



APPLICATION TO CHANGE A WATER RIGHT CHANGE TO INSTREAM FLOW ADDENDUM

§§ 85-2-402, 85-2-436, MCA

It is highly recommended that Technical Analyses are complete before filling out this addendum. The operation plan must define the flow rate(s) and volume(s) protected instream over specific time intervals. The maximum quantity of water that can be changed to instream flow protected at the historical point of diversion, or the point where return flow historically accrued, is the amount historically diverted. However, only the amount historically consumed from the source, or a smaller amount if specified by the department, may be used to protect, maintain, or enhance streamflow below the historical point of diversion or the point where return flows historically accrued. The protected flow rate may be no higher than the historical flow rate at the historical point of diversion. The flow rate protected downstream of the historical point of diversion, when protected over the time interval defined for protection, cannot result in a volume that is higher than the protectable volume. The measurement plan should include one or more measurement points, sufficient to show beneficial use and lack of adverse effect. Ideally, measurement points are located as close as possible to the start and end of the protected reach.

Answer every question and applicable follow-up questions. Use the checkboxes to denote yes (“Y”) or no (“N”). 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 Technical Analyses Addendum. 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, mark the “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. Label all units in narrative responses.

1. **S** Submit a map labeling all historical points of diversion, the protected reach, the locations where historical return flows accrued, and all water rights diverted from the source between the upstream-most historical point of diversion and the end of the protected reach.

2. **Y** **N** **NA** Do all historical return flows go back to the source of supply?

If no,

2.1. What is the name of the other sources where historical return flows accrued?

2.2. What are the monthly volumes of return flows that do not return to the source of supply?

2.3. **Y** **N** Are any water rights diverted from the sources identified in question 2.1 within the Area of Potential Adverse Effect identified in the Extended Return Flow Analysis: Evaluation of Impacts to Identified Water Rights? **If yes**, add these water rights to the map submitted for question 1.



3. Explain how this change will not adversely affect the water rights identified on the map submitted for question 1, which include, if applicable, all water rights 1) diverted from the source between the upstream-most historical point of diversion and the end of the protected reach and 2) diverted from other sources where historical return flows accrued that are located within the Area of Potential Adverse Effect identified in the Extended Return Flow Analysis: Evaluation of Impacts to Identified Water Rights.

4. Provide a detailed measurement plan, which includes the point(s) where measurements occur, the interval of measurement, the methods and equipment used, and explain how this plan is sufficient to evaluate for adverse effect and show beneficial use.
