

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

\* \* \* \* \*

IN THE MATTER OF APPLICATION FOR	)	FINAL
BENEFICIAL WATER USE PERMIT 76M-10858000	)	ORDER
BY KEN AND MARY STANINGER	)	

\* \* \* \* \*

The time period for filing exceptions, objections, or comments to the Proposal for Decision in this matter has expired. No timely written exceptions were received. Therefore, the Department of Natural Resources and Conservation hereby accepts and adopts the Findings of Fact and Conclusions of Law as contained in the March 28, 2003, Proposal for Decision, and incorporates them herein by reference.

WHEREFORE, based upon the record herein, the Department makes the following:

**ORDER**

Subject to the terms, conditions, restrictions, and limitations listed below, Beneficial Water Use Permit 76M-10858000 is **ISSUED** to Ken A and Mary E Staninger to appropriate 11.6 gallons per minute (gpm) up to 7.58 acre-feet of water per year from Grant Creek. The water is to be diverted using an existing headgate at a point in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 21, Township 14 North, Range 19 West, Missoula County, Montana. The purpose is a fishery. The place of use and place of storage is a 1.5 acre-foot pond located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 21, Township 14 North, Range 19 West, Missoula County, Montana. The period of diversion and period of use is November 1 through March 31, inclusive, of each year. The volume of 7.58 acre-feet includes 7.5 acre-feet for pond volume turnover or flow through, and 0.08 acre-feet for evaporation from the pond surface. The water for turnover volume

will be returned to Grant Creek.

A. Diversion under this right shall only occur when other water rights are being diverted into the conveyance ditch providing carriage water for this right.

B. The Permittee shall obtain an appropriation for non-tributary groundwater to replace the water lost to pond evaporation prior to exercising this Permit.

#### NOTICE

The Department's Final Order may be appealed in accordance with the Montana Administrative Procedure Act by filing a petition in the appropriate court within 30 days after service of this Final Order.

If a petition for judicial review is filed and a party to the proceeding elects to have a written transcription prepared as part of the record of the administrative hearing for certification to the reviewing district court, the requesting party must make arrangements with the Department of Natural Resources and Conservation for ordering and payment of the written transcript. If no request is made, the Department will transmit a copy of the tape of the proceedings to the district court.

Dated this \_\_\_\_\_ day of April, 2003.

---

Jack Stults, Administrator  
Water Resources Division  
Department of Natural  
Resources and Conservation  
PO Box 201601  
Helena, MT 59620-1601

**CERTIFICATE OF SERVICE**

This certifies that a true and correct copy of the Proposal for Decision was served upon all parties listed below on this 23<sup>rd</sup> day of April, 2003.

KEN A AND MARY E STANINGER  
1200 S RESERVE  
MISSOULA MT 59801  
C/O DAVID L. PENGELLY  
210 N. HIGGINS AVE SUITE 234  
PO BOX 8106  
MISSOULA MT 59807-8106

BARABARA M KARMEL  
PO BOX 2777  
WILSONVILLE OR 97070

ESTATE OF VERNON R. WHITE  
RANDLE WHITE – PERSONAL REP.  
8300 DARK HORSE ROAD  
MISSOULA MT 59808

CURT MARTIN CHIEF  
DNRC WATER RIGHTS BUREAU  
48 N LAST CHANCE GULCH  
HELENA MT 59620

DNRC MISSOULA REGIONAL OFFICE  
BILL SCHULTZ  
1610 S 3<sup>RD</sup> ST W, STE 103  
MISSOULA MT 59806

---

Jill T. Wilkinson  
DNRC-Water Rights  
406.444.6615

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

IN THE MATTER OF APPLICATION FOR            )  
BENEFICIAL WATER USE PERMIT 76M-        )        PROPOSAL FOR DECISION  
10858000 BY KEN AND MARY STANINGER        )

\* \* \* \* \*

Pursuant to the Montana Water Use Act and to the contested case provisions of the Montana Administrative Procedure Act, and after notice required by Mont. Code Ann. § 85-2-307, a hearing was held on January 23, 2003, in Missoula, Montana, to determine whether a beneficial water use permit should be issued to Ken and Mary Staninger, hereinafter referred to as "Applicant" for the above application under the criteria set forth in Mont. Code Ann. § 85-2-311.

APPEARANCES

Applicant appeared at the hearing by and through counsel, David L. Pengelly. Ken Staninger, and Karl Uhlig, Land & Water Consulting, Inc., testified for the Applicant.

Objector Barbara M. Karmel was represented at the hearing by her daughter Kelly A. Karmel. Kelly A. Karmel testified on the behalf of Objector Karmel.

Bill Schultz, Manager of the Missoula Water Resources Regional Office of the Department of Natural Resources and Conservation (Department) was called to testify by the Applicant.

EXHIBITS

Neither Applicant nor Objector offered exhibits for the record.

Applicant offered a two-page document of Mr. Karl Uhlig's qualifications in lieu of direct testimony of the same. There were no objections and the document is a part of the record.

Objector Karmel offered a one-page letter dated January 22, 2003 authorizing her daughter to represent her at the hearing. There were no objections and the document is a part of the record.

#### **PRELIMINARY MATTERS**

Objector Vernon White Estate withdrew their objection by letter of January 21, 2003, and signed by Randle White, Personal Representative. Objector Vernon White Estate is no longer a Party to this matter.

The Hearing Examiner, having reviewed the record in this matter and being fully advised in the premises, does hereby make the following:

#### **FINDINGS OF FACT**

##### **General**

1. Application for Beneficial Water Use Permit 76M-10858000 in the name of Ken A. and Mary E. Staninger and signed by Ken Staninger was filed with the Department on August 25, 1999. (Department file)
2. The Environmental Assessment (EA) prepared by the Department for these applications was reviewed and is included in the record of this proceeding.
3. Applicant seeks to appropriate 11.6 gallons per minute (gpm) up to 7.58 acre-feet of water per year from Grant Creek. The water is to be diverted using an existing headgate at a point in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 21, Township 14 North, Range 19 West, Missoula County, Montana. The proposed use is fish and wildlife. The proposed place of use and place of storage is a 1.5 acre-foot pond located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 21, Township 14 North, Range 19 West, Missoula County, Montana. The proposed period of diversion and period of use is November 1 through March 31, inclusive, of each year. The proposed volume of 7.58 acre-feet includes 7.5 acre-feet for pond volume turnover or flow through, and 0.08 acre-feet for evaporation from the

pond surface. The water for turnover volume will be returned to Grant Creek. (Department file, testimony of Karl Uhlig)

#### **Physical Availability**

4. Grant Creek flows were measured as a part of a study conducted in 1981 and 1982. The study measurements were conducted at six gauging sites on Grant Creek. The gauging sites are numbered GC1-GC6 as the sites occur upstream to downstream. Applicant's point of diversion is between the GC2 and GC3 gauge sites in the study. Measurements at stations bracketing the point of diversion made during the period of diversion show on October 17, 1981 7.41 cubic feet per second (cfs) at GC2 and 4.14 cfs at GC4; on November 29, 1981 2.78 cfs at GC2 and 2.01 cfs at GC 5; on March 27, 1982 3.92 cfs at GC2 and 4.51 cfs at GC4. Water in excess of 11.6 gpm is available at the point of diversion. (Department file, testimony of Karl Uhlig)

#### **Legal Availability**

5. Applicant compared Department water right records for the proposed period of use (the non-irrigation or winter period) with the flows measured in the 1983 Breuil study. Winter uses downstream are limited to some small stock and domestic uses and one large industrial use which has not been used for many years. Applicant concluded the 11.6 gpm requested is not flowing to an existing legal demand downstream on Grant Creek that is currently in use. No appropriators downstream of the proposed diversion objected to the Applicant's proposal. (Department file, testimony of Karl Uhlig)

6. Applicant contacted the two appropriators with diversion points between the proposed point of diversion and the proposed point of return of the water to Grant Creek below the pond. Neither appropriator was concerned that the proposed project would effect their water use. (Department file, testimony of Karl Uhlig)

7. The point of diversion of Objector Karmel and appropriator Vernon White Estate is upstream of Applicant's point of diversion. These

upstream rights are not existing demands to which water destined for this project would flow. (Department file, testimony of Karl Uhlig)

**Adverse Effect**

8. Water will be diverted through an existing headgate and ditch used to divert seasonal irrigation water and year round stock water to both the Applicant and an appropriator down ditch from the Applicant. The headgate can be used to decrease or control flows so prior rights on Grant Creek are satisfied. (Testimony of Karl Uhlig)

9. Since the existing conveyance ditch is used for stock water during the proposed period of use there will be no increase in conveyance ditch loss. The pond is lined to prevent seepage losses from the pond bottom and all water diverted for this pond flow through use will be returned to Grant Creek a short distance below the pond. The only water not returned to the creek is the 0.08 acre-feet lost to evaporation. Diverting water through the lined pond improves the ditch so down the ditch appropriator will see fewer losses. Applicant will be able to detect significant losses from any puncture in the pond liner by visual inspection of the pond outlet. If large losses are observed, the pond inflow and outflow can be measured to verify any suspected losses. These design and operational aspects of the project are all part of Applicant's plan for the exercise of the permit which demonstrates that Applicant's use of water will be controlled so that the water rights of a prior appropriator will be satisfied during any use under this project. (Department file, testimony of Ken Staninger, Karl Uhlig)

10. Evaporation will occur from the pond water surface during the irrigation season when Applicant has no Grant Creek water to make up that loss. The down-ditch appropriator's water flows through the pond to provide pond turnover water for Applicant's fishery, but this water is not a part of the pond appropriation. To assure the down-ditch appropriator is not adversely affected by pond evaporation Applicant

plans to use an existing groundwater well<sup>1</sup> currently used to irrigate around their out buildings to replace water evaporated from the pond surface during these times so existing rights are satisfied.

(Testimony of Ken Staninger)

11. The water for this project is requested for a period of use which occurs at a time the down ditch irrigation water rights will not be in use. Thus, the requested flow rate will take the place of the irrigation water and will fit in the ditch without causing overtopping or occupying ditch capacity needed by existing down ditch appropriators. (Department file, testimony of Karl Uhlig)

12. The point of diversion of both Objector Karmel and appropriator Vernon White Estate is upstream of Applicant's point of diversion. These upstream rights are not existing demands to which water destined for this project would flow. (Department file, testimony of Karl Uhlig)

#### **Adequacy of Appropriation Works**

13. The headgate and conveyance ditch have been used to divert stock water on a year-round basis and irrigation water rights during the irrigation season. The pond liner was designed by a hydrologist experienced in pond design. The pond is lined with a 30 mil PVC liner that was covered with small rocks to prevent puncture of the liner. (Department file, testimony of Karl Uhlig, Ken Staninger)

#### **Beneficial Use**

14. Applicant justified the flow rate using a December 16, 1992, letter to Department staff from Steve Fisher, Aquatic Biologist. The letter offers a wide range of factors which contribute to the viability of a pond. Applicant learned that the Missoula Water Resources Regional Office requires volumes in excess of one turnover of a fish pond volume per month have site specific justification provided by someone skilled and knowledgeable in the needs of the

---

<sup>1</sup> Applicant must acquire a water right for this replacement water under Mont. Code Ann. §§ 85-2-302, 306, or 402 as appropriate for the circumstances.

aquatics. Applicant has requested one turnover volume per month to fulfill the fishery oxygen demand, and a volume necessary to replace the pond surface evaporation during the period of use for this permit. The flow rate requested is the continuous flow rate necessary throughout the period of use to provide the requested volume. Thus, once-a-month turnover volume is a reasonable volume for pond needs in the Missoula Regional Office service area. (Department file, testimony of Ken Staninger, Karl Uhlig, Bill Schultz)

15. Applicant has obtained a Montana Department of Fish, Wildlife and Parks pond stocking permit to stock the pond with fish and Applicant intends to stock the pond with fish. (Testimony of Ken Staninger)

16. Applicant applied for water for a fish and wildlife pond habitat. Little, if any, evidence was provided to justify the proposed wildlife purpose. (Department file)

#### **Possessory Interest**

17. Applicant owns the property which has been designated in the Application as the place of use. (Department file, testimony of Ken Staninger)

#### **Water Quality Issues**

18. One objection relative to water quality was filed against this application; no objections were filed relative to water classification or to the ability of a discharge permit holder to satisfy effluent limitations of his permit. Information provided in the water quality objection states there will be times in the spring, summer, and fall when there may be no irrigation water in the ditch supplying the pond so the pond water may become stagnant. The record shows that water in the pond will have a continuous flow through during the requested period of use. The ditch is now rerouted through the pond so the pond carries water for existing year round stockwater uses of down ditch appropriators during the non-irrigation season. The hottest months of the year occur during irrigation season and down ditch appropriations for irrigation will also flow through the pond so it does not stagnate

and cause water quality problems. (Department file, testimony of Ken Staninger, Karl Uhlig)

### **Basin Closure Issues**

19. This project is within the Grant Creek Closure area, but requests water outside the closed period. Applicant plans to use an existing groundwater well currently used to irrigate around their out buildings to replace water evaporated from the pond surface during these times so existing rights are satisfied. A water right for this replacement water would be required<sup>2</sup>. Applicant's pond project amounts to re-routing a section of an existing ditch through their pond and using the water flowing to existing down-ditch uses to provide turnover water in Applicant's pond during the closed period of July 1 through September 30, inclusive, of each year. Although Applicant is dependent on this water to provide fishery water during the period Grant Creek is closed, they cannot claim a right to it or change the purpose of the right because they do not own it. During the period Grant Creek is not closed and irrigation water is not being diverted through the ditch, Applicant will rely upon water diverted under this Application to provide the necessary turnover water for the fishery. (Department file, testimony of Ken Staninger)

Based on the foregoing Findings of Fact and the record in this matter, the Hearing Examiner makes the following:

### **CONCLUSIONS OF LAW**

1. The Department has jurisdiction to issue a provisional permit for the beneficial use of water if the applicant proves the criteria in Mont. Code Ann. § 85-2-311 by a preponderance of the evidence. Mont. Code Ann. § 85-2-311(1).

2. A permit shall be issued if there is water physically available at the proposed point of diversion in the amount that the applicant

---

<sup>2</sup> Applicant must acquire a water right for this replacement water under Mont. Code Ann. §§ 85-2-302, 306, or 402 as appropriate for the circumstances.

seeks to appropriate; water can reasonably be considered legally available during the period in which the applicant seeks to appropriate, and in the amount requested, based on an **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; the water rights of a prior appropriator under an existing water right, a certificate, a permit, or a state reservation will not be adversely affected 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; the proposed means of diversion, construction, and operation of the appropriation works are adequate; the proposed use of water is a beneficial use; 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; and, if raised in a valid objection, the water quality of a prior appropriator will not be adversely affected, the proposed use will be substantially in accordance with the classification of water, and the ability of a discharge permit holder to satisfy effluent limitations of a permit will not be adversely affected. Mont. Code Ann. § 85-2-311 (1) (a) through (h).

3. The Applicant has proven that water is physically available at the proposed point of diversion in the amount Applicant seeks to appropriate, and in the amount requested. See Mont. Code Ann. § 85-2-311(1)(a)(i). See Finding of Fact No. 4.

4. The Applicant has proven that water can reasonably be considered legally available. Applicant has shown in non-drought years sufficient unreserved water will be physically available at the point of diversion to supply the amount requested throughout the period of appropriation, and that at least in some years, no legitimate calls

for water will be made on him by a senior appropriator. Mont. Code Ann. § 85-2-311(1)(a)(ii). See Finding of Fact Nos. 5, 6, 6, 7.

5. The Applicant has proven that the water rights of prior appropriators under existing water rights, certificates, permits, or state reservations will not be adversely affected when conditioned according to the plan to divert under this permit only when diversion to water rights already flowing in the conveyance ditch is occurring. There is no evidence that the requested flows could make it to the pond without water from other rights to carry it. Mont. Code Ann. § 85-2-311(1)(b). See Finding of Fact Nos. 8, 9, 10, 11, 12.

6. The Applicant has proven that the proposed means of diversion, construction, and operation of the appropriation works are adequate. Mont. Code Ann. § 85-2-311(1)(c). See Finding of Fact No. 13.

7. Applicant requested the Hearing Examiner take judicial notice of Water Rights Bureau Policy No. 20 (September 1998) and the March 7, 2001, Curt Martin *Memorandum RE: POND GUIDELINES*. Judicial notice is taken of the documents. Mont. Admin. R. 36.12.226(2)(c). Having read this rescinded policy and guideline, the Hearing Examiner notes "...The Department can issue a water use permit only for the amount of water required for such beneficial uses. An applicant must justify the need for the flow rate and volume of water requested..." is stated in the first paragraph discussing beneficial use. *Administrative Policy No. 20*, page 2. The succeeding guideline embellishes this statement. It states "...An applicant must justify the need for the flow rate and volume of water requested *for the proposed uses(s) in proving by a preponderance of evidence the § 85-2-311 or § 85-2-402 criteria....*" *POND GUIDELINES*, March 7, 2001, Page 1. Both the rescinded policy (see page insert in *Administrative Policy No. 20*, R. Curtis Martin, Water Rights Bureau Chief, April 16, 2002) and the guidelines (see box insert on page one of *POND GUIDELINES*, by R. Curtis Martin, Water Rights Bureau Chief, April 16, 2002) then go on to offer information for Department staff to use in assessing whether the application flow rate and volume requests were reasonable for the requested pond

purpose. The policy and guide do not appear to be pond design guidelines; instead, they are pond use evaluation tools for use by Department staff in their review of pond applications. Under both rescinded documents an applicant had the burden to justify the flow rate and volume of water requested for the purpose requested. Rescinding the policy and guide does not remove the burden on an applicant to justify the amount of water requested for their specific proposal. Here, Applicant has proven the proposed fishery use of water is a beneficial use of water for which Applicant can establish a water right under a permit for the non-closed period of the Grant Creek Closure. For the closed period Applicant will use an existing down-ditch appropriator's water which is now routed through the pond instead of the historic ditch, and making up water lost from pond evaporation with groundwater from an existing nearby well. Because the Applicant does not own the down-ditch appropriation, the option of changing the type of use of that right to the fishery purpose is not available to the Applicant. The Department cannot issue a permit for more water than can be beneficially used without waste for the purpose stated in the application. Mont. Code Ann. § 85-2-312(1). Here there is no evidence on the wildlife purpose. Mont. Code Ann. § 85-2-311(1)(d). See Finding of Fact Nos. 14, 15, 16.

8. The Applicant has proven a possessory interest in the property where water is to be put to beneficial use. Mont. Code Ann. § 85-2-311(1)(e). See, Finding of Fact No. 17.

9. One objection was raised as to the issue of water quality of a prior appropriator being adversely affected. No objection was raised as to the issue of the proposed use not being in accordance with a classification of water, or as to the ability of a discharge permit holder to satisfy effluent limitation of a permit. The validity of Objector Karmel's water quality objection was objected to by the Applicant who stated the Objector's point of diversion is upstream of applicant's point of diversion, so she could not be affected by the proposed appropriation. The Department ruled the objection valid prior

to the appointment of the Hearing Examiner. The Hearing Examiner sees that the standing of Objector Karmel was not indicated on the Department's 'CORRECT COMPLETE OBJECTION DETERMINATION' form and this portion of the determination may have been overlooked. Thus, it is possible Applicant has a proper reason to contest the validity of the objection. If the validity of an objection is not contested in a timely manner, Applicant must provide evidence that is enough to overcome that provided by Objector Karmel or other information in the file. Here, Applicant has met their burden by showing the pond water will not stagnate and affect the water quality of prior appropriators. Mont. Code Ann. § 85-2-311(1)(f), (g), (h). See, Finding of Fact No. 18.

10. The entire Grant Creek drainage, tributary to the Clark Fork River in Missoula County, is contained in the Grant Creek Closure. No new appropriations of surface water for consumptive use can be made from July 1 - September 30 of each year. Permits for nonconsumptive use during the closure period will be conditioned to provide that they will not decrease the source of supply, disrupt stream conditions below the point of return, or adversely affect prior appropriators between the point of diversion and the point of return. This project is within the Grant Creek Closure area, but requests water outside the closed period. Applicant plans to use an existing groundwater well currently used to irrigate around their out buildings to replace water evaporated from the pond surface during these times so existing rights are satisfied.

11. The Department may issue a permit subject to terms, conditions, restrictions, and limitations it considers necessary to satisfy the criteria for issuance of a beneficial water use permit. Applicant has met the criteria for issuance of a permit when conditions are applied. Mont. Code Ann. § 85-2-312. See Conclusions of Law Nos. 3, 4, 5, 6, 7, 8, 9.

**WHEREFORE**, based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Examiner makes the following:

**PROPOSED ORDER**

Subject to the terms, conditions, restrictions, and limitations listed below, Beneficial Water Use Permit 76M-10858000 is **ISSUED** to Ken A and Mary E Staninger to appropriate 11.6 gallons per minute (gpm) up to 7.58 acre-feet of water per year from Grant Creek. The water is to be diverted using an existing headgate at a point in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 21, Township 14 North, Range 19 West, Missoula County, Montana. The purpose is a fishery. The place of use and place of storage is a 1.5 acre-foot pond located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 21, Township 14 North, Range 19 West, Missoula County, Montana. The period of diversion and period of use is November 1 through March 31, inclusive, of each year. The volume of 7.58 acre-feet includes 7.5 acre-feet for pond volume turnover or flow through, and 0.08 acre-feet for evaporation from the pond surface. The water for turnover volume will be returned to Grant Creek.

A. Diversion under this right shall only occur when other water rights are being diverted into the conveyance ditch providing carriage water for this right.

B. The Permittee shall obtain an appropriation for non-tributary groundwater to replace the water lost to pond evaporation prior to exercising this Permit.

**NOTICE**

This Proposal for Decision may be adopted as the Department's final decision unless timely exceptions are filed as described below. Any party adversely affected by this Proposal for Decision may file exceptions and a supporting brief with the Hearing Examiner and request oral argument. Exceptions and briefs, and requests for oral argument must be filed with the Department by April 17, 2003, or postmarked by the same date, and copies mailed by that same date to all parties.

Parties may file responses and response briefs to any exception filed by another party. The responses and response briefs must be filed with the Department by May 7, 2003, or postmarked by the same date, and copies must be mailed by that same date to all parties. No new evidence will be considered.

No final decision shall be made until after the expiration of the above time periods, and due consideration of *timely* oral argument requests, exceptions, responses, and briefs.

Dated this 27<sup>th</sup> day of March, 2003.

---

Charles F Brasen  
Hearings Officer  
Water Resources Division  
Department of Natural Resources  
and Conservation  
PO Box 201601  
Helena, Montana 59620-1601

CERTIFICATE OF SERVICE

This certifies that a true and correct copy of the Proposal for Decision was served upon all parties listed below on this 28<sup>th</sup> day of March, 2003.

KEN A AND MARY E STANINGER  
1200 S RESERVE  
MISSOULA MT 59801  
C/O DAVID L. PENGELLY  
210 N. HIGGINS AVE SUITE 234  
PO BOX 8106  
MISSOULA MT 59807-8106

BARABARA M KARMEL  
PO BOX 2777  
WILSONVILLE OR 97070

ESTATE OF VERNON R. WHITE  
RANDLE WHITE – PERSONAL REP.  
8300 DARK HORSE ROAD  
MISSOULA MT 59808

CURT MARTIN CHIEF  
DNRC WATER RIGHTS BUREAU  
48 N LAST CHANCE GULCH  
HELENA MT 59620

DNRC MISSOULA REGIONAL OFFICE  
BILL SHULTZ  
1610 S 3<sup>RD</sup> ST W, STE 103  
MISSOULA MT 59806

---

Jill T. Wilkinson  
DNRC-Water Rights  
406.444.6615