Environmental Assessment & Public Notice for Public Comment

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

Environmental Assessment & Public Notice for Public Comment

NOTICE AREA FOR PUBLIC COMMENT

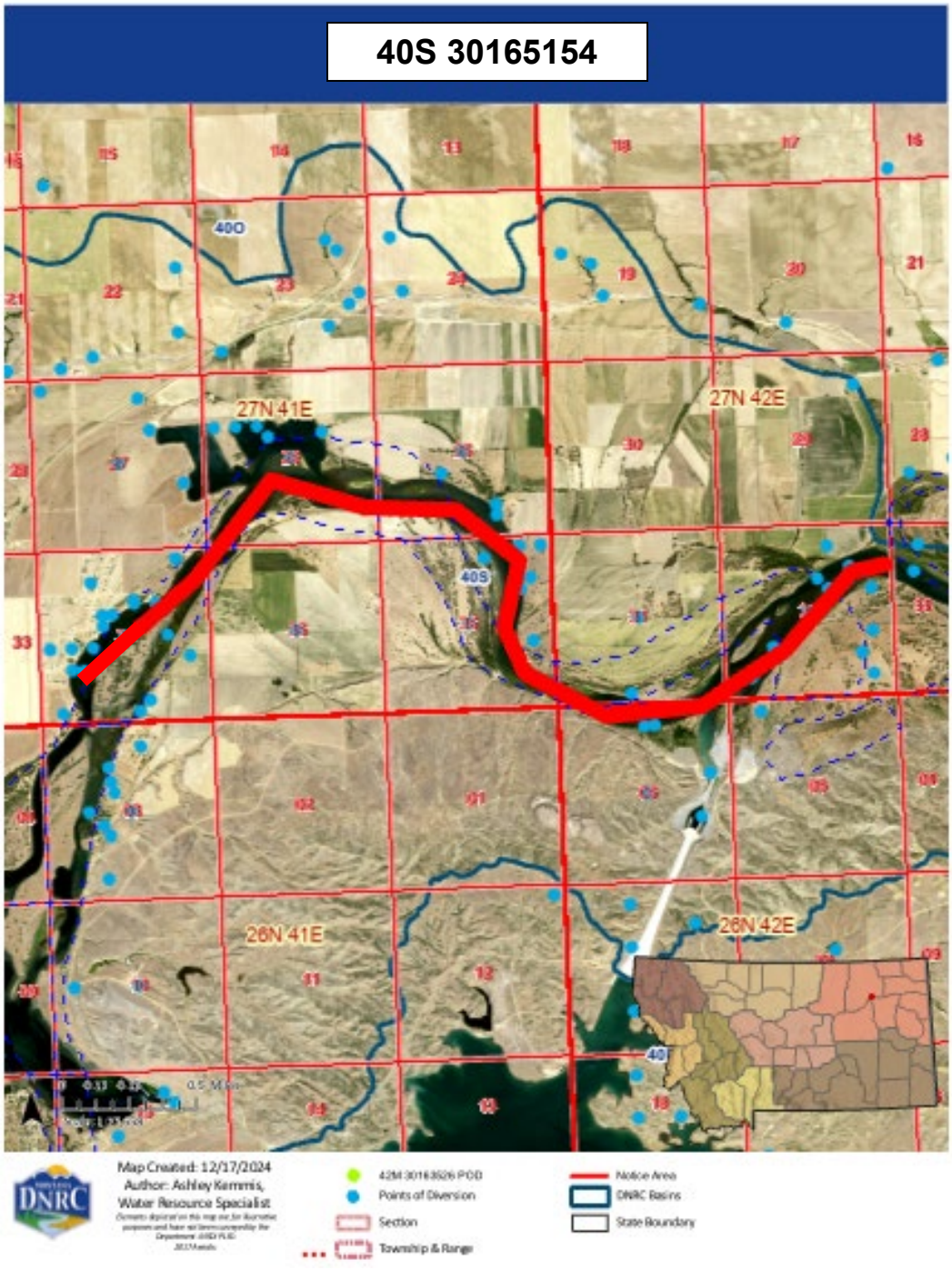
Application No. **40S 30165154** Regional Office 7

Applicant's Name **Lisa J. and Robert P. Haugo**

Indian Reservation [ ] Yes [x] No If yes, Reservation

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

Specialist **Ashley Kemmis** Date **7/3/2025**



Water Right Owner	Water Right # (Basin, ID, and Number)
Applicants: **Lisa J. and Robert P. Haugo**	40S 30165154
1BIA	
1DSL	
1FWS	
1FWP	
2FWP	
1PPL	
1NWE	
1WQB	
7GLS	
1BOR	
1 CRP	
7VCD	
1DOI	
7SON	
7FPT	
7CMR	
7MCD	
WALTER S BUSCH	40S 32086 00
CRAIG A EGELAND; RICK HOISTAD; PICKTHORN FARMS	40S 46419 00
MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS	40S 30017670
RONALD A GARWOOD; GARWOOD RONALD & PATRICIA REVOCABLE TRUST	40S 35719 00
DAVID M ANDERSON	40S 7336 00
TWO CROW LAND & CATTLE LP	40S 33997 00
PATRICIA A GARWOOD; RONALD A GARWOOD; GARWOOD RONALD & PATRICIA REVOCABLE TRUST	40S 37645 00
CAROLYN A ANDERSON; DAVID M ANDERSON	40S 28935 00
DIANE C FORBES; JOHN S FORBES; RONALD A GARWOOD; GARWOOD RONALD & PATRICIA REVOCABLE TRUST	40S 46363 00
DIANE C FORBES; RONALD A GARWOOD; STEARNS, GARY A ESTATE	40S 46364 00
CRAIG A EGELAND; RICK HOISTAD; PICKTHORN FARMS	40S 46416 00
BONNIE J GERMUNDSON; GARY O GERMUNDSON	40S 46390 00
ROBERT M WEST; SHIRLEY WEST	40S 30016330
BONNY L GAY; DONALD F GAY	40S 30007495
BAIT & SWITCH LLC	40S 30023173
THOMAS B AULT; WANDA L AULT	40S 30013570
MICHELE PAGE; STEVEN K PAGE	40S 30030763
GLASGOW, CITY OF	40S 31725 00
MONTANA AVIATION RESEARCH CO	40S 171767 00
MONTANA STATE BOARD OF LAND COMMISSIONERS	40S 30106536
MCCONE CITY LLC	40S 42279 00
RICK HOISTAD; PICKTHORN FARMS	40S 30133976
DUSTIN MORTENSON; JAYDEE MORTENSON	40S 168953 00
JACQUELINE KAY WHITTLE; WILLIAM K WHITTLE	40S 30066327
IDLEWILD PARK ASSN	40S 43872 00
BRIANNA VINE; KYLE M VINE	40S 30041880
DIANNE GORDER; RODNEY GORDER	40S 30067051
TARUM, MARVIN FAMILY REVOCABLE LIVING TRUST	40S 30124204
TROY D MYERS	40S 30118355
DAWN A INMAN; TIMOTHY A INMAN	40S 30161677
ROBERTS LIVING TRUST	40S 30163563
RONALD K SCHNEIDER	40S 30116186
LEEANN TROWER; TANNER TROWER	40S 30012463

Published: Glasgow Courier	
Remarks: The area of potential impact includes surface water rights out of the Missouri River between the point of diversion located in the SENWSW, Section 34, T27N, R41E, Valley County to the confluence of the Milk River and Missouri River. The confluence is 6 miles downstream.	

**If owner listed twice, only one notice sent*

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: ROBERT P AND LISA J HAUGO
PO BOX 793
SCOBEY, MT 59263

2. Type of action: Surface Water Application for Beneficial Water Use Permit No. 40S 30165154

3. Water source name: Missouri River

4. Location affected by project: NWSW, Section 34, T27N, R41E, Valley County

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

   The Applicants propose to divert water from the Missouri River, by means of a pump, from April 1 to October 31 at 20 GPM up to 2.78 AF, from a point in the SENWSW, Sec. 34, T27N, R41E, for lawn and garden use from April 1 to October 31. The Applicants propose to irrigate lawn and garden on 1.11 acres. The place of use is located in the Idlewild Park Subdivision, Lot 64, S2NWSW, Sec. 34, T27N, R41E, Valley County.

6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

   - Montana Department of Natural Resources and Conservation (DNRC)
   - US Fish & Wildlife Service
   - Montana Natural Heritage Program
   - Montana Department of Fish, Wildlife, & Parks
   - Montana Department of Environmental Quality
   - USDA Web Soil Survey
   - National Wetlands Inventory

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.*

The reach of the Missouri River is not identified as a chronically or periodically dewatered stream by the Department of Fish, Wildlife & Parks (FWP). Also, FWP holds an instream flow right on this section of the Missouri River for 5,178 CFS, effective year-round. Based on the flow requested and the FWP instream right, the proposed diversion is unlikely to alter the current condition of the river, therefore no significant impacts to water quantity related to this application have been identified.

Determination: No significant impact.

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.*

The reach of the Missouri River where the proposed POD is located is listed on the 2020 Montana 303(d) list as fully supporting agricultural and drinking water uses, and not fully supporting aquatic life. It was not assessed for primary contact recreation. The cause of impairment for aquatic life is Fort Peck Dam which alters the natural hydrologic regime of the river and thus impacts aquatic and riparian habitat. The proposed project will not have any significant effect on water quality.

Determination: No significant impact.

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.*

The surface water appropriation should have no significant impact on ground water in the area.

Determination: No significant impact.

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.*

The Applicants plan to divert water from the Missouri River using a 2-HP, Franklin Electric FTB2CI pump from the SENWSW, Sec. 34, T27N, R41E, Valley County. Pump curves were provided by the Applicants, showing the pumps are capable of diverting the requested flow rate of 20 GPM. From the pump, water is filtered via a Lakos Centrifugal Sand Separator and then transferred to a 2-gallon pressure tank with a 30/40 pressure switch. Water is then distributed via 1.5" to 1" PVC pipe to an underground irrigation system consisting of 64 individual sprinklers in 11 zones.

The system is controlled by a Rainbird ESP-ME3 controller/clock. Power lines will be buried from power source to the housing/garage, where the controller is kept, and to the pump. Wiring is in accordance with the National Electric Code. The amount of water delivered can be controlled by interchangeable nozzles on each individual sprinkler head. The irrigation time on each zone is set from the controller/clock.

The system will be shut down on or before October 31. The suction line and foot valve will be removed from the river, electricity to the pump turned off, and the entire system will be blown out with compressed air to force all water out and prevent any water from freezing in the system.

Determination: No significant impact.

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."*

The Montana Natural Heritage Program identified a list of 16 species of concern within and surrounding section 34, T27N, R41E. Of this list, the Pallid Sturgeon is listed as endangered by the United States Fish, and Wildlife Service (USFWS) and Bureau of Land Management (BLM).

Species Group	Common Name	Scientific name
Fish	Blue Sucker	Cycleptus elongatus
Fish	Paddlefish	Polyodon spathula
Fish	Pallid Sturgeon*	Scaphirhynchus albus
Fish	Sauger	Sander canadensis
Fish	Shortnose Gar	Lepisosteus platostomus
Fish	Sturgeon Chub	Macrhybopsis gelida
Birds	Great Blue Heron	Ardea herodias
Mammals	Hoary Bat	Lasiurus cinereus
Birds	Bobolink	Dolichonyx oryzivorus
Birds	Red-headed Woodpecker	Melanerpes erythrocephalus
Birds	Burrowing Owl	Athene cunicularia
Birds	Loggerhead Shrike	Lanius ludovicianus
Birds	Veery	Catharus fuscescens
Birds	Greater Sage-Grouse	Centrocercus urophasianus
Birds	Brewer's Sparrow	Spizella breweri
Fish	Blue Sucker	Cycleptus elongatus

*Listed Endangered by the USFWS and BLM

Pallid Sturgeon are found in the Missouri River and use large, turbid rivers over sand and gravel bottoms, usually in strong current. They use all channel types but primarily use straight reaches with islands. The pumps will use floating screens with small footprints and are not anticipated to have an effect on Pallid Sturgeons.

The diversion point is adjacent to land used for residential purposes and has already experienced impact from human activity. Ground disturbance associated with sprinkler system installation is temporary and will have minimal surface impact once in place. The Applicant will pull the pump in the off-season.

Determination: No significant impact.

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

The only wetland identified within this project is the Missouri River.

Determination: No significant impact.

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

Determination: There are no ponds identified within the project area.

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.*

The soil type for the irrigated acres is Havre-Harlem Silty Clays, which is nonsaline to slightly saline (0.0 to 4.0 mmhos/cm), is well drained, is not prime farmland, and has a slope of 0 to 2 percent.

It is not anticipated that there will be degradation to the soil nor development of a saline seep caused by development of this project.

Determination: No significant building.

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.*

No vegetation was listed as endangered or threatened by the USFWS or BLM in the project area. Because the project site is a well-established subdivision with lawn and garden as vegetation cover, the proposed use is not expected to impact the existing vegetation. The control of noxious weeds is the responsibility of the landowner.

Determination: No significant impact.

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

The pumps will be electric and there will be no deterioration of air quality as a result of this appropriation.

Determination: No significant impact.

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: Not applicable, project not located on State or Federal Lands.

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 other potential impacts have been identified.

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 known local environmental plans or goals in this area.

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.*

The project is located on a subdivision. It will not affect the quality of recreational and wilderness activities.

Determination: No significant impact.

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

The project is in a private subdivision and will not affect human health.

Determination: No significant impact.

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:

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

Impacts on:

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

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

(c) Existing land uses? No significant impacts identified.

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

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

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

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

(h) Utilities? No significant impacts identified.

(i) Transportation? No significant impacts identified.

(j) Safety? No significant impacts identified.

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

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

Secondary Impacts No significant impacts identified.

Cumulative Impacts No significant impacts identified.

3. *Describe any mitigation/stipulation measures:* None

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 only other viable alternative would be the no action alternative in which the Department would not authorize a water right permit for lawn and garden use. Under the no action alternative, the Applicant would not be able to divert Missouri River water for lawn and garden irrigation.

PART III. Conclusion

1. ***Preferred Alternative:*** Issue a water use permit if the applicant proves the criteria in §85-2-311, MCA are met

2 Comments and Responses

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: No significant impacts have been identified, therefore an EIS is not necessary.

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

Name: Ashley Kemmis
Title: Water Resource Specialist
Date: June 16, 2025

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

Glasgow Water Resources Regional Office
222 6th St South
PO Box 1269
Glasgow, MT 59230-1269
(Office) 406-228-2561
(Desk) 406-808-7075
ashley.kemmis@mt.gov

June 18, 2025

ROBERT P AND LISA J HAUGO
PO BOX 793
SCOBEY, MT 59263

Subject: Draft Preliminary Determination to Grant Beneficial Water Use Permit Application No. 40S 30165154

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 §85-2-311, MCA. The Department has preliminarily determined that the criteria are met, and this application should be granted. A copy of the Draft Preliminary Determination to Grant your application is attached.

You have the opportunity to request an extension of time to submit additional information for the Department to consider in the decision, within 15 business days of the date of this letter. If no response is received by July 10, 2025, the Department will prepare a notice of opportunity to provide public comment per §85-2-307(4), MCA.

Please let me know if you have any questions.

Best,

Ashley Kemmis
Water Resource Specialist
Water Rights Bureau
Water Resources Division

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

* * * * * * *

APPLICATION FOR BENEFICIAL WATER USE PERMIT NO. 40S 30165154 BY LISA J HAUGO AND ROBERT P HAUGO	**DRAFT PRELIMINARY DETERMINATION TO GRANT PERMIT**

* * * * * * *

On March 26, 2025, Lisa J. Haugo and Robert P. Haugo (Applicants) submitted Application for Beneficial Water Use Permit No. 40S 30165154 to the Glasgow Regional Office of the Department of Natural Resources and Conservation (Department or DNRC) for 20 GPM and 2.78 AF. The Department published receipt of the application on its website. The Department sent the Applicants a deficiency letter under § 85-2-302, Montana Code Annotated (MCA), dated April 16, 2025. The Applicants responded with information dated April 21, 2025. A preapplication meeting was held between the Department and the Applicants on January 8, 2025, in which the Applicants designated that the technical analyses for this application would be completed by the Department. The Applicants returned the completed Preapplication Checklist on January 16, 2025. The Department delivered the Department- Completed Technical Analyses on March 7, 2025. The application was determined to be correct and complete as of May 2, 2025. An Environmental Assessment for this application was completed on June 16, 2025.

INFORMATION

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

Application as filed:

- Application for Beneficial Water Use Permit, Form 600
- Attachments:
    - Pump Curves
    - Diagram of Sprinkler System
    - Proposal for Sprinkler System, by Frost Contracting
- Maps: Undated aerial imagery of the property showing the location of point of diversion (POD), conveyance and place of use (POU)
- Department- completed technical analyses based on information provided in the Preapplication Checklist, dated March 7, 2025

Information within the Department's Possession/Knowledge

- The Department also routinely considers the following information. The following information is not included in the administrative file for this application but is available upon request. Please contact the Glasgow Regional Office at 406-228-2561 to request copies of the following documents.
    - Technical Memorandum: Physical Availability of Surface Water with Gage Data, dated November 1, 2019
- USGS gaging station records (Station #06132000, Missouri River below Fort Peck Dam, MT) from April 1934 to September 2021
- Department record of existing water rights
- Surface Water Permit Technical Analyses Report – Notice of Errata, by Ashley Kemmis, dated May 15, 2025

The Department has fully reviewed and considered the evidence and argument submitted in this application and preliminarily determines the following pursuant to the Montana Water Use Act (Title 85, chapter 2, part 3, 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; AU means animal unit; AC means acres; and AF/YR means acre-feet per year.

PROPOSED APPROPRIATION

FINDINGS OF FACT

1. The Applicants propose to divert water from the Missouri River, by means of a pump, from April 1 to October 31 at 20 GPM up to 2.78 AF, from a point in the SENWSW, Sec. 34, T27N, R41E, for lawn and garden use from April 1 to October 31. The Applicants propose to irrigate lawn and garden on 1.11 acres. The place of use is located in the Idlewild Park Subdivision, Lot 64, S2NWSW, Sec. 34, T27N, R41E, Valley County.

2. Authorization from the U.S. Army Corps of Engineers may be required to place a pump on the shoreline of the Missouri River, and the Applicant is responsible for obtaining those permits.

Figure 1: The Proposed POD and POU on the Missouri River

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

GENERAL CONCLUSIONS OF LAW

3. 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 . . .

4. 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.

5. 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.

6. 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).

7. 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.

8. 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

9. The Applicants are requesting to divert water from April 1 to October 31 for lawn and garden use from the Missouri River at a maximum flow rate of 20 GPM up to 2.78 AF annually.

10. Pursuant to ARM 36.12.1702, available stream gage data is used to quantify physical availability at the POD during the proposed months of diversion. The proposed point of diversion is located approximately 4.5 miles upstream from the USGS gaging station below Fort Peck Dam (USGS station #06132000). The period of record for the gage is April 1934 to September 2021. Department practice for physical availability analyses where the gage used is downstream of the POD is to add the monthly flow rates and volumes of existing water rights between the gage and the POD to the median of the mean monthly flows at the gage.

11. Table 1 lists the existing water rights between the requested point of diversion and USGS gaging station #06132000. The Department calculated the monthly flows (Table 2, column B) and volumes (Table 2, column C) following procedure outlines in the Department permit manual:

a. Calculating a flow rate for all livestock direct from source rights without a designated flow rate by assigning either 30 GPD/AU for Statements of Claim or 15 GPD/AU, multiplying by the number of Animal Units (AU), and adding that to 35 GPM.

b. Calculating a volume for all livestock direct from source rights without a designated volume by multiplying the number of AU by 30 GPD/AU for Statements of Claim or 15 GPD/AU.

c. Calculating a volume for all irrigation rights without a designated volume by multiplying the number of acres by 2.69 AF/Acre per Department water use standards for a moderately high consumptive use climatic area.

d. Evenly distributing each water right's volume by months within the period of diversion.

Table 1: Existing Water Rights Between the Proposed POD and the Gaging Station

A	B	C	D
Water Right Number	**Flow Rate (CFS)**	**Volume (AF)**	**Period of Diversion**
40S 171767 00	4.46	2,286.00	01/01 to 12/31
40S 30106536[2]	0.08	1.01	01/01 to 12/31
40S 30133976[2]	0.10	16.80	01/01 to 12/31
40S 31725 00	4.68	868.53	01/01 to 12/31
40S 32086 00	0.07	1.00	01/01 to 12/31
40S 42279 00[2]	0.09	10.33	01/01 to 12/31
40S 46419 00	0.04	2.50	01/01 to 12/31
40S 46416 00[1]	9.13	1,445.34	03/15 to 11/19
40S 30007495	0.06	1.25	04/01 to 10/31
40S 30013570	0.07	2.50	04/01 to 10/31
40S 30016330	0.06	1.15	04/01 to 10/31
40S 37645 00[1]	7.58	844.66	04/01 to 10/31
40S 46363 00[1]	5.35	497.65	04/01 to 11/19
40S 46390 00[1]	0.30	21.52	04/15 to 09/19
40S 35719 00	5.30	300.00	04/15 to 10/15
40S 7336 00	6.68	450.00	04/15 to 10/15
40S 30023173	-	1.25	4/1 to 12/31
40S 30030763	0.07	4.08	4/1 to 12/31
40S 30041880	0.06	2.35	04/01 to 10/31
40S 30067051	0.08	1.88	04/01 to 10/31
40S 30118355	0.10	1.73	04/01 to 10/31
40S 30163563	0.25	7.58	04/01 to 10/31
40S 43872 00[1]	4.77	338.94	04/01 to 11/19
40S 30124204	0.03	1.25	04/15 to 10/15
40S 30066327	0.08	1.25	04/15 to 10/31
40S 30161677	0.04	1.61	05/01 to 10/31
40S 30012463	0.07	2.52	04/01 to 10/31
40S 30116186	0.04	1.88	04/01 to 10/31

[1]Irrigation volume is calculated as the number of acres multiplied by 2.69 AF per acre, in accordance with DNRC permit manual.

[2] Livestock use volume is calculated as number of claimed animal units at 30 gallons per day multiplied by number of days in the period of use

12. The Department calculated median of the mean monthly flow rates in cubic feet per second (CFS) for the Missouri River using USGS gage #06132000 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 equation found on DNRC Water Calculation Guide: median of the mean monthly flow (CFS x 1.98 AF/day/1 CFS x days per month = AF/month).

13. Because the gage is downstream of the POD, the Department added the flow rates and volumes of the existing rights between USGS gage #06132000 and the POD (Table 2, columns D and E) to the median of the mean monthly gage values (Table 2, columns B and C) to determine physical availability at the POD (Table 2, columns F and G).

Table 2 below displays the amount of water physically available at the proposed point of diversion:

Table 2: Physical Availability at the Point of Diversion on the Missouri River

A	B	C	D	E	F	G
Month	**Median of the Mean Monthly Flow at Gage 06132000 (CFS)**	**Median of the Mean Monthly Volume at Gage 06132000 (AF)**	**Existing Rights from the POD to Gage 06132000 (CFS)**	**Existing Rights from the POD to Gage 06132000 (AF)**	**Physically Available Water at POD (CFS)**	**Physically Available Water at POD (AF)**
April	6,768	402,019	49	767[1]	6,817	402,786[1]
May	7,729	474,406	50	767[1]	7,779	475,173[1]
June	8,643	513,394	50	767[1]	8,693	514,161[1]
July	8,629	529,648	50	767[1]	8,679	530,415[1]
August	9,390	576,358	50	767[1]	9,440	577,125[1]
September	7,808	463,766	50	767[1]	7,857	464,532[1]
October	7,175	440,371	49	763[1]	7,224	441,134[1]

[1]Varies from the March 7, 2025, Technical Analysis, See May 15, 2025, Surface Water Permit Technical Analyses Report – Notice of Errata

14. The Department finds surface water is physically available during the proposed period of diversion at the proposed point of diversion in the amount the Applicants seek to appropriate.

LEGAL AVAILABILITY

FINDINGS OF FACT

15. The Department determined that the area of potential impact is the portion of the Missouri River between the POD and the confluence of the Missouri and Milk River, which is approximately 6.5 miles downstream. The Milk River is a substantial tributary to the Missouri River, so the Department finds the confluence to be an appropriate hydrologic boundary for the area of potential impact. The analysis of legal availability takes into consideration the existing legal demands from

individual water rights, the Montana Department of Fish Wildlife & Park's instream flow reservation (40S 30017670), and full development of the Fort Peck Tribes reserved water right. The monthly volume of water rights downstream of the proposed POD is calculated by dividing the volumes of the downstream rights by the number of months in the period of diversion.

a. These downstream legal demands are summarized in Table 3.

Table 3: Water Rights on the Missouri River in the Area of Potential Impact

A	B	C	D
Water Right Number	**Flow Rate (CFS)**	**Volume (AF)**	**Period of Diversion**
40S 32086 00	0.07	1.00	01/01 to 12/31
40S 46419 00	0.04	2.50	01/01 to 12/31
40S 30017670	4,508.00	3,263,500.00	01/01 to 12/31
40S 35719 00	5.30	300.00	04/15 to 10/15
40S 7336 00	6.68	450.00	04/15 to 10/15
40S 33997 00	10.03	597.90	04/01 to 10/31
40S 37645 00[3]	7.58	844.66	04/01 to 10/31
40S 28935 00[3]	6.68	954.95	04/01 to 11/04
40S 46363 00[3]	5.35	497.65	04/01 to 11/19
40S 46364 00[3]	5.35	646.14	04/01 to 11/19
40S 46416 00[3]	9.13	1,445.34	03/15 to 11/19
40S 46390 00[3]	0.30	21.52	04/15 to 09/19
40S 30016330	0.06	1.15	04/01 to 10/31
40S 30007495	0.06	1.25	04/01 to 10/31
40S 30023173[1]	0.00	1.25	04/01 to 10/31
40S 30013570	0.07	2.50	04/01 to 10/31
40S 30030763	0.07	4.08	04/01 to 10/31
40S 31725 00	4.68	868.53	01/01 to 12/31
40S 171767 00	4.46	2,286.00	01/01 to 12/31
40S 30106536[2]	0.08	1.01	01/01 to 12/31
40S 42279 00[2]	0.09	10.36	01/01 to 12/31
40S 30133976[2]	0.10	16.85	01/01 to 12/31
40S 168953 00[2]	0.11	23.59	04/01 to 11/30
40S 30066327	0.08	1.25	04/15 to 10/31
40S 43872 00[2]	4.77	338.94	04/01 to 11/19
40S 30041880	0.06	2.35	04/01 to 10/31
40S 30067051	0.08	1.88	04/01 to 10/31
40S 30124204	0.03	1.25	04/15 to 10/15
40S 30118355	0.10	1.73	04/01 to 10/31
40S 30161677	0.04	1.61	05/01 to 10/31
40S 30163563	0.25	7.58	04/01 to 10/31
40S 30012463[4]	0.07	2.52	04/01 to 10/31
40S 30116186[4]	0.04	1.88	04/01 to 10/31

[1]40S 30023173 is for additional volume. No flow rate is assigned. Period of Diversion assigned by the Department.
[2]Livestock Direct from Source – flow rate and volume calculated per Department standards.
[3]Irrigation Statement of Claim – volume calculated via Department Standards.
[4]Varies from the March 7, 2025, Technical Analysis, See May 15, 2025, Surface Water Permit Technical Analyses Report – Notice of Errata

16. Tables 4 and 5 below show legal availability of flow rate and volume for the proposed appropriation during the proposed period of diversion.

Table 4: Missouri River Legal Availability – Flow Rate (CFS)					
A	B	C	D	E	F
Month	**Flow Rate Physically Available**	**FWP Instream Right**	**Fort Peck Tribal Right**	**Downstream Users Water Rights**	**Flow Rate Legally Available**
April	6,817	4,508	842	72	1,396
May	7,779	4,508	1,711	72	1,488
June	8,693	4,508	2,441	72	1,672
July	8,679	4,508	3,503	72	1,166
August	9,440	4,508	2,933	72	1,927
September	7,857	4,508	1,768	72	1,509
October	7,224	4,508	815	72	1,829

Table 5: Missouri River Legal Availability – Volume					
A	B	C	D	E	F
Month	**Volume Physically Available**	**FWP Instream Right**	**Fort Peck Tribal Right**	**Downstream Users Water Rights**	**Volume Legally Available**
April	402,786	267,775	50,000	1,072	83,939
May	475,173	276,701	105,000	1,072	92,400
June	514,161	267,775	145,000	1,072	100,314
July	530,415	267,775	215,000	1,072	46,568
August	577,125	276,701	180,000	1,072	119,352
September	464,532	267,775	105,000	1,072	90,685
October	441,134	276,701	50,000	1,069	113,364

17. The Applicants are requesting a flow rate of 20 GPM (0.04 CFS) up to 2.78 AF per year. The comparison in Table 6 shows water is legally available throughout the proposed period of diversion. The monthly requested volumes for comparison are equal to the total requested volume divided by the period of use (2.78 AF divided by 7 months = 0.40 AF/month).

Table 6: Comparison of Flow Rate and Volume						
A	B	C	D	E	F	G
Month	Flow Rate Legally Available at POD (CFS)	Volume Legally Available at POD (AF)	Flow Rate Requested (CFS)	Volume Requested (AF)	Flow Rate Remaining (CFS)	Volume Remaining (AF)
April	1,396	83,939	0.04	0.40	1,396	83,939
May	1,488	92,400	0.04	0.40	1,488	92,399
June	1,672	100,314	0.04	0.40	1,672	100,314
July	1,166	46,568	0.04	0.40	1,166	46,567
August	1,927	119,352	0.04	0.40	1,927	119,352
September	1,509	90,685	0.04	0.40	1,509	90,685
October	1,829	113,364	0.04	0.40	1,829	113,364

18. The Department finds the proposed appropriation of 20 GPM and 2.78 AF to be legally available during the proposed period of use.

ADVERSE EFFECT

FINDINGS OF FACT

19. Water is both physically and legally available in the source. In the event of a water shortage, the Applicants will cease pumping if a valid call is made.

20. The Department finds that there will be no adverse effect because the amount of water requested is physically and legally available on the Missouri River at the point of diversion and the Applicants plan to curtail their appropriation during times of water shortage is adequate.

ADEQUATE MEANS OF DIVERSION

FINDINGS OF FACT

21. The Applicants plan to divert water from the Missouri River using a 2-HP, Franklin Electric FTB2CI pump from the SENWSW, Sec. 34, T27N, R41E, Valley County. Pump curves were provided by the Applicants, showing the pumps are capable of diverting the requested flow rate of 20 GPM. From the pump, water is filtered via a Lakos Centrifugal Sand Separator and then transferred to a 2-gallon pressure tank with a 30/40 pressure switch. Water is then distributed via 1.5" to 1" PVC pipe to an underground irrigation system consisting of 64 individual sprinklers in 11 zones.

22. The system is controlled by a Rainbird ESP-ME3 controller/clock. Power lines will be buried from power source to the housing/garage, where the controller is kept, and to the pump. Wiring

is in accordance with the National Electric Code. The amount of water delivered can be controlled by interchangeable nozzles on each individual sprinkler head. The irrigation time on each zone is set from the controller/clock.

23. The system will be shut down on or before October 31. The suction line and foot valve will be removed from the river, electricity to the pump turned off, and the entire system will be blown out with compressed air to force all water out and prevent any water from freezing in the system.

24. The Department finds that the proposed means of diversion and conveyance are capable of diverting the proposed volume and flow rate.

BENEFICIAL USE

FINDINGS OF FACT

25. The Applicants propose to use water for the purpose of lawn and garden irrigation from April 1 to October 31. Lawn and garden purpose is recognized by the Department as a beneficial use of water. The Applicants plan to irrigate 1.11 acres with a pump capable of diverting water at the requested rate of 20 GPM up to 2.78 AF annually.

26. The requested flow rate is sufficient to supply lawn and garden irrigation for 1.1 acres and is supported by the pump curve supplied by the Applicants. The flow rate requested is similar to the flow rates of other surface water lawn and garden irrigation permits in the area. The Applicants' proposed volume is within the Department's water calculation guide for lawn and garden, 2.5 AF per acre (2.5 AF/acre *1.11 acres = 2.78 AF).

27. The Department finds the proposed water use is beneficial, and that the requested flow rate of 20 GPM and annual volume of 2.78 AF are reasonably justified per ARM 36.12.1801(3).

POSSESSORY INTEREST

FINDINGS OF FACT

28. The Applicants signed the application form affirming that the Applicants 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.

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. Use of published upstream gauge data minus rights of record between gauge and point of diversion adjusted to remove possible duplicated rights shows water physically available. *In the Matter of Application for Beneficial Water Use Permit No. 41P-105759 by Sunny Brook Colony* (DNRC Final Order 2001)

33. 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 9-14)

LEGAL AVAILABILITY

34. 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).

35. 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.

36. Use of published upstream gauge data minus rights of record between gauge and point of diversion adjusted to remove possible duplicated rights shows water physically available. Using same methodology and adding rights of record downstream of point of diversion to the mouth of the stream shows water legally available. *In the Matter of Application for Beneficial Water Use Permit No. 41P-105759 by Sunny Brook Colony* (DNRC Final Order 2001); *In the Matter of Application for Beneficial Water Use Permit No. 81705-g76F by Hanson* (DNRC Final Order 1992);

37. 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 15-18)

ADVERSE EFFECT

38. 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.

39. 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).

40. 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).

41. 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).

42. 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.

43. 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).

44. 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 19-20)

ADEQUATE DIVERSION

45. 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.

46. 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.

47. Information needed to prove that proposed means of diversion, construction, and operation of the appropriation works are adequate varies, based upon project complexity design by licensed engineer adequate. *In the Matter of Application for Beneficial Water Use Permit No. 41C-11339900 by Three Creeks Ranch of Wyoming LLC* (DNRC Final Order 2002).

48. Applicants have 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 21-24).

BENEFICIAL USE

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

50. 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).

51. 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).

52. 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.*

53. Applicant proposes to use water for lawn and garden which is a recognized beneficial use. Section 85-2-102(5), MCA. Applicant has proven by a preponderance of the evidence lawn and garden use is a beneficial use and that 2.78 AF of diverted volume and 20 GPM is the amount needed to sustain the beneficial use. Section 85-2-311(1)(d), MCA. (FOF 25-27)

POSSESSORY INTEREST

54. 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.

55. 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.

56. 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. 40S 30165154 should be GRANTED.

The Department determines the Applicants may divert water from the Missouri River, by means of a pump, from April 1 to October 31 at 20 GPM up to 2.78 AF, from a point in the SENWSW, Sec. 34, T27N, R41E, Valley County, for lawn and garden use from April 1 to October 31. The Applicants may irrigate lawn and garden on 1.11 Acres. The place of use is located Idlewild Park Subdivision, Lot 64, S2NWSW, Sec. 34, T27N, R41E, Valley County.

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

Dated this 18th day of June, 2025

Lih-An Yang, Manager
Glasgow 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 18th day of June, 2025, by first class United States mail.

ROBERT P AND LISA J HAUGO
PO BOX 793
SCOBEY, MT 59263

GLASGOW Regional Office, (406) 228-2561

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

Surface Water Permit Technical Analyses Report – Notice of Errata

Department of Natural Resources and Conservation (DNRC or Department)
Water Resources Division
Ashley Kemmis, Water Resource Specialist, Glasgow Regional Office
May 15, 2025

Application No.	40S 30165154	Proposed Point of Diversion	SENWSW, Sec. 34, T27N, R41E, Valley County
Applicant	Lisa J. Haugo and Robert P. Haugo		

Overview

This memo documents a correction to the Surface Water Permit Technical Analyses Report prepared for Application No. 40S 30165154 by Lisa J. and Robert P. Haugo. In preparation of the Draft Preliminary Determination to Grant, an error was discovered in the physical availability that was calculated in the Technical Analysis sent to the Applicants on March 7, 2025. The Department identified an error in the calculation of physical availability of the Missouri River at the point of diversion. Two additional legal demands were also identified as shown in Table 2.

2.3 Monthly Flow Rate and Volume

Physical availability of the Missouri River at the point of diversion was quantified monthly. Incorrect values were used for the "Existing Rights from the POD to Gage" in Table 1, column E, which caused the "Physically Available Water at POD" values in Table 1, column G to be incorrect. The correct values are shown below in Table 1.

Table 1: Physical Availability at the Point of Diversion on the Missouri River

A	B	C	D	E	F	G
Month	**Median of the Mean Monthly Flow at Gage 06132000 (CFS)**	**Median of the Mean Monthly Volume at Gage 06132000 (AF)**	**Existing Rights from the POD to Gage 06132000 (CFS)**	**Existing Rights from the POD to Gage 06132000 (AF)**	**Physically Available Water at POD (CFS)**	**Physically Available Water at POD (AF)**
April	6,768	402,019	49	767*	6,817	402,786*
May	7,729	474,406	50	767*	7,779	475,173*
June	8,643	513,394	50	767*	8,693	514,161*
July	8,629	529,648	50	767*	8,679	530,415*
August	9,390	576,358	50	767*	9,440	577,125*
September	7,808	463,766	50	767*	7,857	464,532*
October	7,175	440,371	49	763*	7,224	441,134*

*Updated from the March 7, 2025, Technical Analysis

3.0 Area of Potential Impact Analysis

In the March 7, 2025, Technical Analyses Report, two legal demands were excluded in error (see Table 2). These demands have been included in the legal availability analysis for the Draft Preliminary Determination to Grant.

Appendix A: Water Rights within the Area of Potential Impact

Water Rights within the Area of Potential Impact			
A	**B**	**C**	**D**
Water Right Number	**Flow Rate (CFS)**	**Volume (AF)**	**Period of Diversion**
40S 32086 00	0.07	1.00	01/01 to 12/31
40S 46419 00	0.04	2.50	01/01 to 12/31
40S 30017670	4,508.00	3,263,500.00	01/01 to 12/31
40S 35719 00	5.30	300.00	04/15 to 10/15
40S 7336 00	6.68	450.00	04/15 to 10/15
40S 33997 00	10.03	597.90	04/01 to 10/31
40S 37645 00[3]	7.58	844.66	04/01 to 10/31
40S 28935 00[3]	6.68	954.95	04/01 to 11/04
40S 46363 00[3]	5.35	497.65	04/01 to 11/19
40S 46364 00[3]	5.35	646.14	04/01 to 11/19
40S 46416 00[3]	9.13	1,445.34	03/15 to 11/19
40S 46390 00[3]	0.30	21.52	04/15 to 09/19
40S 30016330	0.06	1.15	04/01 to 10/31
40S 30007495	0.06	1.25	04/01 to 10/31
40S 30023173[1]	0.00	1.25	04/01 to 10/31
40S 30013570	0.07	2.50	04/01 to 10/31
40S 30030763	0.07	4.08	04/01 to 10/31
40S 31725 00	4.68	868.53	01/01 to 12/31
40S 171767 00	4.46	2,286.00	01/01 to 12/31
40S 30106536[2]	0.08	1.01	01/01 to 12/31
40S 42279 00[2]	0.09	10.36	01/01 to 12/31
40S 30133976[2]	0.10	16.85	01/01 to 12/31
40S 168953 00[2]	0.11	23.59	04/01 to 11/30
40S 30066327	0.08	1.25	04/15 to 10/31
40S 43872 00	4.77	338.94	04/01 to 11/19
40S 30041880	0.06	2.35	04/01 to 10/31
40S 30067051	0.08	1.88	04/01 to 10/31
40S 30124204	0.03	1.25	04/15 to 10/15
40S 30118355	0.10	1.73	04/01 to 10/31
40S 30161677	0.04	1.61	05/01 to 10/31
40S 30163563	0.25	7.58	04/01 to 10/31
40S 30012463[4]	0.07	2.52	04/01 to 10/31
40S 30116186[4]	0.04	1.88	04/01 to 10/31

[1]40S 30023173 is for additional volume. No flow rate is assigned.
[2]Livestock Direct from Source – flow rate and volume calculated per Department standards.
[3]Irrigation Statement of Claim – volume calculated via Department Standards.
[4]Additional Legal Demands

Glasgow Water Resources Regional Office
222 6th St South
PO Box 1269
Glasgow, MT 59230-1269
(Office) 406-228-2561
(Desk) 406-808-7075
ashley.kemmis@mt.gov

May 2, 2025

Robert and Lisa Haugo
PO Box 793
Scobey, MT 59263

Subject: Correct and Complete Application for Beneficial Water Use Permit No. 40S 30165154

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.

Best,

Ashley Kemmis
Water Resource Specialist
Water Rights Bureau
Water Resources Division

4/18/25

PO Box 793

Scobey, MT 59263

GLASGOW WATER RESOURCES REGIONAL OFFICE

226 6th St South

PO Box 1269

Glasgow, MT 59230-1269

Dear Ashley,

Enclosed is an addendum to Beneficial Water Use Permit Application No. 40S 30165154 to address deficiencies listed in your letter dated 4/16/25. I believe this should clarify any questions you have. I also added some changes in red ink to the previously submitted diagram to clarify things.

I decided to mail this to you as we will be away for a few weeks, and I wanted to get this back to you before we leave.

Best regards,

Robert Haugo

Addendum to Beneficial Water Use Permit Application No. 40S 30165154 to address deficiencies stated in letter dated 4/16/25.

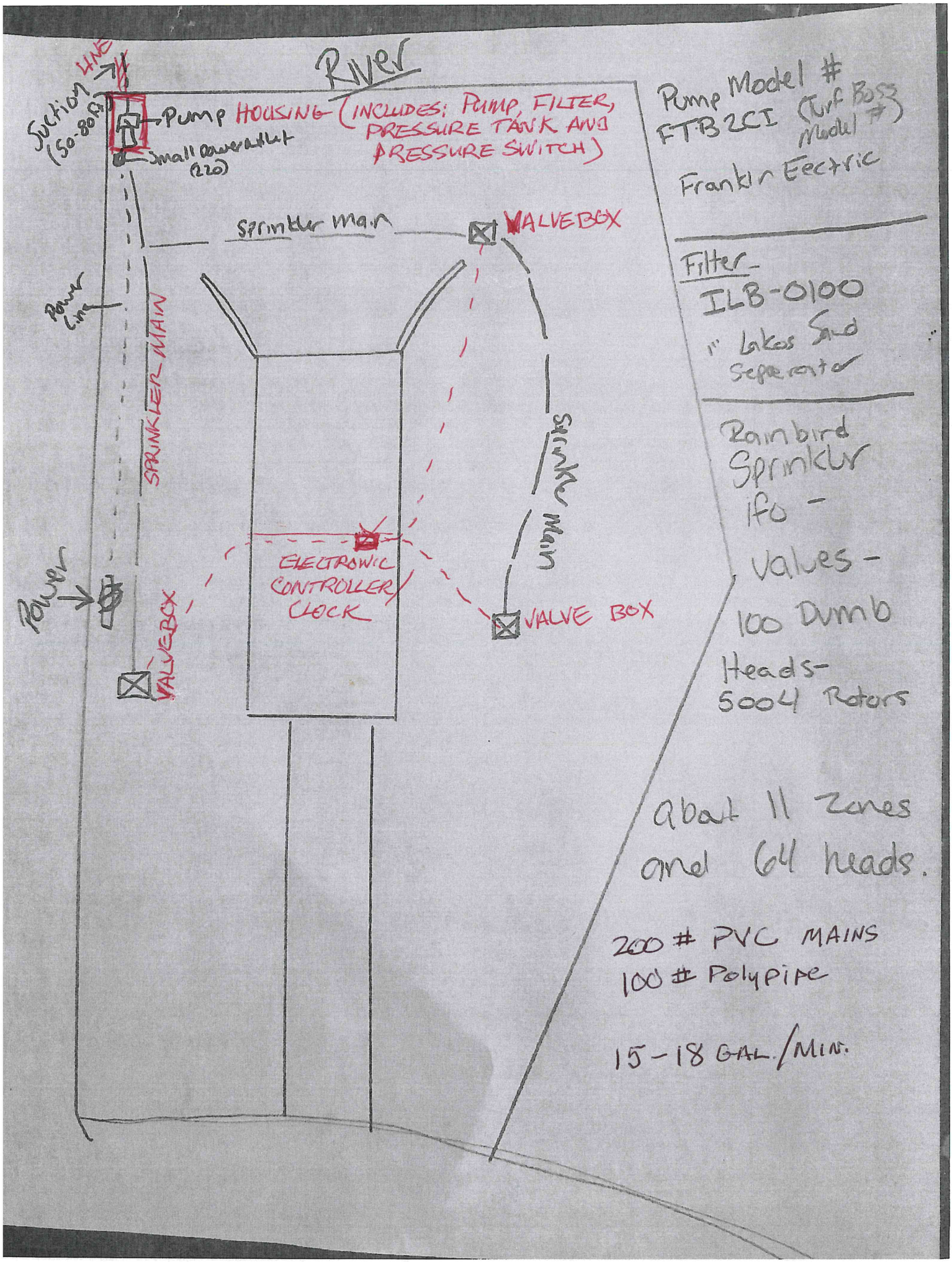
32. Water Pump, Filter, Pressure Tank and Pressure Switch will be located in a housing near the north shoreline boundary of lot 64. Power lines will be buried from power source to housing which will have a power outlet which can be used to turn on and turn off the power at the housing. The 30/40 Pressure switch will maintain water pressure in the system between 30 and 40 psi, calling for water if pressure falls below 30 psi and turning off at 40 psi.

The Rainbird ESP-ME3 electronic controller/clock will be located on the inside wall of the garage, connected to 3 valve boxes, via buried wire. Each box contains valves which will open at preset times, for preset durations, allowing water to flow to the sprinklers in that zone. Plans are for 11 zones and 64 sprinkler heads.

Please see the updated diagram.

36. A suction line with foot valve will be placed in the river at the shoreline near the northern boundary of lot 64, on or after April 1. Irrigation will begin after that, depending on the weather conditions/need.

The system will be shut down on or before October 31. Suction line and foot valve will be removed from the river, electricity to pump turned off, and the entire system will be blown out with compressed air to force all water out and prevent any water from freezing in the system. The electronic controller/clock will then be turned off.


River
Suction Line (50-80 ft)
Pump Housing (includes: pump, filter, pressure tank and pressure switch)
Small overflow (220)
Sprinkler Main
Valve Box
Power Line
Sprinkler Main
Power
Valve Box
Electronic Controller/ Clock
Sprinkler Main
Valve Box
Pump Model # FTB2CI (Turf Boss Model #)
Franklin Electric
Filter-
ILB-0100
1" Lakos Sand Separator
Rainbird Sprinkler ifo -
Values -
100 Dumb
Heads-
5004 Rotors
about 11 zones and 64 heads.
200 # PVC MAINS
100 # Polypipe
15-18 GAL./MIN.

CONTROL PANEL MODEL

310 PERMIT FROM CoE

CINDY LOTT

CINDY.S.LOTT@USACE.ARMY.MIL

ph: 526-3809

Glasgow Water Resources Regional Office
222 6th St South
PO Box 1269
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ashley.kemmis@mt.gov

April 16, 2025

Robert and Lisa Haugo
PO Box 793
Scobey, MT 59263

Subject: Deficiency letter for Beneficial Water Use Permit Application No. 40S 30165154

Dear Applicant,

The Department of Natural Resources and Conservation (DNRC or Department) has begun reviewing your application. This letter is to notify you of the deficiencies in your application as required in ARM 36.12.1501(1) and §85-2-302(5)(b), MCA. An Applicant is required to submit substantial and credible information addressing the rules and statutes that are relative to your application. You must provide the information specified below for your application to be considered correct and complete. "Correct and complete" means all of the information provided is substantial and credible and provides all of the information as required by applicable rules and statutes. The application as submitted contains deficiencies in the following section(s):

- ☐ #32. Submit a diagram of how you will operate your system from all proposed points of diversion to all proposed places of use.
    - Per ARM 36.12.1707, preliminary design plans and specifications for the diversion and conveyance facilities and the equipment used to put the water to beneficial use must be

submitted. It is unclear from the submitted diagram what the symbol represents and where the control panels and 2-gallon pressure tank are located. Please clarify this information.

- ❑ #36. Provide a plan of operations, which includes specific information about how water is delivered within the place of use.
    - Also, per ARM 36.12.1707, it is unclear how the system will be maintained in the winter months. Please include a description of any winterization that will occur to protect your system from the adverse effect of freezing conditions.

As stated above, the information submitted to address the rules and statutes listed in this deficiency letter must be substantial credible information to be acceptable at the correct and complete determination. §§85-2-102 (9) and (26), MCA.

Please submit the information specified above to the Glasgow Regional Office by August 14, 2025. This is the only deficiency letter that will be sent. An application not corrected or completed within 120 days from the date of this letter is terminated per ARM 36.12.1501(2) and §85-2-302(6)(a), MCA.

Please let me know if you have any questions.

Best,

Ashley Kemmis

Digitally signed by Ashley Kemmis
Date: 2025.04.16 08:52:05 -06'00'

Ashley Kemmis
Water Resource Specialist
Water Rights Bureau
Water Resources Division

IMPORTANT NOTICE: This will be the final opportunity for you to provide the required information to the Department. If all of the requested information in this letter is not postmarked or submitted within 120 days of this letter, the application will be terminated within 30 days and the application fee will not be refunded.

Application Materials

- Application
- Any information submitted with Application including maps

Application Materials

APPLICATION FOR BENEFICIAL WATER USE PERMIT

§ 85-2-302, MCA

Form No. 600 *(02/2025)*

For Department Use Only

Received

MAR 26 2025

DNRC Water Resources
Glasgow Regional Office

Application # 30165154 Basin 40S
Priority Date 3/26/25 Time 3:00 AM/PM
Rec'd By AKK
Fee Rec'd $ $700 Check # 7432
Deposit Receipt # GUS25 19504
Payor
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 Robert and Lisa Haugo
Mailing Address PO Box 793 City Scobey State MT Zip 59263
Phone Numbers: Home 406-487-2813 Work Cell 406-531-9169
Email Address 2rph@nemont.net

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
Mailing Address City State Zip
Phone Numbers: Home 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 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.

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? Missouri River

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)*
Lawn and Garden	Pump	1.11	4/01 - 10/31	4/01 - 10/31	20	2.78
				Total Flow Rate and Volume Required		

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 following table, where applicable.

Purpose	**Requested Information**	**Response**
Domestic or multiple domestic	Number of dwellings	
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)	Sprinkler: 11 zones, 64 sprinkler heads
Irrigation (flood only)	Design slope	

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.

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	SE	NW	SW	34	27N	41E	Valley	64			Idlewild Park	

PLACE OF USE

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

20-3901-34-3-02-04-0000	

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
1.11			S2	NW	SW	34	27N	41E	Valley

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.

Pump can be turned off completely if needed by flipping an electrical switch and all irrigation will cease.

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

Irrigation will be curtailed or stopped entirely depending on the severity of the water shortage. Entire system can be controlled and tailored by individual zone, sprinkler head nozzle and by time. In addition, each sprinkler can be shut off individually at the sprinkler head. Will plant drought resistant grass.

Records show that during years of minimum below Fort Peck Dam, there may be insufficient flows to meet this demand during April, September and October. However, these are also the months when usage will be at its lowest or not at all, depending on the freeze/thaw dates. Since our name is available to downstream users who have priority permits, they will be able to contact us if there is a water shortage and we can discontinue our water use.

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 2hp pump of 20GPM capacity with suction line with foot valve will be placed near the north shoreline boundary of lot 64. It will suction water from river to Lakos centrifugal sand filter of 20GPM capacity to 2 gallon pressure tank with 30/40 pressure switch to 1.5" then 1" PVC pipe to supply an underground irrigation system for approximately 1.11 acres of lawn and yard at approximately 30 - 40 PSI. Total lift of approximately 18'. See attached pump curves. Wiring in accordance with NEC.

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.

A 2hp pump of 20GPM capacity with suction line with foot valve will suction water from river through Lakos centrifugal sand filter of 20GPM capacity to 2 gallon pressure tank with 30/40 pressure switch which then distributes water via 1.5" to 1" PVC pipe to underground irrigation system consisting of 64 individual sprinklers in 11 zones at approximately 30 - 40 PSI, controlled by an electronic controller/clock (Rainbird ESP- ME3) to irrigate approximately 1.11 acres of lawn and yard. Wiring in accordance with NEC.

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.

A 2hp pump of 20GPM capacity with suction line with foot valve will be placed near the north shoreline boundary of lot 64. It will suction water from river to Lakos centrifugal sand filter of 20GPM capacity to a 2 gallon pressure tank with 30/40 pressure switch to 1.5" then 1" PVC pipe to supply an underground irrigation system consisting of 64 individual sprinklers in 11 zones for approximately 1.11 acres of lawn and year at approximately 30 - 40 PSI. Total lift of approximately 18'. See attached pump curves. Wiring in accordance with NEC.

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.

The amount of water delivered can be controlled by interchangeable nozzles on each individual sprinkler head and the amount of time irrigating each zone is controlled by the electronic controller/clock.

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

37.a. If yes, explain.

310 permit

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.

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.

Water delivered through the irrigation system can be measured by gallons per minute per sprinkler head, multiplied by number of sprinkler heads per zone, multiplied by time set per zone.

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.

_____
_____
_____
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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)? 6 months once necessary permits received.

48. Please describe why this amount of time is needed to complete this project.
Installation of sprinkler system dependent on contractor time constraints and working around the building of a structure on the property.

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 Robert Haugo

Applicant Signature Robert P. Haugo Date: 3/25/25

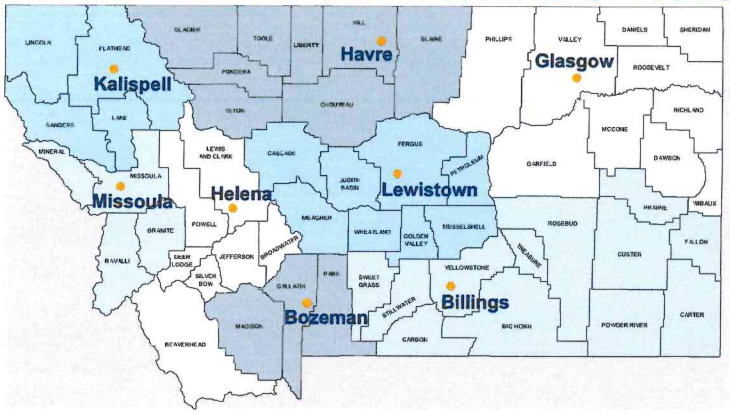
Printed Name Lisa Haugo

Applicant Signature Lisa Haugo Date: 03/25/2025

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

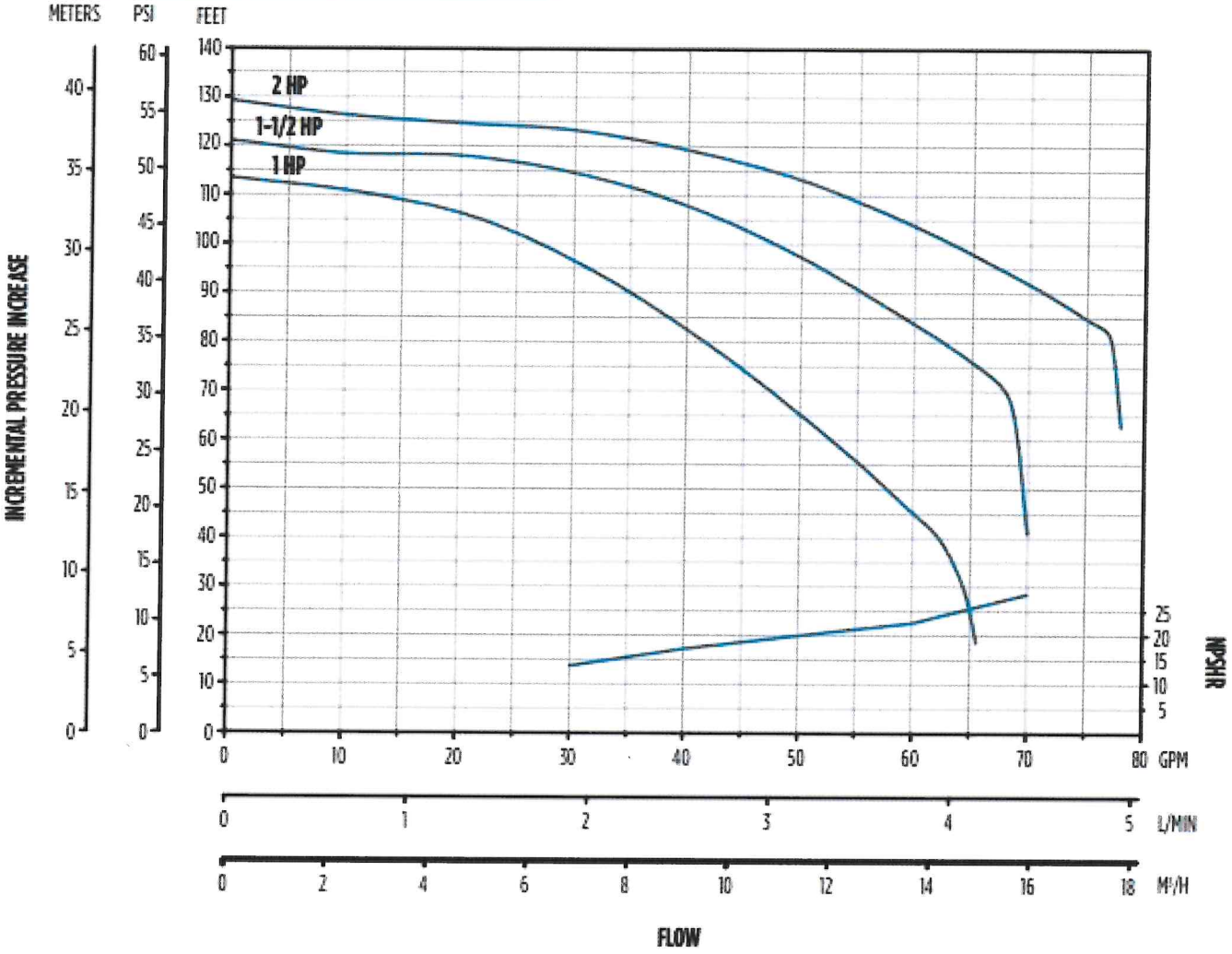
Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum, and Wheatland Counties

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

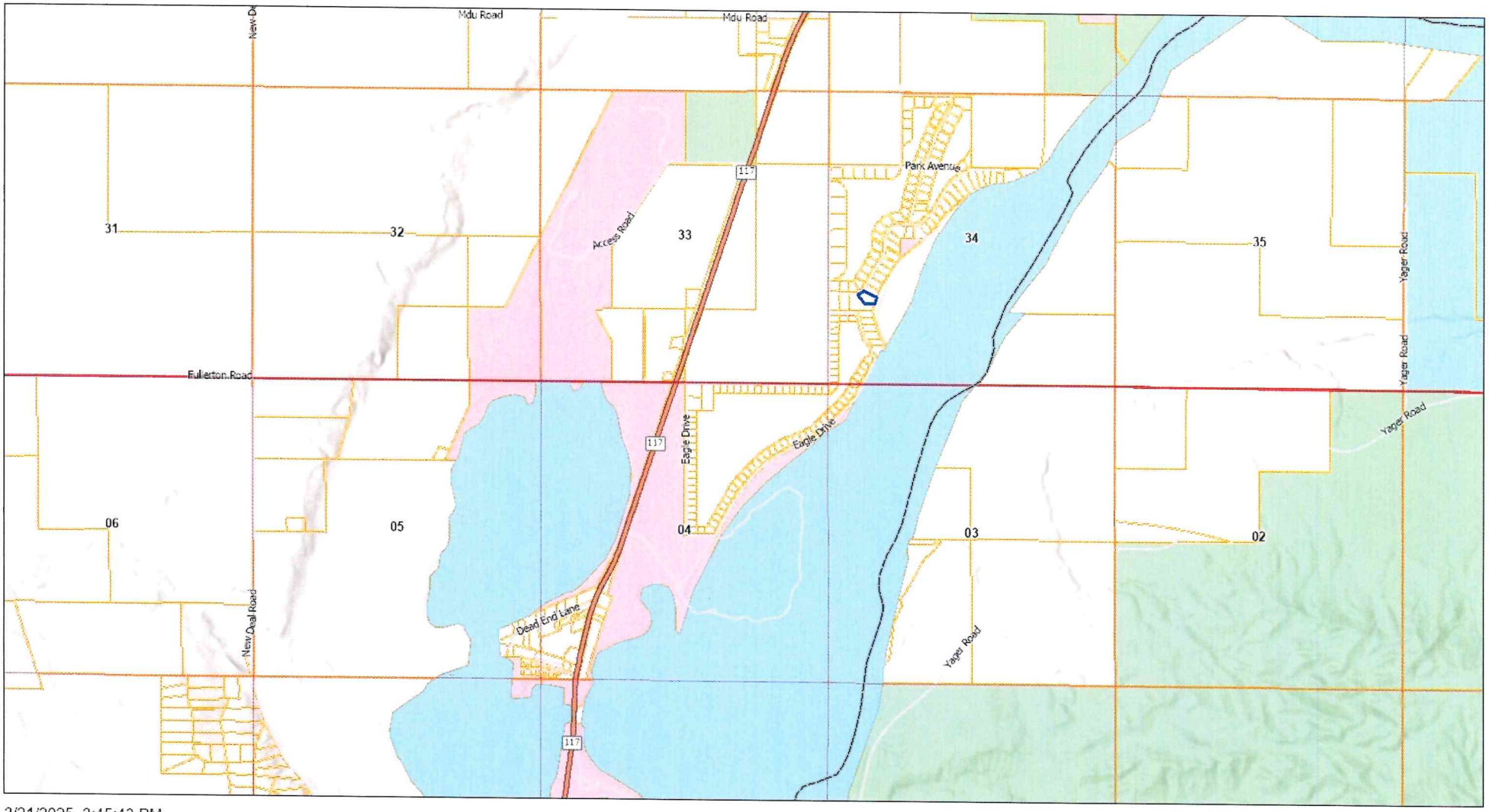
Granite, Mineral, Missoula, and Ravalli Counties

PERFORMANCE: 1-2 HP



Model	HP	Total Suction Lift (ft)	Discharge Pressure (PSI)							Shut-off Pressure (PSI)
			20	25	30	35	40	45	50	
			Gallons Per Minute (GPM)							
FTB1CI	1	5	53.0	47.0	42.0	36.0	27.0	13.0	-	46
		10	49.0	45.0	38.0	32.0	23.0	-	-	44
		15	45.0	43.0	37.0	28.0	17.0	-	-	42
		20	38.0	37.0	33.0	24.0	-	-	-	40
		25	28.0	27.0	27.0	18.0	-	-	-	38
FTB15CI	1-1/2	5	65.0	64.0	63.0	58.0	48.0	37.0	-	50
		10	58.0	58.0	57.0	55.0	45.0	26.0	-	48
		15	50.0	49.0	48.0	48.0	40.0	-	-	46
		20	41.0	40.0	39.0	38.0	32.0	-	-	44
		25	29.0	28.0	28.0	27.0	17.0	-	-	42
FTB2CI	2	5	70.0	69.0	69.0	68.0	65.0	53.0	35.0	52
		10	61.0	60.0	60.0	59.0	58.0	47.0	-	50
		15	52.0	51.0	50.0	49.0	48.0	37.0	-	49
		20	41.0	40.0	39.0	38.0	35.0	-	-	47
		25	29.0	28.0	27.0	25.0	22.0	-	-	45

ArcGIS Web Map



3/21/2025, 3:45:43 PM

1:31,002

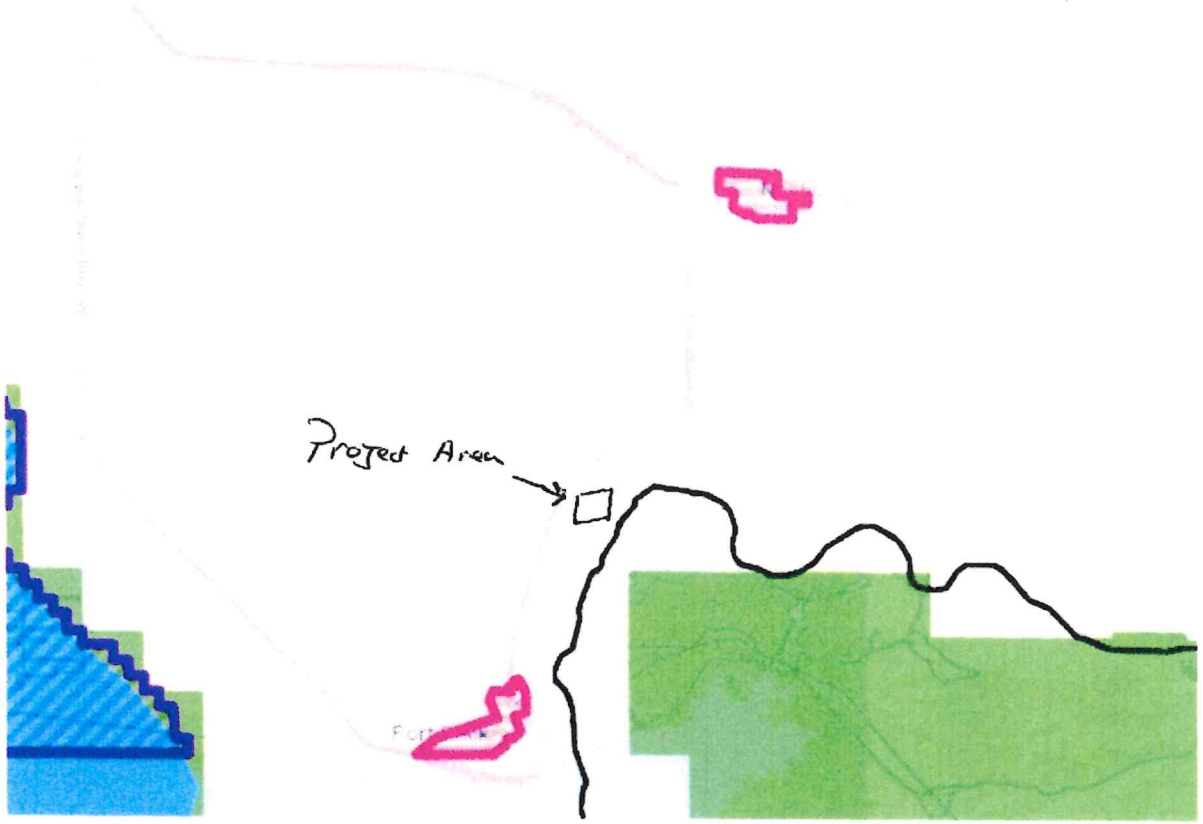
0 0.25 0.5 1 mi

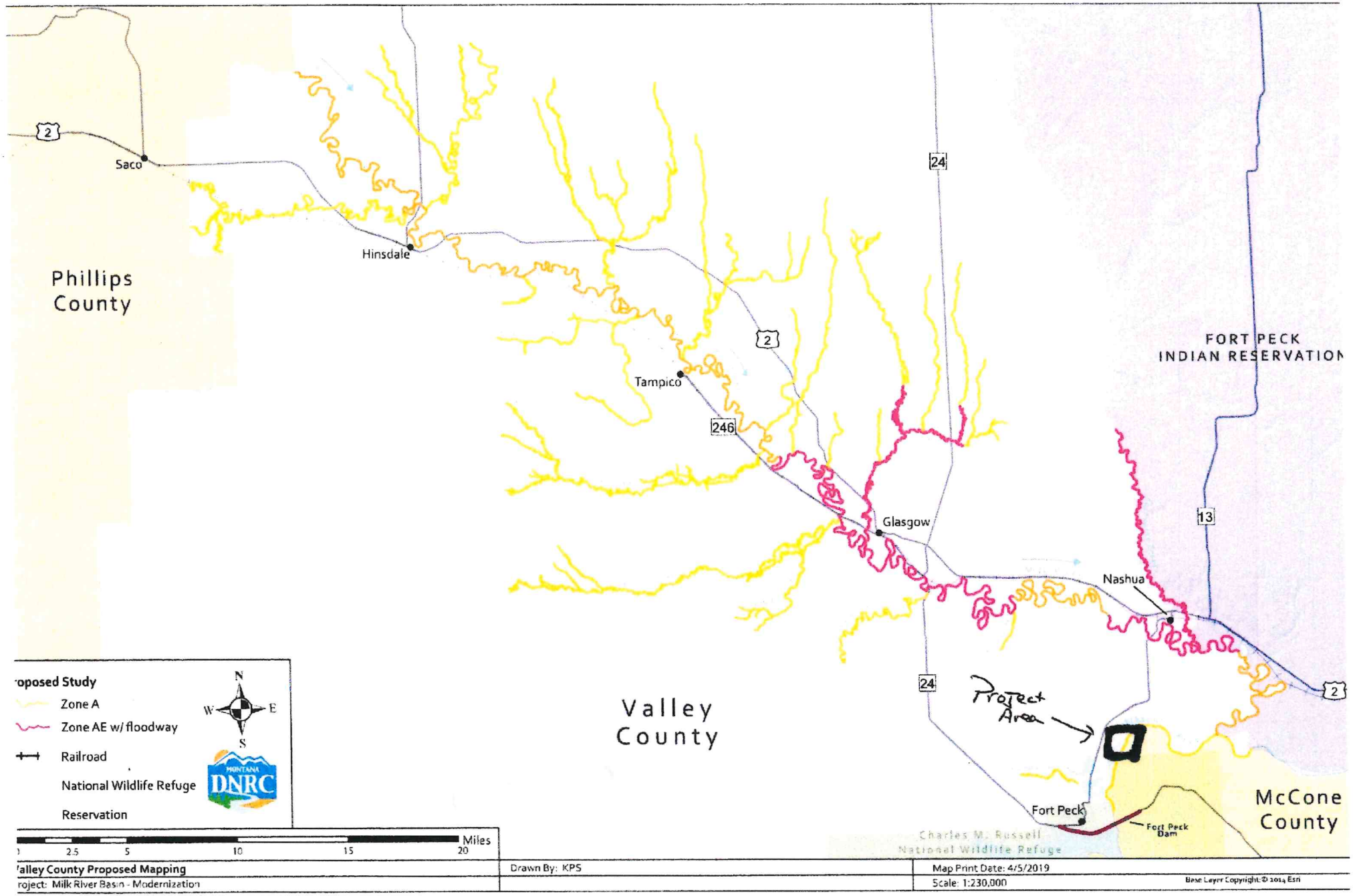
0 0.4 0.8 1.6 km

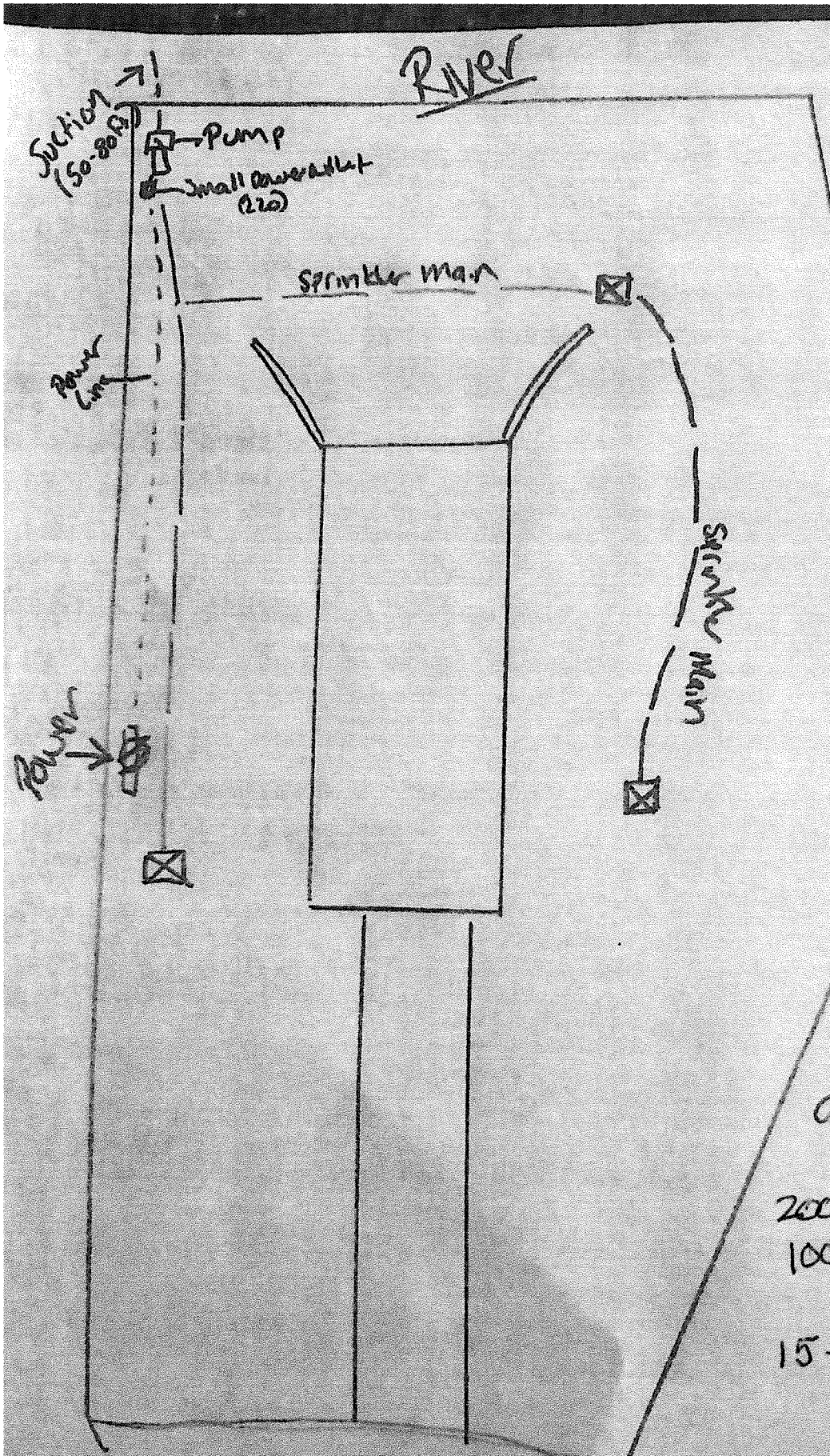
Esri, NASA, NGA, USGS, FEMA

Figure 1: Map of the Applicant's proposed POD, POU, and conveyance structures.

Sage Grouse Conservation Area Map




Saco
Hinsdale
Tampico
Glasgow
Nashua
Fort Peck
Fort Peck Dam
Phillips County
Valley County
McCone County
FORT PECK INDIAN RESERVATION
Charles M. Russell National Wildlife Refuge
Project Area
2
24
246
13
Proposed Study
Zone A
Zone AE w/ floodway
Railroad
National Wildlife Refuge
Reservation
N
W
E
S
MONTANA DNRC
Miles
0
2.5
5
10
15
20
Valley County Proposed Mapping
Project: Milk River Basin - Modernization
Drawn By: KPS
Map Print Date: 4/5/2019
Scale: 1:230,000
Base Layer Copyright © 2014 Esri



Pump Model #
FTB2CI (Turf Boss Model #)
Franklin Electric

Filter -
ILB-0100
1" Lakos Sand Separator

Rainbird Sprinkler Heads -

Values -

100 Dumb Heads -
5004 Rotors

Abat 11 Zones and 64 Heads.

200 # PVC MAINS
100 # Polypipe

15 - 18 GAL/MIN.

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

Glasgow Water Resources Regional Office
222 6th St South
PO Box 1269
Glasgow, MT 59230-1269
(Office) 406-228-2561
(Desk) 406-808-7075
ashley.kemmis@mt.gov

March 7, 2025

Robert & Lisa Haugo
PO Box 793
Scobey, MT 59263

Subject: Completed Technical Analyses Report for Beneficial Water Use Permit Preapplication No. 40S 30165154

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. 40S 30165154 based on the information provided in your Preapplication Meeting Form accepted by the Department on January 23, 2025. The technical analyses can be found in the attached report

This Technical Analyses Report IS: A collection of facts that the DNRC has gathered, including content provided in the Preapplication Meeting Form materials. The Department will use these data to analyze the criteria in §85-2-311, 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 Glasgow Regional Office by September 3, 2025, a new preapplication meeting will be required to process the Application with expedited timelines (ARM 36.12.1302(6)(b)). If any details described in the submitted Application are changed from that of the submitted Preapplication Meeting Form, the discounted filing fee and expedited timelines will not apply (ARM

36.12.1302(6)(a)). Please note that the technical analyses will expire one year from the date of this letter (ARM 36.12.1302(8)).

Best,

Ashley Kemmis
Water Resource Specialist
Water Rights Bureau
Water Resources Division

Surface Water Permit Technical Analyses Report

Department of Natural Resources and Conservation (DNRC or Department)
Water Resources Division
Ashley Kemmis, Water Resource Specialist, Glasgow Regional Office

Application No.	40S 30165154	**Proposed Point of Diversion**	SENWSW, Section 34, T27N, R41E, Valley County
Applicant	Robert and Lisa Haugo		

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:

Variances

No variances were requested.

1.0 Application Details

The Applicant proposes to divert water April 1 through October 31 from the Missouri River at a rate of 20 GPM. 2.78 AF of water would be used from April 1 to October 31 for lawn and garden purpose on 1.11 acres in S2NWSW, Section 34, T27N, R41E, Valley County.

2.0 Surface Water Analysis

2.1 Source Description

Proposed Source of Water: Missouri River

Proposed Source Type: Perennial

Proposed Point of Diversion: The proposed point of diversion consists of a pump located in SENWSW, Section 34, T27N, R41E, Valley County.

Figure 1: Map of the Applicant's proposed POD, POU, and conveyance structures.

2.2 Method of Estimation

Gage Name: Missouri River below Fort Peck Dam, MT

Gage Number: USGS #06132000

Period of Record: April 1934 to September 2021

Why this gage is considered an appropriate data source: According to ARM 36.12.1702, available stream gage records will be used to quantify physical availability using the median of the mean monthly flow rate and volume during the proposed months of diversion. USGS Gage #06132000, Missouri River below Fort Peck Dam, is the nearest gage to the proposed POD, and is approximately 4.5 miles downstream from the POD. The date range used includes the entire period of record for this gage.

2.3 Monthly Flow Rate and Volume

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

1. The Department calculated median of the mean monthly flow rates in cubic feet per second (CFS) for the Missouri River using USGS Gage #06132000 records for each month of the proposed period of diversion (Table 1, column B). Those flows were converted to monthly volumes in AF (Table 1, column C) using the following equation found on DNRC Water Calculation Guide: median of the mean monthly flow (CFS × 1.98 AF/day/1 CFS × days per month = AF/month).
2. The Department calculated the monthly flows (Table 1, column D) and volumes (Table 1, column E) appropriated by existing users upstream of the gage on the source by the following procedure outlined in the Department permit manual:
    i. Generating a list of existing water rights from the point of diversion to USGS Gage #06132000 (list is included in the application file and available upon request);
    ii. Designating irrigation and lawn and garden uses with no period of diversion as occurring from April 1 to October 31;
    iii. Designating all other water uses with no period of diversion as year-round;
    iv. Calculating a flow rate for all livestock direct from source rights without a designated flow rate by assigning either 30 GPD/AU for Statements of Claim or 15 GPD/AU, multiplying by the number of Animal Units (AU), and adding that to 35 GPM.
    v. Calculating a volume for all livestock direct from source rights without a designated volume by multiplying the number of AU by 30 GPD/AU for Statements of Claim or 15 GPD/AU.

vi. Calculating a volume for all irrigation rights without a designated volume by multiplying the number of acres by 2.69 AF/Acre.
vii. Evenly distributing each water right's volume by months within the period of diversion.

3. Since the gage used is downstream of the POD, the Department added the flow rates and volumes of the existing rights between USGS Gage #06132000 and the POD (Table 1, column D and E) to the median of the mean monthly gage values (Table 1, column B and C) to determine physical availability at the POD (Table 1, column F and G).

Table 1) Physical Availability at the Point of Diversion on the Missouri River

A	B	C	D	E	F	G
Month	**Median of the Mean Monthly Flow at Gage 06132000 (CFS)**	**Median of the Mean Monthly Volume at Gage 06132000 (AF)**	**Existing Rights from the POD to Gage 06132000 (CFS)**	**Existing Rights from the POD to Gage 06132000 (AF)**	**Physically Available Water at POD (CFS)**	**Physically Available Water at POD (AF)**
April	6,768	402,019	49	721	6,817	402,740
May	7,729	474,406	50	721	7,779	475,127
June	8,643	513,394	50	721	8,693	514,115
July	8,629	529,648	50	721	8,679	530,369
August	9,390	576,358	50	721	9,440	577,079
September	7,808	463,766	50	721	7,857	464,487
October	7,175	440,371	49	717	7,224	441,088

3.0 Area of Potential Impact Analysis

The Area of Potential Impact for this application is: The area of potential impact is approximately 6.5 miles downstream from the proposed point of diversion. A list of water rights can be found in Appendix A.

Why this is an appropriate Area of Potential Impact: The Missouri River is a major surface water source compared to other streams in the area. The area of potential impact is the portion of the Missouri River between the POD and the confluence of the Milk River, which is approximately 6.5 miles downstream.

Methodology: A list of senior surface water rights that are appropriated from the Missouri River between the POD and the confluence of the Milk River were compiled using the DNRC GIS web application Converge. Types of legal demands that could be included are all active claims, certificates, exempt notices, permits, perfected conservation district reservations, instream flows, tribal rights, and hydropower water rights. Using the method outlined in section 2.3, designated flow rates and volumes were assigned to any water rights that did not have them.

Review

This document has been reviewed by the Department on March 5, 2025.

References

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

Appendix A: Water Rights within the Area of Potential Impact

Water Rights within the Area of Potential Impact			
A	**B**	**C**	**D**
Water Right Number	**Flow Rate (CFS)**	**Volume (AF)**	**Period of Diversion**
40S 32086 00	0.07	1.00	01/01 to 12/31
40S 46419 00	0.04	2.50	01/01 to 12/31
40S 30017670	4,508.00	3,263,500.00	01/01 to 12/31
40S 35719 00	5.30	300.00	04/15 to 10/15
40S 7336 00	6.68	450.00	04/15 to 10/15
40S 33997 00	10.03	597.90	04/01 to 10/31
40S 37645 00***	7.58	844.66	04/01 to 10/31
40S 28935 00***	6.68	954.95	04/01 to 11/04
40S 46363 00***	5.35	497.65	04/01 to 11/19
40S 46364 00***	5.35	646.14	04/01 to 11/19
40S 46416 00***	9.13	1,445.34	03/15 to 11/19
40S 46390 00***	0.30	21.52	04/15 to 09/19
40S 30016330	0.06	1.15	04/01 to 10/31
40S 30007495	0.06	1.25	04/01 to 10/31
40S 30023173*	0.00	1.25	04/01 to 10/31
40S 30013570	0.07	2.50	04/01 to 10/31
40S 30030763	0.07	4.08	04/01 to 10/31
40S 31725 00	4.68	868.53	01/01 to 12/31
40S 171767 00	4.46	2,286.00	01/01 to 12/31
40S 30106536**	0.08	1.01	01/01 to 12/31
40S 42279 00**	0.09	10.36	01/01 to 12/31
40S 30133976**	0.10	16.85	01/01 to 12/31
40S 168953 00**	0.11	23.59	04/01 to 11/30
40S 30066327	0.08	1.25	04/15 to 10/31
40S 43872 00	4.77	338.94	04/01 to 11/19
40S 30041880	0.06	2.35	04/01 to 10/31
40S 30067051	0.08	1.88	04/01 to 10/31
40S 30124204	0.03	1.25	04/15 to 10/15
40S 30118355	0.10	1.73	04/01 to 10/31
40S 30161677	0.04	1.61	05/01 to 10/31
40S 30163563	0.25	7.58	04/01 to 10/31

*40S 30023173 is for additional volume. No flow rate is assigned.

**Livestock Direct from Source – flow rate and volume calculated per Department standards.

***Irrigation Statement of Claim – volume calculated via Department Standards.

Fort Peck Tribal Rights*		
A	**B**	**C**
Month	**Flow Rate (CFS)**	**Volume (AF)**
March	652	40,000
April	842	50,000
May	1,711	105,000
June	2,441	145,000
July	3,503	215,000
August	2,933	180,000
September	1,768	105,000
October	815	50,000
November	673	40,000

*Assuming full development of Fort Peck-Montana Compact, MCA 85-20-201, Article III F.1. Flow rate in CFS is calculated by dividing monthly volume in AF by the number of days in the month by 1.98 AF/day.

Preapplication Materials

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

Preapplication Materials

Glasgow Water Resources Regional Office
222 6th St South
PO Box 1269
Glasgow, MT 59230-1269
(Office) 406-228-2561
(Desk) 406-808-7075
ashley.kemmis@mt.gov

January 23, 2025

Robert & Lisa Haugo
PO Box 793
Scobey, MT 59263

Subject: Complete Preapplication Form for Beneficial Water Use Permit Application No.40S 30165154

Dear Applicant,

The Glasgow Regional Office of the Department of Natural Resources and Conservation (DNRC or Department) received your Preapplication Meeting Form and preapplication meeting fee on January 16, 2025, and the Department deems the submitted Preapplication Meeting Form to be successfully completed per ARM 36.12.1302.

As designated on the submitted Preapplication Meeting Form per §85-2-302(3)(b), MCA, the Department will produce the technical analyses based on the parameters included in the Preapplication Meeting Form (ARM 36.12.1302(4)) within 45 days of January 23, 2025.

Please let me know if you have any questions.

Best,

Ashley Kemmis
Water Resource Specialist
Water Rights Bureau
Water Resources Division

PREAPPLICATION MEETING FORM
PERMIT
§ 85-2-302
Form No. 600P *(Revised 4/2024)*

For Department Use Only

Application # 30165154 Basin 40S
Meeting Date 1/8/2025 Time 10 AM AM/PM
Completed Form Deadline 7/7/2025

Received
JAN 16 2025
DNRC Water Resources
Glasgow Regional Office

Completed Form Received 1/23/25
Fee Rec'd $ 500.00 Check # 7383
Deposit Receipt # GWS251086
Payor Robert P., LISA J Haugo
Refund $ _____ Date _____

PREAPPLICATION MEETING FEE
$ 500

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

The Department will fill out Form No. 600P and will identify follow-up during the preapplication meeting. The Department and Applicant will sign the Preapplication Meeting Affidavit and Certification within five business days. Within 180 days of the preapplication meeting, the Applicant will complete identified follow-up on a separate document with the question numbers clearly labeled.

Applicant Information: *Add more as necessary.*

Applicant Name Robert Haugo and Lisa Haugo
Mailing Address PO Box 793 City Scobey State MT Zip 59263
Phone Numbers: Home 406-487-2813 Work _____ Cell 406-531-9169
Email Address 2rph@nemont.net

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

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

Contact/Representative is: ☐ Applicant ☐ Consultant ☐ Attorney ☐ Other (describe) _____
Contact/Representative Name _____
Mailing Address _____ City _____ State _____ Zip _____
Phone Numbers: Home _____ 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. If a contact person is identified as a consultant, employee, or lessee, the individual filing the water right form or objection form will receive all correspondence and a copy may be sent to the contact person.*

Meeting Attendees: *Add more as necessary.*

Name	Organization	Position
Ashley Kemmis	DNRC	Water Resource Specialist
Lih-An Yang	DNRC	Regional Manager
Robert Haugo		Applicant

Table of Contents

Application Details

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

Questions, Narrative Responses, and Tables	Check-boxes	Follow-Up
1. Do you elect to have DNRC conduct Technical Analyses?	■ Y ☐ N	☐ F
2. Provide a map created on an aerial photograph or topographic map that shows the following: section corners, township and range, a north arrow, all proposed points of diversion labeled with a unique POD ID number, all proposed places of use, all proposed conveyance structures, all proposed places of storage, and places of use for all overlapping water rights.	■ S	☐ F
3. Is the project located in a Controlled Groundwater Area or Basin Closure Area? If yes, immediately go to Project-Specific Questions 47 to 52 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 (MM/DD-MM/DD)	Period of Use (MM/DD-MM/DD)	Flow Rate	GPM	CFS	Volume (AF)
Lawn and Garden	4/01 - 10/31	4/01 - 10/31	20	✓		2.78
			Total			

6. 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 ID number 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	SE	NW	SW	34	27N	41E	Valley	64			Idlewild Park			Missouri River	Pump

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

☐ A ☐ F

20-3901-34-3-02-04-0000	

8. 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
1.11			S2	NW	SW	34	27N	41E	Valley
	Total								

9. Will other water right(s) 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

10. 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 (MM/DD-MM/DD)	Avg. Period of Use (MM/DD-MM/DD)	Flow Rate (GPM or CFS)	Volume Contributed (AF)

11. Will this application supplement contract water from a Federal Project, ditch company, or other source?	☐ Y ■ N	☐ F
a. If yes, explain. _____ _____	☐ A	☐ F
12. Does the project involve one or more place(s) of storage with a capacity of greater than 0.1 acre-feet? This does not include storage tanks and cisterns. If yes, answer questions 53 to 61 for place of storage.	☐ Y ■ N	☐ F
13. Does the project involve one or more conveyance ditches? If yes, answer questions 62 to 64 for ditch-specific questions.	☐ Y ☐ N	☐ F
14. 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 AC-FT (Form 600-B) with application submittal. The criteria are found in §85-2-311(3), MCA.	☐ Y ■ N	☐ F
15. Will you be transporting water for use outside of Montana? If yes, you will need submit an Out-of-State Use Addendum (Form 600/606-OSA) with the application. The out-of-state use criteria are outlined in §85-2-402(6), MCA.	☐ Y ■ N	☐ F
16. Does the project include the water marketing purpose? If yes, answer questions 65 to 71 for water marketing. A Water Marketing Purpose Addendum (Form 600/606-WMA) will be required with application submittal.	☐ Y ■ N	☐ F
17. Is the project located in designated sage grouse habitat? If yes, you must have a consultation with and review of your project by the Montana Sage Grouse Habitat Conservation Program. The review letter will be required at application submittal.	☐ Y ■ N	☐ F

Surface Water

■ **Applicable**, move on to question 18. ☐ **Not Applicable**, skip to question 29.

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: Physical Availability

Questions, Narrative Responses, and Tables	**Check-boxes**	**Follow-Up**
18. 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 (GPM or CFS)	Volume (AF)	Period Start (MM/DD)	Period End (MM/DD)	Source Type
1	20 GPM	2.78	04/01	10/31	Missouri River

19. What is the source type of the surface water diversion? Perennial	☐ A	☐ F

Perennial or intermittent	Answer question 20	**Ephemeral**	Answer questions 22 to 24	**Lakes**	Answer question 25	**Other**	Answer question 26

Surface Water: Physical Availability: Perennial or Intermittent

☐ Applicable ☐ Not Applicable

20. Is stream gage data available?	■ Y ☐ N	☐ F
a. If yes, answer the following questions related to the number of stream gages that are available.		
i. One stream gage is available		
1. What is the gage name? USGS #06132000 Missouri River Below Fort Peck Dam, MT		☐ F

2. Who operates and maintains the gage? USGS		☐ F
3. Is the stream gage upstream or downstream of point(s) of diversion? Downstream		☐ F
4. Is there a limiting or controlling factor that would make the Drainage Area Method not practical? This includes dams that control the flow and streams with large gaining and/or losing reaches. If you have questions about this, please contact the Regional Hydro-Specialist or the Water Sciences Bureau.	☐ Y ■ N	☐ F
5. Is the period of record greater than or equal to 10 years?	■ Y ☐ N	☐ F
6. How frequently is stage data recorded? Transmitted hourly through August 2021		☐ F
7. If data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?	■ Y ☐ N	☐ F
8. Was the rating curve established and maintained throughout the duration of the period of record using measurements taken near the reference gage and stage recorder according to USGS protocols?	■ Y ☐ N	☐ F
9. Were there requirements for maintaining a permanent gage datum and meeting specified accuracy limits?	■ Y ☐ N	☐ F
10. Does the gage data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion?	■ Y ☐ N	☐ F
a. If yes, this section is complete. Skip to question 27.		
b. If no, answer question 20.b.		
ii. More than one stream gage is available		
1. List the gage names.		☐ F
2. Who operates and maintains the gages?		☐ F
3. Is one stream gage upstream and one downstream of point(s) of diversion?	☐ Y ☐ N	☐ F
4. Do the stream gages have similar periods of record?	☐ Y ☐ N	☐ F
5. Are the periods of record each greater than or equal to 10 years?	☐ Y ☐ N	☐ F

6. How frequently is stage data recorded at each gage? _____		☐ F
7. For each gage, if data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?	☐ Y ☐ N	☐ F
8. Were the rating curves established and maintained throughout the duration of the period of record using measurements taken near the reference gages and stage recorders according to USGS protocols?	☐ Y ☐ N	☐ F
9. For each gage, were there requirements for maintaining a permanent gage datum and meeting specified accuracy limits?	☐ Y ☐ N	☐ F
10. Does the gage data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion?	☐ Y ☐ N	☐ F
a. If yes, this section is complete. Skip to question 27.		
b. If no, answer question 20.b.		
b. If no gage data is available or if available gage data does not meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion, is the source otherwise measured?	☐ Y ☐ N	☐ F
i. If yes,		
1. Submit available measurements to the Department.	☐ S	☐ F
2. Who collected the measurements? _____	☐ A	☐ F
3. With what method was the data collected? _____ _____	☐ A	☐ F
4. What is the period of record? _____		☐ F
5. What is the frequency of measurement? _____		☐ F
6. Are there gaps in the data?	☐ Y ☐ N	☐ F

a. If yes, what is the nature of the gaps and how are gaps handled to ensure data quality?	☐ A	☐ F
7. Is there a process for maintaining the data and meeting specified accuracy limits?	☐ Y ☐ N	☐ F
a. If yes, explain.	☐ A	☐ F
8. Does available measurement data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion?	☐ Y ☐ N	☐ F
a. If yes, this section is complete. Skip to question 27.		
b. If no, answer question 21.		
21. Does the available measurement data, gage and/or otherwise measured, meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for calibration of a department-accepted estimation technique?	☐ Y ☐ N	☐ F
a. If yes, describe the estimation technique.	☐ A	☐ F
b. If no,		
i. Will measurements be collected prior to submission of a completed Form No. 600P 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,		
a. Describe your plan to comply with the requirements of ARM 36.12.1702(1). _____ _____ _____	☐ A	☐ F
b. Do you plan on requesting a variance from measurement requirements pursuant to ARM 36.12.1702(1)(b)?	☐ Y ☐ N	☐ F

Surface Water: Physical Availability: Ephemeral

☐ Applicable ☒ Not Applicable

22. If you will conduct Technical Analyses, what is your plan to calculate mean annual runoff? If DNRC will conduct Technical Analyses, write N/A. _____ _____	☐ A	☐ F
23. Where do you plan to obtain climate and drainage area data? _____ _____	☐ A	☐ F
24. Where is the downstream point of diversion, which will be used to delineate the drainage basin? _____	☐ A	☐ F

Surface Water: Physical Availability: Lakes

☐ Applicable ■ Not Applicable

25. Do you have a design plan?	☐ Y ☐ N	☐ F
a. If yes, provide the design plans to DNRC	☐ S	☐ F
b. If no, has the lake volume been quantified by a qualified entity based on bathymetric data?	☐ Y ☐ N	☐ F
i. If yes, provide this information to DNRC.	☐ S	☐ F
ii. If no, answer the following questions,		
1. When do you plan to collect this information? _____		☐ F
2. With what method will it be collected? _____ _____	☐ A	☐ F

Surface Water: Physical Availability: Other

☐ Applicable ■ Not Applicable

26. Have you measured the source?	☐ Y ☐ N	☐ F
a. If yes, answer the following questions,		
i. With what method was the data collected? _____ _____	☐ A	☐ F
ii. What is the measurement interval? _____		☐ F
1. Does the interval meet the requirements of 36.12.1702(4)?	☐ Y ☐ N	☐ F
b. If no or if the measurement interval does not meet the requirements of 36.12.1702(4)		
i. When do you plan to measure? _____		☐ F
ii. With what method will the measurements be collected? _____ _____ _____	☐ A	☐ F

Surface Water: Identification of Legal Demands in Area of Potential Impact

27. If you are conducting Technical Analysis, how will the Area of Potential Impact be defined? If Department is conducting Technical Analyses, write N/A. N/A	☐ A	☐ F

Surface Water: Basin Closure Area

28. Is the project located in a Basin Closure Area? If yes, explain how the project meets a closure exception. More information about basin closures online at: https://dnrc.mt.gov/Water-Resources/Water-Rights/Basin-Closures-Stream-Depletion-Controlled-Ground-Water-Areas. Answer the follow-up questions for specific Basin Closure Areas in the "Project-Specific Questions: Controlled Groundwater Areas and Basin Closures" section (questions 51 to 52).	☐ Y ■ N	☐ F

Groundwater

☐ **Applicable**, move on to question 29. ■ **Not Applicable**, skip to question 47.

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

Questions, Narrative Responses, and Tables	**Check-boxes**	**Follow-Up**
Groundwater: Physical Availability		
29. What is the type of groundwater diversion? _____	☐ A	☐ F

Well/Pit	Answer questions 30 to 32	**Developed Spring**	Answer question 33	**Pond**	Answer questions 34 to 38

Groundwater: Physical Availability: Well/Pit

☐ Applicable ☐ Not Applicable

30. Provide the Aquifer Testing Addendum (Form 600-ATA). This form will be required before the Preapplication Meeting Form is deemed complete.	☐ S	☐ F
31. Have you submitted a completed Form 633 to DNRC for review?	☐ Y ☐ N	☐ F
a. If no, submit Form 633 to DNRC for review. Form 633 is required by the time the Preapplication Meeting Form is deemed complete.	☐ S	☐ F
b. If yes, did the Department identify deficiencies?	☐ Y ☐ N	☐ F
i. If yes, are variances from ARM 36.12.121 needed?	☐ Y ☐ N	☐ F
1. If yes,		
a. Do you have data for aquifer characteristics?	☐ Y ☐ N	☐ F
i. If yes, provide the data to the Department.	☐ S	☐ F
b. Have you submitted Form 653 to the Department?	☐ Y ☐ N	☐ F
i. If yes, was the variance granted?	☐ Y ☐ N	☐ F
32. Do you have a map with the location of each well/pit labeled and, if available, with the GWIC ID?	☐ Y ☐ N	☐ F
a. If no, have all the wells/pits been constructed?	☐ Y ☐ N	☐ F

i. If yes, provide a map with the wells/pits labeled and, if available, with the GWIC ID. Create map on an aerial photograph or topographic map that also includes the following: section corners, township and range, and a north arrow.	☐ S	☐ F
ii. If no, answer the following questions,		
1. When will the wells/pits be constructed? _____		☐ F
2. Do you have an initial map with the proposed location of wells/pits?	☐ Y ☐ N	☐ F
a. If yes, provide an initial map to the Department. Create map on an aerial photograph or topographic map that also includes the following: section corners, township and range, and a north arrow.	☐ S	☐ F
3. Is the requested volume for each new well/pit known?	☐ Y ☐ N	☐ F
a. If no, what is the total requested volume (AF) and the number of new PODs? _____		☐ F

Groundwater: Physical Availability: Developed Spring

☐ Applicable ☐ Not Applicable

33. Have you measured the source?	☐ Y ☐ N	☐ F
a. If yes, answer the following questions,		
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),		
i. When do you plan to measure? _____		☐ F

ii. With what method and at what interval will measurements be collected? _____ _____	☐ A	☐ F

Groundwater: Physical Availability: Ponds

☐ Applicable ☐ Not Applicable

34. Have you submitted Form 653 to apply for a variance from ARM 36.12.121 for the Aquifer Test?	☐ Y ☐ N	☐ F
a. If yes, did the Department approve the variance request?	☐ Y ☐ N	☐ F
35. Have you submitted measurements to the Department? If yes, describe. _____	☐ Y ☐ N	☐ F
36. Submit pond bathymetry data, survey, or engineering plans to the Department.	☐ S	☐ F
37. Please submit a map identifying the location of the proposed pond to the Department. Create map on an aerial photograph or topographic map that also includes the following: section corners, township and range, and a north arrow.	☐ S	☐ F
38. If you are conducting Technical Analyses, what is your plan to determine depth, surface area, and net evaporation of the pond? If DNRC is conducting Technical Analyses, write N/A. _____ _____ _____	☐ A	☐ F

Groundwater: Identification of Groundwater Legal Demands

All information to calculated Zone of Influence was collected in previous questions.

Groundwater: Adverse Effect to Existing Groundwater Rights

All information to calculate One-Foot Drawdown Contour was collected in previous questions.

Groundwater: Physical Availability of Depleted Surface Water Source(s)

39. What are the hydraulically connected surface water source(s)? _____		☐ F
40. For each hydraulically connected surface water source, is gage data available?	☐ Y ☐ N	☐ F
a. If yes, answer the following questions for the number of stream gages that are available.		

i. One stream gage is available		
1. What is the gage name? _____		☐ F
2. Who operates and maintains the gage? _____		☐ F
3. Is the stream gage upstream or downstream of point(s) of diversion? _____		☐ F
4. Is there a limiting or controlling factor that would make the Drainage Area Method not practical? This includes dams that control the flow and streams with large gaining and/or losing reaches. If you have questions about this, please contact the Regional Hydro-Specialist or the Water Sciences Bureau.	☐ Y ☐ N	☐ F
5. Is the period of record greater than or equal to 10 years?	☐ Y ☐ N	☐ F
6. How frequently is stage data recorded? _____		☐ F
7. If data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?	☐ Y ☐ N	☐ F
8. Was the rating curve established and maintained throughout the duration of the period of record using measurements taken near the reference gage and stage recorder according to USGS protocols?	☐ Y ☐ N	☐ F
9. Were there requirements for maintaining a permanent gage datum and meeting specified accuracy limits?	☐ Y ☐ N	☐ F
10. Does the gage data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion?	☐ Y ☐ N	☐ F
a. If yes, this section is complete. Skip to question 42.		
b. If no, answer question 40.b.		
ii. More than one stream gage is available		
1. List the gage names. _____		☐ F
2. Who operates and maintains the gages? _____		☐ F
3. Is one stream gage upstream and one downstream of point(s) of diversion?	☐ Y ☐ N	☐ F

4. Do the stream gages have similar periods of record?	☐ Y ☐ N	☐ F
5. Are the periods of record each greater than or equal to 10 years?	☐ Y ☐ N	☐ F
6. How frequently is stage data recorded at each gage? _____		☐ F
7. For each gage, if data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?	☐ Y ☐ N	☐ F
8. Were the rating curves established and maintained throughout the duration of the period of record using measurements taken near the reference gages and stage recorders according to USGS protocols?	☐ Y ☐ N	☐ F
9. For each gage, were there requirements for maintaining a permanent gage datum and meeting specified accuracy limits?	☐ Y ☐ N	☐ F
10. Does the gage data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion?	☐ Y ☐ N	☐ F
a. If yes, this section is complete. Skip to question 42.		
b. If no, answer question 40.b.		
b. If no gage data is available or if available gage data does not meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion, is the source otherwise measured?	☐ Y ☐ N	☐ F
i. If yes,		
1. Submit measurements to the Department.	☐ S	☐ F
2. Who collected the measurements? _____	☐ A	☐ F
3. With what method was the data collected? _____ _____	☐ A	☐ F
4. What is the period of record? _____		☐ F
5. What is the frequency of measurement? _____		☐ F
6. Are there gaps in the data?	☐ Y ☐ N	☐ F

a. If yes, what is the nature of the gaps and how are gaps handled to ensure data quality _____ _____ _____ _____	☐ A	☐ F
7. Is there a process for maintaining the data and meeting specified accuracy limits?	☐ Y ☐ N	☐ F
a. If yes, explain. _____ _____ _____ _____	☐ A	☐ F
8. Does available measurement data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion?	☐ Y ☐ N	☐ F
a. If yes, this section is complete. Skip to question 42.		
b. If no, answer question 41.		
41. For each hydraulically connected surface water source, does the available measurement data, gage and/or otherwise measured, meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for calibration of a department-accepted estimation technique?	☐ Y ☐ N	☐ F
a. If yes, describe the estimation technique. _____ _____ _____	☐ A	☐ F
b. If no,		
i. Will measurements be collected prior to submission of a completed Form No. 600P 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, describe your plan to comply with the measurement requirements for hydraulically connected surface water sources. _____ _____ _____	☐ A	☐ F

Groundwater: Legal Availability of Depleted Surface Water Source(s)

All information to determine legal demands for depleted surface water source(s) was collected in previous questions.

Groundwater: Adequacy of Diversion

Questions, Narrative Responses, and Tables	**Check-boxes**	**Follow-Up**
42. What is the flow rate (GPM or CFS), volume (AF), and period of diversion required (MM/DD-MM/DD) at each groundwater point of diversion? If the POD is a well, provide the well depth (FT), if available, or estimated well 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 (GPM or CFS)	Volume (AF)	Period of Diversion (MM/DD-MM/DD)	Well Depth (FT)	Measured or Estimated

43. Will the monthly pumping schedule differ from an allocation of diverted volume by the number of days in the month for year-round uses or the IWR 80% net irrigation requirements for irrigation/lawn & garden uses (IWR, NRCS 2003)?	☐ Y ☐ N	☐ F

a. If yes, provide the alternative pumping schedule in the table below. Use the same POD # as the project map (question 2).	☐ A	☐ F

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

Groundwater: Basin Closure Area

44. Are the point(s) of diversion located in a basin closure area? If yes, fill out questions 45 to 46.	☐ Y ☐ N	☐ F
45. Did you elect in question 1 for the Department to conduct Technical Analysis?	☐ Y ☐ N	☐ F
a. If yes, the Basin Closure Area Addendum (Form 600-BCA), Hydrogeologic Report Addendum (Form 600-HRA), and Hydrogeologic Report are not required at this time. The Department's Technical Analyses will meet requirements of §85-2-360 for Form 600-HRA. Form 600-BCA will be required with application submittal.		
b. If no, submit the Basin Closure Area Addendum (Form 600-BCA), Hydrogeologic Report Addendum (600-HRA), and Hydrogeologic Report with your Technical Analysis.	☐ S	☐ F
46. If the Hydrogeologic Report indicates that the proposed groundwater use will impact a surface water source, which of the following three options best describe your plan to mitigate depletions of hydraulically connected surface water? A separate Preapplication Meeting will be required for each application to change a water right to a mitigation or aquifer recharge purpose to maintain expedited timelines and reduced filing fees for the project.		
a. Application to Change a Water Right to mitigate the adverse effects created.	☐ Y ☐ N	☐ F
b. Alternative mitigation plan.	☐ Y ☐ N	☐ F
c. Documentation to show a mitigation plan is not required.	☐ Y ☐ N	☐ F

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.

Questions, Narrative Responses, and Tables	Check-boxes	Follow-Up

Project-Specific Questions: Controlled Groundwater Areas and Basin Closures

47. Is the project located in the East Valley Controlled Groundwater Area?	☐ Y ■ N	☐ F
a. If yes,		
i. Do you have written approval from (1) Lewis and Clark County Board of Health, (2) Lewis and Clark County Water Quality Protection Bureau, (3) the U.S. Environmental Protection Agency, (4) the Montana State Dept. of Environmental Quality and (5) the Montana State Dept. of Natural Resources and Conservation? If the agencies have established a Technical Advisory Group, prior approval by the Technical Advisory Group satisfies this requirement.	☐ Y ☐ N	☐ F
ii. Is the project in Zone 2?	☐ Y ☐ N	☐ F
i. If yes, provide in the written approval the following recommendations which will also be included as conditions on the appropriation. a. Well design and construction requirements necessary to measure the water level and water quality for any well; b. Water level measurement and water quality sample reporting requirements for any new well; c. Any other requirements necessary to ensure new wells can be operated in a manner consistent with purpose of the EVCGWA.	☐ S	☐ F
iii. Is the project in Zone 1? If yes, a Form 600 cannot be accepted by the Department.	☐ Y ☐ N	☐ F
48. Is the project located in the South Pine Controlled Groundwater Area?	☐ Y ■ N	☐ F
a. If yes, have you completed an Application for Beneficial Water Use Permit South Pine Controlled Groundwater Area Addendum? The addendum needs to be completed by application submittal.	☐ Y ☐ N	☐ F
49. Is the project located in the Yellowstone Controlled Groundwater Area?	☐ Y ■ N	☐ F
a. If yes, is the use over 35 GPM or 10 AF per year?	☐ Y ☐ N	☐ F
i. If no, this is the incorrect form. Use instead the Yellowstone Controlled Groundwater Area Permit Application (600-YCGA).		
ii. If yes, answer the remaining parts of question 49. A Yellowstone Controlled Groundwater Area Addendum (600 Y over35) will be required with application submittal.		
1. Does the proposed use require a point of diversion with water temperature of 60 degrees Fahrenheit or more?	☐ Y ☐ N	☐ F
2. What is the ground elevation at the point of diversion? _____		☐ F

3. What is the specific conductance at the point of diversion? _____		☐ F
4. If an application is in a basin tributary to a category 3 or 4 stream (generally in or upstream of YNP), provide a report prepared by a professional qualified in the science of groundwater hydrology, verifying that the appropriation is not hydrologically connected to surface flow that is tributary to the reserved portion of category 3 or 4 streams.	☐ S	☐ F
50. Is the project located in one of the Controlled Groundwater Areas listed on the Department's website (https://dnrc.mt.gov/Water-Resources/Water-Rights/Basin-Closures-Stream-Depletion-Controlled-Ground-Water-Areas)?	☐ Y ■ N	☐ F
a. If yes, list which one and describe how the proposed project meets the requirements of the Controlled Groundwater Area. An application must meet the specific requirements of the Controlled Groundwater Area to be accepted by the Department. _____ _____ _____ _____ _____	☐ A	☐ F
51. Is the project located in one of the administrative, Department ordered, or legislative closures listed on the Department's website (https://dnrc.mt.gov/Water-Resources/Water-Rights/Basin-Closures-Stream-Depletion-Controlled-Ground-Water-Areas)?	☐ Y ■ N	☐ F
a. If yes, list which one and describe how the proposed project meet the requirements of the closure. An application must meet the specific requirements of the closure to be accepted by the Department. _____ _____ _____ _____ _____	☐ A	☐ F
52. Is the project located in one of the compact closures listed on the Department's website (https://dnrc.mt.gov/Water-Resources/Water-Rights/Basin-Closures-Stream-Depletion-Controlled-Ground-Water-Areas)?	☐ Y ■ N	☐ F
a. If yes, list which one and describe how the proposed project meet the requirements of the compact closure. An application must meet the specific requirements of the compact closure to be accepted by the Department. _____ _____ _____ _____	☐ A	☐ F

Project-Specific Questions: Place of Storage

53. Does the proposal include at least one place of storage? If yes, answer questions 54 to 61 for each individual place of storage (use Additional Place of Storage Sheet for additional places of storage). If no, this section is complete, and you can skip to question 62.	☐ Y ■ N	☐ F
54. Provide a map showing the location of the place of storage. Create map on an aerial photograph or topographic map that also includes the following: section corners, township and range, and a north arrow.	☐ S	☐ F
55. Is this application to enlarge an existing reservoir?	☐ Y ☐ N	☐ F
a. If yes, what is the water right number for the existing reservoir? _____		☐ F
56. Is the place of storage located on-stream?	☐ Y ☐ N	☐ F
a. If no, explain the conveyance means to and from the off-stream place of storage and any losses that may occur with that conveyance. _____ _____ _____	☐ A	☐ F
57. 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 (0.4-0.6 depending on side slope) = Capacity (AF)* _____	☐ A	☐ F
58. Will the place of storage include primary and/or emergency spillways? Preliminary design specifications for primary and emergency spillways must be included with application submittal (ARM 36.12.113).	☐ Y ☐ N	☐ F
59. Will the place of storage be lined?	☐ Y ☐ N	☐ F
60. What is the annual net evaporation of water from the place of storage using the standards in ARM 36.12.116(1)? Gridded net evaporation layer is available from DNRC upon request. _____		☐ F
61. Is the place of storage capacity calculated to be greater than 50 acre-feet?	☐ Y ☐ N	☐ F
a. If yes, have you made an application to the DNRC Water Operations Bureau for a determination of whether the dam or reservoir is a high-hazard dam?	☐ Y ☐ N	☐ F

Project-Specific Questions: Ditch-Specific Questions

62. Does the proposal include at least one conveyance ditch? If yes, answer question 63 and, for each ditch, answer question 64. If no, this section is complete, and you can skip to question 65.	☐ Y ■ N	☐ F

63. Submit a Ditch Map that shows every ditch conveying water for the proposed project. Label the ditch name(s), POD(s), the POU(s), and the ditch measurement locations (requested in question 64.c). The map should be created on an aerial photograph or topographic map with the following: section corners, township and range, and a north arrow.	☐ S	☐ F
64. For each conveyance ditch, answer the following. If there is more than one conveyance ditch, use an Additional Ditch Sheet for each additional conveyance ditch.		
a. What is the ditch name? _____		☐ F
b. What is the distance water will be carried by the conveyance ditch? Only include segments between the POD and start of the POU; do not include segments within the POU. _____ _____	☐ A	☐ F
c. Provide at least one set of ditch measurements, which include width (FT), depth (FT), and slope (%). Discuss ditch characteristics with DNRC to determine the minimum number of ditch measurements. Include the location of each measurement, labeled with the 2-digit measurement ID number, used on the map submitted for question 63.	☐ S	☐ F

ID #	Width (FT)	Depth (FT)	Slope (%)	Date of Measurement

d. What is a reasonable Manning's n value? List the factors used for estimation. If you do not know this value, please work through estimation with the Department. _____ _____	☐ A	☐ F
e. What type of soils compose the proposed conveyance ditch? For lined ditches, write "lined" instead. _____ _____	☐ A	☐ F
f. Are other water rights conveyed by the conveyance ditch?	☐ Y ☐ N	☐ F
i. If yes,		
1. What are the water right numbers? _____ _____	☐ A	☐ F

2.	What is the sum of the flow rates (GPM or CFS) for water rights conveyed?	☐ A	☐ F
3.	Provide a map with your best estimate of where the existing POUs begin for the other water rights conveyed by the conveyance ditch for all POUs between the proposed POD and your proposed POU. Create map on an aerial photograph or topographic map that also includes the following: section corners, township and range, and a north arrow.	☐ S	☐ F

Project-Specific Questions: Water Marketing

65. Does the proposal include water marketing? If yes, please answer the questions in this section (questions 66 to 71). If no, this section is complete, and you can skip to question 72.	☐ Y ■ N	☐ F
66. Identify the flow rate (GPM or CFS) and volume (AF) of water that will be marketed.		☐ F
67. Will the marketed water return to the source?	☐ Y ☐ N	☐ F
a. Explain how this determination was made.	☐ A	☐ F
68. For what purpose(s) will the marketed water be used?	☐ A	☐ F
69. How will you control or limit access to the water?	☐ A	☐ F
70. Do you have contracts for the entire volume and flow rate sought?	☐ Y ☐ N	☐ F
71. Provide a service area map. Create map on an aerial photograph or topographic map and shows the following: general service area boundary, section corners, township and range, and a north arrow.	☐ S	☐ F

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
72. Do you have evidence that water is legally available in the proper flow rate, volume, and timing?	☐ Y ▬ N
73. If water is not found to be legally available for part or all the proposed period of diversion, what is the plan to address this with the permitting process? The period of diversion would be reduced.	☐ A
74. Describe your plan to ensure that existing water rights will be satisfied during times of water shortage. The pump can be turned off, plant drought resistant grass.	☐ A
75. Explain how you can control your diversion in response to call being made. The pump can be turned off. Could water per zone instead of all.	☐ A
76. 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
77. Does a water commissioner distribute water or oversee water distribution on your proposed source or depleted surface water source?	☐ Y ▬ N

Adequate Diversion Means and Operation

78. Provide a diagram of how you will operate your system from the point of diversion to the place of use.	▬ S
79. 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. See diagram.	☐ A

80. Is the diversion capable of providing the full amount requested through the period of diversion?	■ Y ☐ N
81. Describe the size and configuration of infrastructure to convey water from point of diversion to place of use. This may include, where applicable: ditch capacity and/or pipeline size and configuration. See diagram.	☐ A
82. Describe any losses related to conveyance.	☐ A
83. Is the conveyance infrastructure capable of providing the required flow and volume and any losses?	■ Y ☐ N
84. Does the proposed conveyance require easements?	☐ Y ☐ N
a. If yes, explain. 310 permit	☐ A
85. 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. None	☐ A
86. Describe specific information about how water is delivered within the place of use. This may include, where applicable, the range of flow rates needed for a pivot and output and configuration of sprinkler heads. Water is pumped up an 18' bank. There are 11 zones and 64 sprinkler heads. The zones are independent of each other. The amount of water delivered is controlled by the nozzles and the control box. The time of irrigation is set through the control box.	☐ A
87. Is the water delivery system capable of providing the requested beneficial use?	■ Y ☐ N
88. Will your system be designed to discharge water from the project?	☐ Y ■ N
a. If yes, explain the way water will be discharged and the wastewater disposal method.	☐ A

89. Provide a plan of operations. See 86.	☐ A
90. Can the plan of operations deliver the flow rate and volume for the beneficial use being requested?	■ Y ☐ N
91. 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

92. Why is the requested flow rate and volume the amount needed for the purpose? The flow rate is needed for pumping water up an 18 foot elevation and for delivering water in a timely manner.	☐ A
93. Does the Department have a standard for the purposes for which water is used? Department standards can be found in ARM 36.12.112.	■ Y ☐ N
a. If yes, does the proposed beneficial use fall within Department standards?	☐ Y ☐ N
94. If no standard, or if proposed beneficial use falls outside of Department standards, explain how the use is reasonable for the purpose.	☐ A
95. 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
96. 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

97. Do you have possessory interest, or the permission of the party with possessory interest, of the proposed place of use? Proof of possessory interest or permission of the party with possessory interest is required at application submittal.	■ Y ☐ N
a. If no, explain. _____ _____ _____	☐ A

PREAPPLICATION MEETING AFFIDAVIT & CERTIFICATION

"We attest that the information on this form accurately describes the proposed project discussed during the preapplication meeting and that the items marked for follow-up will require the applicant to provide additional information before the form is deemed complete."

"Applicant acknowledges that any information provided by the Department during the preapplication is preliminary and subject to change."

"Applicant acknowledges that if the follow-up information provided to the Department substantially changes the proposed project, for example in a way that alters which sections of the form are applicable or which technical analyses are required, or who is to complete the technical analyses, the applicant will need to schedule a new preapplication meeting so that the department can identify any additional information necessary for completion of the technical analyses (ARM 36.12.1302(3)(c))."

Upon Department receipt of the completed form (within 180 days following the meeting), the Department reserves the first five days of the 45-day period in ARM 36.12.1302(4) or (5) to return the form to the applicant if:

1 – the completed form does not include all necessary follow-up information identified in the meeting, OR
2 – the completed form is not adequate for the Department to proceed with technical analyses, OR
3 – the applicant has elected to complete technical analyses and has not submitted each piece of technical analysis required, OR
4 – the applicant has substantially changed the details of the proposed project, such as in a way that alters which sections of the form are applicable, which technical analyses are required, or who is to complete the technical analyses.

If the Department returns the form to the Applicant within these five days due to reasons 1-3 above, the Applicant can use the balance of their 180-day period in ARM 36.12.1302(4) or (5) to gather the remaining follow-up information needed. If there is no time remaining in the 180-day period, the Applicant can submit a written request for a new preapplication meeting, pursuant to ARM 36.12.1302(2). Even if there is still time remaining, the Applicant can choose to schedule a new preapplication meeting. The Department shall transfer the $500 payment received to the new preapplication meeting, or refund the payment to the Applicant if the Applicant desires. If the Department returns the form to the Applicant within these five days due to reason (4) above, the Applicant must submit a written request for a new preapplication meeting, pursuant to ARM 36.12.1302(2). The Department shall transfer the $500 payment received to the new preapplication meeting, or refund the payment to the Applicant if the Applicant desires.

Robert R Hauge — 1-8-2025
Applicant Signature — Date

Peg J Hauge — 01/08/2025
Applicant Signature — Date

1/9/2025
Department Signature — Date

FOLLOW-UP PAGE

Applicant will provide all responses to questions marked for follow-up on a separate document entitled "Follow-up Responses" with the question number labeled. Answer questions in the same format as the form. For responses in the form of checkboxes, write "Y", "N", or "S". Constrain narrative responses to the specific question as is asked on the form; do not respond to multiple questions in one narrative. Label units in narrative responses and tables. Tables must have the exact headings found on the form. Questions that require items to be submitted to the Department may be marked "S" when the required item is attached to the Preapplication Meeting Form. Label all submitted items with the question number for which they were submitted. The Applicant may not alter the Preapplication Meeting Form signed at the Preapplication Meeting. Instead, the Applicant must use the Amended Responses procedure defined below. Do not include additional information for questions not marked for follow-up here; instead include any additional information pursuant to the process for amending responses defined below.

Questions marked for follow-up

AMENDED RESPONSES PAGE

The Applicant may not alter the Preapplication Meeting Form signed at the Preapplication Meeting or the Follow-up Page. If a response has changed to a question answered at the preapplication meeting, the Applicant can provide a new response in a separate document entitled "Amended Responses" with the question number labeled. Answer questions in the same format as the form. For responses in the form of checkboxes, write "Y", "N", or "S". Constrain narrative responses to the specific question as is asked on the form; do not respond to multiple questions in one narrative. Label units in narrative responses and tables. Tables must have the exact headings found on the form. Questions that require items to be submitted to the Department may be marked "S" when the required item is attached to the Preapplication Meeting Form. Label all submitted items with the question number for which they were submitted. The Applicant will mark all question numbers with an amended response in the table below and note for each question whether the response will replace the response given at the preapplication meeting or will provide additional information to consider in conjunction with the response given at the preapplication meeting. The Applicant will return the "Amended Responses" document with the "Follow-up Responses" document and the signed Preapplication Meeting Form.

Questions with amended responses

FOLLOW-UP PAGE AFFIDAVIT & CERTIFICATION

"I/we attest that this preapplication meeting form, follow-up page, and amended responses page accurately portray my proposed project. I am aware that my application for this project will not qualify for a discounted filing fee and expedited timelines if upon submittal of the application to the department, I change any element of the proposed application from the preapplication meeting form and follow-up materials (ARM 36.12.1302(6)(a))."

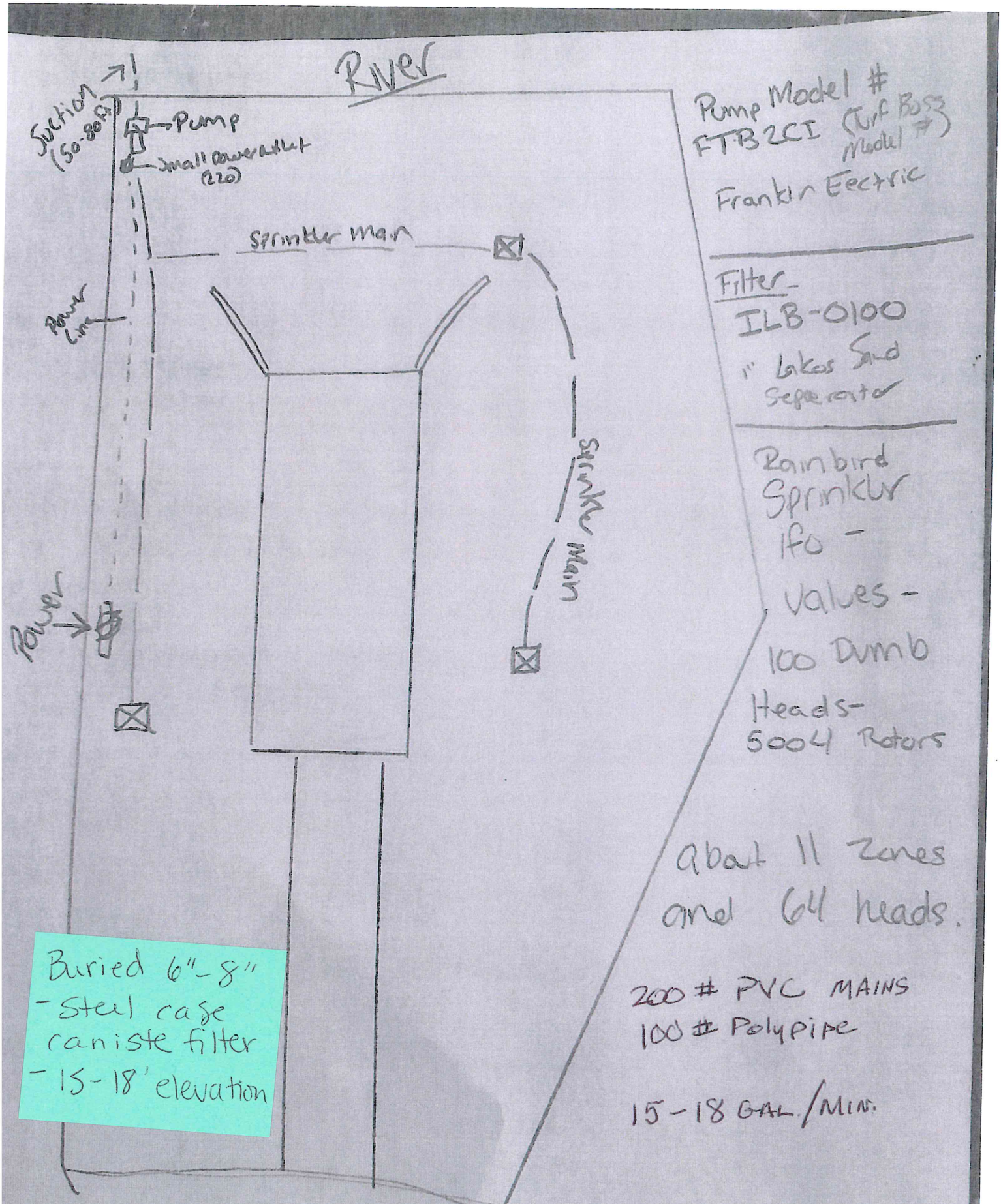
Robert D. Hargo — Applicant Signature — 1-15-2025 — Date

Lisa Hargo — Applicant Signature — 01/15/2025 — Date

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

Department Signature — 1/23/2025 — Date

Department Signature — Date



Pump Model # FTB2CI (Turf Boss Model #)
Franklin Electric

Filter -
ILB-0100
1" Lakos Sand Separator

Rainbird Sprinkler ifo -
Values - 100 Dumb
Heads - 5004 Rotors

abat 11 zones and 64 heads.

200 # PVC MAINS
100 # Polypipe

15 - 18 GAL./MIN.

Buried 6" - 8"
- Steal case caniste filter
- 15 - 18' elevation

Frost Contracting
Box 613. Terry MT
406 360 2607

Proposal

PROPOSAL NO.

SHEET NO.

DATE

PROPOSAL SUBMITTED TO:

NAME Bob/Tom Hauge

ADDRESS 12 Idlewild Dr
Ca. Valley

PHONE NO. 406-881-9169

WORK TO BE PERFORMED AT:

ADDRESS

DATE OF PLANS

ARCHITECT

We hereby propose to furnish the materials and perform the labor necessary for the completion of New underground Sprinkler system including abot 64 rotors on 11 Zones auto controller tapping pump system drip Veine to trees, and hedges. (6) add three risers/Boxs with hose bibs

2hp pump, with Suction line with foothaline, 2gallon Pressure tank 30/40 Smith, 1" Lakes Separator Screener valve- auto drain to controller installed 4250.00

2/3 deposit materials ~~1150~~ (2800) / Balance at Completion (1450.00)

Warranty 3yr on all workmanship and Rainbird materials

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of Four thousand two hundreds fifty Dollars ($ 9450) with payments to be made as follows.

1/3 deposit materials, Reservation (cashpaid) (3150.00) Bal 10-29-24

1/3 at Start of project (3150.00) Balance at Completion (3150.00)

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted

Per

Note — this proposal may be withdrawn by us if not accepted within 30 days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

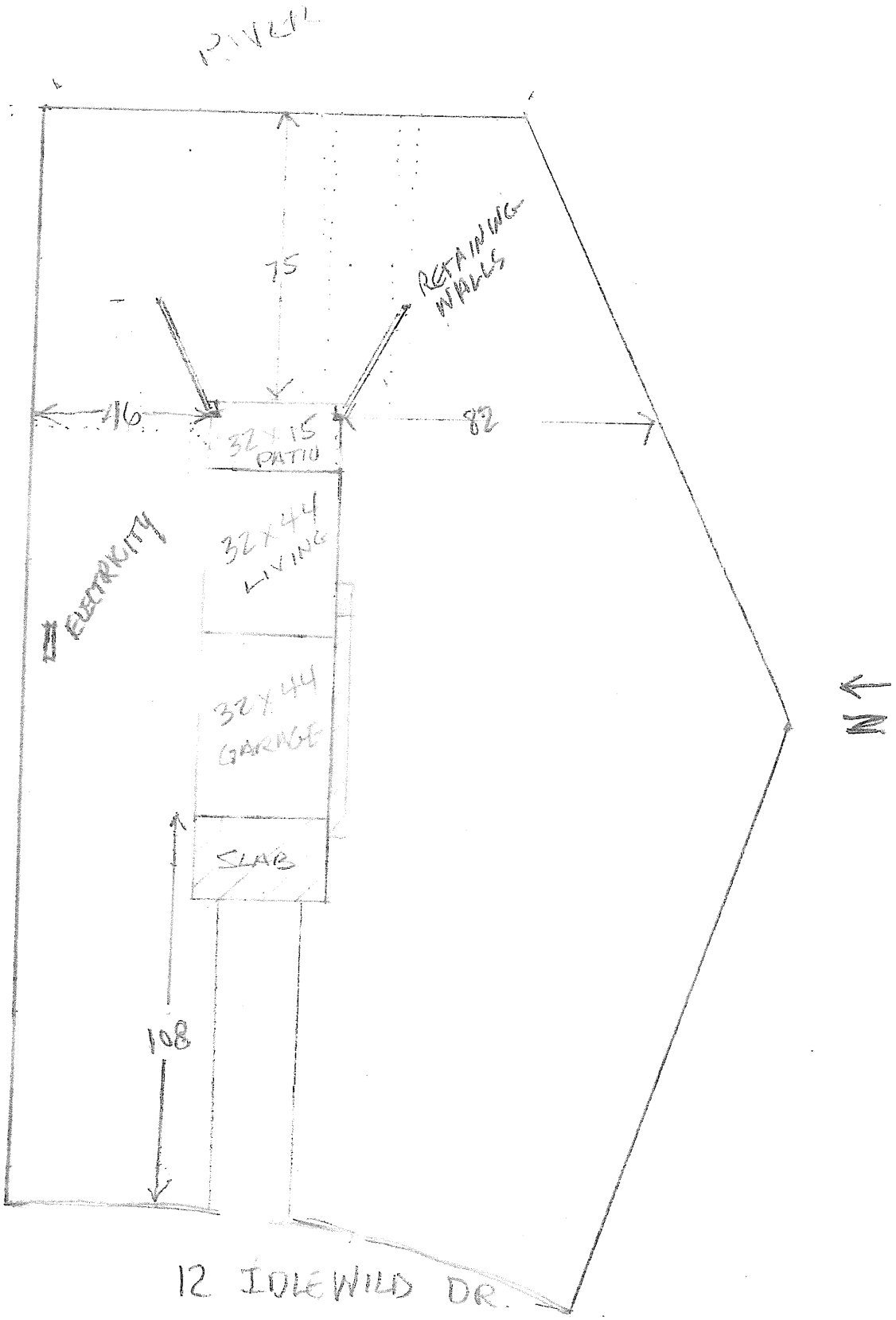
Signature

Date

Signature

12-12

©TOPS 41850


PAVED
75
RETAINING WALLS
116
82
32 x 15 PATIO
32 x 44 LIVING
32 x 44 GARAGE
SLAB
ELECTRICITY
108
N
12 IDLEWILD DR.

1 SQUARE = 4'

Haugo

10/24/2024, 2:47:21 PM

Active Water Rights (Points of Diversion)
- SURFACE

Cadastral - Parcels

DNRC Basins

NHD Flowlines

WRS Ditches

PLSS Second Division
- Aliquot Part
- Government Lot

PLSS First Division
- Section

PLSS Township

2021 Aerial Photos
- Red: Band_1
- Green: Band_2
- Blue: Band_3

1:1,128

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, Montana State Library, © OpenStreetMap, Microsoft, Esri,

ArcGIS Web AppBuilder

REQUEST FOR PREAPPLICATION MEETING

ARM 36.12.1302(2)
(Revised 01/2024)

For Department Use Only

Date Received 11/20
Received By AK
Scheduled Meeting Date 1/8 @ 10PM

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 Robert Haugo

Mailing Address Box 793

City Scobey State MT Zip 59263

Home Phone 406-487-2813 Other Phone 406-531-9169

Email: arph@nemont.net

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

a) The flow rate and volume of water required:

Flow Rate 20 ☒ GPM ☐ CFS Volume 2.775 Acre-Feet

b) The point of diversion:

Point of Diversion #1 SE 1/4 NW 1/4 SW 1/4 Section 34, Township 27 ☒ N ☐ S, Range 41 ☒ E ☐ W

County VALLEY

Lot/Tract 64 Block _____ Subdivision Name Idlewild

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:

1.11 Acres ____ Lot ____ Block 52 1/4 NW 1/4 SW 1/4 Sec 34, Twp 27 ☑ N ☐ S, Rge 41 ☑ 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: Missouri River

e) The proposed purpose: Lawn & Garden

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 # _____

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 new well or wells, the well depth(s) and location:

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

County _____

Lot/Tract _____ Block_____ Subdivision Name_____

Estimated Well Depth _____ Feet

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

County _____

Lot/Tract _____ Block_____ Subdivision Name_____

Estimated Well Depth _____ Feet