 YCGA: A Yellowstone Controlled Groundwater Area Addendum Over 35 gallons per minute* with the application.		
1. Does the proposed use require a point of diversion with water temperature of 60 degrees Fahrenheit or more?	☐ Y ☐ N	☐ F
2. If an application is in a basin tributary to a category 3 or 4 stream (generally in or upstream of Yellowstone National Park), submit with the application a report prepared by a qualified professional verifying that the appropriation is not hydrologically connected to surface flow that is tributary to the reserved portion of category 3 or 4 streams.		
b. If no, skip to question 56.		

56. Is the project for surface water or groundwater and subject to one or more of the Controlled Groundwater Areas; administrative, Department ordered, or legislative basin closures; or compact closures listed on the Department's website (https://dnrc.mt.gov/Water-Resources/Water-Rights/Basin-Closures-Stream-Depletion-Controlled-Ground-Water-Areas) not covered in questions 54 to 55?	☐ Y ☒ N	☐ F
a. If yes, identify each area and describe how the proposed project meets its requirements. An application must meet the specific requirements of the Controlled Groundwater Area or closure to be accepted by the Department. _____ _____ _____ _____ _____ _____ _____ _____ _____	☐ A	☐ F

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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
57. Describe your plan to ensure that existing water rights will be satisfied during times of water shortage.	☐ A
58. Explain how you can control your diversion in response to call being made.	☐ A
59. 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
60. Does a water commissioner distribute water or oversee water distribution on your proposed source or depleted surface water source?	☐ Y ☐ N

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61. Will the point of diversion or conveyance infrastructure be shared with one or more existing water rights?	☐ Y ☐ N
a. If yes, explain how capacity of the shared point of diversion and/or conveyance infrastructure is sufficient for all water rights.	☐ A

Adequate Diversion Means and Operation

62. Submit a diagram of how you will operate your system from the point of diversion to the place of use.	☐ S
63. 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.	☐ A

A well pump placed into flathead lake will pump lake water into the residence for household use. Approx 25' lift

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64. Describe the size, materials, capacity, and configuration of infrastructure to convey water from point of diversion to place of use. This may include but is not limited to, pipelines and ditches. Include a description of any losses related to the proposed conveyance. Ditch conveyance losses may be estimated numerous ways, which include a ditch loss rate or Department standard methods. You may work with the Department to estimate ditch conveyance losses but will need to provide sufficient baseline information; which includes ditch slope, dimensions, length, lining material, soil type, and location. Water pipe <or = 1.5" inch Submersible Well pump well pressure tank and pressure switch	☐ A
65. Describe how the proposed diversion and conveyance infrastructure can provide the required flow and volume, for the purposes plus any conveyance losses and storage, throughout the proposed period of diversion. Pump sized for 5 bedroom home	☐ A
66. Provide a plan of operations, which includes 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. Waterpipe will be burried below frost level to House	☐ A

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67. Does the proposed conveyance require easements?	☐ Y ☐ N
a. If yes, explain. _____ _____ _____	☐ A
68. Do you own the land where all proposed points of diversion are located?	☐ Y ☐ N
a. If no, documentation to show you have the right to use all points of diversion located on each property you do not own will be required upon application submittal. This may include, but is not limited to, a well agreement, an easement, or permission of the party that owns the property where the proposed point(s) of diversion are located.	
69. 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
70. 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. _____ _____ _____	☐ A

Beneficial Use

71. Does the Department have a standard for any of the purposes for which water is used? Department standards can be found in ARM 36.12.112 and ARM 36.12.115.	☐ Y ☐ N
a. If yes, list the purposes for which the Department has a standard and note whether the proposed use falls within or outside the standard. _____ _____	

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72. If no Departmental standard exists for any proposed purpose, or if any proposed purpose falls outside of Department standards, explain how the use is reasonable for that purpose. _____ _____ _____ _____ _____ _____ _____	☐ A
73. 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
74. 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

75. Do you meet one of the exceptions to possessory interest requirements, pursuant to ARM 36.12.1802? Exceptions include cases where the application is for sale, rental, distribution, or is a municipal use, or in any other context in which water is being supplied to another and it is clear that the ultimate user will not accept the supply without consenting to the use of water on the user's place of use.	☐ Y ☐ N
a. If yes, explain. _____ _____ _____ _____	☐ A

b. If no,	
i. Do you own all proposed places of use?	☐ Y ☐ N
1. If no,	
a. Explain. Documentation that shows you either have possessory interest or written permission of the parties with possessory interest of the place of use will be required at application submittal. _____ _____ _____ _____	☐ A
b. Would you like the water right to be appurtenant to the land? Please note that if your water right is not appurtenant to land it will not transfer by default with the conveyance of the property, pursuant to § 85-2-403.	☐ Y ☐ N
i. If no, explain. _____ _____ _____	☐ A

Non-Mandatory Project Specific Questions

Place of Storage

76. Does the proposal include at least one place of storage? If yes, answer questions 77 to 80 for each individual place of storage (use "Additional Place of Storage (600P)" sheet for additional places of storage). A Permit Storage Addendum (Form 600-SA) will be required at application submittal. If no, this section is complete, and you can skip to question 81.	☐ Y ☐ N
77. Are preliminary designs available? Preliminary designs will be required at application submittal.	☐ S
a. If yes, submit preliminary designs.	☐ Y ☐ N
78. Will the place of storage be lined?	☐ Y ☐ N
79. What is the annual net evaporation of water from the place of storage, based on the Department's gridded net evaporation layer? If you propose a different method, attach an explanation and justification of the method. _____	☐ A

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80. Is the place of storage capacity calculated to be greater than 50 AF?	☐ Y ☐ N
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? This will be required by application submittal.	☐ Y ☐ N

Project-Specific Questions: Water Marketing

81. Does the proposal include water marketing? If yes, please answer the questions in this section (questions 82 to 85). A Water Marketing Addendum Purpose Addendum (600/606-WMA) will be required at application submittal. If no, this section is complete.	☐ Y ☐ N
82. For what purpose(s) will the marketed water be used? _____ _____ _____	☐ A
83. How will you control or limit access to the water? _____ _____ _____	☐ A
84. Do you have contracts for the entire volume and flow rate sought?	☐ Y ☐ N
85. Provide a service area map. Create map on an aerial photograph or topographic map and show the following: general service area boundary, section corners, township and range, scale bar, and north arrow.	☐ S

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FOLLOW-UP

The tables below will identify all questions marked for follow-up. Applicant follow-up will be submitted with the completed Preapplication Meeting Form: Part B (Form 600P-B). Applicant will provide all responses to questions marked for follow-up on a separate document entitled "Follow-up Responses." At the preapplication meeting, the Department may offer to provide the Applicant with information pertinent to identified follow-up. In this case, record in the notes column what information the Department will provide and the date by which the Department will email this information to the Applicant. This information will supplement but not replace Applicant follow-up. It is the responsibility of the Applicant to provide all follow-up, including questions supplemented by Department information, in the "Follow-up Responses" document.

The "Follow-up Responses" document must conform to the following standards. Label all responses with the question number. Answer questions in the same format as the form. For responses in the form of checkboxes, write "Y", "N", "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: Part A (Form 600P-A) signed at the Preapplication Meeting**. Instead, the Applicant must use the Amended Responses procedure defined in Form 600P-B. Do not include additional information for questions that were not marked for follow-up on this table; instead include any additional information pursuant to the process for amending responses defined in Form 600P-B.*

QUESTION #	NOTES

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Lake County GIS Office 406-883-7212 Email: GIS@lakemt.gov

LAKE COUNTY

106 4th Ave E. Polson, MT 59860

Tuesday, May 12, 2026

To whom it may concern:

The address of: 21179 Sunset Rd, Rollins MT 59931

Has been assigned to the following property:

Parcel ID: 15358329103030000

Tax ID: 0000013774

Legal Description: PHIPPS TRACTS, S29, T25 N, R20 W, Lot 006 - 007, H-534

Owner Name: ZUBOT BRENT J & THERESA



Point of diversion 1

The Lake County GIS Department makes no warranty expressed or implied, including the fitness for a particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, nor represents that its use would or would not infringe on privately owned rights.

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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 meeting 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 five business days 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.

Brent Eubot — 6/15/2026

Applicant Signature — Date

Applicant Signature — Date

Lyra Reynolds — 6/15/2026

Department Signature — Date

Certificate Of Completion

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Envelope Originator:
Lyra Reynolds
1539 11th Avenue
Helena, MT 59601
Lyra.Reynolds@mt.gov
IP Address: 161.7.26.142

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Signer Events	Signature	Timestamp
Brent Zubot bzubot@icloud.com Security Level: Email, Account Authentication (None)	Brent Zubot Signature Adoption: Pre-selected Style Using IP Address: 2605:59c0:58ad:4c10:2c91:67fb:4741:145f	Sent: 6/15/2026 10:00:04 AM Viewed: 6/15/2026 1:22:33 PM Signed: 6/15/2026 1:23:29 PM
Electronic Record and Signature Disclosure: Accepted: 6/15/2026 1:22:33 PM ID: fb2f0be7-d11e-475c-a5cc-b7daee20ede7		
Lyra Reynolds Lyra.Reynolds@mt.gov Montana Department of Natural Resources and Conservation Security Level: Email, Account Authentication (None)	Lyra Reynolds Signature Adoption: Pre-selected Style Using IP Address: 161.7.26.142	Sent: 6/15/2026 10:00:04 AM Viewed: 6/15/2026 1:58:03 PM Signed: 6/15/2026 1:58:09 PM
Electronic Record and Signature Disclosure: Not Offered via Docusign		

In Person Signer Events	Signature	Timestamp

Editor Delivery Events	Status	Timestamp

Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp

Witness Events	Signature	Timestamp

Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	6/15/2026 10:00:04 AM

Envelope Summary Events	Status	Timestamps
Certified Delivered	Security Checked	6/15/2026 1:58:03 PM
Signing Complete	Security Checked	6/15/2026 1:58:09 PM
Completed	Security Checked	6/15/2026 1:58:09 PM

Payment Events	Status	Timestamps

Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Montana Dept of Natural Resources & Conservation (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a $0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Montana Dept of Natural Resources & Conservation:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:
To contact us by email send messages to: servicedesk@sitsd.mt.gov

To advise Montana Dept of Natural Resources & Conservation of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at servicedesk@sitsd.mt.gov and in the body of such request you must state: your

previous email address, your new email address. We do not require any other information from you to change your email address.

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To request paper copies from Montana Dept of Natural Resources & Conservation

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to servicedesk@sitsd.mt.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Montana Dept of Natural Resources & Conservation

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to servicedesk@sitsd.mt.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: https://support.docusign.com/guides/signer-guide-signing-system-requirements.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Montana Dept of Natural Resources & Conservation as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Montana Dept of Natural Resources & Conservation during the course of your relationship with Montana Dept of Natural Resources & Conservation.

DNRC
2273 Boot Hill Ct, STE 110
Bozeman, MT 59715
(406)-586-3136

June 24, 2026

Brent & Theresa Zubot
292229 Butte Hills Ln
Rockview County, AB T4A0N8

Subject: Complete Preapplication Form for Change Application No. 76LJ 30175577

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 June 17, 2026, and the Department deemed the submitted Preapplication Meeting Form to be successfully completed per ARM 36.12.1302 on June 24, 2026.

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 June 24, 2026.

Please let me know if you have any questions.

Sincerely,

Derek Rasmussen
Water Resource Specialist
406-556-6282
Derek.rasmussen@mt.gov

Outlook

Re: [EXTERNAL] Zubot 600B-P

From Reynolds, Lyra <Lyra.Reynolds@mt.gov>
Date Wed 6/17/2026 2:05 PM
To Brent Zubot <bzubot@icloud.com>

Perfect that works. I have sent the form for you to sign with DocuSign, since we require either an original signature or a verified e-signature.

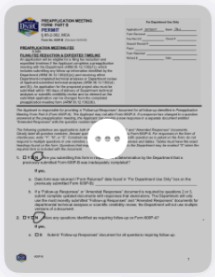
Let me know if you do not see the DocuSign.
-Lyra

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 | **Facebook** | **X (Twitter)** | **Instagram**
How did we do? Let us know here: Feedback Survey

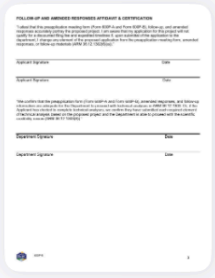
From: Brent Zubot <bzubot@icloud.com>
Sent: Wednesday, June 17, 2026 1:55 PM
To: Reynolds, Lyra <Lyra.Reynolds@mt.gov>
Subject: Re: [EXTERNAL] Zubot 600B-P

1:35 PM Wed Jun 17 35%

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PREAPPLICATION MEETING FORM: PART B
PERMIT
§ 85-2-302, MCA
Form No. 600P-B *(Revised 02/2025)*

For Department Use Only

Application # 30175577 Basin 76LJ
Form Received _____
Fee Rec'd $ _____ Check # _____
Deposit Receipt # _____
Payor _____
Form Returned _____
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 Applicant is responsible for providing a "Follow-up Responses" document for all follow-up identified in Preapplicatio Meeting Form Part A (Form 600P-A). The Applicant may not alter Form 600P-A. If a response has changed to a questio answered at the preapplication meeting, the Applicant can provide a new response in a separate document entitled "Amended Responses" with the question number labeled.

The following guidelines are applicable to both the "Follow-up Responses" and "Amended Responses" documents. Clearly label all question numbers. Answer questions in the same format as Form 600P-A. 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 exac headings found on the form. Questions that require items to be submitted to the Department may be marked "S" when t required item is included with the document.

1. ☐ Y ☐ N Are you submitting this form in response to a determination by the Department that a previously submitted Form 600P-B was inadequately completed?

   If yes,

   a. Date form was returned ("Form Returned" date found in "For Department Use Only" box on the previously submitted Form 600P-B): _____

   b. If a "Follow-up Responses" or "Amended Responses" document is required by questions 2 or 3, submit complete updated documents with responses that stand-alone. The Department will only use the most recently submitted "Follow-up Responses" and "Amended Responses" documents f departmental technical analyses or scientific credibility review; the Department will not use multipl versions of a document.

2. ☐ Y ☐ N Were any questions identified as requiring follow-up on Form 600P-A?

   If yes,

   a. ☐ **S** Submit "Follow-up Responses" document for all questions requiring follow-up.

3. ☐ Y ☐ N Are you submitting amended responses to any questions from Form 600P-A?

If yes,

a. ☐ **S** Submit "Amended Responses" document and record in the table below each question number with an amended response. The amended response will entirely replace the previous response; the amended response cannot build off the previous response.

Question No.	Question No.	Question No.	Question No.

1:35 PM Wed Jun 17 36%
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3. ☐ Y ☐ N Are you submitting amended responses to any questions from Form 600P-A?

If yes,

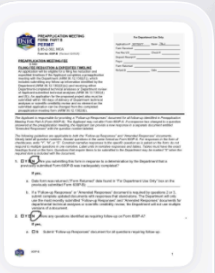
a. ☐ **S** Submit "Amended Responses" document and record in the table below each question number with an amended response. The amended response will entirely replace the previous response; the amended response cannot build off the previous response.

Question No.	Question No.	Question No.	Question No.

department, I change any element of the proposed application from the preapplication meeting form, amended responses, or follow-up materials (ARM 36.12.1302(6)(a))."

June 17/202

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FOLLOW-UP AND AMENDED RESPONSES AFFIDAVIT & CERTIFICATION

"I attest that this preapplication meeting form (Form 600P-A and Form 600P-B), follow-up, and amended responses accurately portray the 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, amended responses, or follow-up materials (ARM 36.12.1302(6)(a))."

June 17/202

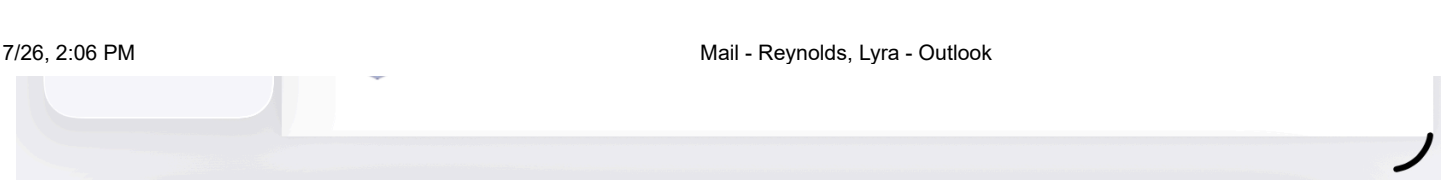
Applicant Signature Date

Applicant Signature Date

"We confirm that the preapplication form (Form 600P-A and Form 600P-B), amended responses, and follow-up information are adequate for the Department to proceed with technical analyses in ARM 36.12.1303. Or, if the Applicant has elected to complete technical analyses, we confirm they have submitted each required element of technical analysis based on the proposed project and the Department is able to proceed with the scientific credibility review (ARM 36.12.1303(8))."

Department Signature Date

Department Signature Date



Sent from my iPad

On Jun 17, 2026, at 1:52 PM, Reynolds, Lyra <Lyra.Reynolds@mt.gov> wrote:

Brent-

The attachment does not have any of the information completed; the check boxes are unchecked.

Once I have the completed form, I will get it put into DocuSign for you to sign.

Lyra

<Outlook-0mwz55tp.png>

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 | **Facebook** [facebook.com] [facebook.com] | **X** [twitter.com] (**T** [twitter.com]**witter** [twitter.com]) | **Instagram** [instagram.com]
How did we do? Let us know here: [forms.office.com] **Feedback Survey** [forms.office.com]

From: Brent Zubot <bzubot@icloud.com>
Sent: Wednesday, June 17, 2026 1:47 PM
To: Reynolds, Lyra <Lyra.Reynolds@mt.gov>
Subject: [EXTERNAL] Zubot 600B-P

Sent from my iPad

REQUEST FOR PREAPPLICATION MEETING

ARM 36.12.1302(2)

(Revised 02/2025)

For Department Use Only

Date Received _____

Received By _____

Scheduled Meeting Date _____

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.

1. **Applicant Name** BRENT & THERESA ZUBOT

Mailing Address 292229 Butte Hills Lane

City Rocky View County State ALBERTA Zip T4A 0N8

Home Phone 587 592 9967 Other Phone _____

Email: bzubot@icloud.com

2. **Representative Name** (if other than Applicant) _____

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

Mailing Address _____

City _____ State _____ Zip _____

Home Phone _____ Other Phone _____

Email: _____

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

☒ Permit ☐ Change

4. **Describe your project:** (WATER Rights)

Draw water from Flathead Lake for Household use for Home to be Built.

PHIPPS TRACTS S29, T25N, R20W, Lot 6-7, H534

Request Appointment MAY 21ST AM if possible

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

a) The flow rate and volume of water required:

Flow Rate < 25 ☑ GPM ☐ CFS Volume _____ Acre-Feet

b) The point of diversion:

Point of Diversion #1 ____ 1/4 ____ 1/4 ____ 1/4 Section 29, Township 25 ☒ N ☐ S, Range 20 ☐ E ☑ W

County LAKE COUNTY

Lot/Tract LOT 2 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:

0.5 Acres ____ Lot 6 & 7 Block ____ 1/4 ____ 1/4 ____ 1/4 Sec 29, Twp 25 ☑ N ☐ S, Rge 20 ☐ 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: FLATHEAD LAKE

e) The proposed purpose: Household

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

Type of water right _____ Basin _____ Water Right # _____

Type of water right _____ Basin _____ Water Right # _____

Type of water right _____ Basin _____ Water Right # _____

Identify the water right elements proposed for change, with a checkmark for each water right proposed for change.

Water Right #					
Point of diversion	☐	☐	☐	☐	☐
Place of use	☐	☐	☐	☐	☐
Purpose of use	☐	☐	☐	☐	☐
Place of storage	☐	☐	☐	☐	☐

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

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 well or wells, the well depth(s) and location. If more than two wells, attach a separate sheet to this request:

Well #1 ☐ New Well ☐ Existing Well

For existing well, if available, Water Right # _____ GWIC ID _____

1/4 _____1/4 ___1/4 Section _____, Township _____ ☐ N ☐ S, Range _____ ☐ E ☐ W

County _____

Lot/Tract _____ Block_____ Subdivision Name_____

Estimated Well Depth _____ Feet

Well #2 ☐ New Well ☐ Existing Well

For existing well, if available, Water Right # _____ GWIC ID _____

_____1/4 ___1/4 ____1/4 Section _____, Township _____ ☐ N ☐ S, Range _____ ☐ E ☐ W

County _____

Lot/Tract _____ Block_____ Subdivision Name_____

Estimated Well Depth _____ Feet