

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

THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

GOVERNOR GREG GIANFORTE



DNRC DIRECTOR AMANDA KASTER

DNRC Water Resources
Billings Regional Office
1371 Rimtop Dr.
Billings, MT 59105-1978

July 30, 2026

ROQUE PROPERTIES LLC
1747 RED LODGE CREEK RD
ROBERTS, MT 59070

Subject: Correct and Complete Application for Change No. 43D 30165111

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,

A handwritten signature in blue ink, appearing to read "Veronica Corbett".

Veronica Corbett | Water Resource Specialist
Water Resources Division, DNRC
Billings Regional Office
1371 Rimtop Dr, Billings, MT 59105
DESK: 406-247-4431 | EMAIL: veronica.corbett@mt.gov

CC: DMS Natural Resources



DNRC.MT.GOV

DMS Natural Resources, LLC
William Moore
602 S. Ferguson Ave., Suite 2
Bozeman, MT 59718
406-582-4988
moore@dmsnaturalresources.com

RECEIVED
JUN 30 2026
DNRC - WRD - BILLINGS



June 29, 2026

Department of Natural Resources and Conservation
C/O Veronica Corbett
Airport Business Park
1371 Rimtop Drive
Billings, MT 59105-1978

RE: Response to Deficiency Letter for Application to Change an Existing Irrigation Water Right No. 43D 30165111

Dear Veronica,

This letter is in response to your March 3, 2026 Deficiency Letter for Application to Change an Existing Irrigation Water Right No. 43D 30165111 to irrigation claim 43D 13723 00 owned by Roque Properties, LLC.

Question 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.

- 1. Information regarding the proposed pump is inconsistent in application materials. The narrative indicates a Cornell 4HH 60 pump will be used. Attachment 32.1 indicates one or two pumps may be used.**

The primary pump site (SWNWSE of Section 5, T5S R20E, Proposed POD ID No. 1 for 43D 13723 00) will be operated with two Cornell 4HH 60 pumps. The two pumps will be used in combination to provide the required flow for all pivots and hand line irrigation systems on both the north and south sides of Red Lodge Creek. Valves in the pipelines will allow the Applicant to control the flow of water from the two Cornell 4HH 60 pumps to irrigation north of the creek, south of the creek, or to both sides of the creek simultaneously.

Based on information provided by Big Sky Irrigation as Exhibit 32.1 with the change application, each of the two Cornell 4HH 60 pumps has a capacity of 1223 GPM (2.73 cfs) at the proposed configuration. As described in the change application, the total proposed flow rate of the pivots

and sprinklers supplied by the proposed pumps is 4.6 cfs¹. In combination, the two proposed Cornell 4HH 60 pumps at the primary pump site (POD ID No. 1 for 43D 13723 00) will have a capacity of 5.46 cfs (2.73 cfs/pump x 2 pumps). Thus, the proposed pumps have adequate capacity to divert the full flow rate of all proposed pivots and sprinklers supplied under both 43D 13723 00 and 43D 14970 00 from the primary pump site (43D 13723 00 Proposed POD No. 1).

In response to question 181 of the 606P Additional Information, the Applicant stated that *"Two pumps will be located at this pump site to provide adequate flow to all pivots on both sides of Red Lodge Creek. The pumps will be installed on moveable frames so that a pump can be moved to the pump site in the NENESE of Section 5 (Proposed POD ID No. 3)² if needed for operational requirements. Proposed POD ID No. 3 will be maintained as a backup POD for the pivots south of Red Lodge Creek depending on operational needs and conditions in the channel of Red Lodge Creek."* Since the date of the original change application, the Applicant has determined that both Cornell 4HH 60 pumps will stay at the primary pump site and will not be moved to 41F 14970 00 Proposed POD ID No. 3 as the natural gas system used to power the pumps will be located solely at the primary pump site in the SWNWSE of Section 5, T5S R20E. The Applicant has a portable diesel-powered pump which is currently not in use and will be moved to 41F 14970 00 Proposed POD ID No. 3 if needed and will be used to maintain 41F 14970 00 Proposed POD ID No. 3 as a backup POD for the pivots south of Red Lodge Creek depending on operational needs as described in the response to Question 181 of the original 606P Additional Information. The proposed pump site in the NENESE of Section 5, T5S R20E, is not a proposed POD for 43D 13723 00 and thus does not relate to change application 43D 30165111. Additional information regarding the capacity of the diesel pump is provided in the deficiency response for change application 43D 30165112 (water right 43D 14970 00).

- 2. The narrative response to this question indicates a Cornell 4HH 60 pump and Baldwin electric motor will be used. Pictures in Exhibit 33 include Figures 8 and 9 showing Vortec engines to be used at both proposed PODs. Please explain where in the proposed diversionary and conveyance infrastructure these engines are intended to be used.**

The primary pump site (43D 13723 00 Proposed POD No. 1) will be powered by natural gas and operated with two Cornell 4HH 60 pumps, two 60HP Baldwin VFD electric motors³, two electric generators, and two Vortec natural gas engines. Each of the two Cornell 4HH 60 pumps will be powered by one Baldwin VFD electric motor (two Baldwin motors in total, one for each pump – see Figure 10 of Exhibit 33 provided with the change application for picture / specifications of the Baldwin motors). Electricity to power each motor and pump will be provided by one electric

¹ This excludes the flow rate of 43D 14970 00 diverted into the Clark (Hoines) Ditch.

² Proposed POD 3 in the NENESE of Section 5, T5S R20E, is only a proposed POD for water right 43D 14970 00.

³ The Applicant has heard these motors referred to under the names of "Baldwin" and "Baldor." Throughout the application materials, the Applicant has referred to this motor as a "Baldwin" motor. However, the name "Baldor" and "Baldor Manufacturing Co" is stamped on the placard shown in Figure 10 of Exhibit 33 with the change application. For consistency throughout the change application materials, the Applicant is referring to this as a "Baldwin" motor. However, the motor referred to by the Applicant as the "Baldwin" motor is the same as the "Baldor" motor and the names "Baldwin" and "Baldor" are assumed to be interchangeable and refer to the single motor shown in Figure 10 of Exhibit 33 with the change application.

generator powered by one Vortec natural gas engine (two generators and Vortec engines in total, one for each pump – see Figures 8 and 9 of Exhibit 33 provided with the change application for pictures / specifications of the Vortec engines).

Question 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.

3. Please provide the proposed size, materials, capacity and configuration of the infrastructure that will be used to adequately divert and convey water from the proposed point diversion to the proposed place of use.

Based on correspondence with DNRC, Question 34 is asking about the infrastructure from the POD to the POU and is independent of the POD infrastructure described in response to Question 33⁴. Thus, the Applicant assumes that DNRC's question #3 in the March 3, 2026 Deficiency Letter is limited solely to the conveyance infrastructure. See specifications and descriptions of the POD infrastructure in the original change application materials and clarified in response to deficiency letter questions 1 and 2 above.

Water will be conveyed from Proposed POD ID No. 1 to the 43D 13723 00 POU by means of buried PIP PVC pipelines. The main pipeline running NW from Proposed POD ID No. 1 will be an 8" PIP PVC pipeline. The two pipelines running from the "T" in the W2NWSE of Section 5, T5S R20E, supplying the North West and North East pivots will be 6" PIP PVC pipelines. A revised version of the proposed use map showing the configuration of the pipelines updated to include the specific pipeline dimensions is provided as Exhibit 18 Version 2.

The pipeline system for the North West and North East pivots has been designed by Big Sky Irrigation to have adequate capacity to convey the required flow to the North East and North West pivots. The capacity of a pipeline will depend on many different variables. However, a rough estimate showing that the proposed pipelines are adequate of conveying the required flow rates can be obtained from rough calculations from online sources. As described in the original change application materials, the North West pivot requires 340 GPM and the North East pivot requires 450 GPM, for a total of 790 GPM between the North West and North East pivots combined. An 8" pipeline is expected to have a capacity of approximately 1,267 – 2,800 GPM in average to high pressures⁵ which is greater than the total 790 GPM required by the North West and North East pivots. A 6" pipeline is expected to have a capacity of approximately 733 – 1,700 GPM in average to high pressures⁶ which is greater than the 340 GPM required by the North West Pivot and the 450 GPM required by the North East Pivot. While these figures are only rough estimates, they show that the pipelines will have more than adequate capacity to convey the required flow rate to the North West and North East pivots.

⁴ Email correspondence with Veronica Corbett, April 15, 2026.

⁵ Pipe Size and Flow Rate: Calculating Water Capacity in GPM or GPH, Water Purification Systems, https://www.wpsexpert.com/calculators/how-much-water-can-flow-through-a-pipe-by-size-and-gpm-or-gph/?srsltid=AfmBOooqd_CbU7X8npm96CfbLWoGaRLdzsn5odiwuMzZc0czWx7_Yi9I.

⁶ Ibid.

Response to Deficiency Letter for Application to Change an Existing Irrigation Water Right No. 43D 30165111
DMS Natural Resources LLC
June 29, 2026

Sincerely,

A handwritten signature in cursive script, appearing to read "William Moore".

William Moore

CC:

Frank Roque, Roque Properties, LLC Owner
Roger Hammersmark, Roque Properties, LLC Property Caretaker and Ranch Manager

THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

GOVERNOR GREG GIANFORTE



DNRC DIRECTOR AMANDA KASTER

DNRC Water Resources
Billings Regional Office
1371 Rintop Dr.
Billings, MT 59105-1978

March 9, 2026

Roque Properties LLC
1747 Red Lodge Creek Rd
Roberts, MT 59070

Applicant,

On March 3, 2026, deficiency letters were sent regarding Change Application nos. 43D 30165111 and 43D 30165112. DMS Natural Resources, consultant for the Applicant, identified they may have received a duplicate copy of one document erroneously attached to another.

For clarity, a copy of both deficiency letters is being resent by email and mail to both the Applicant and consultant.

If you have any further questions or concerns, please feel free to contact me.

Best,

A handwritten signature in blue ink, appearing to read "Veronica Corbett".

Veronica Corbett | Water Resource Specialist
Water Resources Division, DNRC
Billings Regional Office
1371 Rintop Dr, Billings, MT 59105
DESK: 406-247-4431 | EMAIL: veronica.corbett@mt.gov



DNRC.MT.GOV

[EXTERNAL] RE: Roque Properties Change Applications

From moore dmsnaturalresources.com <moore@dmsnaturalresources.com>

Date Mon 3/9/2026 4:54 PM

To Corbett, Veronica <Veronica.Corbett@mt.gov>

Cc Stephenson, Deborah <Stephenson@dmsnaturalresources.com>

Hi Veronica,

Thanks for clarifying! We will start to work on the responses and will let you know if we have any questions.

Thanks,
Will

William Moore

DMS Natural Resources, LLC

602 S. Ferguson Ave., Suite 2

Bozeman, MT 59718

Office: 406-582-4988

Cell: 406-595-9455

moore@dmsnaturalresources.com

www.dmsnaturalresources.com [dmsnaturalresources.com]

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From: Corbett, Veronica <Veronica.Corbett@mt.gov>

Sent: Monday, March 9, 2026 4:08 PM

To: moore dmsnaturalresources.com [dmsnaturalresources.com] <moore@dmsnaturalresources.com>

Cc: stephenson dmsnaturalresources.com [dmsnaturalresources.com] <stephenson@dmsnaturalresources.com>

Subject: Re: Roque Properties Change Applications

Hi Will,

At this point, since I thought I scanned what I mailed and that doesn't seem to reflect what you received, I will resend to you and Roque Properties via mail and another email.

Best,
Veronica



Veronica Corbett | Water Resource Specialist

Water Resources Division

Montana Department of Natural Resources and Conservation

Billings Regional Office

1371 Rimtop Dr, Billings, MT 59105

DESK: 406-247-4431 **EMAIL:** veronica.corbett@mt.gov

From: moore [dmsnaturalresources.com \[dmsnaturalresources.com\]](#) <moore@dmsnaturalresources.com>
Sent: Monday, March 9, 2026 3:21 PM
To: Corbett, Veronica <Veronica.Corbett@mt.gov>
Cc: Stephenson, Deborah <Stephenson@dmsnaturalresources.com>
Subject: [EXTERNAL] RE: Roque Properties Change Applications

Hi Veronica,

Thank you for sending over those deficiency letters. We received hard copies in the mail on Friday, and in looking at everything closer today after you emailed the electronic copies I think there was an error in the hard copy we received on Friday. For application 43D 30165112, the hard copy we received matches the electronic copy you sent this morning, I don't see any issues there. However, for 43D 30165111 the hard copy we received on Friday is different than the electronic version you sent this morning, both copies we have received are attached for your reference – I think the first page of the 43D 30165112 letter was accidentally duplicated as the first page of the 43D 30165111 letter in the hard copy we received. I assume, but just wanted to triple check, that the electronic version that you sent this morning is the correct version we should be using?

Also, do you know if the same thing happened with the hard copy version sent to Roque Properties, LLC, and if so is a corrected version being sent to Roque Properties?

Thanks!
Will

William Moore
DMS Natural Resources, LLC
602 S. Ferguson Ave., Suite 2
Bozeman, MT 59718
Office: 406-582-4988
Cell: 406-595-9455
moore@dmsnaturalresources.com
[www.dmsnaturalresources.com \[dmsnaturalresources.com\]](http://www.dmsnaturalresources.com [dmsnaturalresources.com])

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From: Corbett, Veronica <Veronica.Corbett@mt.gov>
Sent: Monday, March 9, 2026 12:15 PM
To: moore [dmsnaturalresources.com \[dmsnaturalresources.com\]](#) <moore@dmsnaturalresources.com>
Subject: Re: Roque Properties Change Applications

Hi Will,

Here are those two deficiency letters.

Best,
Veronica



Veronica Corbett | Water Resource Specialist

Water Resources Division

Montana Department of Natural Resources and Conservation

Billings Regional Office

1371 Rimtop Dr, Billings, MT 59105

DESK: 406-247-4431 EMAIL: veronica.corbett@mt.gov

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[twitter.com])witter [twitter.com]) | [Instagram](#) [instagram.com]

How did we do? Let us know here: [forms.office.com][Feedback Survey](#) [forms.office.com]

From: moore dmsnaturalresources.com [dmsnaturalresources.com] <moore@dmsnaturalresources.com>

Sent: Thursday, February 26, 2026 3:31 PM

To: Corbett, Veronica <Veronica.Corbett@mt.gov>

Cc: Stephenson, Deborah <Stephenson@dmsnaturalresources.com>

Subject: [EXTERNAL] Roque Properties Change Applications

Hi Veronica,

Hope all is well with you! I think we are getting close to the deadline for either a deficiency letter or correct & complete letter for the two Roque Properties change applications (43D 30165111 and 43D 30165112) – we mailed the applications on 2/4/2026 but I am not sure what date your office received them... Please remember to email us a copy of whatever you send out to Roque Properties!

Thanks!

Will

William Moore

DMS Natural Resources, LLC

602 S. Ferguson Ave., Suite 2

Bozeman, MT 59718

Office: 406-582-4988

Cell: 406-595-9455

moore@dmsnaturalresources.com

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DNRC Water Resources
Billings Regional Office
1371 Rimtop Dr.
Billings, MT 59105-1978

March 3, 2026

Roque Properties LLC
1747 Red Lodge Creek Rd
Roberts, MT 59070

Subject: Deficiency letter for Change Application No. 43D 30165111

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):

☐ **Question 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.**

- Information regarding the proposed pump is inconsistent in application materials. The narrative indicates a Cornell 4HH 60 pump will be used. Attachment 32.1 indicates one or two pumps may be used.
- The narrative response to this question indicates a Cornell 4HH 60 pump and Baldwin electric motor will be used. Pictures in Exhibit 33 include Figures 8 and 9 showing Vortec engines to be used at both proposed PODs. Please explain where in the proposed diversionary and conveyance infrastructure these engines are intended to be used.

☐ **Question 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.**



- Please provide the proposed size, materials, capacity and configuration of the infrastructure that will be used to adequately divert and convey water from the proposed point diversion to the proposed place of use.

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.

Because Change Application nos. 43D 30165111 and 43D 30165112 are inextricably linked by the shared use under the pivot, neither application can be determined correct and complete without adequate responses to both deficiency letters.

Please submit the information specified above to the Billings Regional Office by July 1, 2026. 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,



Veronica Corbett | Water Resource Specialist
Water Resources Division, DNRC
Billings Regional Office
1371 Rimtop Dr, Billings, MT 59105
DESK: 406-247-44131 | EMAIL: veronica.corbett@mt.gov

CC: DMS Natural Resources

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 TO CHANGE A WATER RIGHT

§ 85-2-302, MCA
Form No. 606 (Revised 10/2025)

For Department Use Only

RECEIVED

FEB 09 2026

DNRC-WRD-BILLINGS

FILING FEE

\$2500/\$1500 – Without/with filing fee reduction.

\$400 – (The following types do not qualify for a filing fee reduction)

- Replacement well greater than 200 feet from original
- Replacement reservoir on the same source

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 606P-B will be credited toward filing fees shown above.

Application # 30165111 Basin 430
Priority Date Time AM/PM
Rec'd By HW
Fee Rec'd \$ 1000.00 Check # 2303
Deposit Receipt # BLS24el8229-03
Payor DMS Natural Resources
Refund \$ Date

Applicant Information: Add more as necessary.

Applicant Name Roque Properties, LLC

Mailing Address 1747 Red Lodge Creek Rd City Roberts State MT Zip 59070-9650

Phone Numbers: Home (599) 351-8547 Work Cell

Email Address frank@panochecreek.com

Applicant Name

Mailing Address City State Zip

Phone Numbers: Home Work Cell

Email Address

Applicant Name

Mailing Address City State Zip

Phone Numbers: Home Work Cell

Email Address

Contact/Representative Information: Add more as necessary.

Contact/Representative is: ☐ Applicant ☒ Consultant ☐ Attorney ☐ Other

Contact/Representative Name DMS Natural Resources, LLC

Mailing Address 602 S Ferguson Ave., Suite 2 City Bozeman State MT Zip 59718

Phone Numbers: Home (406) 600-1422 Work (406) 582-4988 Cell

Email Address stephenson@dmsnaturalresources.com; moore@dmsnaturalresources.com

NOTE: If a contact person is identified as an attorney, all communication will be sent only to the attorney unless the attorney provides written instruction to the contrary (ARM 36.12.122(2)). If a contact person is identified as a consultant, employee, or lessee, the individual filing the water right form or objection form will receive all correspondence 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 Change Preapplication Meeting Form Part A and Part B (Form 606P-A and 606P-B)?

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

2.a. ☐ S Submit the Technical Analyses Addendum (Form 606-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 606P? **If yes,**

2.c.i. Please explain.

2.c.ii. ☐ S Submit the Technical Analyses Addendum (Form 606-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 606-TAA).

2.e. ☒ Y ☐ N Did you elect in question 1 for Department technical analyses to be used for criteria assessment? **If no:**

2.e.i. ☐ S Submit the technical analyses.



APPLICATION ADDENDA AND REVIEW

3. ☐ S ☒ NA If the proposed change involves one or more places of storage, submit a Change Storage Addendum (Form 606-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)).
4. ☐ S ☒ NA If the project involves an appropriation that is greater than 5.5 CFS and 4,000 acre-feet, submit a Reasonable Use Addendum (Form 606-B).
5. ☐ S ☒ NA If the project involves out-of-state water use, submit an Out-of-State Use Addendum (Form 600/606-OSA).
6. ☐ S ☒ NA If the proposed purposes include marketing or selling water, submit a Water Marketing Purpose Addendum (Form 600/606-WMA). This doesn't include marketing for mitigation/aquifer recharge.
7. ☐ S ☒ NA If the proposed purpose includes instream flow, submit a Change to Instream Flow Addendum (Form 606-IFA).
8. ☐ S ☒ NA If the proposed purposes include mitigation, aquifer recharge, or marketing for mitigation/aquifer recharge, submit a Mitigation Purpose Addendum (Form 606/606-MIT).
9. ☐ S ☒ NA If the project is in designated sage grouse habitat, submit a review letter from the Montana Sage Grouse Habitat Conservation Program.
10. ☐ S ☒ NA If you propose to add a point of diversion or place of use on State of Montana Trust Land, submit documentation of consent from DRNC Trust Lands Management Division. If you propose to add a place of use on Trust Land with all points of diversion on private land, then, at a minimum, that component of the change authorization will be temporary for the duration of the lease term (§ 85-2-441, MCA).
11. ☐ Y ☒ 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.

APPLICATION DETAILS

12. How many change applications will be needed for this project? Refer to ARM 36.12.1305 for more information. 2 (concurrent change application also being submitted for 43D 14970 00)

13. Fill out the table below for the water rights proposed for change.

Water Right No.	Current Authorized Flow Rate			Flow Rate Needed for Project			Means of Diversion
	Flow	GPM	CFS	Flow	GPM	CFS	
43D 13723 00	3	☐	☒	1.36	☐	☒	Headgate
		☐	☐		☐	☐	
		☐	☐		☐	☐	
		☐	☐		☐	☐	
		☐	☐		☐	☐	



14. Is the source surface water or groundwater? Surface

15. What is the source name? Red Lodge Creek

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

Water Right No.	43D 13723 00				
Point of Diversion	☒	☐	☐	☐	☐
Place of Use	☒	☐	☐	☐	☐
Purpose of Use	☐	☐	☐	☐	☐
Place of Storage	☐	☐	☐	☐	☐

17. ☒ **S** Submit a historical use map created on an aerial photograph or topographic map that shows the following: section corners, township and range, scale bar, north arrow, all historical points of diversion (POD) labeled with a unique POD ID ("H" followed by a number), all historical places of use (POU), all historical conveyance structures, all historical places of storage, and historical place of use for all overlapping water rights. More than one map may be submitted, if necessary, to clearly convey all required information. **See Exhibit 17**

18. ☒ **S** Submit a proposed use map created on an aerial photograph or topographic map that shows section corners, township and range, scale bar, north arrow, and the following elements: points of diversion labeled with a unique POD ID ("P" followed by a number), places of use, conveyance structures, places of storage, and place of use for all overlapping water rights. Include all elements that will be on the water rights after the proposed change, regardless of whether the element will be modified by the change. The map should fully depict the water rights, as proposed, after the change. More than one map may be submitted, if necessary, to clearly convey all required information. **See Exhibit 18**

19. ☒ **Y** ☐ **N** Does the proposed change involve a change in point of diversion?

IF YES,

19.a. Describe the location for all *new* and *unchanged* points of diversion to the nearest 10 acres. Label POD ID with the same POD ID number assigned for the proposed use map (question 18).

POD ID	¼	¼	¼	Sec.	Twp.	Rge.	County	Lot	Block	Tract	Subdivision	Gov. Lot	New or Unchanged
1	SW	NW	SE	5	5S	20E	Carbon						New



19.b. ☐ NA Describe the location of all historical PODs you propose to *retire*. Label POD ID with the same POD ID assigned for the historical use map (question 17). If none are proposed for retirement, select "NA" checkbox.

POD ID	¼	¼	¼	Sec.	Twp.	Rge.	County	Lot	Block	Tract	Subdivision	Gov. Lot
1	SW	SE	SW	5	5S	20E	Carbon					

19.c. What is the means of diversion for all *new* PODs? 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.

Pump (Proposed POD ID 1)

20. ☒ Y ☐ N Does the proposed change involve a change in place of use?

IF YES,

20.a. What are the geocodes of the proposed place of use?

10-0533-05-3-04-01-0000	

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

Acres	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County
31.5			NW	SE	5	5S	20E	Carbon
25.4			NE	SW	5	5S	20E	Carbon
11.3		N2	SE	SW	5	5S	20E	Carbon
0.6		NW	SW	SE	5	5S	20E	Carbon
0.3		SE	NW	SW	5	5S	20E	Carbon
69.1	Total							



21. ☒ Y ☐ N Does the proposed change involve a change in place of use or purpose?

IF YES,

21.a. ☒ Y ☐ N Do other water rights supplement or overlap the proposed place of use?

IF YES,

21.a.i. How will the water rights be operated to serve the proposed purposes?

Weast Ditch shares are also used under 43C 198705 00. 43D 13723 00 is used from ~4/15 - 7/1 until Red Lodge Creek can no longer provide irrigation water. 43C 198705 00 provides the remainder of the irrigation water for the season (~7/1 - 10/15). Exact dates 43C 198705 00 and 43D 13723 00 are used vary from year-to-year depending on seasonal conditions.

21.a.ii. For each supplemental or overlapping water right, please list the average period of diversion and use (MM/DD-MM/DD), flow rate (GPM or CFS), and the volume of water (AF) contributed.

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

22. ☐ Y ☒ N Are you filing on behalf of another entity? If yes, describe.

23. ☒ Y ☐ N Do you own the entire historical place of use for all water rights proposed for change?

IF QUESTION 23 IS NO,

23.a. ☐ Y ☐ N Was the water historically used for sale, rental, distribution, municipal use, or any other context in which water is being supplied to another and it is clear that the ultimate user would not accept the supply without consenting to the use of water on the user's place of use?

IF QUESTION 23.a IS NO,

23.a.i. ☐ Y ☐ N List the water rights for which you do not own the entire historical place of use.

23.a.ii. ☐ Y ☐ N Are the water rights listed in question 23.a.i severed from the historical place of use?

IF QUESTION 23.a.ii IS YES,

23.a.ii.1. ☐ Y ☐ N Do you own the entirety of the severed water rights proposed for change? If yes, skip to question 24. If no, answer question 23.a.iii.

IF QUESTION 23.a.ii OR 23.a.ii.1 IS NO,

23.a.iii. ☐ Y ☐ N ☐ NA Are all owners of the historical place of use or, if applicable, owners of the severed water rights, willing to sign the application?



IF QUESTION 23.a.iii IS NO,

- 23.a.iii.1. ☐ S Submit a Form 641 or 642 to split the water rights being changed for which all owners will not sign.

ADVERSE EFFECT

24. Explain how you can control your diversion in response to a call being made.
Pump can be shut off if a valid call is made.

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

The Applicant can shut off the pump if a valid call is made. 43D 13723 00 & 43D 14970 00 will be used in combination to provide the irrigation requirement of the NE pivot, and the NE pivot will never be irrigated under only 43D 13723 00 or only 43D 14970 00 to ensure that there is no expansion of use under either claim. The Applicant will only irrigate the NE pivot with Red Lodge Creek water if both claims are in priority. If junior claim is called out of priority, 43D 14970 00 with a June 15, 1902 priority date, the Applicant will cease all irrigation of the NE pivot until either 1) 43D 14970 00 is back in priority, or 2) Weast Ditch shares are released into Red Lodge Creek. If 43D 14970 00 is called out of priority, the Applicant could continue to irrigate the NW pivot fully within the proposed POU of 43D 13723 00, but the NE pivot would be shut off. This plan will ensure that there is no expansion of use, nor any adverse effect to water users, as a result of the proposed change.

26. ☐ 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?

26.a. If yes, explain.

27. Describe how the proposed change will or will not affect your ability to make call.

Applicant will still have the ability to place a call on junior rights as they always have been able to. Proposed change will not change the period of diversion / use and will not result in water use or calls outside of the historic period of diversion / use for 43D 13723 00.



28. ☐ Y ☒ N Does a water commissioner distribute water or oversee water distribution on your proposed source, or if groundwater, on nearby surface water sources?

28.a. If yes, list the sources.

Red Lodge Creek has been subject to a DNRC water distribution project in the past, but is currently inactive and no water commissioner is currently on the source.

29. When was the last time each water right proposed for change was appropriated and used beneficially?
2025, there are no known periods of non-use for 43D 13723 00

IF THERE HAS BEEN A PERIOD OF NONUSE,

29.a. Why was the water right not used?

29.b. Why will a resumption of use not adversely affect other water users?

29.c. ☐ Y ☐ N Is the period of nonuse greater than 10 years for any of the water rights proposed for change? If yes, list which water rights.

29.d. ☐ Y ☐ N Have new water rights been authorized to use the source during the period of nonuse for any of the water rights proposed for change? If yes, explain.



30. ☒ Y ☐ N Do you propose to add one or more points of diversion or use new or existing conveyance infrastructure that will be shared with one or more existing water rights?

30.a. If yes, describe how the capacity of the shared points of diversion and/or conveyance infrastructure is sufficient for all water rights and how the proposed project will not adversely affect these water rights.

Proposed POD will be shared with claims 43D 13723 00 and 43D 14970 00 (included in concurrent change application). The total flow rate for all pivots and sprinkler systems which may be irrigated from this pump is ~4.64 cfs. The pump will be sized with adequate capacity to divert the required flow rate. See Exhibit 18 proposed use map and Exhibits 32.1 and 32.2 specifications from Big Sky Irrigation.

31. ☐ NA Answer questions 31.a to 31.b for point of diversion changes. If you do not propose a point of diversion change, mark "NA" instead.

31.a. Are the proposed points of diversion upstream or downstream of the historical points of diversion?

Downstream, proposed pump site is ~0.35 mi downstream of the historic Loyning Ditch headgate.

31.b. ☒ Y ☐ N Are there intervening water users between the historical and proposed points of diversion?

31.b.i. If yes, list the water rights.

The only intervening right is instream FWP reservation 43D 30017745. Water will remain in Red Lodge Creek longer and thus there will be no adverse effect to 43D 30017745.

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.

See proposed use map (Exhibit 18). Also see infrastructure specifications from Big Sky Irrigation provided as Exhibit 32.1 and Exhibit 32.2



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.

Proposed pump site has been in use for many years. However, the Applicant is in the process of replacing the pump / conveyance infrastructure. As of the date of this application, the infrastructure has not yet been purchased and thus the exact models/specifications may change before the notice of completion stage. Water will be diverted from the proposed pump site by means of a Cornell 4HH-60 pump, or similar model, with 13.9375" impellers powered by a Baldwin electric motor. See infrastructure specifications provided as Exhibits 32.1 and 32.2. Also see pictures of the proposed pump site and proposed infrastructure provided as Exhibit 33.

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.

Water will be conveyed from the pump site to the various fields by buried pipelines made from PVC, HDPE, or another similar material. Exact specifications of the actual constructed pipeline(s) will be provided with the notice of completion. Approximate locations of the buried pipelines are shown on Exhibit 18.

35. ☐ Y ☒ N Does the proposed conveyance require easements?

35.a. If yes, explain.



36. Describe your plan of operations, including 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.

See Addendum A.

37. ☒ Y ☐ N ☐ NA If you propose to add one or more points of diversion, do you own the land where all proposed points of diversion are located? If you do not propose to add one or more points of diversion, mark "NA" instead.

37.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.

38. ☐ Y ☒ N Will your system be designed to discharge water from the project?

38.a. If yes, explain the wastewater disposal method.

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

39. ☐ Y ☒ N Is the means of diversion for any proposed point of diversion a well?

IF YES,

39.a. ☐ Y ☐ N Have all wells been drilled?

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

39.c. ☐ Y ☐ N ☐ NA For all wells yet to be drilled, will a licensed well driller construct the wells? If no wells are yet to be drilled, mark "NA" instead.

39.d. ☐ S ☐ NA Submit any well logs not yet submitted to the Department, such as for wells drilled after submittal of Form 606P. If all well logs have been submitted to the Department, mark "NA."



BENEFICIAL USE

40. ☒ Y ☐ N Does the Department have a standard period of diversion, period of use, flow rate, and/or volume for any of the purposes for which water is used? Department standards can be found in the DNRC Water Calculation Guide, ARM 36.12.112, ARM 36.12.115, and ARM 36.12.1902.

40.a. If yes, list the purposes for which the Department has a standard and note whether the water use falls within or outside the standard.

Irrigation - historic & proposed period of use/diversion and flow rate fall within DNRC standards. Historic & proposed volumes calculated with DNRC standards.

40.b. For any of the purposes with no Department standard or with proposed beneficial use that falls outside of Department standards, explain how the use is reasonable for that purpose.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

41. ☐ Y ☒ N Will your proposed project be subject to Montana Department of Environmental Quality (DEQ) requirements for a public water supply (PWS) system or Certificate of Subdivision Approval (COSA)?

42. ☐ Y ☒ N Are you proposing to use surface water for in-house domestic use?

- 42.a. ☐ Y ☐ N If yes, does a COSA exist for the proposed place of use?

- 42.a.i. ☐ S If yes, submit the COSA.

POSSESSORY INTEREST

43. ☐ Y ☒ N Do you meet one of the exceptions to possessory interest requirements, pursuant to ARM 36.12.1802 and § 85-2-402(2)(d), MCA? 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, and applications for the purposes of instream flow, mitigation, and marketing for mitigation.

43.a. If yes, explain.

44. ☒ 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.

44.a. ☐ S If no, explain and submit documentation that shows you either have possessory interest or written permission of the parties with possessory interest of the proposed place of use.

PROPOSED COMPLETION PERIOD

45. How many years will be needed to complete this project and to submit to the DNRC a Project Completion Notice (Form 618)? 10 Years

46. Describe why this amount of time is needed to complete this project.

Estimated time needed to construct infrastructure and put water to use.

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 Frank Roque

Applicant Signature *Frank Roque* Date: 02/04/2026

Printed Name _____

Applicant Signature _____ Date: _____

Printed Name _____

Applicant Signature _____ Date: _____



Question 21.a.ii – For each supplemental or overlapping water right, please list the average period of diversion and use (MM/DD-MM/DD), flow rate (GPM or CFS), and the volume of water (AF) contributed.

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)
43C 198705 00	7/1 – 10/15	7/1 – 10/15	~3.0 CFS ¹ (Historic)	~64.07 AF Total CU ² (Historic)
			~1.36 CFS ³ (Proposed)	~56.47 AF Total CU ⁴ (Proposed)

Question 36 – Describe your Plan of Operations

After the proposed change, the Applicant will divert up to 1.36 cfs (0.76 cfs for the NW pivot and 0.6 cfs for the NE pivot) under 43D 13723 00 from the pump site in the SWNWSE of Section 5 (Proposed POD No. 1). Buried pipelines will convey water from the pump site to the two pivots on the north bank of Red Lodge Creek. The NE pivot requires 1.0 cfs (450 GPM). However, the NE pivot is irrigated under both 43D 13723 00 and 43D 14970 00. The flow rate requirement of the NE pivot was split proportionately between 43D 13723 00 and 43D 14970 00 based on the number of acres of the NE pivot that fall within the POU of each water right⁵. Thus, for the purposes of the calculations in this application, the Applicant proportionately calculates that 60%, 0.6 cfs, of the irrigation demand for the NE pivot is provided by 43D 13723 00, and 40%, 0.4 cfs, is provided by 43D 14970 00.

Both water rights will be used in combination to provide the irrigation requirement of the NE pivot, and the NE pivot will never be irrigated under only 43D 13723 00 or only 43D 14970 00 to ensure that there is no expansion of use under either claim. The Applicant will only irrigate the NE pivot with Red Lodge Creek water if both 43D 13723 00 and 43D 14970 00 are in priority. If the junior claim is called out of priority, 43D 14970 00 with a June 15, 1902 priority date, the Applicant will cease all irrigation of the NE pivot until either 1) 43D 14970 00 is back in priority, or 2) Weast Ditch shares are released into Red Lodge Creek. If 43D 14970 00 is called out of priority, the Applicant could continue to irrigate the NW pivot fully within

¹ Roque Properties, LLC has 500 shares in Weast Ditch Company (which is equivalent to approximately 12.5 cfs). Historically and currently, the Applicant and the Applicant's predecessors did not increase or decrease their diversions when irrigation switched from Red Lodge Creek to Weast Ditch shares. Rather, irrigation continued as it occurred from Red Lodge Creek, the source of water just switched to Weast Ditch Shares. Thus, for this change application, a total of 3.0 cfs was diverted under Red Lodge Creek claim 43D 13723 00 until approximately the end of June, and then 3.0 cfs of Weast Ditch water was used after approximately July 1. There is substantial conveyance loss from the POD of the Weast Ditch to the Applicant's secondary PODs from Red Lodge Creek. Thus, the Applicant's Weast Ditch shares represent a higher flow (~12.5 cfs) than the Applicant's combined diversions at secondary PODs under 43D 13723 00 and 43D 14970 00 (~6.75 cfs) to account for conveyance loss to the Applicant's secondary PODs.

² See DNRC Technical Analysis for change application 43D 30165111 dated August 25, 2025 and notice of errata dated November 4, 2025.

³ As described in Footnote 1, Weast Ditch Company shares replace Red Lodge Creek claims around approximately July 1. Thus, the proposed 1.36 cfs flow rate required for the proposed irrigation under 43C 13723 00 will be "replaced" by 1.36 cfs of Weast Ditch shares approximately July 1.

⁴ Assuming 43D 13723 00 provides irrigation water from beginning of the season through end of June, and Weast Ditch Shares (43C 198705 00) provides irrigation water from July 1 through end of the season. Total seasonal consumptive use for 65.5 acres of proposed POU within historic POU calculated based on DNRC historic use standards and split proportionately between the time periods of April through June (43D 13723 00; 7.19 in or 32.1% of total 22.41 in NIR) and June through October (43C 198705 00; 15.21 in or 67.9% of total 22.41 in NIR) based on IWR monthly breakdown provided by DNRC via email on March 4, 2025. Total seasonal consumptive use for 3.6 acres of proposed pivot irrigation outside historic POU calculated based on DNRC proposed use standards and split proportionately between the time periods of April through June (43D 13723 00; 8.6 in or 34.2% of total 25.11 in NIR) and June through October (43C 198705 00; 16.51 in or 65.8% of total 25.11 in NIR) based on IWR monthly breakdown for pivot irrigation provided by DNRC via email on March 4, 2025. This number was not specifically calculated by DNRC as part of DNRC's Technical Analysis for change application 43D 30165112, but the Applicant's calculations are in agreement with the DNRC's calculations in the Technical Analysis dated August 25, 2025 and notice of errata dated November 4, 2025.

⁵ Approximately 19.8 acres (40.0%) of the 49.4-acre NE pivot are within the POU of 43D 14970 00, and the remaining 29.6 acres (60.0%) are within the POU of 43D 13723 00.

Change Application 43D 30165111 (43D 13723 00) Addendum A
Roque Properties, LLC
February 3, 2026

the proposed POU of 43D 13723 00, but the NE pivot would be shut off. This plan will ensure that there is no expansion of use, nor any adverse effect to water users, as a result of the proposed change.

Exhibit 17

Roque Properties, LLC

Carbon County, MT



Historic Use

43D 13723 00 & 43D 14970 00

Exhibit 17

Roque Properties, LLC Property Border

PODs

- 43D 13723 00 & 43D 14970 00 - Headgate
- 43D 14970 00 - Headgate
- 43D 14970 00 - Pump Site
- Ditch Measurement Points

Ditches

- Clark (Haines) Ditch
- Loyning Ditch

POUs

- 43D 13723 00 (80 Acres)
- 43D 14970 00 (169.3 Acres)

Created 3/30/2025

Aerial Imagery: 9/11/1953 USGS



0 0.1 0.2

Miles

Geographic features displayed on the map have not been surveyed by DMS and should not be construed as surveyed. This map includes publicly available data obtained from third-party sources. DMS makes no warranties as to the accuracy of data obtained from third-party sources.

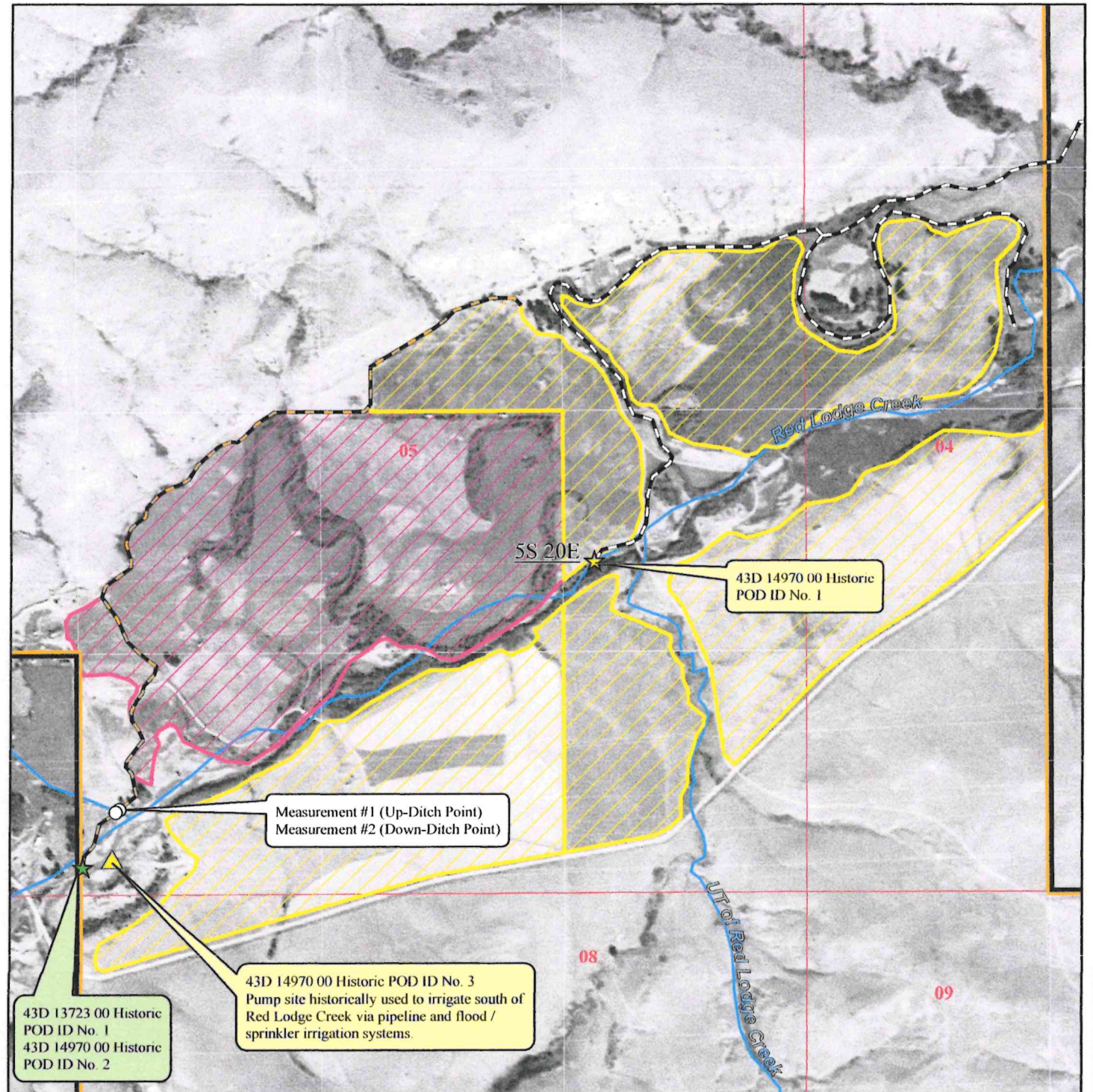


Exhibit 18

Roque Properties, LLC

Carbon County, MT



Proposed Use

43D 13723 00 & 43D 14970 00

Exhibit 18

Roque Properties, LLC Property Border

PODs

43D 14970 00 - Historic & Proposed Headgate

Proposed Pump Sites

Ditches

Clark (Hoines) Ditch

Pipelines

POUs

Pivot Extents

43D 13723 00 - Retained Historic POU (65.5 Acres)

43D 13723 00 - Proposed New POU (3.6 Acres)

43D 13723 00 - Proposed Acres to Retire (14.5 Acres)

43D 14970 00 - Retained Historic POU (151.5 Acres)

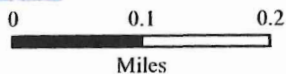
43D 14970 00 - Proposed New POU (3.5 Acres)

43D 14970 00 - Proposed Acres to Retire (17.8 Acres)

Proposed Pond - 43D 14970 00 Place of Storage



Created 2/10/2025
Aerial Imagery: 2023 NAIP



Geographic features displayed on the map have not been surveyed by DMS and should not be construed as surveyed. This map includes publicly available data obtained from third-party sources. DMS makes no warranties as to the accuracy of data obtained from third-party sources.

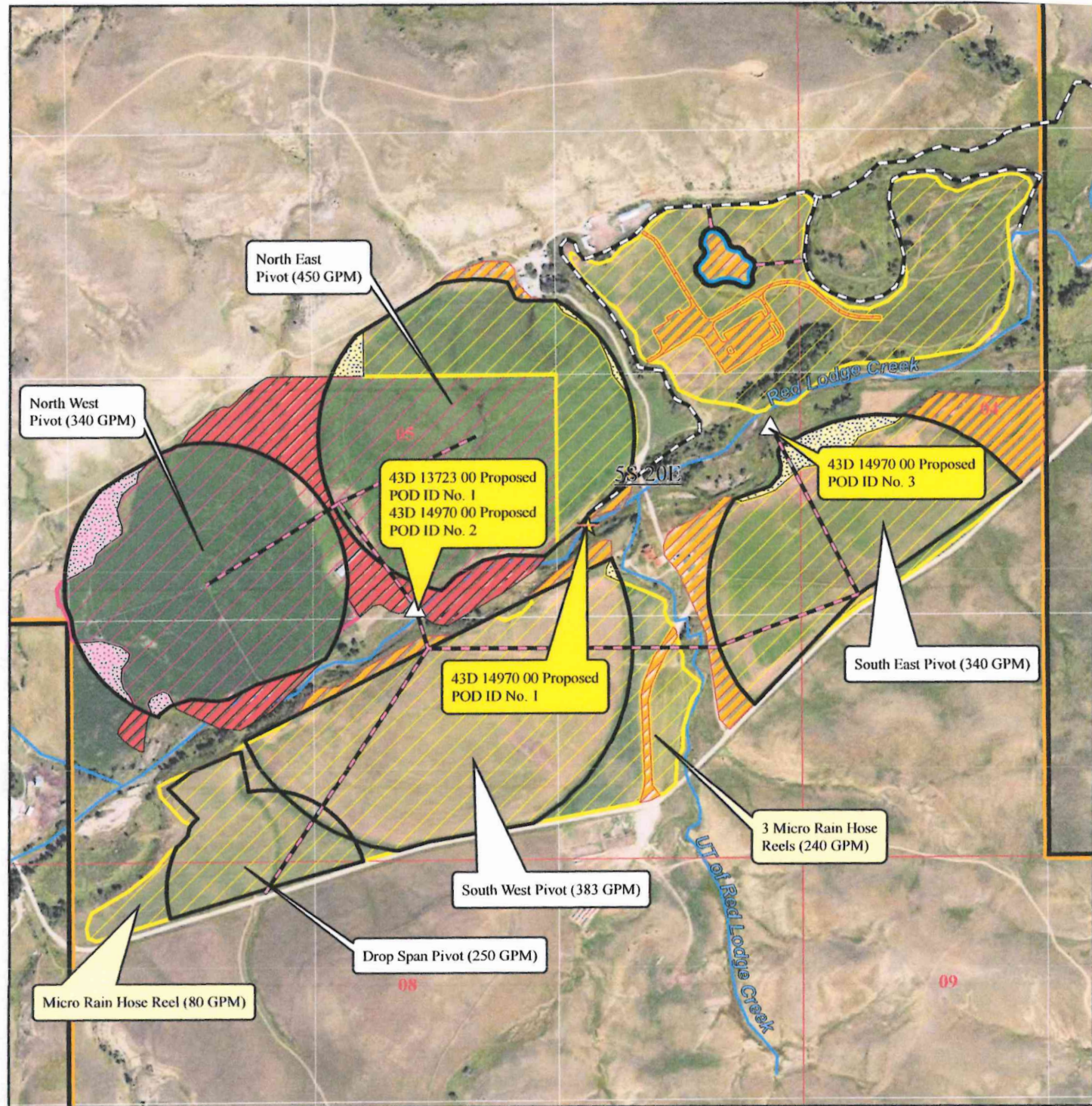
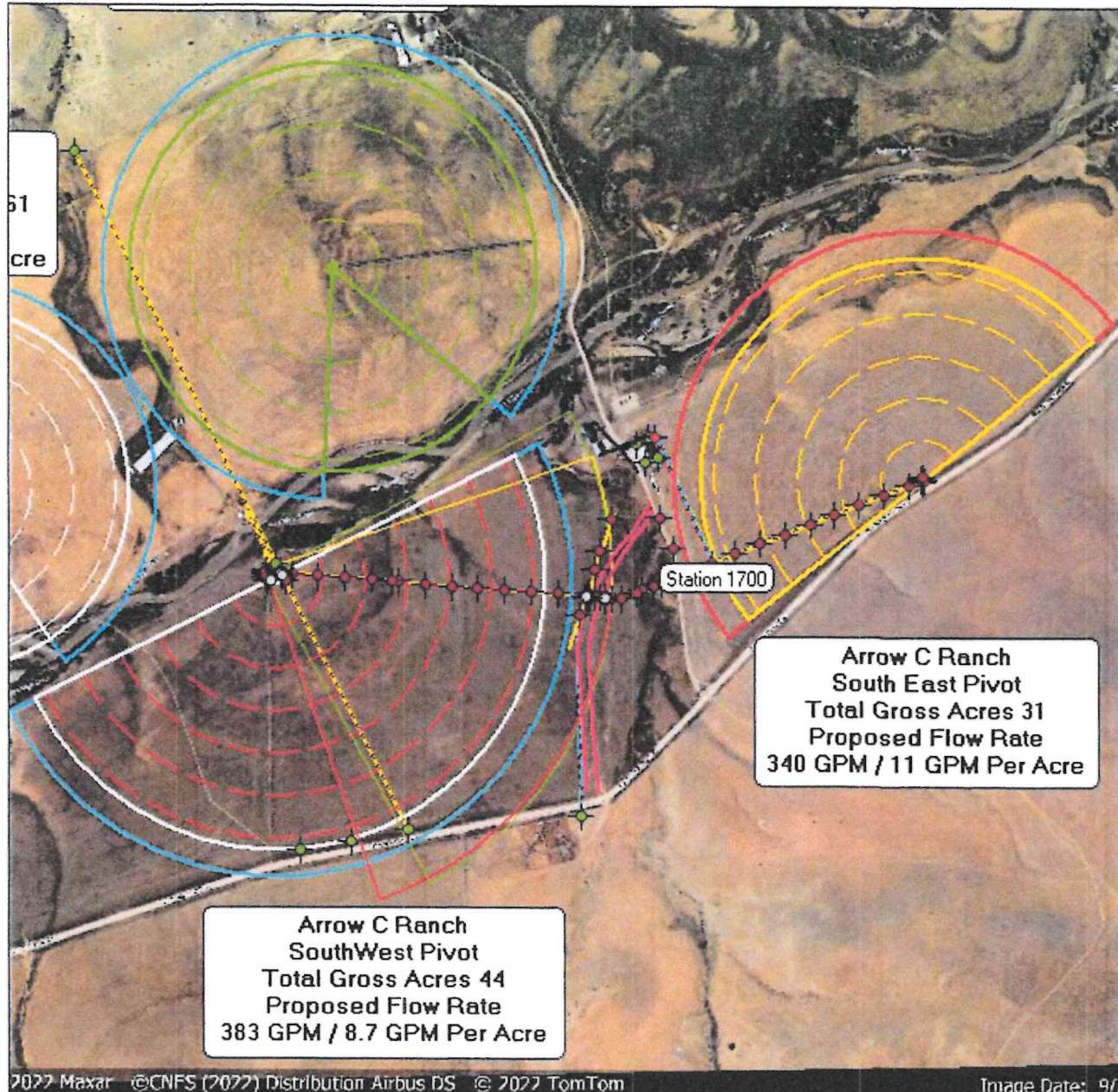


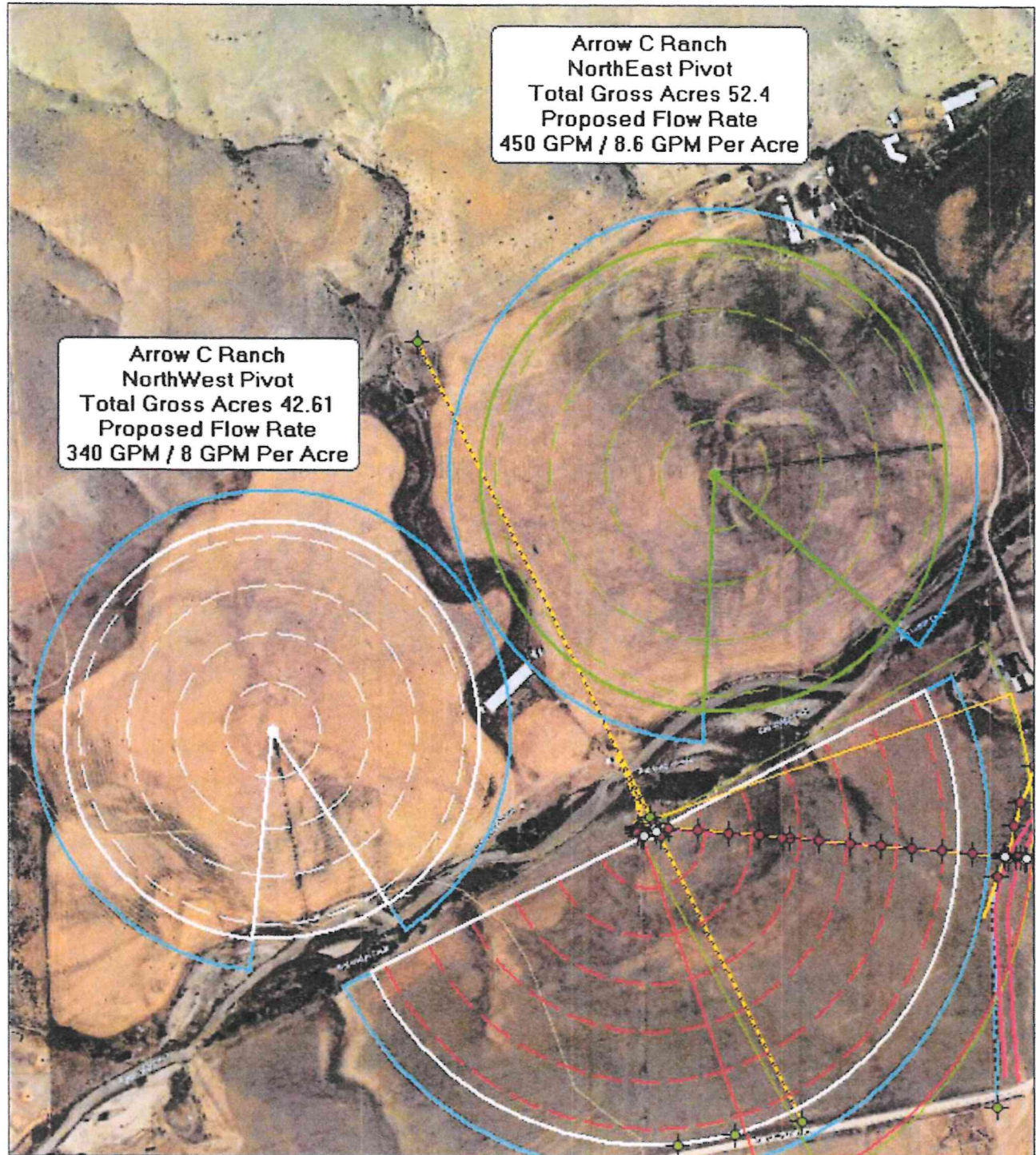
Exhibit 32.1

Exhibit 32.1

Arrow C Ranch
South Pivots
Big Sky Irrigation
Scott Swenson
scott@bigskyirrigation.com
406-252-8175



**Arrow C Ranch
North Pivots
Big Sky Irrigation**
Scott Swenson
scott@bigskyirrigation.com
406-252-8175



Arrow C Ranch - Center Pivot / Pump Flow Rate
Frank Roque

1/31/2023

Big Sky Irrigation - Scott Swenson

See attached map

Pivot Description	Gross Acres	Flow Rate (GPM)	GPM / Acre	Gross Application In 24 hours
North West Pivot System	42.61	340	8	.42"
North East Pivot System	52.4	450	8.6	.46"
South West Pivot System	44	383	8.7	.46"
South East Pivot System	31	340	11	.58"

1513

The system consists of Two Cornell 4HH-60 pumps, with 13.9375" impellers.

Each pump can run up to three of the pivots at once. (Between 1-3 pivots). There is a VFD that would be used to regulate the pump.

The South West Pivot requires the most pressure, so this was the pivot that was used to design the TDH of the pump

Flow Rate Calculation was based on running the three highest flow pivots:

North East Pivot System	52.4	450
South West Pivot System	44	383
South East Pivot System	31	340
Washer Bar		50
GPM		1223

Estimated TDH required to run South West Pivot

	(Feet)
Loss 723 gpm through 240' of 8" 80# PIP	2.1
Lift top of water to South West center point	37
Loss through control valve	4
Lift to top of pivot	10
Loss 383 gpm through center pivot	5.5
Lift center point to field high point	46
Required End Pressure	46
	150.6

Cornell 4-HH-60, (13.9375") will do 1223 gpm at 154' ... see attached pump curve

With both pumps running all four pivots can be on at once



Company: Big Sky Irrigation
Name: Arrow C Ranch 1223 gpm at 154'
Date: 1/31/2023

Pump:

Size: 4HH
Type: Clear Liquids
Synch Speed: 1800 rpm
Curve: 4HH18
Specific Speeds:
Dimensions:
Speed: 1770 rpm
Dia: 13.9375 in
Impeller:
Ns: 1135
Nss: ---
Suction: 6 in
Discharge: 4 in

Search Criteria:

Flow: 1223 US gpm
Head: 154 ft
Fluid:
Water
Density: 62.32 lb/ft³
Viscosity: 0.9946 cP
NPSHa: ---
Temperature: 68 °F
Vapor Pressure: 0.3391 psi a
Atm Pressure: 14.7 psi a

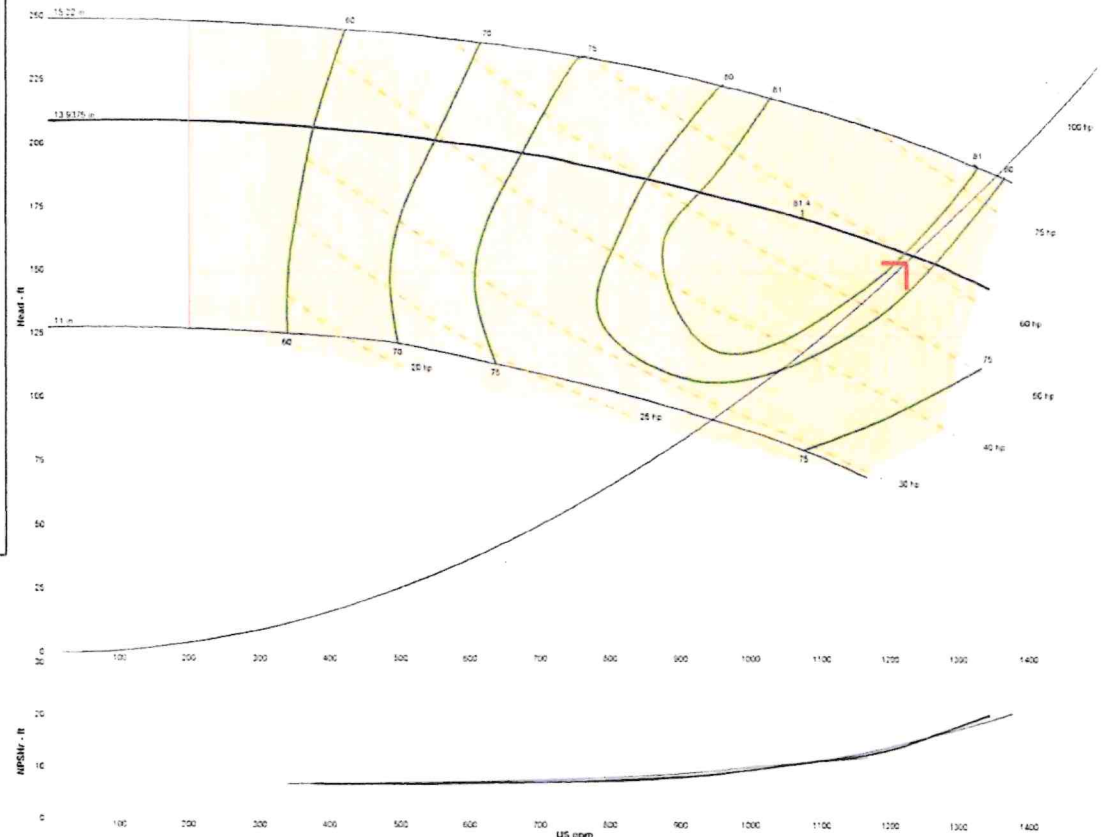
Pump Limits:

Temperature: 250 °F
Pressure: 175 psi g
Sphere Size: 0.62 in
Power: ---
Eye Area: ---

Motor:

Standard: NEMA
Enclosure: TEFC
Sizing Criteria: Max Power on Design Curve
Size: 75 hp
Speed: 1800 rpm
Frame: 365T

--- Duty Point ---	
Flow:	1234 US gpm
Head:	157 ft
Eff:	81%
Power:	60.4 hp
NPSHr:	15.2 ft
--- Design Curve ---	
Shutoff Head:	209 ft
Shutoff dP:	90.4 psi
Min Flow:	200 US gpm
BEP:	81.4% @ 1072 US gpm
NOL Power:	62.8 hp @ 1344 US gpm
--- Max Curve ---	
Max Power:	81.3 hp @ 1377 US gpm



Min flow line represents the absolute lowest flow pump can operate. Consult with factory if operating below 50% of BEP flow

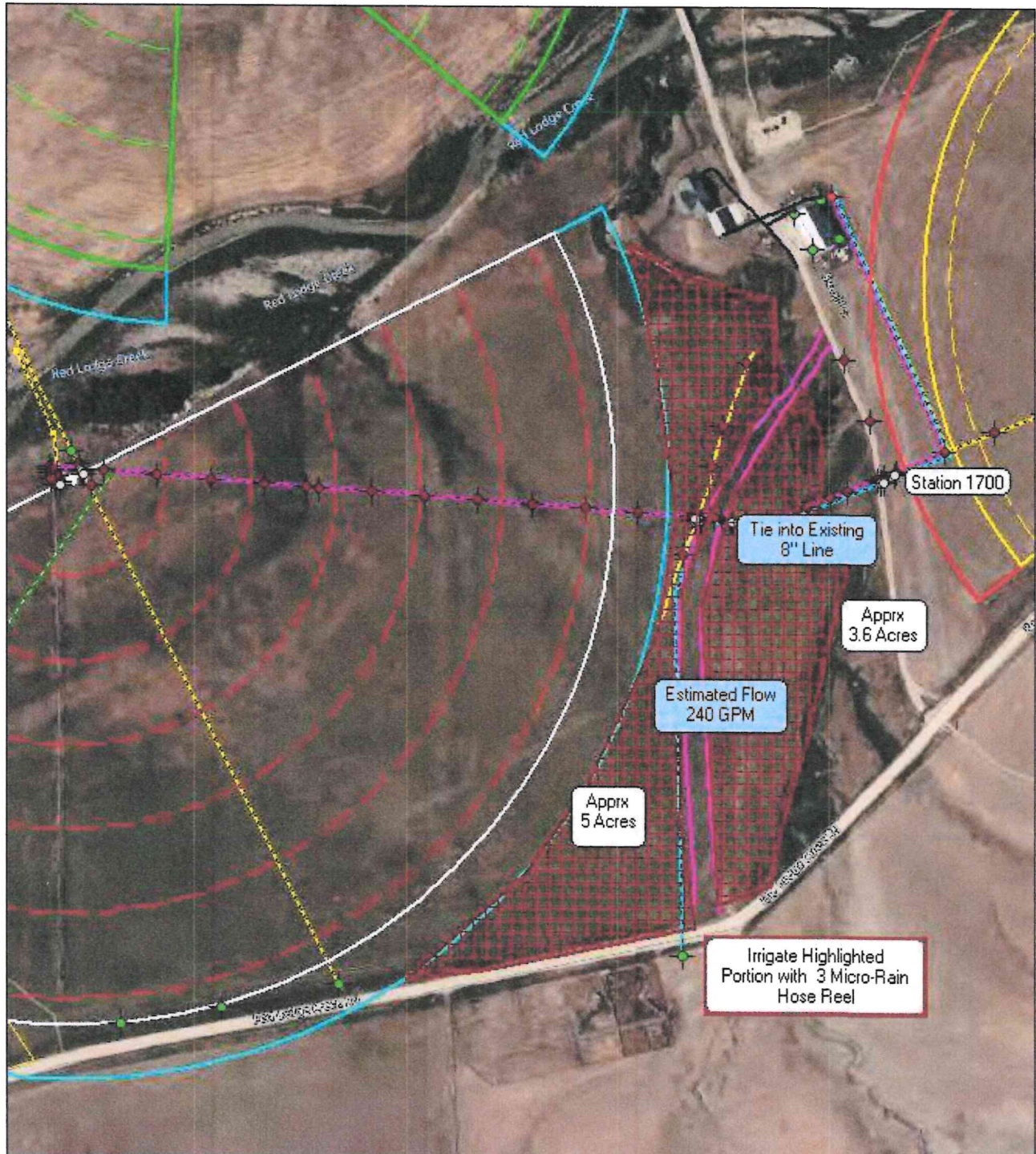
Performance Evaluation:

Flow US gpm	Speed rpm	Head ft	Efficiency %	Power hp	NPSHr ft
1468	1770	---	---	---	---
1223	1770	158	81	60.1	14.6
978	1770	178	81	54.1	9.44
734	1770	194	77	46.5	7.41
489	1770	204	67	37.4	6.92

Exhibit 32.2

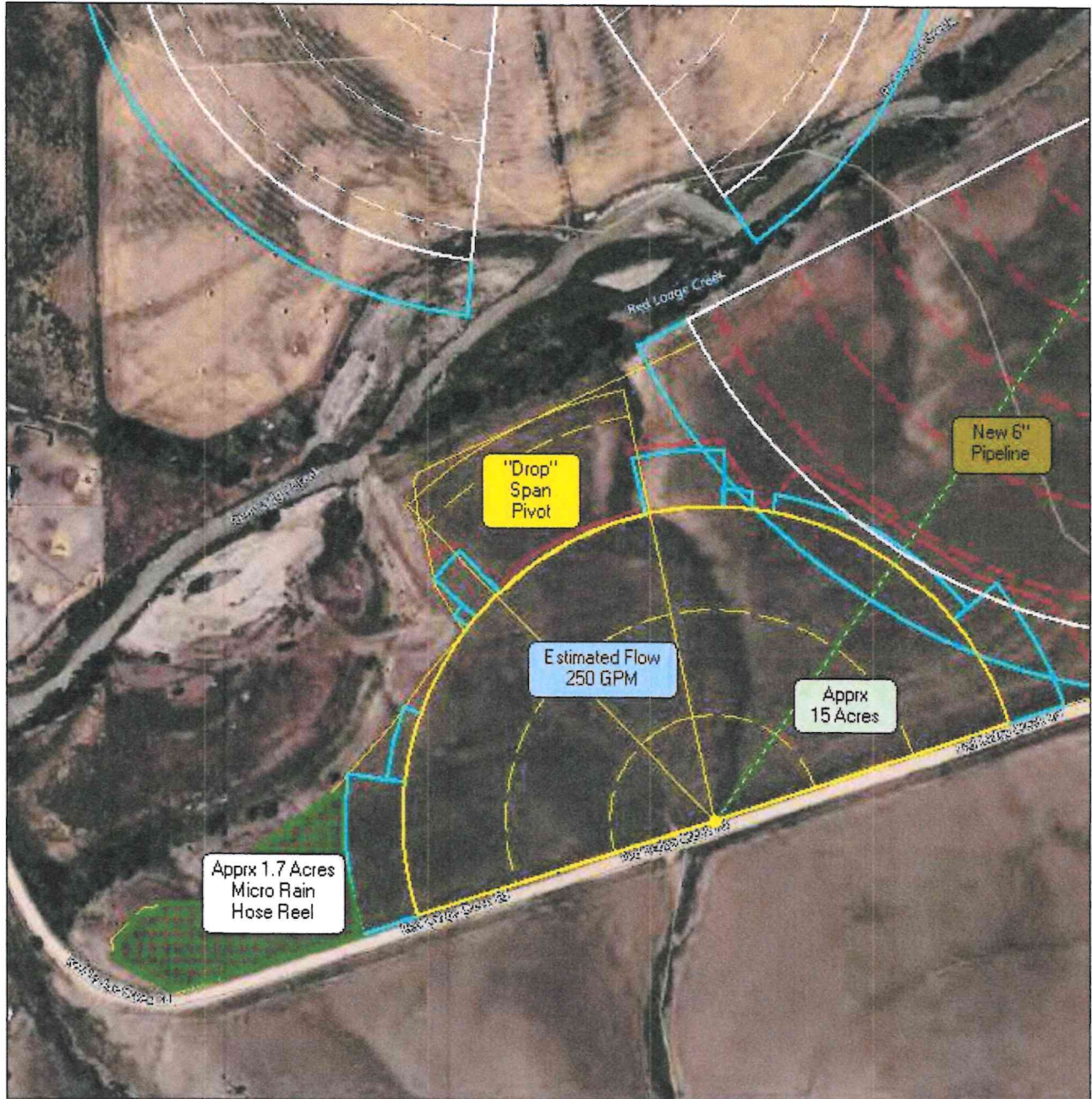
Exhibit 32.2

Roque Properties LLC 2024
Big Sky Irrigation
Scott Swenson
scott@bigskyirrigation
406-252-8175 - Office



Lindsay Manufacturing Co. Omaha, NE 800-829-5300 office

Roque Properties LLC 2024
Big Sky Irrigation
Scott Swenson
scott@bigskyirrigation
406-252-8175 - OFFICE



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Exhibit 33

Exhibit 33

Figure 1: Intake of buried pipeline at pump site in the NENESE of Section 5, T5S R20E, December 16, 2022.



Figure 2: Intake of buried pipeline at pump site in the NENESE of Section 5, T5S R20E, December 16, 2022. SE pivot can be seen in the left background of the image.

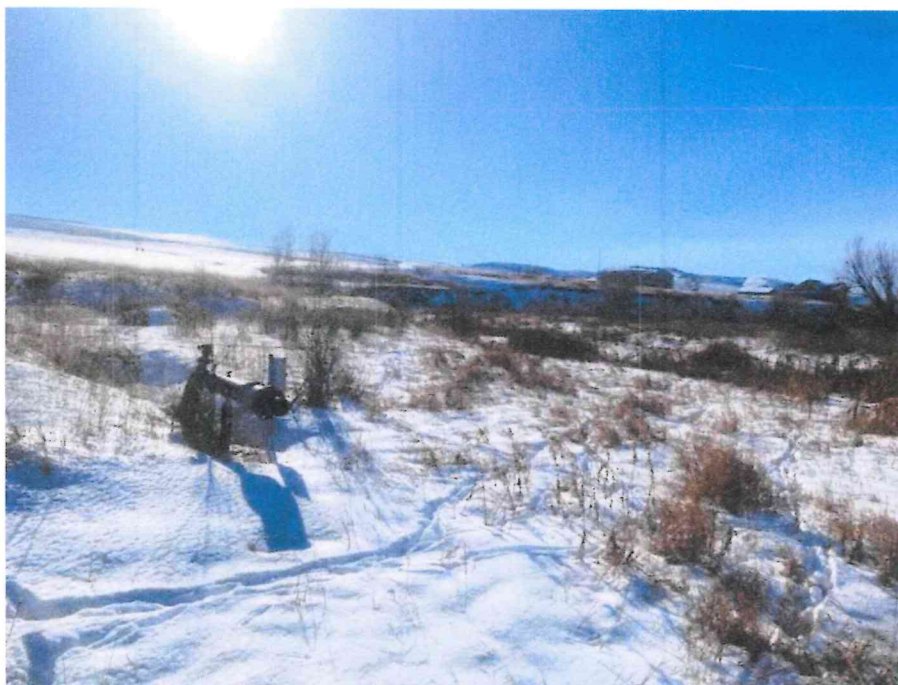


Figure 3: Looking upstream (West) on Red Lodge Creek from pump site in the NENESE of Section 5, T5S R20E, December 16, 2022.



Figure 4: Intakes of buried pipelines at pump site in the SWNWSE of Section 5, T5S R20E, December 16, 2022.



Figure 5: Pipeline intake for pump in Red Lodge Creek at pump site in the SWNWSE of Section 5, T5S R20E, December 16, 2022. Center of SW pivot south of Red Lodge Creek can be seen at the top of the image.

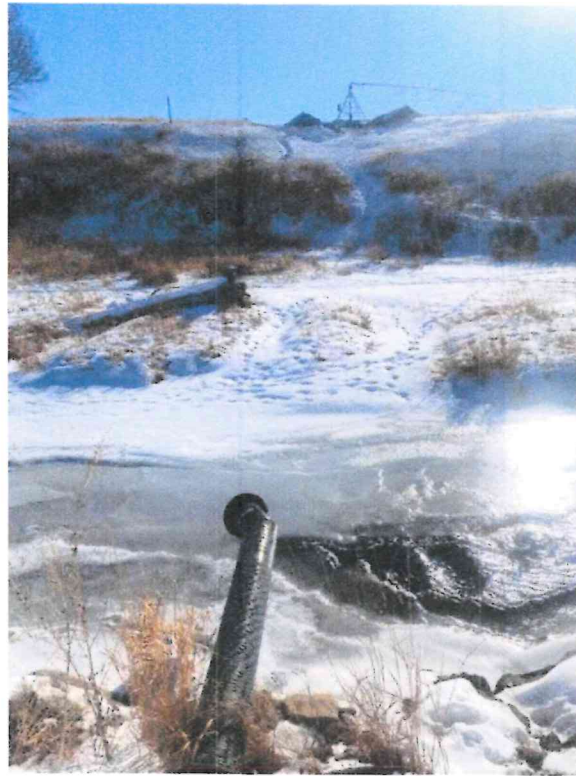


Figure 6: Looking upstream (West) along Red Lodge Creek from the pump site in the SWNWSE of Section 5, T5S R20E, December 16, 2022.

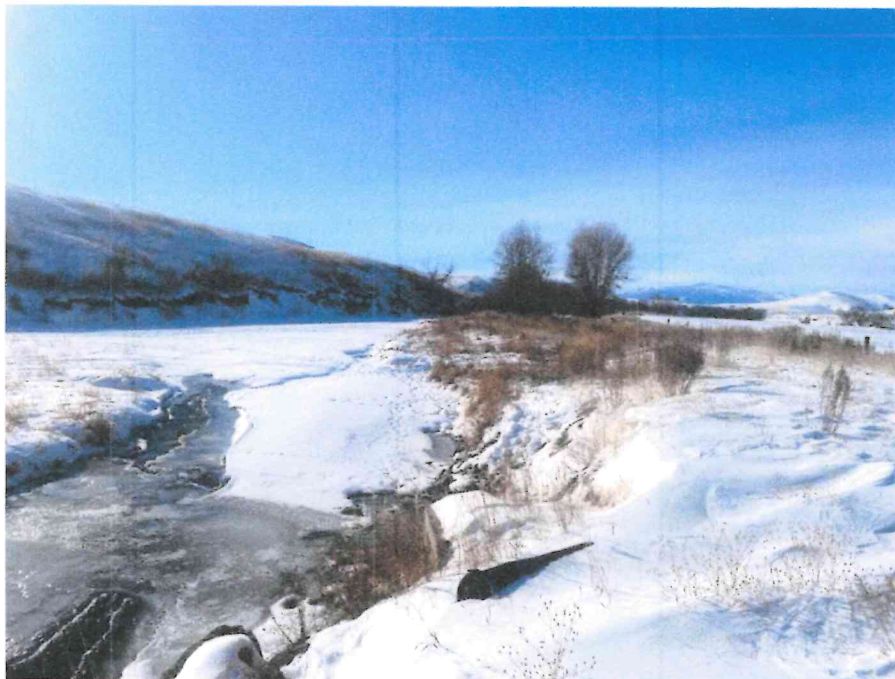


Figure 7: Example of mobile pumping station that will be used at both proposed POD locations, picture provided by Scott Swenson, Big Sky Irrigation.



Figure 8: Vortec engines to be used at both proposed POD locations, picture provided by Scott Swenson, Big Sky Irrigation.



Figure 9: Specifications of Vortec engines to be used at both proposed PODs, picture provided by Scott Swenson, Big Sky Irrigation.

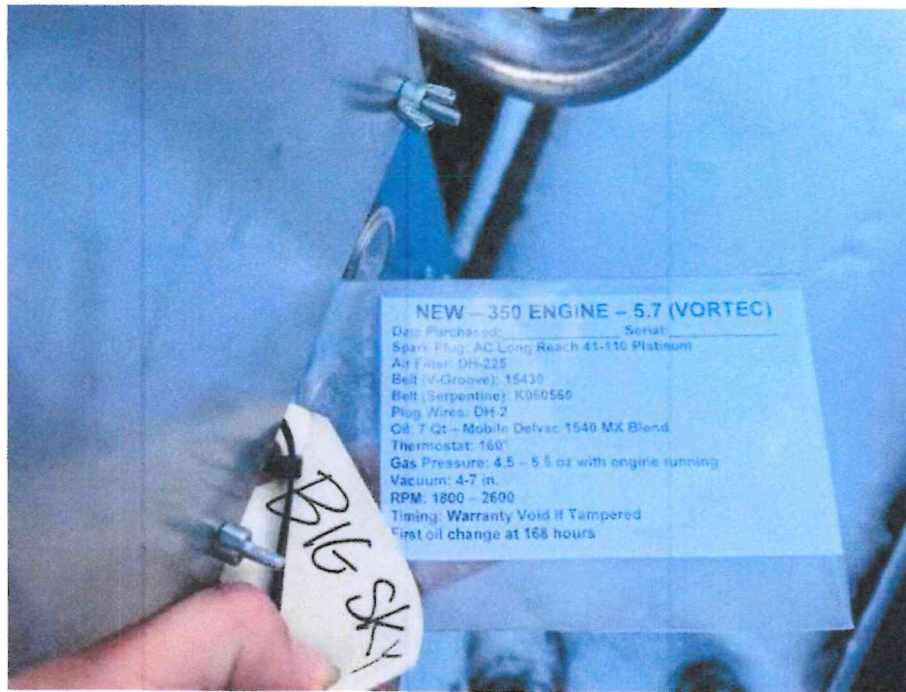
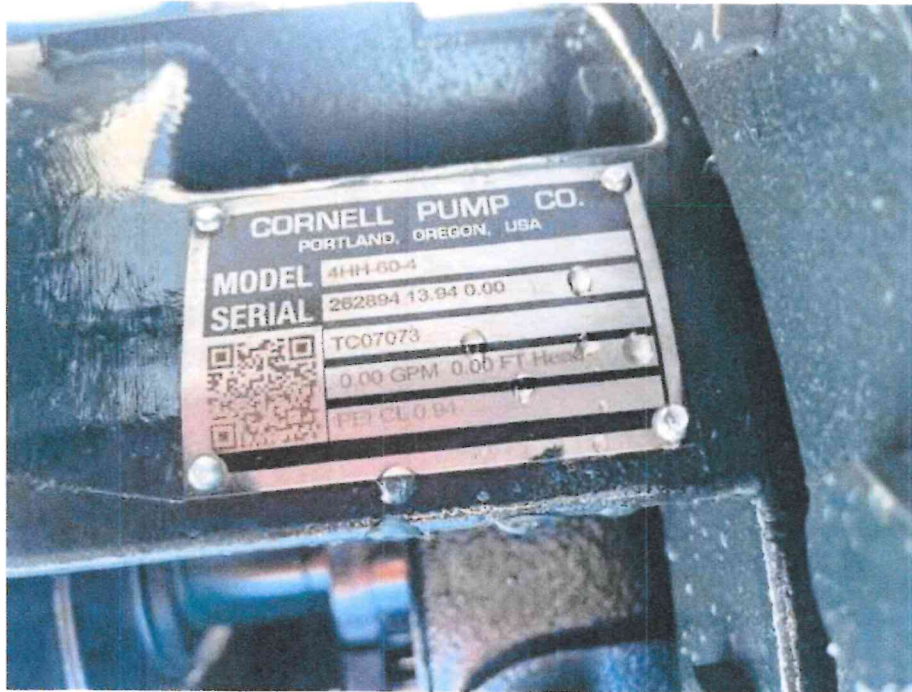


Figure 10: Specifications of Baldor electronic motors, picture provided by Scott Swenson, Big Sky Irrigation.



Figure 11: Specifications of Cornell pumps, picture provided by Scott Swenson, Big Sky Irrigation.



606_43D 30165111_FinalCombined_02022026

Final Audit Report

2026-02-04

Created:	2026-02-03
By:	Reilly Tunby (tunby@dmsnaturalresources.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAup318sVZeU019o8FvYP2eCl0vnQzWAYr

"606_43D 30165111_FinalCombined_02022026" History



Document created by Reilly Tunby (tunby@dmsnaturalresources.com)

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- Any correspondence relating to the Technical Analyses Report

Technical Analyses
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Review



Surface Water Change Technical Analyses Report – Part A – Notice of Erratum

Department of Natural Resources and Conservation (DNRC or Department)

Water Resources Division

Veronica Corbett, Water Resource Specialist, Billings Regional Office

Application No.	43D 30165111	Proposed Point of Diversion	SWNWSE Section 5, T5S, R20E, Carbon County
Applicant	Roque Properties LLC		

Overview

This Notice of Erratum documents a correction to the Surface Water Change Technical Analyses Report-Part A prepared for the above-mentioned water right permit application. Several typographical errors were identified in the Report by DMS Natural Resources Consulting in an email received by the Department on September 4, 2025. The Department has reviewed these errors and offers corrections as underlined and colored red in the subsequent section updates below.

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

Overview	1
2.0 Historical Use Technical Analysis	2
2.1 Historical Field Consumed and Applied Volumes (Updated)	2
Review	2
References	2



2.0 Historical Use Technical Analysis

2.1 Historical Field Consumed and Applied Volumes (Updated)

Table 4: Apportionment of historical use by water right

Water Right No.	Flow Rate	Period of Use	Apportioned IWR (in) ¹	Apportioned Historical Consumed Volume (HCV) (Including IL)	Apportioned Field Application Volume
Statement of Claim 43D 13723-00	3.0 CFS	April 15 – June 30	7.19	30.27 AF	46.58 AF
Statement of Claim 43C 198705-00	3.0 CFS	July 1 – October 15	15.22	64.07 AF	98.57 AF
Total	3.0 CFS		22.41	94.34 AF	145.15 AF

¹Joliet IWR Weather Station

Review

This document has been updated by the Department on November 3, 2025.

References

Department Standard Practice for Determining Historical Use

Department Standard Practice to Analyze Return Flows

Memorandum: Development of standardized methodologies to determine Historical Diverted Volume

Technical Memorandum: Distributing Conveyance Loss on Multiple User Ditches

DNRC Change Manual

Surface Water Change Technical Analyses Report – Part B – Notice of Erratum

The Montana Department of Natural Resources and Conservation (DNRC) Water Resources Division

Kristal Kiel, Groundwater Hydrologist, Water Sciences Bureau (WSB)

Applicant Name	Roque Properties, LLC
Application No.	43D 30165111
Points of Diversion Legal Land Descriptions	<u>Proposed POD 1:</u> SWNWSE Section 5, Township 5 South, Range 20 East, Carbon County

Overview

This Notice of Erratum documents a correction to the Surface Water Change Technical Analyses Report-Part B prepared for the above-mentioned water right permit application. A typographical error was identified in the Report by DMS Natural Resources Consulting in an email received by the Department on September 4, 2025. The Department has reviewed this error and offers a correction as underlined in the subsequent section update below.

Contents

Overview	1
1.0 Executive Summary.....	2
Review	3
References	3



1.0 Executive Summary

(UPDATED) Water Right Details

The Applicant proposes to change the place of use and point of diversion of Statement of Claim No. 43D 13723-00, which was historically used for flood irrigation of 80 acres by means of a headgate (historical POD 1) in the SWSESW of Section 5, Township 5 South, Range 20 East, Carbon County. The Applicant proposes to irrigate 69.1 acres via a center-pivot sprinkler and a pump (proposed POD 1) in the SWNWSE of Section 5, Township 5 South, Range 20 East, Carbon County. In this proposal, 14.5 historically irrigated acres would be retired, and 3.6 new irrigated acres would be added outside of the historical place of use.

Additionally, the proposed required flow rate would be 1.36 cubic feet per second (cfs) as compared to the historical flow rate of 3 cfs. The new pump site would be located approximately 2,250 feet (ft) downstream and northeast of the historical headgate on Red Lodge Creek. The Applicant proposes to leave the balance of unused flow instream below the proposed point of diversion. The historical and proposed period of diversion is April 15 to October 1. Statement of Claim No. 43D 198705-00 provides supplemental irrigation water via ditch shares during the diversion period of July 1 to October 1.

WSB Technical Analysis Findings

Based on information submitted, the WSB quantified the historical non-consumed volume and location of historical return flows. These analyses are in support of the following criteria assessment: adverse effect. A summary of WSB findings described in subsequent sections are listed below.

TECHNICAL ANALYSES FINDINGS

ADVERSE EFFECT (RETURN FLOWS)	The historical non-consumed volume for 80 acres is 16.30 acre-feet (AF) and the location of historical return flows as identified in Figure 2 is to Red Lodge Creek downstream of the NESESW of Section 5, Township 5 South, and Range 20 East, Carbon County. Under the proposed change, return flows from 3.6 new acres of irrigation (0.52 AF) as well as return flows from 65.5 retained historical acres (13.35 AF) would accrue to Red Lodge Creek downstream of the NESESW, Section 5, Township 5 South, and Range 20 East, Carbon County (Figure 2).
--------------------------------------	--



Review

This document has been reviewed on October 23, 2025 in accordance with Category 7 of [DNRC's Water Sciences Bureau Minimum Standards of Review](#), Version 2, February 2024.

References

Blythe, D.D., and Reiten, J.C., 2015, Shallow groundwater altitude in bedrock units of the Carbon-Stillwater Study, Carbon and Stillwater Counties, Montana: Montana Bureau of Mines and Geology Montana Ground-Water Assessment Atlas 6-03, 1 sheet.

DNRC, 2010. Consumptive Use Methodology – Turf Grass (New Projects). March 23, 2010.

DNRC, 2019. Technical Memorandum: Calculating Return Flow. April 18, 2019.

DNRC, 2025. Change in Method of Irrigation Policy Guidance. [Change Manual](#). Revised February 2025. P. 92-94

Groundwater Information Center, 2025. Montana Bureau of Mines and Geology, <http://mbmgwic.mtech.edu/>.

Leake, S.A., 2011. Capture – rates and direction of groundwater flow don't matter! Groundwater, Vol. 49, No. 4, p. 456 – 458.

Natural Resources Conservation Service (NRCS), 2003. Irrigation Water Requirement (IWR) computer program, <http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/water/manage/?cid=stelprdb1044890>.

Vuke, S.M., Porter, K.W., Lonn, J.D., and Lopez, D.A., 2007, Geologic Map of Montana - Compact Disc: Montana Bureau of Mines and Geology: Geologic Map 62-C, 73 p., 2 sheets, scale 1:500,000.

[EXTERNAL] RE: Roque Properties Change Applications Check In

From moore dmsnaturalresources.com <moore@dmsnaturalresources.com>

Date Fri 11/7/2025 10:16 AM

To Corbett, Veronica <Veronica.Corbett@mt.gov>; Stephenson, Deborah
<Stephenson@dmsnaturalresources.com>; 'Frank Roque' <frank@panochecreek.com>

Cc Kiel, Kristal <Kristal.Kiel@mt.gov>; Olsen, Kathy <KOlsen@mt.gov>

Hi Veronica,

Thank you for sending over the notices of erratum for change applications 43D 30165111 and 43D 30165112. We will work on preparing the change application forms and will get those submitted no later than 2/21/2026. We will let you know if we have any further questions!

Thanks!

Will

William Moore

DMS Natural Resources, LLC

602 S. Ferguson Ave., Suite 2

Bozeman, MT 59718

Office: 406-582-4988

Cell: 406-595-9455

moore@dmsnaturalresources.com

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From: Corbett, Veronica <Veronica.Corbett@mt.gov>

Sent: Tuesday, November 4, 2025 3:18 PM

To: stephenson dmsnaturalresources.com [dmsnaturalresources.com] <stephenson@dmsnaturalresources.com>;
'Frank Roque' <frank@panochecreek.com>

Cc: Kiel, Kristal <Kristal.Kiel@mt.gov>; Olsen, Kathy <KOlsen@mt.gov>; moore dmsnaturalresources.com
[dmsnaturalresources.com] <moore@dmsnaturalresources.com>

Subject: Re: Roque Properties Change Applications Check In

Hi Frank and Deb,

I apologize for the delay. Attached are the two Notices of Erratum for the Technical Analyses associated with Change Applications 43D 30165111 and 43D 30165112. These are intended to correct the errors identified by DMS Natural Resources.

If there are further questions, please let me know.

Best,

Veronica



Veronica Corbett | Water Resource Specialist

Water Resources Division

Montana Department of Natural Resources and Conservation

Billings Regional Office

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From: stephenson [dmsnaturalresources.com \[dmsnaturalresources.com\]](mailto:stephenson@dmsnaturalresources.com)
<stephenson@dmsnaturalresources.com>

Sent: Friday, October 31, 2025 5:31 AM

To: Corbett, Veronica <Veronica.Corbett@mt.gov>; moore [dmsnaturalresources.com \[dmsnaturalresources.com\]](mailto:moore@dmsnaturalresources.com)
<moore@dmsnaturalresources.com>

Cc: Kiel, Kristal <Kristal.Kiel@mt.gov>; Olsen, Kathy <KOlsen@mt.gov>; Baumgardner, Shannon
<Shannon.Baumgardner@mt.gov>

Subject: [EXTERNAL] RE: Roque Properties Change Applications Check In

Veronica,

Thought I would touch base with you on the corrections to the tech report. Your email below indicates you would complete by end of last week. Just checking to see if you mailed a hard copy to the client and maybe did not email to us? If you could email to us that would be appreciated. Thank you.

Sincerely,

Deborah Stephenson
DMS Natural Resources, LLC

602 S. Ferguson Ave., Suite 2

Bozeman, MT 59718

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Cell: 406-600-1422

stephenson@dmsnaturalresources.com

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Sent: Tuesday, October 21, 2025 4:13 PM

To: stephenson [dmsnaturalresources.com \[dmsnaturalresources.com\]](mailto:stephenson@dmsnaturalresources.com) <stephenson@dmsnaturalresources.com>;
moore [dmsnaturalresources.com \[dmsnaturalresources.com\]](mailto:moore@dmsnaturalresources.com) <moore@dmsnaturalresources.com>

Cc: Kiel, Kristal <Kristal.Kiel@mt.gov>; Olsen, Kathy <KOlsen@mt.gov>; Baumgardner, Shannon
<Shannon.Baumgardner@mt.gov>

Subject: Re: Roque Properties Change Applications Check In

Hi Deb,

Thanks for your patience. Your questions caused far more internal discussion than I think anyone was anticipating. In regard to your questions about the minor corrections, largely legal description errors and volume discrepancies, the Department will issue an Errata to the TA to correct those. Regarding your questions on pond consumption and return flow, the Department will stand by the TA as written which includes the volume of the pond as non-consumptive but the evaporative volume of the pond as consumptive. This will not change the timeline on this application as the Department's determination is not changing. However, it is important to note that the Department may clarify our consideration of consumptive and non-consumptive volumes associated with ponds and this TA should not be considered a precedence from which the Department will make future determinations. Should the Department's guidance on ponds change, future applications will be considered based on the policies in place at that time.

If you have any questions, please let me know. Otherwise, we will endeavor to get the errata completed by end of week.

Best,
Veronica



Veronica Corbett | Water Resource Specialist
Water Resources Division
Montana Department of Natural Resources and Conservation
Billings Regional Office
1371 Rimtop Dr, Billings, MT 59105
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Website | [Facebook \[facebook.com\]](https://www.facebook.com/dnrc) | [\[facebook.com\]](https://www.facebook.com/dnrc) | [\[twitter.com\]](https://twitter.com/dnrc) | [X \[twitter.com\]](https://twitter.com/dnrc) | [\[T \[twitter.com\]\]](https://twitter.com/dnrc) | [Instagram \[instagram.com\]](https://www.instagram.com/dnrc)
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From: stephenson dmsnaturalresources.com [dmsnaturalresources.com]
<stephenson@dmsnaturalresources.com>
Sent: Saturday, October 18, 2025 6:19 AM
To: Corbett, Veronica <Veronica.Corbett@mt.gov>; moore dmsnaturalresources.com [dmsnaturalresources.com]
<moore@dmsnaturalresources.com>
Subject: [EXTERNAL] RE: Roque Properties Change Applications Check In

Veronica

I just thought I would check back in on the status of this? Since we only have 180 days from the day of the tech report to submit the application, I am wondering if we are going to get an updated tech report? If so, will that reset the 180 day timeline? Not trying to bug you on this, but just trying to understand how a potential revised tech report plays into the application timelines?

Thank you for your help – we appreciate it.

Sincerely,

Deborah Stephenson
DMS Natural Resources, LLC

602 S. Ferguson Ave., Suite 2
Bozeman, MT 59718
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stephenson@dmsnaturalresources.com

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Sent: Monday, September 22, 2025 8:40 AM

To: moore dmsnaturalresources.com [dmsnaturalresources.com] <moore@dmsnaturalresources.com>

Cc: stephenson dmsnaturalresources.com [dmsnaturalresources.com] <stephenson@dmsnaturalresources.com>

Subject: Re: Roque Properties Change Applications Check In

Hi Will,

Since most of the questions are about the Part B, we're still coordinating with WSB on that portion. I'll get back to you when I have some clear answers and a path forward.

Best,
Veronica



Veronica Corbett | Water Resource Specialist

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Montana Department of Natural Resources and Conservation

Billings Regional Office

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From: moore dmsnaturalresources.com [dmsnaturalresources.com] <moore@dmsnaturalresources.com>

Sent: Monday, September 22, 2025 8:00 AM

To: Corbett, Veronica <Veronica.Corbett@mt.gov>

Cc: Stephenson, Deborah <Stephenson@dmsnaturalresources.com>

Subject: [EXTERNAL] RE: Roque Properties Change Applications Check In

Hi Veronica,

Hope you had a great weekend! Just wanted to check in and see if you had gotten a chance to look into our questions / comments regarding the TAs for Roque Properties, LLC change applications 43D 30165111 and 43D 30165112 (see original email below)?

Thanks!
Will

William Moore

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Sent: Friday, September 12, 2025 8:20 AM
To: stephenson [dmsnaturalresources.com \[dmsnaturalresources.com\]](mailto:stephenson@dmsnaturalresources.com) <stephenson@dmsnaturalresources.com>; Corbett, Veronica <Veronica.Corbett@mt.gov>
Subject: RE: Roque Properties Change Applications Check In

Hi Veronica,

Thanks for checking in, hope you are feeling better and getting caught up! I will be pretty open next week other than Wednesday morning.

Thanks,
Will

William Moore

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Sent: Friday, September 12, 2025 6:37 AM
To: Corbett, Veronica <Veronica.Corbett@mt.gov>; moore [dmsnaturalresources.com \[dmsnaturalresources.com\]](mailto:moore@dmsnaturalresources.com) <moore@dmsnaturalresources.com>
Subject: RE: Roque Properties Change Applications Check In

Thanks Veronica
Will has been out on vacation as well, but will be back in today. Maybe you guys can connect next week.
Have a great day.

Sincerely,

Deborah Stephenson

DMS Natural Resources, LLC

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From: Corbett, Veronica <Veronica.Corbett@mt.gov>

Sent: Thursday, September 11, 2025 9:58 AM

To: moore dmsnaturalresources.com [dmsnaturalresources.com] <moore@dmsnaturalresources.com>

Cc: stephenson dmsnaturalresources.com [dmsnaturalresources.com] <stephenson@dmsnaturalresources.com>

Subject: Re: Roque Properties Change Applications Check In

Hi Will,

I was unexpectedly out of the office sick this week. I'll review this and get back to you as soon as I'm able. Sorry for the initial delay in response on my end.

Best,
Veronica



Veronica Corbett | Water Resource Specialist

Water Resources Division

Montana Department of Natural Resources and Conservation

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From: moore dmsnaturalresources.com [dmsnaturalresources.com] <moore@dmsnaturalresources.com>

Sent: Thursday, September 4, 2025 4:02 PM

To: Corbett, Veronica <Veronica.Corbett@mt.gov>

Cc: Stephenson, Deborah <Stephenson@dmsnaturalresources.com>

Subject: [EXTERNAL] RE: Roque Properties Change Applications Check In

Hi Veronica,

Thanks again for sending over the TAs for Roque Properties, LLC change applications 43D 30165111 and 43D 30165112. Overall we look to be in good shape – however, we identified several potential typographical errors, and one substantive question we would like to review and clarify with DNRC. A summary of the potential corrections and questions we identified is provided below. I think it would be good to have a quick call/zoom to discuss and make sure we are on the same page regarding the points below and next steps. We would be available Friday 9/5, Friday 9/12, or any day the week of 9/15 – 9/19. Please let us know when would be a good time for you!

43D 30165111 Technical Analysis Potential Minor Corrections

1. In Table 4, the total historic CU is listed as 94.34 AF. However, the historic CU for Weast Ditch claim 43C 198705 00 is listed as 60.07 AF and the historic CU for 43D 13723 00 is listed as 30.27 which add up to only 90.34. I think the total historic CU (94.34 AF) and historic CU attributed to 43D 13723 00 (30.27) are correct, but I think the historic CU for Weast Ditch claim 43C 198705 00 needs to be corrected from **60.07** AF to **64.07** AF?

2. On page 2 of the return flow report (Part B), the historical POD is listed as the **SESWSW** of Section 5, T5S R20E. The historical POD was actually located in the **SWSESW** of Section 5, T5S R20E.

43D 30165112 Technical Analysis Potential Minor Corrections

1. On page 12 under the Section 3.1 heading, DNRC states that *"The Applicant proposes to retire 10.8 acres..."* I think the acre in this sentence might be a typo, we actually propose retiring **17.8** acres. It looks like all of the proposed total acre figures and acre count breakdown figures used in the calculations throughout the TA reflect retirement of 17.8 acres, I think this was maybe just a typo in the text on pg. 12?
2. Return Flow Report (Part B)
 - a. Pg. 2 – DNRC states that **14.3** historically acres are proposed to be retired. I think this is a typo and should be **17.8** acres proposed to be retired as described above?
 - b. Table 1 – all of the township/ranges in this table are incorrect. All T/Rs in this table are written as **T5N R20S**, all of these LLDs are actually in **T5S R20E**.
 - c. Also in Table 1 – historical POD 2 is listed as the **SESWSW** of Section 5. However, this historical POD is actually in the **SWSESW** of Section 5.
 - d. Grey summary box on page 3 – states that historic return flows accrued to Red Lodge Creek downstream of the **SWNESE** of Section 5 – based on the text in Part A of the TA, as well as the remainder of Part B and Figure 2 of Part B, I think return flows historically accrued downstream of the **NESESW** of Section 5. I think the **SWNESE** of Section 5 in the grey box was a typo and should be corrected to the **NESESW** of Section 5?
 - e. Table 2 – I think the total crop consumption of **63.14** may be a typo? I think the flood and wheel line crop CU numbers (45.77 AF and 13.37 AF respectively) are accurate, but they only sum to **59.14** – if you add the total irrecoverable loss of 6.07 AF to 59.14 AF you also get the total CU of 65.21, so I think the total crop CU should be **59.14**, not **63.14** AF?

43D 30165112 – Portion of fisheries pond to be considered combined and implications on return flows

- I think the conclusion of both parts A and B of the TA is that the total proposed CU is 63.95 AF, which includes the proposed total CU for irrigation as well as the 3.65 AF of net evap from the proposed pond, but does NOT include the 4.7 AF of capacity of the pond proposed to be permitted via this change app. However, there are inconsistencies between how the pond is handled between tables in Part A, as well as between calculations in Part A vs. Part B of the TA:
 - In Part A of the TA, tables 14 and 17 list the total proposed CU as 68.65 AF, including both the 3.65 AF of net evap as well as the 4.7 AF of capacity proposed to be permitted under 43D 14970 00. However, on Page 18, DNRC states that *"For the proposed pond and fishery use, the annual net evaporation from the pond being permitted through this change application is considered proposed consumed volume"* and in Table 24 the proposed CU is shown as 63.95 AF, including only the 3.65 AF of net evap from the proposed pond. Table 3 in Part B also shows the proposed CU as 63.95 AF.
 - In Table 17 of Part A, the full 8.35 AF proposed for the fishery pond is included as applied volume. However, in Part B the applied volume is calculated only as the applied volume for proposed irrigation, no component of the proposed volume for the pond is included in applied volume.
 - The text/tables in Part A and Part B of the TA state that the proposed return flow (also referred to as the "Non-Consumptive Volume") is 34.4 AF which is the proposed return flow from the irrigation portion of the proposed change. However, as noted above Parts A and B are inconsistent as to whether or not the volume for the proposed pond will be considered as applied volume, and how much will be considered consumed. Thus, it is unclear if any portion of the volume for the proposed pond should be included in the proposed return flow?
- Based on the above inconsistencies, we are unclear what numbers DNRC will consider as the total proposed CU, applied volume, and return flow. We would like to confirm the following questions with DNRC so we know if we need to make any changes to the proposed project. The tables / descriptions in Part A and Part B may need to be corrected to be consistent and reflect the answers to the questions below.

1. Will the entire capacity + net evaporation from the proposed pond be considered consumptive use (i.e., total CU of 68.65 AF) or will only the net evaporation from the pond be considered consumptive (i.e., total CU of 63.95 AF)?
2. Will the 8.35 AF of capacity + net evaporation for the proposed pond be included in the total proposed applied volume?
3. If the total proposed CU will only include the 3.95 AF of net evaporation from the proposed pond, will the 4.7 AF non-consumptive component of the proposed pond be included in the proposed return flow?

Thanks for all your help on this!
Will

William Moore

DMS Natural Resources, LLC

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From: Corbett, Veronica <Veronica.Corbett@mt.gov>

Sent: Tuesday, September 2, 2025 11:52 AM

To: moore dmsnaturalresources.com [dmsnaturalresources.com] <moore@dmsnaturalresources.com>

Cc: stephenson dmsnaturalresources.com [dmsnaturalresources.com] <stephenson@dmsnaturalresources.com>

Subject: Re: Roque Properties Change Applications Check In

Hi Will,

Glad to hear it. It always seems like mail from Billings to Bozeman should be there basically same day, but I don't think that's ever the case. It probably goes to SLC for processing before it comes back or something absurd.

Best,
Veronica



Veronica Corbett | Water Resource Specialist

Water Resources Division

Montana Department of Natural Resources and Conservation

Billings Regional Office

1371 Rimtop Dr, Billings, MT 59105

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From: moore dmsnaturalresources.com [dmsnaturalresources.com] <moore@dmsnaturalresources.com>

Sent: Tuesday, September 2, 2025 11:50 AM

To: Corbett, Veronica <Veronica.Corbett@mt.gov>

Cc: Stephenson, Deborah <Stephenson@dmsnaturalresources.com>
Subject: [EXTERNAL] RE: Roque Properties Change Applications Check In

Hi Veronica,

Thanks for sending over the PDFs! We actually just got the hard copies in the mail as well.

Thanks!
Will

William Moore

DMS Natural Resources, LLC

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From: Corbett, Veronica <Veronica.Corbett@mt.gov>

Sent: Tuesday, September 2, 2025 9:39 AM

To: moore dmsnaturalresources.com [dmsnaturalresources.com] <moore@dmsnaturalresources.com>

Cc: stephenson dmsnaturalresources.com [dmsnaturalresources.com] <stephenson@dmsnaturalresources.com>

Subject: Re: Roque Properties Change Applications Check In

Hi Will,

The TAs were completed and mailed out on Monday. If you haven't received it yet, here are pdf copies.

Best,
Veronica



Veronica Corbett | Water Resource Specialist

Water Resources Division

Montana Department of Natural Resources and Conservation

Billings Regional Office

1371 Rimtop Dr, Billings, MT 59105

DESK: 406-247-4431 **EMAIL:** veronica.corbett@mt.gov

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From: moore dmsnaturalresources.com [dmsnaturalresources.com] <moore@dmsnaturalresources.com>

Sent: Friday, August 29, 2025 8:08 AM

To: Corbett, Veronica <Veronica.Corbett@mt.gov>

Cc: Stephenson, Deborah <Stephenson@dmsnaturalresources.com>

Subject: [EXTERNAL] Roque Properties Change Applications Check In

Hi Veronica,

Hope all is well with you! Just wanted to check in on the technical analyses for the two Roque Properties, LLC change applications (43D 30165111 and 43D 30165112). The correct and complete letters state that DNRC will draft the technical analyses “within 45 days of July 11, 2025” – I interpreted that as Monday, August 25. However, we haven’t seen anything from DNRC regarding the technical analyses yet. Has DNRC completed the technical analyses for 43D 30165111 and 43D 30165112 yet, and if so could you send us an electronic copy? Or do I have the date wrong, in which case could you clarify when we should see the technical analyses?

Thanks!

Will

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DNRC Water Resources
Billings Regional Office
1371 Rimtop Dr.
Billings, MT 59105-1978

Roque Properties LLC
1747 Red Lodge Creek Rd
Roberts, MT 59070

August 25, 2025

Subject: Completed Technical Analyses Report for Change Preapplication No. 43D 30165111

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 Change Preapplication No. 43D 30165111 based on the information provided in your Preapplication Meeting Form accepted by the Department on July 11, 2025. The technical analyses can be found in the attached report. Please note this Surface Water Change Application Technical Analyses Report is a two-part publication, comprised of a Part A completed by Regional Office staff, and a Part B completed by Water Sciences Bureau staff.

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

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

You have 180 days to submit the Water Right Change Application Form 606 considering the information provided in the technical analyses and Preapplication Meeting Form. If the Application Form is not submitted to the Billings Regional Office by February 21, 2026, 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)).

Please let me know if you have any questions.

Best,



Veronica Corbett | Water Resource Specialist
Water Resources Division, DNRC
Billings Regional Office
1371 Rimtop Dr, Billings, MT 59105
DESK: 406-247-4431 | EMAIL: veronica.corbett@mt.gov

CC: DMS Natural Resources





Surface Water Change Technical Analyses Report – Part A

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

Veronica Corbett, Water Resource Specialist, Billings Regional Office

Application No.	43D 30165111	Proposed Point of Diversion	SWNWSE Section 5, T5S, R20E, Carbon County
Applicant	Roque Properties LLC		

Overview

This report is Part A of a two-part publication which 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 § 85-2-402 Montana Code Annotated (MCA).

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

Overview	1
1.0 Application Details	2
2.0 Historical Use Technical Analysis.....	5
2.1 Historical Field Consumed and Applied Volumes.....	5
2.2 Historical Conveyance Losses	6
2.3 Historical Diverted Volume	9
2.4 Summary of Historical Use.....	9
3.0 Analysis of Impacted Surface Water Sources.....	10
3.1 Summary of Proposed Use.....	10
3.2 Impacted Surface Water Sources	11
Review	12
References.....	12



1.0 Application Details

The Applicant proposes to change the point of diversion (POD) and place of use (POU) for Statement of Claim 43D 13723-00. The proposed place of use is located in the SE and SW of Section 5, T5S, R20E. An amendment was filed with the Montana Water Court July 1, 2025, to amend the historical place of use. The POU shown in Table 2 reflects the amendment submitted to the Montana Water Court. The project is in Carbon County and the source is Red Lodge Creek.

Table 1: Water right proposed for change

Water Right Number	Flow Rate	Volume	Purpose	Period Of Use	Place Of Use	Point(s) Of Diversion	Priority Date
43D 13723-00	3.0 CFS	Historical & Beneficial Use	Irrigation	April 15 – October 1	See Table 2	Loyning Ditch Headgate SWSESW Sec. 5, T5S, R20E	March 4, 1902

Table 2: Historical place of use for Statement of Claim 43D 13723-00

Acres	Quarter Section	Section	Township	Range
37.77	NWSE	5	5S	20E
28.50	NESW	5	5S	20E
12.73	SESW	5	5S	20E
0.78	N2SWSE	5	5S	20E
0.22	SENWSW	5	5S	20E
Total: 80				

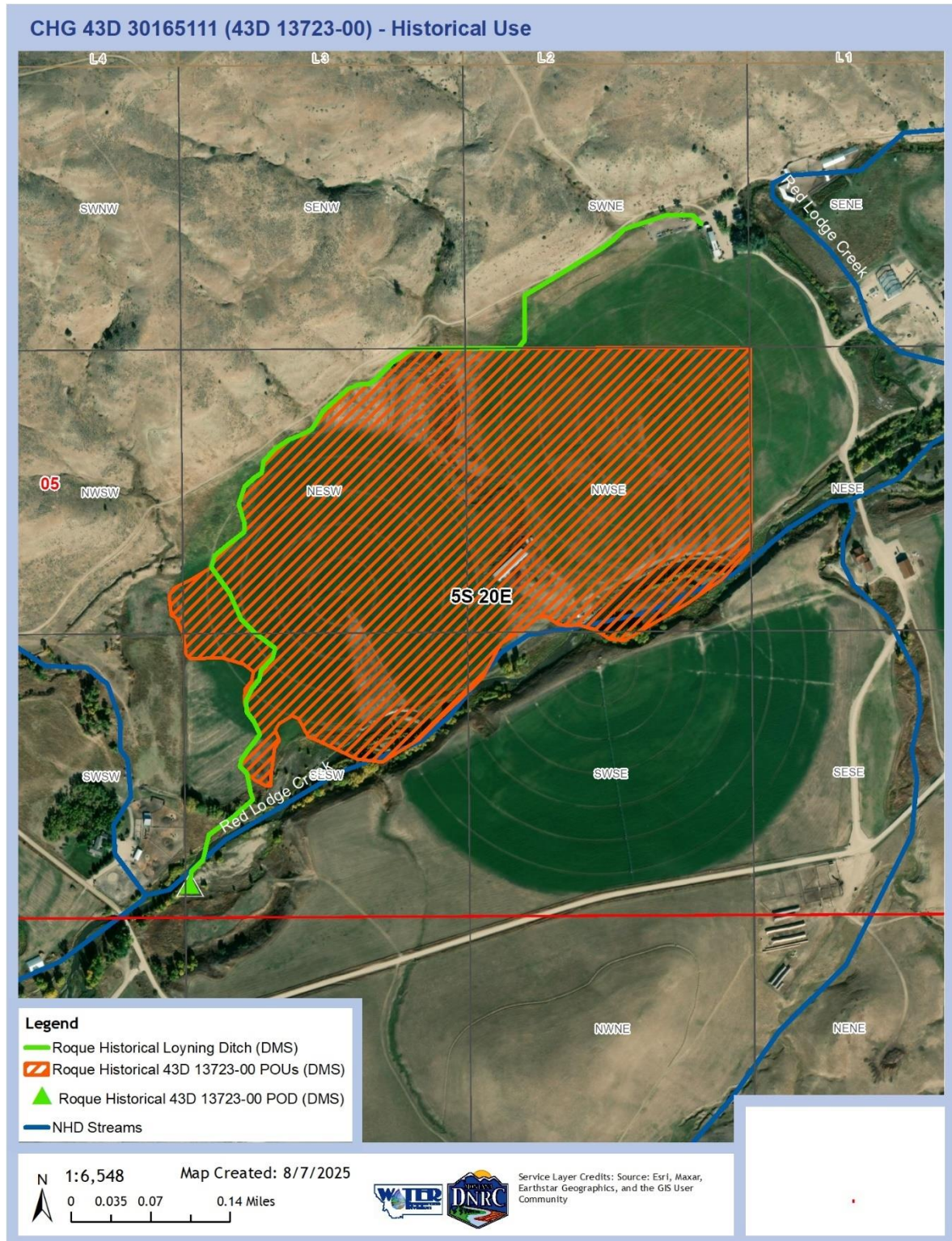


Figure 1: Map of the Applicant's historical POD on the source and historical place of use.

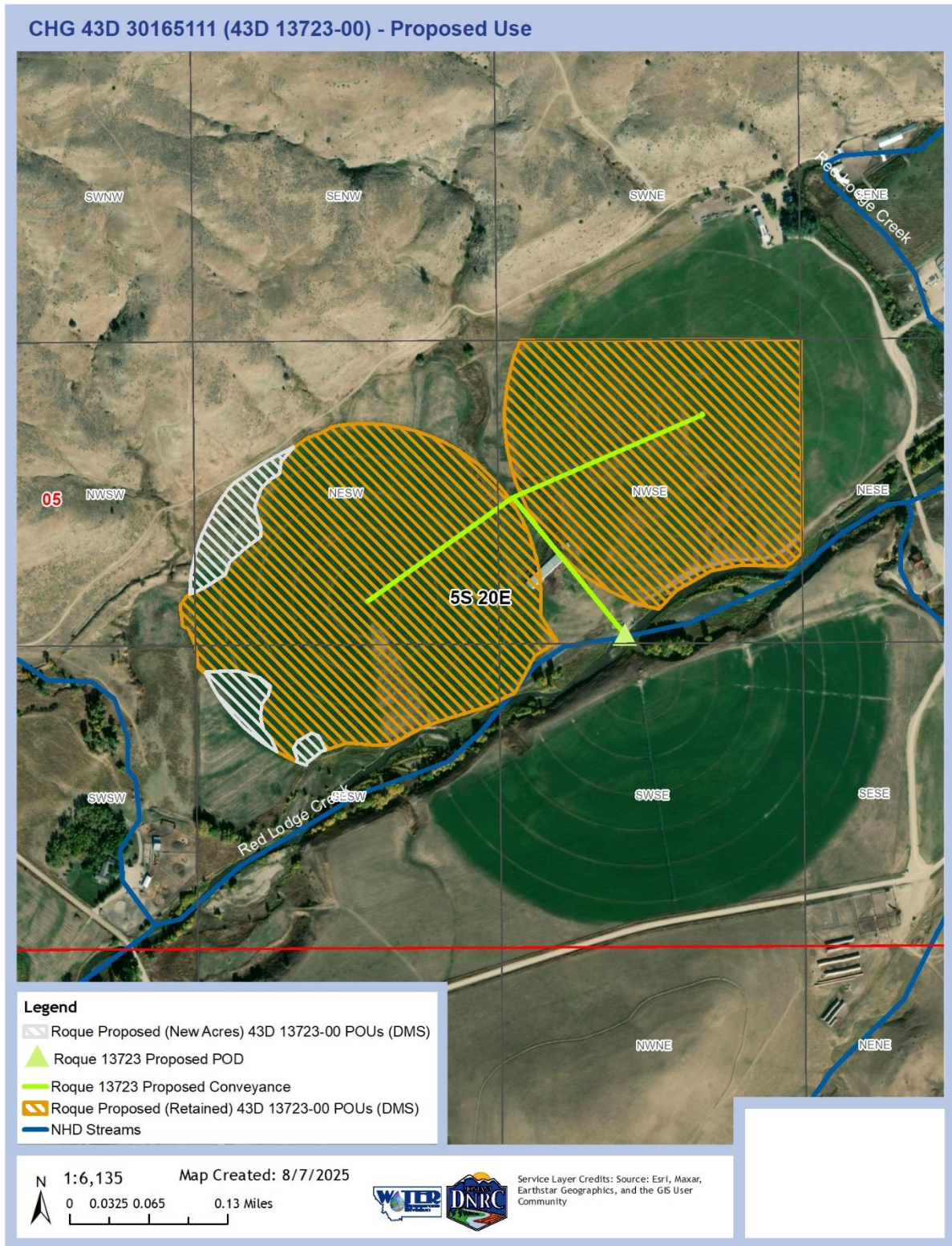


Figure 2: Map of the Applicant's proposed POD on the source and proposed place of use.



2.0 Historical Use Technical Analysis

2.1 Historical Field Consumed and Applied Volumes

The consumed volume for irrigation is based on the net irrigation requirement (NIR) from USDA Natural Resources Conservation Service Irrigation Water Requirements (IWR) at a representative weather station. The NIR is multiplied by a county-wide management factor (from ARM 36.12.1902) to produce an adjusted NIR representative of actual crop yields in Montana. Crop consumption is determined by multiplying the adjusted NIR by the number of acres of irrigation. Crop consumption is then divided by the field efficiency identified from the irrigation method and ARM 36.12.115. Irrecoverable losses (IL) are 5% of the field applied volume for flood irrigation or 10% for sprinkler irrigation. The total consumed volume for irrigation is the crop consumption plus irrecoverable losses. The total non-consumed volume is the field applied volume minus the total consumed volume.

Statement of Claim 43D 13723-00 historically diverted 3.0 CFS from Red Lodge Creek to irrigate 80 acres from April 15 to October 1, with a priority date of March 4, 1902. The original claim form listed both flood and sprinkler irrigation, but there is no evidence of where sprinkler irrigation occurred, so all irrigation will be analyzed as flood irrigation, as stated by the Applicant. Statement of Claim 43D 13723-00 used the headgate to the Loyning Ditch in the SWSESW Sec. 5, T5S, R20E, Carbon County, as a POD and the Loyning Ditch as the means of conveyance.

The historical consumed and field applied volumes have been calculated with the inputs shown in Table 3 following the methods described above and in ARM 36.12.1902. These values include all of the historical use for the acres, including all supplemental rights as discussed below.

Table 3: Historical use for irrigated acres

Irrigation Method	Acres	IWR (in)¹	Mgmt. Factor²	Field Efficiency	Crop Consumption (AF)	Irrecoverable Losses (IL) (AF)	Total Consumed Volume (Including IL) (AF)	Field Application Volume (AF)
Flood	80	22.41	58.3%	60%	87.10	7.26	94.36	145.17

¹Joliet IWR Weather Station

²Carbon County Historical Use Management Factor (pre-July 1, 1973)

The 80 acres historically irrigated by Statement of Claim 43D 13723-00 were supplementally irrigated by shares provided by the Weast Ditch Company under Statement of Claim 43C 198705-00. These acres are shown in the 1966 Carbon County Water Resources Survey as being irrigated by the Weast Ditch. Water from East Rosebud Creek in the Stillwater River drainage is diverted by the Weast Ditch into West Red Lodge Creek, which is used as a natural carrier to Red Lodge Creek to be used by the Applicant. Historically, Statement of Claim 43D 13723-00 was used on



average from April 15 – June 30, at which point the natural flows in Red Lodge Creek were insufficient for irrigation. The Applicant began using Weast Ditch Co. shares approximately July 1 annually to provide the remaining irrigation demand. The Applicant provided the volume of water contributed by the supplemental Weast Ditch shares based on a variation of the Department standard. In total, the two water rights provided full-service irrigation to the acres with minor differences created by rounding and the slightly different calculation.

Table 4: Apportionment of historical use by water right

Water Right No.	Flow Rate	Period of Use	Apportioned IWR (in) ¹	Apportioned Historical Consumed Volume (HCV) (Including IL)	Apportioned Field Application Volume
Statement of Claim 43D 13723-00	3.0 CFS	April 15 – June 30	7.19	30.27 AF	46.58 AF
Statement of Claim 43C 198705-00	3.0 CFS	July 1 – October 15	15.22	60.07 AF	98.57 AF
Total	3.0 CFS		22.41	94.34 AF	145.15 AF

¹Joliet IWR Weather Station

2.2 Historical Conveyance Losses

Historically, 3.0 CFS was diverted from Red Lodge Creek via the Loyning Ditch headgate in the SWSESW Sec. 5, T5S, R20E, Carbon County under Statement of Claim 43D 13723-00. The Loyning Ditch was historically used by two water rights, Statement of Claim 43D 13723-00, which is proposed for change in this Change Application 43D 30165111; and Statement of Claim 14970-00, which is also owned by the Applicant and concurrently proposed for change in Change Application 43D 30165112. The Applicant states the entire 3.75 CFS flow rate for Statement of Claim 43D 14970-00 could also have been used at any of the three PODs based on operational needs from year to year, for calculation purposes the Applicant estimated 0.45 CFS was diverted via the Loyning Ditch based on a proportion of the full flow rate of this water right divided by the number of irrigable acres.

The historical headgate to the Loyning Ditch and the Loyning Ditch itself have not been used since approximately 1997. The Applicant has no knowledge of the dimensions of the historical infrastructure and states there is no headgate or ditch left from which to take measurements. The Applicant states, based on information from neighbors, the headgate and ditch were capable of conveying the 3.45 CFS attributed to the headgate and ditch. The Applicant provided dimensions on similar headgates based on other irrigation systems and analogous applications the Applicant's consultant has submitted. While the ditch is no longer in use, a historical check structure in the SWSESW Sec. 5, T5S, R20E, Carbon County still exists and was measured as a proxy for ditch measurements. The Applicant states the historical check structure is located on the historical ditch where it crossed a small, unnamed tributary of Red Lodge Creek. The check structure was measured to be an average of 1.83 ft wide and 2.5 ft deep, with a 0.1% slope. Using a Manning's



of 0.035 based on natural channels with stones and weeds provided by the Applicant, the check structure indicates a ditch capacity of 4.7 CFS.

The Department calculates the conveyance loss volumes attributed to the use of a ditch for irrigation. Per ARM 36.12.1902(10), the historical conveyance loss volume is equal to the sum of the historical seepage loss, vegetative loss, and ditch evaporation volumes. To calculate conveyance losses attributed to each water right which historically used the Loyning Ditch, the Department broke the Loyning Ditch into two segments, one from the headgate to the Applicant's field and one from the Applicant's field to the start of the field for acres irrigated under Statement of Claim 14970-00. The historical Loyning Ditch is approximately 5,014 ft long (1,528 meters) and travels generally north and east to the irrigated acres under Statements of Claim 43D 13723-00 and 43D 14970-00. The Applicant states the Loyning Ditch travels 642 ft from the headgate until reaching the beginning of the field irrigated under Statement of Claim 43D 13723-00. The Loyning Ditch then continues on to irrigate fields under Statement of Claim 43D 14970-00. Conveyance losses will be calculated for the segment from the headgate to the Applicant's field, then proportionally attributed to Statement of Claim 43D 13723-00 based on flow rate. Tables 5 and 6 show the calculated conveyance losses for the ditch from the headgate to the Applicant's field.

Based on the Applicant-provided measurements of the rectangular check structure in the historical Loyning Ditch, the following variables were used for conveyance loss calculations: slope = 0.001; ditch width = 1.83 ft; wetted perimeter = 6.83 ft. The loss rate was determined to be $0.6 \text{ ft}^3/\text{ft}^2/\text{day}$ based on silty clay loam soils, and 77 days is the number of days the ditch is running based on the period of diversion from April 15 to Jun 30, as provided by the Applicant. Ditch evaporation rate is calculated based on the Gridded Monthly NetEvap layer in DNRC Converge for April 15 – June 30. The remaining variables are shown in Table 5 which summarizes the conveyance loss for the first segment of the Loyning Ditch as attributed to both Statements of Claim 43D 13723-00 and 43D 14970-00.



Table 5: Conveyance losses from headgate to start of first field (Segment 1) of the Loyning Ditch

^A Seepage Loss	Ditch Wetted Perimeter (ft)	Ditch Length (ft)	Ditch Loss Rate (ft ³ /ft ² /day)	Days Irrigated	Seepage Loss (AF)
	6.83	642	0.6	77	4.65
^B Vegetative Loss	% Loss/Mile	Historical Flow Rate (CFS)	Days Irrigated	Ditch Length (mi)	Vegetative Loss (×2) (AF)
	0.0075	3.45	77	0.12	0.48
^C Ditch Evaporation	Ditch Width (ft)	Ditch Length (ft)	Ditch Evaporation Rate (ft)	Ditch Evaporation (AF)	Seasonal Conveyance Loss (AF) (A+B+C)
	1.83	642	0.27	0.01	4.65 + 0.48 + 0.01 = 5.14

Seepage loss is calculated as (ditch wetted perimeter in ft)(ditch length in ft)(loss rate)(days)/(43,560 square feet per acre). The loss per segment is multiplied by the percentage attributable to the water right, as shown in Table 6. The seepage loss for Statement of Claim 43D 13723-00 is 4.04 AF.

Vegetative loss is calculated as (% loss per mile)(flow in CFS)(days ditch is flowing)(ditch length in miles)*2. In this equation, the unit conversion constant 2 is the number of AF/Day/CFS rounded up from 1.98. The loss per segment is multiplied by the percentage attributable to the water right, as shown in Table 6. The vegetative loss for Statement of Claim 43D 13723-00 is 0.42 AF.

Evaporation is calculated as (surface area of ditch [length*width in ft.]) (evaporation rate in ft/acre/yr, period adjusted)/(43,560 square feet per acre). The loss per segment is multiplied by the percentage attributable to the water right, as shown in Table 6. The evaporative loss for Statement of Claim 43D 13723-00 is 0.01 AF.

The total conveyance loss attributed to Statement of Claim 43D 13723-00 is 4.47 AF, as shown in Table 6.

Table 6: Conveyance loss volumes by water right for Segment 1 of the Loyning Ditch

Ditch Leg	Water Right Number	Flow Rate (CFS)	Proportion of Flow	Seepage Loss (AF)	Vegetative Loss (AF)	Ditch Evaporation (AF)	Conveyance Loss Volume (AF)
1	43D 13723-00	3.0	87%	4.04	0.42	0.01	4.47
	43D 14970-00	0.45	13%	0.61	0.06	0.001	0.67
Total		3.45	100%	4.65	0.48	0.01	5.14



2.3 Historical Diverted Volume

Per ARM 36.12.1902(10), the historically diverted volume is equal to the sum of the historical field application volume and historical conveyance loss volume. Table 5 below summarizes the historical field applied and conveyance loss volumes.

Table 7: Historically diverted volume for Statement of Claim 43D 13723-00

Water Right Number	Field Applied Volume (AF)	Conveyance Loss Volume (AF)	Total Historically Diverted Volume (AF)
43D 13723-00	46.575	4.47	51.0

2.4 Summary of Historical Use

The Department will consider the following values when evaluating the historical use of Statement of Claim 43D 13723-00 for the adverse effect criterion:

Table 8: Summary of historical use of Statement of Claim 43D 13723-00

Water Right No.	Historical Purpose	Maximum Historical Acres	Historical Place of Use	Historical Point of Diversion	Maximum Historical Flow Rate	Historically Consumed Volume	Historically Diverted Volume
43D 13723-00	Irrigation	80	See Table 9	SWSESW Sec. 5, T5S, R20E	3.0 CFS	30.3 AF	51.0 AF

Table 9: Historical Place of Use for Statement of Claim 43D 13723-00

Acres	Quarter Section	Section	Township	Range
37.77	NWSE	5	5S	20E
28.50	NESW	5	5S	20E
12.73	SESW	5	5S	20E
0.78	N2SWSE	5	5S	20E
0.22	SENWSW	5	5S	20E



3.0 Analysis of Impacted Surface Water Sources

3.1 Summary of Proposed Use

The Applicant proposes to use Statement of Claim 43D 13723-00 as shown in Table 10. The Applicant proposes to retire use of the historical Loyning Ditch and headgate and use a pumpsite in the SWNWSE Section 5, T5S, R20E, Carbon County as the only POD. The Applicant proposes to retain 65.5 acres of the historical POU; to retire 14.5 acres, predominantly between the two proposed pivots in the NENESW, NWSE, and N2SESW Sec. 5, T5S, R20E; and to add 3.6 acres of irrigation within a pivot in the W2E2SW Sec. 5, T5S, R20E, Carbon County.

Table 10: Summary of the proposed use of Statement of Claim 43D 13723-00

Water Right No.	Proposed Purpose	Proposed Acres	Proposed Place of Use	Proposed Point of Diversion	Proposed Flow Rate	Proposed Consumptive Volume	Proposed Diverted Volume
43D 13723-00	Irrigation	69.1	See Table 11	Pump; SWNWSE Sec. 5, T5S, R20E	1.36 CFS	26.87 AF	40.74 AF

Table 11: Proposed Place of Use for Statement of Claim 43D 13723-00

Acres	Quarter Section	Section	Township	Range
31.5	NWSE	5	5S	20E
25.4	NESW	5	5S	20E
11.3	N2SESW	5	5S	20E
0.6	NWSWSE	5	5S	20E
0.3	SENWSW	5	5S	20E

Following the procedures outlined in *Section 2.1 Historical Use* above, the proposed consumed and diverted volumes have been calculated with the inputs shown in Table 10 following the methods described above and in ARM 36.12.1902. Per MCA 85-2-102(7)(b), a change in appropriation right does not include a change in method of irrigation (method of irrigation is also not an element that can be proposed for change). Thus, when calculating the proposed consumed and diverted volumes for a change, the Department will consider a change in the method of irrigation only on newly irrigated acreage, outside of the historically irrigated footprint.



Table 12: Proposed use for irrigated acres

Irrigation Method	Acres	IWR (in)	Mgmt. Factor	Field Efficiency	Crop Consumption (AF)	Field Applied Volume (AF)	IL (AF)	Total Consumptive Volume (AF)	Non-Consumptive Volume (AF)
Pivot (Within Historical POU)	65.5	7.19 ¹	58.3 ³	60%	22.88	38.13	1.91	24.79	13.35
Pivot (Outside Historical POU)	3.6	8.6 ²	70.8 ⁴	70%	1.83	2.61	0.26	2.09	0.52
Total	69.1				24.71	40.74	2.17	26.87	13.87

¹Joliet IWR Weather Station, Flood (April 1 – June 30)

²Joliet IWR Weather Station, Pivot (April 1 – June 30)

³ Carbon County Proposed Use Management Factor pre-July 1, 1973

⁴ Carbon County Proposed Use Management Factor proposed use

Table 13: Comparison of volumes associated with historical and proposed use.

Purpose	Historically Consumed Volume	Proposed Consumptive Volume	Historically Diverted Volume	Proposed Diverted Volume
Irrigation	30.3 AF	26.87 AF	51.0 AF	40.74 AF

3.2 Impacted Surface Water Sources

The Department determined return flows from the historical irrigation practices accrued to Red Lodge Creek and considered the location in which those return flows historically accrued. Part B of the Technical Analyses Report includes the Return Flow Analysis, which describes the methodologies used to assess the historical and proposed return flows associated with this application. Return flows from the historical irrigation practices accrued to a point downstream of the NESESW Sec. 5, T5S, and R20E, Carbon County. Under the proposed change, return flows from the retained, historical 65.5 acres and return flows from the 3.5 acres of proposed irrigation outside of the historical POU will accrue to a point on Red Lodge Creek in the NESESW Sec. 5, T5S, R20E, Carbon County, the same point as the historical return flows. An analysis of the monthly rate and timing of return flows is not required when return flows will enter back into the source where they have historically or at the location of the next downstream appropriator, or if water is left instream so the historically diverted flows are available during the historical period of diversion below the point or where return flows historically returned to the source.

The Department has considered an area of potential adverse effect on the source of supply. This reach was determined by accounting for the location of the proposed and historical points of



diversion and return flows. This reach extends from the most upstream historical POD, the headgate to the Loyning Ditch downstream to the place where return flows from the historical and proposed irrigation accrue.

There are two water rights within the area of potential adverse effect, Statement of Claim 43D 14970-00, which is concurrently proposed for change in Change Application No. 43D 30165112; and Statement of Claim 43D 30105491 which is a livestock direct claim and is also owned by the Applicant. The Applicant proposes to leave 10.3 AF of water no longer being diverted for the retired acres instream, so the historically diverted flows are available during the historical period of diversion.

Review

This document has been reviewed by the Department on August 12, 2025.

References

Department Standard Practice for Determining Historical Use
Department Standard Practice to Analyze Return Flows
Memorandum: Development of standardized methodologies to determine Historical Diverted Volume
Technical Memorandum: Distributing Conveyance Loss on Multiple User Ditches
DNRC Change Manual



Surface Water Change Technical Analyses Report - Part B

Department of Natural Resources and Conservation (DNRC)

Water Resource Division

Kristal Kiel, Groundwater Hydrologist, Water Sciences Bureau

Applicant	Roque Properties, LLC	Point of Diversion Legal Land Description	<u>Proposed POD 1:</u> SWNWSE Section 5, Township 5 South, Range 20 East, Carbon County
Application No.	43D 30165111		

Overview

This report is Part B of a two-part publication which analyzes data submitted by the Applicant in support of the above-mentioned water right change application. This report provides technical analyses as required under the Administrative Rules of Montana (ARM) 36.12.1303 in support of the water rights criteria assessment as required in §85-2-402, Montana Code Annotated (MCA). For applications in closed basins, this report fulfills the requirements of MCA 85-2-361.

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

Overview	1
1.0 Executive Summary.....	2
2.0 Methodology.....	3
3.0 Adverse Effect – Return Flow Analysis	3
3.1. Non-Consumed Volume	3
3.2 Hydraulically Connected Surface Water(s)	5
3.3 Location of Return Flows	7
Review	9
References	9



1.0 Executive Summary

Water Right Details

The Applicant proposes to change the place of use and point of diversion of Statement of Claim No. 43D 13723-00, which was historically used for flood irrigation of 80 acres by means of a headgate (historical POD 1) in the SESWSW of Section 5, Township 5 South, Range 20 East, Carbon County. The Applicant proposes to irrigate 69.1 acres via a center-pivot sprinkler and a pump (proposed POD 1) in the SWNWSE of Section 5, Township 5 South, Range 20 East, Carbon County. In this proposal, 14.5 historically irrigated acres would be retired, and 3.6 new irrigated acres would be added outside of the historical place of use.

Additionally, the proposed required flow rate would be 1.36 cubic feet per second (cfs) as compared to the historical flow rate of 3 cfs. The new pump site would be located approximately 2,250 feet (ft) downstream and northeast of the historical headgate on Red Lodge Creek. The Applicant proposes to leave the balance of unused flow instream below the proposed point of diversion. The historical and proposed period of diversion is April 15 to October 1. Statement of Claim No. 43D 198705-00 provides supplemental irrigation water via ditch shares during the diversion period of July 1 to October 1.

WSB Technical Analysis Findings

Based on information submitted, the WSB quantified the historical non-consumed volume and location of historical return flows. These analyses are in support of the following criteria assessment: adverse effect. A summary of WSB findings described in subsequent sections are listed below.

TECHNICAL ANALYSES FINDINGS

ADVERSE EFFECT (RETURN FLOWS)	The historical non-consumed volume for 80 acres is 16.30 acre-feet (AF) and the location of historical return flows as identified in Figure 2 is to Red Lodge Creek downstream of the NESESW of Section 5, Township 5 South, and Range 20 East, Carbon County. Under the proposed change, return flows from 3.6 new acres of irrigation (0.52 AF) as well as return flows from 65.5 retained historical acres (13.35 AF) would accrue to Red Lodge Creek downstream of the NESESW, Section 5, Township 5 South, and Range 20 East, Carbon County (Figure 2).
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2.0 Methodology

DNRC will analyze the change to determine if:

- a. Return flows will enter back into the source where they have historically returned upstream of or at the location of the next downstream appropriator; or,
- b. Water is left instream so historically diverted flows are available during the historical period of diversion either below the point of diversion or where return flows historically returned to the source.

If the change in return flows impacts existing water rights, the return flow analysis must include a monthly breakdown of the rate and timing of return flows and evaluate impacts to the identified rights.

Return flows are evaluated by determining the volume of water that infiltrates past the root zone and identifying the likely receiving stream(s). The assumption is made that water applied for irrigation that is not consumed by a crop infiltrates to groundwater becoming return flow and does not run off. The amount of water not consumed is the difference between the amount of water consumed and the amount of water applied to a field. The receiving stream is determined by proximity and evidence of hydraulic connection to groundwater and generally does not depend on groundwater flow direction or land slope (Leake, 2011).

Historical consumed volumes for irrigation are calculated following the procedures described in DNRC historic use rules in ARM 36.12.1902. The amount of water consumed at the field is equal to crop consumption plus irrecoverable losses calculated as a percent of applied amounts. The amount of water applied to a field is determined from estimates of application efficiency and crop consumption. The amount of water not consumed is the difference between the amount of water consumed and the amount of water applied to a field.

3.0 Adverse Effect – Return Flow Analysis

3.1. Non-Consumed Volume

The consumed volume for irrigation is based on the net irrigation requirement (NIR) from USDA Natural Resources Conservation Service Irrigation Water Requirements (IWR) at a representative weather station. The NIR is multiplied by a county-wide management factor (from ARM 36.12.1902) to produce an adjusted NIR representative of actual crop yields in Montana. Crop consumption is determined by multiplying the adjusted NIR by the number of acres of irrigation. Crop consumption is then divided by the field efficiency identified from the irrigation method and ARM 36.12.115. Irrecoverable losses (IL) are 5% of the field applied volume for flood irrigation or 10% for sprinkler irrigation. The total consumed volume for irrigation is the crop consumption plus irrecoverable losses. The total non-consumed volume is the field applied volume minus the total consumed volume.

The historical and proposed consumed and non-consumed volumes have been calculated with the inputs shown in **Table 1** and **Table 2** following the methods described above and in ARM 36.12.1902 and Department standard practices found under “Change in Method of Irrigation



Policy Guidance” section in DNRC (2025). Statement of Claim No. 13723-00 does not provide full-service irrigation. Statement of Claim No. 43D 198705-00 provides supplemental irrigation water via ditch shares during the diversion period of July 1 to October 1 and is not owned by the Applicant nor proposed for change in this application. As such, the consumed and non-consumed values would only be evaluated from April 15 to June 30 in this report.

Table 1: Historical use for Statement of Claim 43D 13723-00, Period of Use: April 15-June 30

Irrigation Method	Irrigated Acres	IWR (in) ¹	Mgmt. Factor ²	Field Efficiency	Crop Consumption (AF)	Applied Volume (AF)	IL (AF)	Total Consumed Volume (AF)	Non-Consumed Volume (AF)
Flood	80	7.19	58.30%	60%	27.95	46.58	2.33	30.27	16.30

¹IWR Flood Irrigation Seasonal Evapotranspiration (ET)- Joliet Weather Station (April through June)

²Carbon County Management Factor Percentage 1964-1973 (pre-July 1, 1973 Historical Consumptive Use (HCU))

Table 2: Proposed use for Statement of Claim 43D 13723-00, Period of Use: April 15-June 30

Irrigation Method	Irrigated Acres	IWR (in) ^{1,2}	Mgmt. Factor ^{3,4}	Field Efficiency	Crop Consumption (AF)	Applied Volume (AF)	IL (AF)	Total Consumed Volume (AF)	Non-Consumed Volume (AF)
Unchanged Historical Consumed Volume (Acres Within Historical POU)									
Center-pivot (Sprinkler)	65.5	7.19	58.30%	60%	22.88	38.13	1.91	24.79	13.35
Proposed New Pivot Consumed Volume (New Acres Outside of Historical POU)									
Center-pivot (Sprinkler)	3.6	8.60	70.80%	70%	1.82	2.61	0.26	2.09	0.52
Total	69.1				24.7	40.74	2.17	26.88	13.87

¹IWR Flood Irrigation Seasonal ET- Joliet Weather Station (April through June)

²IWR Center Pivot Irrigation Seasonal ET- Joliet Weather Station (April through June)

⁴Carbon County Management Factor Percentage 1964-1973 (pre-July 1, 1973 HCU)

⁵Carbon County Management Factor Percentage 1997-2006 (proposed use)

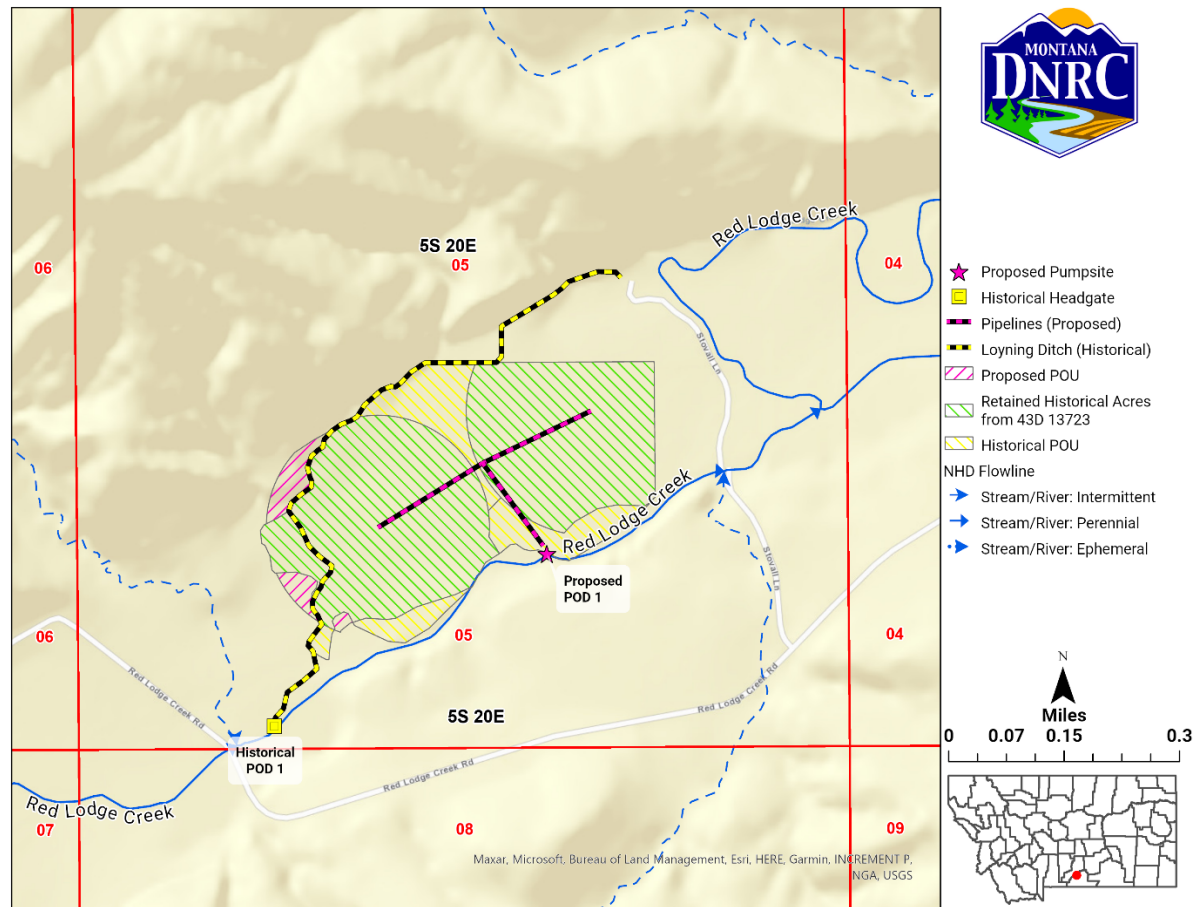


Figure 1: Location of historical and proposed irrigation.

3.2 Hydraulically Connected Surface Water(s)

Potentially affected surface waters in a return flow evaluation are identified by their hydraulic connection, both direct and indirect, to the aquifer below the irrigation place of use. Hydraulic connection depends on the depth to groundwater beneath the beds of surface waters, connection between deep and overlying shallow aquifers, vertical gradients, and can vary along a reach and with time of year.

Procedures for evaluating hydraulic connection and identifying one or more potentially affected surface water(s) for return flow analysis can be found in DNRC (2018) and DNRC (2019), respectively. Return flows are apportioned between multiple potentially affected surface waters generally following procedures described in Section 3.2 of a guidance document developed by the Province of British Columbia (2016). **Table 3** identifies published information used to assess hydraulically connected surface water(s). Not all data may be available for each project and is noted as “NA” when that occurs. DNRC identifies Red Lodge Creek as the closest perennial surface water body to the historical place of use.

**Table 3:** Published information used to identify hydraulically connected surface water(s).

Published Information	Surface Water Source
	Red Lodge Creek
USGS National Hydrographic Dataset (NHD) ¹	Perennial
USGS PROSPER Dataset ²	Perennial (rating 0.7-1.0)
MBMG GWIC wells, less than 50 ft deep, within 1,000 ft of surface water, static water levels above or within 10 ft of elevation of stream bed (DNRC, 2018) ³	Mapped: GWIC ID Nos. 278347, 334339 (Figure 2)
Published Water Table Maps, Publications, Previous Water Rights, etc. ⁴	Potentiometric Surface Map of Carbon and Stillwater Counties- Blythe & Reiten (2015)
Gridded National Soil Survey Geographic Database ⁵	Hydric conditions mapped along river (Figure 2)
Aerial imagery	Wet channel (NAIP 2013-2024)
Affidavits, photographs, etc.	NA

¹ Review NHD to identify perennial, intermittent, and ephemeral classifications for surface water sources most proximal to the proposed diversion(s).

² USGS PROSPER probability of streamflow permanence (greater than 50 percent of the time it flows).

³ Per DNRC (2018) hydraulic connection of individual stream reaches to ground water is evaluated by comparing streambed elevations to static ground water elevations measured in MBMG GWIC wells less than 50 ft deep and within 1,000 ft of surface water or from published water table maps. Surface water within that area is considered hydraulically connected to the unconfined aquifer if static ground water elevations are above or within 10 ft of the elevation of the stream bed.

⁴ Blythe, D.D., and Reiten, J.C., 2015; Shallow groundwater altitude in bedrock units of the Carbon-Stillwater Study, Carbon and Stillwater Counties, Montana: Montana Bureau of Mines and Geology Montana Ground-Water Assessment Atlas 6-03, 1 sheet.

⁵ Review Gridded National Soil Survey Geographic Database to identify hydric soils or shallow water tables near surface water sources.

Red Lodge Creek exists within alluvium incised through the Lebo and Tongue River Members of the Fort Union Formation and generally flows to the northeast, with several unnamed tributaries adjoining with the mainstem in the project area. As shown in **Figure 2**, a topographic divide exists between Red Lodge Creek and Butte Creek. The historical and proposed places of use are adjacent to Red Lodge Creek and extend approximately 1,750 ft from the Creek. Blythe & Reiten (2015) show local groundwater flows within bedrock units in a northeasterly direction- toward and parallel to mapped Quaternary sediments.

Based on the review of the published information in **Table 3**, Red Lodge Creek is the nearest hydraulically connected perennial surface water source. As identified in **Figure 2** the starting point of return flow is to Red Lodge Creek downstream of the NESESW, Section 5, Township 5 South, and Range 20 East, Carbon County.

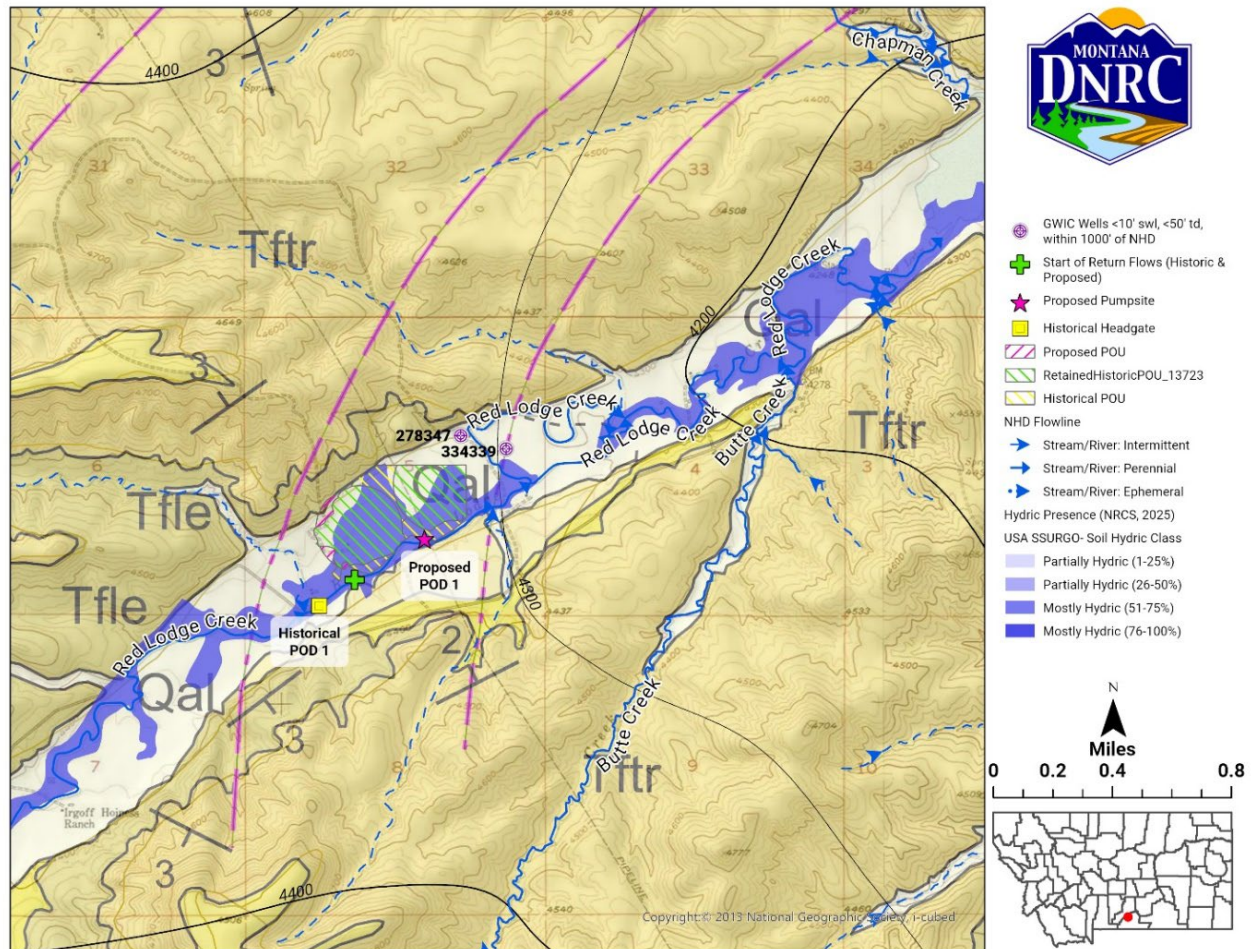


Figure 2: Location of return flows. Wells with static water levels less than 10 ft and total depths less than 50 ft are shown for evidence of hydraulic connection to perennial surface water sources. Geologic contacts of Quaternary Alluvium (Qal), and members of the Fort Union Formation including the Lebo (Tfle) and Tongue River (Tftr), as well as fold axes (pink dashes) and potentiometric surface elevation lines (black lines) are mapped to show hydrogeologic setting of the area.



3.3 Location of Return Flows

The location of return flows from 80 acres of historical irrigation (16.30 AF) is Red Lodge Creek downstream of the NESESW, Section 5, Township 5 South, and Range 20 East, Carbon County (**Figure 2**).

Under the proposed change, return flows from 3.6 new acres of irrigation (0.52 AF) as well as return flows from 65.5 retained historical acres (13.35 AF) would accrue to Red Lodge Creek downstream of the NESESW, Section 5, Township 5 South, and Range 20 East, Carbon County (**Figure 2**).

The Applicant proposes to leave the total diverted volume of water used for historical irrigation of 14.5 acres instream in Red Lodge Creek downstream of the SENWSE of Section 5, Township 5 South, Range 20 East, Carbon County.



Review

This document has been reviewed on August 11, 2025 in accordance with Category 7 of [DNRC's Water Sciences Bureau Minimum Standards of Review](#), Version 2, February 2024.

References

Blythe, D.D., and Reiten, J.C., 2015, Shallow groundwater altitude in bedrock units of the Carbon-Stillwater Study, Carbon and Stillwater Counties, Montana: Montana Bureau of Mines and Geology Montana Ground-Water Assessment Atlas 6-03, 1 sheet.

DNRC, 2010. Consumptive Use Methodology – Turf Grass (New Projects). March 23, 2010.

DNRC, 2019. Technical Memorandum: Calculating Return Flow. April 18, 2019.

DNRC, 2025. Change in Method of Irrigation Policy Guidance. [Change Manual](#). Revised February 2025. P. 92-94

Groundwater Information Center, 2025. Montana Bureau of Mines and Geology, <http://mbmgwic.mtech.edu/>.

Leake, S.A., 2011. Capture – rates and direction of groundwater flow don't matter! Groundwater, Vol. 49, No. 4, p. 456 – 458.

Natural Resources Conservation Service (NRCS), 2003. Irrigation Water Requirement (IWR) computer program, <http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/water/manage/?cid=stelprdb1044890>.

Vuke, S.M., Porter, K.W., Lonn, J.D., and Lopez, D.A., 2007, Geologic Map of Montana - Compact Disc: Montana Bureau of Mines and Geology: Geologic Map 62-C, 73 p., 2 sheets, scale 1:500,000.

Preapplication Materials

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

Preapplication Materials

THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

GOVERNOR GREG GIANFORTE



DNRC DIRECTOR AMANDA KASTER

DNRC Water Resources
Billings Regional Office
1371 Rintop Dr.
Billings, MT 59105-1978

July 11, 2025

Roque Properties LLC
1747 Red Lodge Creek Rd
Roberts, MT 59070

Subject: Complete Preapplication Form for Change Application No. 43D 30165111

Dear Applicant,

The Billings Regional Office of the Department of Natural Resources and Conservation (DNRC or Department) received your Preapplication Meeting Form and preapplication meeting fee on July 3, 2025, and the Department deemed the submitted Preapplication Meeting Form to be successfully completed per ARM 36.12.1302 on July 11, 2025.

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 July 11, 2025.

Sincerely,

A handwritten signature in blue ink, appearing to read "Veronica Corbett", written over a light blue horizontal line.

Veronica Corbett | Water Resource Specialist
Water Resources Division, DNRC
Billings Regional Office
1371 Rintop Dr, Billings, MT 59105
DESK: 406-247-4431 | EMAIL: veronica.corbett@mt.gov

cc: DMS Natural Resources



DNRC.MT.GOV

DMS Natural Resources, LLC
Deborah Stephenson, M.B.A.
602 South Ferguson Ave., Suite 2
Bozeman, MT 59718
406-600-1422
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DNRC Billings Regional Office
C/O Veronica Corbett
1371 Rimtop Drive
Billings, MT 59105-1978

July 3, 2025

Re: Additional Information - Roque Properties, LLC Change Applications 43D 30165111 and 43D 30165112

Veronica,

This letter is in response to your letters dated June 18, 2025, requesting additional information for Roque Properties, LLC's change applications 43D 30165111 and 43D 30165112.

[Change Application 43D 30165111 \(43D 13723 00\)](#)

28 – Historical Use Map

Statement of Claim 43D 13723-00 has a place of use for 80 acres of irrigation: 40 acres in NWSE Sec. 5; 20 acres in NESW Sec. 5; and 20 acres in SESW Sec. 5, T5S, R20E, Carbon County, based on Montana Water Court Case 43D-187. The provided historical use map indicates historically irrigated acres in the NWSW Sec. 5 and SWSE Sec. 5, T5S, R20E, outside of the claimed place of use. Of the 79.96 acres indicated as historically irrigated in the Applicant-provided shapefiles, the breakdown appears as follows: 37.8 acres in NWSE Sec. 5; 28.4 acres in NESW Sec. 5; 12.6 acres in SESW Sec. 5; and the remaining acres in the NWSW and SWSE, which does not correspond with the place of use per the claim. Please provide a map based on the historical use of the water right.

The map provided as Exhibit 5 with the preapplication follow-up information for change application 43D 13723 00 accurately depicts the historical use of 43D 13723 00. DNRC did not raise any issues with the historic POU of 43D 13723 00 in DNRC's May 7, 2025 letter titled Incomplete Preapplication Form for Change Application No. 43D 30165111. The same historical

POU for 43D 13723 00 was also depicted / described in terminated change application 43D 30161865¹ and DNRC did not raise any issues with the historical POU in DNRC's deficiency letter dated January 18, 2024 and/or termination letter dated August 6, 2024.

Based on GIS data used to create Exhibit 5 provided with the preapplication follow-up information and provided to DNRC via email on April 18, 2025, historic aerial imagery and maps, and non-surveyed PLSS GIS data, the breakdown of historically irrigated acres by legal land description is as follows:

- NWSE Section 5, T5S R20E: 37.77 Acres
- NESW Section 5, T5S R20E: 28.50 Acres
- SESW Section 5, T5S R20E: 12.73 Acres
- N2SWSE Section 5, T5S R20E: 0.78 Acres
- SENWSW Section 5, T5S R20E: 0.22 Acres

30.a.i.1.b – Does the legal land description from the abstract match the actual location of the historical places of use?

This question was marked yes, but the map provided and breakdown of historically irrigated acres and proposed irrigated acres does not support this. If the answer should be no, provide documentation of a written request submitted to the Water Court for amendment of the Claim as well as information to substantiate the requested amendment.

Question 30.1.i.1.b should be corrected to "no". A copy of the Applicant's motion to amend submitted to the Water Court is provided as Exhibit 28 with this letter.

Change Application 43D 30165112 (43D 14970 00)

DNRC's letter dated June 18, 2025 for change application 43D 30165112 states that *"The Department deemed the submitted Preapplication Meeting Form to be incomplete because the Preapplication Meeting Form for Change Application No. 43D 30165111 was incomplete"* and that *"Should no changes be required to the information provided in the Preapplication Form for Change Application No. 43D 30165112 based on the additional information necessary for Preapplication Form Change Application No. 43D 30165111, Preapplication form for Change Application No. 43D 30165112 will be considered accepted at the same time the Preapplication Form for Change Application No. 43D 30165111 is accepted."* The Applicant does not believe any additional changes to change application 43D 30165112 are necessary based on the additional information provided for change application 43D 30165111. Thus, the Applicant assumes that the preapplication form for change application 43D 30165112 will be accepted along with the preapplication form for change application 43D 30165111 as stated in DNRC's June 18, 2025 letter.

¹ Change application 43D 30161865 terminated by DNRC August 6, 2024.

Additional Information - Roque Properties, LLC Change Applications 43D 30165111 and 43D 30165112
July 3, 2025

Sincerely,

Deb Stephenson

Cc:

Frank Roque (Owner, Roque Properties, LLC)

Roger Hammersmark (Ranch Manager, Roque Properties, LLC)

Exhibit 28

43D-6012-A-2025

July 1, 2025

Montana Water Court

JULIA J. NORDLUND
Jardine, Stephenson, Blewett & Weaver, P.C.
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Attorney for Claimant

**MONTANA WATER COURT, YELLOWSTON DIVISION
CLARKS FORK, YELLOWSTONE RIVER
BASIN 43D**

CLAIMANT: Roque Properties, LLC

**Case 43D-_____-A-2025
43D 13723-00**

**MOTION TO AMEND STATEMENT
OF CLAIM AND
BRIEF IN SUPPORT**

Roque Properties, LLC (“Roque”), by and through its above-captioned counsel, and pursuant to MCA §85-2-233(6), hereby submits this Motion to Amend Statement of Claim 43D 13723-00. The purpose of the Motion is to correct the place of use legal land description to reflect historical and accurate use. As grounds and in support of the motion, Roque provides the following.

PROCEDURAL BACKGROUND

Roque purchased the property associated with claim 43D 13723-00 on December 29, 2021. Roque filed a Change Application for claim 43D 13723-00 with the

Department of Natural Resources and Conservation (“DNRC”) on May 1, 2025 (DNRC change application no. 43D 30165111).

DNRC responded with a deficiency letter on June 18, 2025, stating historical usage, as described in the change application materials, does not wholly coincide with the legal land description on the Post Decree Abstract for claim 43D 13723-00. DNRC declines to proceed with the Change Authorization until these acres are corrected by the Claimant through the Water Court.

Roque did not know of the error in legal land description until the DNRC letter. Roque was not the owner of the claim or property during the issuance of the 43D Preliminary Decree in 2017 and was therefore unable to object to the place of use at that time.

AMENDMENT

The original statement of claim filing for 43D 13723-00 was submitted on January 30, 1981. The statement of claim filing described the point of diversion as a headgate in the SWSESW of Section 5, T5S R20E, and the place of use as 65 acres in the NWSE and SW of Section 5, T5S R20E. The map provided with the statement of claim filing depicts the place of use as the stream bottom lands north of Red Lodge Creek located generally within the E2SW, W2SE, and NWSW of Section 5, T5S R20E. Affidavit of William Moore ¶ 4 (July 1, 2025).

The place of use for claim 43D 13723-00 has been changed several times. On April 20, 1988, the claimant amended the POU to a total of 174.5 acres located within the

NWNE and NENW of Section 8, and the W2SE, E2SW, and SESENW of Section 5, all in T5S R20E. No map was provided with the 1988 amendment. However, based on the amended legal land descriptions, it appears that the claimant's amendment was intended to 1) add acres of historic irrigation south of Red Lodge Creek; and 2) reflect additional historically irrigated acres and refine the legal land descriptions for the irrigated field north of Red Lodge Creek. Aff. Moore ¶ 5.

During the temporary preliminary decree, 43D 13723-00 received objections from the Bureau of Reclamation, DNRC (Trust Lands Division), Richard L. Thayer, and Richard A. Avent. Claim 43D 13723-00 was consolidated into Water Court Case 43D-187. On November 6, 1996, claimant filed a proposed POU for 43D 13723-00 from Richard L. Thayer. The proposed map appears to have been a general overview of the area, but not done precisely at field-level. All parties agreed with the proposed POU, consisting of 40 acres in the NWSE, 20 acres in the NESW, and 20 acres in the SESW, all in T5S R20E, and this was adopted and decreed by the Water Court. Aff. Moore ¶ 6, Ex. C.

The claim file, Water Resources Survey, and various historical aerial photographs all accurately depict 80 acres of historical irrigation, however, the legal land descriptions and breakdown of irrigated acres per legal land description decreed in the Water Court Case 43D-187 are slightly inaccurate. Aff. Moore ¶ 8, Ex B, D, E, F.

The place of use for claim 43D 13723-00 should be amended to

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	37.77		NWSE	5	5S	20E	Carbon
2	28.50		NESW	5	5S	20E	Carbon
3	12.73		SESW	5	5S	20E	Carbon
4	0.78		N2SWSE	5	5S	20E	Carbon
5	0.22		SENWSW	5	5S	20E	Carbon
Total:							80.00

Aff. Moore ¶¶ 9-10, Ex. F. This is reflected in the proposed abstracts.

The proposed place of use reflects historical useage of the on the ground irrigation. There is no change from the total amount irrigated, so this does not deviate from the decision reached by the parties in Water Court Case 43D-187 as the footprint of the agreed-to map from that case is not changing. Furthermore, the change to the place of use is de minimus and would neither result in an expansion of the water right nor negatively impact anyone and thus results in no need for notice pursuant to Section 85-2-233(6), MCA.

CONCLUSION

Based on the foregoing, Roque respectfully moves this Court to issue an order granting the Motion to Amend the place of use for claim 43D 13723-00.

DATED this 1st day of July, 2025.

Attorneys for Roque Properties, LLC:
JARDINE, STEPHENSON, BLEWETT & WEAVER, P.C.

By: /s/ Julia Nordlund

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 43D 13723-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Version Status: ACTIVE
Owners: ROQUE PROPERTIES LLC
1747 RED LODGE CREEK RD
ROBERTS, MT 59070-9650
Priority Date: MARCH 4, 1902
Enforceable Priority Date: MARCH 4, 1902
Type of Historical Right: USE
Purpose (Use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD
Maximum Flow Rate: 3.00 CFS
Maximum Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT
PUT TO HISTORICAL AND BENEFICIAL USE.
Climatic Area: 2 - MODERATELY HIGH
Maximum Acres: 80.00
Source Name: RED LODGE CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSESW	5	5S	20E	CARBON

Period of Diversion: APRIL 15 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: LOYNING DITCH

Period of Use: APRIL 15 to OCTOBER 1

Place of Use: See proposed Place of Use on page 2

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	40.00		NWSE	5	5S	20E	CARBON
2	20.00		NESW	5	5S	20E	CARBON
3	20.00		SESW	5	5S	20E	CARBON
Total:	80.00						

Geocodes/Valid: 10-0533-05-3-04-01-0000 - Y

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

13723-00 13724-00

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 138994 RECEIVED 02/16/2016.

OWNERSHIP UPDATE TYPE 608 # 230059 RECEIVED 01/07/2022.

Proposed Place of Use

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	37.77		NWSE	5	5S	20E	Carbon
2	28.50		NESW	5	5S	20E	Carbon
3	12.73		SESW	5	5S	20E	Carbon
4	0.78		N2SWSE	5	5S	20E	Carbon
5	0.22		SENWSW	5	5S	20E	Carbon
Total:	80.00						

AFFIDAVIT OF WILLIAM R. MOORE

STATE OF MONTANA)
)ss:
COUNTY OF LEWIS AND CLARK)

I, William R. Moore, being first duly sworn, deposes and says:

1. I am over the age of 18 years, of sound mind, and have personal knowledge as to the matters attested to herein.
2. I am employed as a Senior Research Associate with DMS Natural Resources, LLC (“DMS”), an advisory firm specializing in water right management, water right technical services, water valuation, water investment advisory, and water transaction services. I have over nine years of professional experience reviewing water right files, conducting historical research and document interpretation, aerial photo interpretation, preparing new permit and change applications, and general management of water rights. My resume is attached as Exhibit A.
3. DMS has assisted Roque Properties, LLC with their water rights since 2021. From 2021 through the present day, I have conducted extensive review regarding the historic use of water right 43D 13723 00, including review of Carbon County Water Resources Survey (WRS) documents, historic aerial imagery analysis, and review of water right files and Water Court case files. I have also visited the Roque Properties, LLC property several times, examined the current and historic irrigation infrastructure, and discussed current and historic water use with Roger Hammersmark, Roque Properties, LLC’s agricultural lessee, and Everett Hoines who has lived adjacent to the Roque Properties, LLC property for over 70 years.
4. The original statement of claim filing for 43D 13723 00 was submitted on January 30, 1981. The statement of claim filing described the POD as a headgate in the SWSESW of Section 5, T5S R20E, and the POU as 65 acres in the NWSE and SW of Section 5, T5S R20E. The map provided with the statement of claim filing depicts the POU as the stream bottom lands north of Red Lodge Creek located generally within the E2SW, W2SE, and NWSW of Section 5, T5S R20E. A copy of the original claim file map is provided as Exhibit B.
5. On April 20, 1988, the claimant amended the POU to a total of 174.5 acres located within the NWNE and NENW of Section 8, and the W2SE, E2SW, and SESENE of Section 5, all in T5S R20E. No map was provided with the 1988 amendment. However, based on the amended legal land descriptions, it appears that the claimant’s amendment was intended to 1) add acres of historic irrigation south of Red Lodge Creek; and 2) reflect

additional historically irrigated acres and refine the legal land descriptions for the irrigated field north of Red Lodge Creek.

6. During the temporary preliminary decree, 43D 13723 00 received objections from the Bureau of Reclamation, DNRC (Trust Lands Division), Richard L. Thayer, and Richard A. Avent. 43D 13723 00 was consolidated into water court case 43D-187. On November 6, 1996, the claimant filed an October 24, 1996 letter from objector Richard L. Thayer which described Richard L. Thayer's proposed POU for 43D 13723 00. The November 6, 1996 filing included the claimants' notarized signatures and a statement indicating that the claimant agreed with Richard L. Thayer's POU proposal. All other parties agreed with the POU proposed in the claimant's November 6, 1996 filing, and the 43D 13723 00 POU was decreed by the Water Court as described in the November 6, 1996 filing¹. A copy of the October 24, 1996 letter filed by the claimant on November 6, 1996 is provided as Exhibit C.
7. The POU proposed by Richard L. Thayer in the November 6, 1996 filing, and decreed by the Water Court, consists of a total of 80 acres described as 40 acres in the NWSE, 20 acres in the NESW, and 20 acres in the SESW, all in Section 5, T5S R20E. It appears that the POU legal land description was based on the area patented by Patrick J. Walsh and sold to Gundar Ostrem in 1902, which included all acres in the E2SW and W2SE of Section 5, T5S R20E (see Exhibit C). The map provided with the November 6, 1996 filing does not depict the field-level POU of 43D 13723 00, but rather highlights the property patented by Patrick J. Walsh, described as "the area of probable historical irrigation" in the November 6, 1996 filing.
8. Based on my review of the claim file map (Exhibit B), WRS documents (provided as Exhibit D and E), and various historic aerials (Exhibit E), approximately 80 acres was historically irrigated under 43D 13723 00 as described in the November 6, 1996 filing in case 43D-187². See map of the historical POU provided as Exhibit F.
9. There are several minor errors in the legal land descriptions and irrigated acres by legal land description described in the November 6, 1996 filing and decreed by the Water Court in case 43D-187. Based on mapping the actual field location of the 80-acre POU (Exhibit F), the breakdown of the historically irrigated acres by legal land description is provided below.
 - a. NWSE Section 5, T5S R20E: 37.77 Acres
 - b. NESW Section 5, T5S R20E: 28.50 Acres
 - c. SESW Section 5, T5S R20E: 12.73 Acres

¹ 43D-187 Master's Report issued June 24, 1997, adopted July 28, 1997.

² The WRS notes for this property do not reflect the specific appropriation which is the basis of 43D 13723 00. However, the WRS notes indicate that 50 acres were irrigated under the Loyning Ditch, the ditch historically used under 43D 13723 00, as of the date of the WRS field survey and another 32 acres were potentially irrigable. Thus, the maximum acres physically irrigable under the Loyning Ditch according to the WRS is equal to 82 acres. This is in alignment with the WRS published red-yellow map and other historic documents.

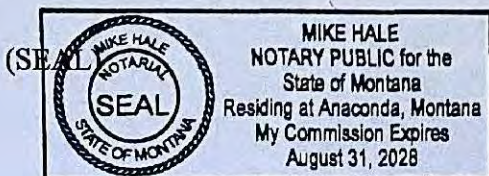
- d. N2SWSE Section 5, T5S R20E: 0.78 Acres – this legal land description was not included in the POU described in the November 6, 1996 filing. However, it is within the Patrick J. Walsh patent and within the “area of probable historical irrigation” highlighted blue on the map provided with the November 6, 1996 filing.
 - e. SENWSW Section 5, T5S R20E: 0.22 Acres – This legal land description was not included in the POU described in the November 6, 1996 filing nor within the Patrick J. Walsh patent. However, based on the WRS field notes these acres have been under common ownership with the W2SE and E2SW of Section 5, T5S R20E, since at least the date of the 1966 WRS. Inclusion of the SENWSW of Section 5, T5S R20E, does not represent a change or expansion to the POU of 43D 13723 00, but rather a refinement of the legal land descriptions based on modern GIS tools.
10. The legal land descriptions of the historic 80-acre POU of 43D 13723 00 should be corrected to include the legal land descriptions and acre count breakdown listed above in items 9.a through 9.e. These corrections do not represent a change to, nor an expansion of, the on-the-ground irrigation agreed to by the parties and decreed by the Water Court in temporary preliminary decree case 43D-187. Modern GIS tools were not available to the parties at the time of case 43D-187, nor was field-level mapping completed during case 43D-187. Thus, these corrections represent a minor refinement and more accurate description of the POU originally decreed in case 43D-187.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 1 day of July, 2025.


William R. Moore

Subscribed and Sworn to before me this 1 day of July, 2025.



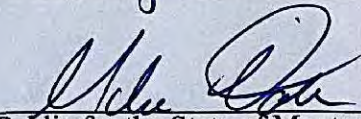

Notary Public for the State of Montana

Exhibit A



William Moore

602 S. Ferguson Ave. Ste 2
Bozeman, MT 59718

moore@dmsnaturalresources.com

406-595-9455



Education

- B.S., Geospatial and Environmental Analysis with minor in Geographic Information Systems, Montana State University, Bozeman, Montana, 2012.

Professional Experience

Senior Research Associate, DMS Natural Resources LLC, Bozeman, Montana, 2016 – present.

- *Water Right Permitting and Adjudication Support:* Mr. Moore assists with the management and analysis of water right assets across the state of Montana and throughout the western United States. This includes researching historic water right files, researching historic water use, and reviewing deeds and chain of title pertaining to water rights. Mr. Moore applies his technical experience to assist clients as they navigate the adjudication process and assists with any necessary permitting including change applications, new permit applications, and small ground water filings.
- *GIS Mapping and Data Management:* Mr. Moore specializes in cartography, spatial analysis, database management, aerial photo interpretation, and GPS field data collection on a range of projects. He also conducts research into historic aerial imagery and other historic maps. Mr. Moore's GIS skills help him to understand and correlate actual water use practices with the water right paperwork.

Environmental Spatial Scientist, KC Harvey Environmental LLC, Bozeman, Montana, 2014-2015.

- Mr. Moore assisted in management and analysis of spatial databases including raster, vector, and tabular data for various reclamation and oilfield service projects. This included providing cartographic and technical support for field activities, integration of GPS data into databases, and designing and implementing field protocols.
- Mr. Moore conducted fieldwork including GPS data collection, field observation, identification, and mapping of invasive weeds, weed control, general environmental surveys for pipeline routes, wetland mapping, and storm water inspections of oil production wells.

GIS Manager, Slope and Basin Consortium, Bozeman, Montana, 2012-2014.

- Mr. Moore managed GIS data and products for the Slope and Basin Consortium, including data organization and management, personnel management, GIS mapping and analysis, and final GIS products for both internal use and professional publications.

Professional Organizations and Professional Education

- Member of Montana Association of Geographic Information Professionals, 2016-present.
- Intermountain GIS Conference, various years 2017 – present.
- Montana AWRA Conference, 2017-2018.
- Montana Water Resources Association Conference, 2018.
- Montana Water Conference, various years 2018 – present.
- Montana Land Reliance Ag Forum, 2019.

Volunteerism and Honors

- Gallatin County Stream Teams, Gallatin Local Water Quality District and Gallatin Watershed Council, 2018-2023.
- National Society of Collegiate Scholars, April 2009.
- Alpha Lambda Delta Honor Society, February 2009.
- Phi Kappa Phi Honor Society, Spring 2012.

Exhibit B

Exhibit B

013723

32
4-20

B-11A
A-2693

Henry Laying

B-18
343
A-2374

B-17
347
B-237

POU
A
11.0

K
14.2

L
10.7

B
7.3

C
1.5

E
1.5

F
6.3

H
33.6

K
16.3

L
18.6

A
23.3

D
7.9

E
1.5

F
6.3

G
10.7

H
6.5

J
10.1

K
14.2

L
10.7

M
2.1

N
26.4

O
9.7

P
9.7

Q
9.7

R
9.7

S
9.7

T
9.7

U
9.7

V
9.7

W
9.7

X
9.7

Y
9.7

Z
9.7

H-8

Exhibit C

Exhibit C

844 Lewis Ave.
Billings, Montana 59101

FILED

NOV 6 1996

October 24, 1996

Montana Water Court

Ms. Kathryn W. Lambert
Senior Water Master
Montana Water Court
P.O. Box 879
Bozeman, Montana 59771-0879

Re: Case No. 43D-187

Dear Ms. Lambert:

Recently I talked with Mr. Loyning by telephone wherein we discussed an arrangement that would give Mr. Loyning a use water right based on the Patrick Walsh deed to Gunder Ostrem. I have enclosed the following items for reference:

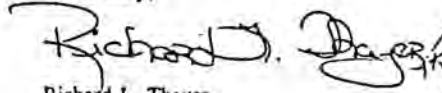
1. The Patrick J. Walsh Homestead patent.
2. The March 4, 1902 deed from P.J. Walsh to Gunder Ostrem.
3. A map of the P.J. Walsh homestead with the area of probable historical irrigation marked in blue.

I propose that Mr. Loyning base his water right claim on the Walsh-Ostrem deed dated March 4, 1902. This is apparently the earliest date of documentation of this use right. The Patrick J. Walsh homestead is shown on the attached map and it is apparent that not all of his homestead could be irrigated. Based on the topography and the creek bisecting the 160 acre homestead, I suspect that Mr. Walsh only irrigated about 80 acres, the area colored blue. I think this amount of irrigation would consume approximately 120 miners inches of water and that the deed only slightly exaggerates the historical use. This also closely compares to the 132 miners inches of water from the other Patrick Walsh decreed right that Mr. Loyning thought he was using for many years. Also it may be possible that there was additional acreage irrigated after 1902 that would increase the water usage to 160 miners inches, but would require a different priority date for incremental development.

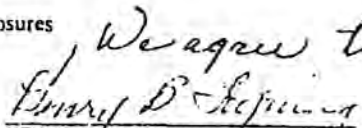
If Mr. Loyning has information that would supplement or modify my interpretation I would be happy to consider it. If Mr. Loyning is agreeable to this proposed water use scenario, I will drop my objection to his water right claim if it conforms to the following:

Type:	Use Right
Priority Date:	March 4, 1902
Flow Rate:	120 M.I.
Area Irrigated:	80 Acres;
	40 Acres - NWSE, Sec. 5, T.5S., R.20E.
	20 Acres - NESW, Sec. 5, T.5S., R.20E.
	20 Acres - SESW, Sec. 5, T.5S., R.20E.

Yours truly,


Richard L. Thayer

Enclosures

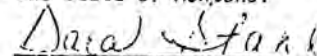
We agree to the above proposal

HENRY B. LOYNING


PAULINE LOYNING

State of Montana

County of Yellowstone

On this 4th day of November, Henry B. and Pauline Loyning, personally appeared before me, Dara Stahl, a Notary Public for the State of Montana.


NOTARY PUBLIC FOR THE STATE OF MT
Residing at Park City
My commission expires 4-23-98

THE UNITED STATES OF AMERICA.

CERTIFICATE NO. 1731.

PATENT.

GRANTOR United States By the President, T. Roosevelt, By F.M. McKean, Secretary, C.H. Brush, Recorder of the General Land Office.

GRANTEE Patrick J. Walsh

DATED January 17, 1902

DATE OF RECORD March 5, 1902 at 4.30 P.M.

BOOK 2 of Patents

PAGE 95

ACT May 20, 1862

RECORDED Montana Vol. 48 Page 222

COVENANTS And there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

CONVEYS West half of the Southeast quarter, and the East half of the Southwest quarter of Section Five, in Township Five South of Range Twenty East of Montana Meridian in Montana containing One hundred and sixty acres, according to the Official Plat of the survey of said land returned to the General Land Office by the Surveyor General.

U.S.G.L.O. Seal affixed.

WARRANTY
DEED

GRANTOR Patrick J. Walsh and Bessie Walsh, husband and wife.

GRANTEE Gunder Ostrem

CONSIDERATION \$1400.00

DATED March 4, 1902

RECORDED March 5, 1902 at 4.35 P.M.

BOOK 8 of Deeds

PAGE 94

CONVEYS The West half of the Southeast quarter and the East half of the Southwest quarter of Section Five in Township Five South of Range Twenty East of Montana Meridian in Montana, containing 160 Acres.

Also One hundred and sixty inches of the waters of Red Lodge Creek, and the ditches conveying the same to and upon said land or appertaining thereto.

HOW SIGNED Patrick Walsh (Seal)
Bessie Walsh (Seal)

WITNESSES None

ACKNOWLEDGMENT

STATE OR TERRITORY Montana

COUNTY Carbon

DATE March 4, 1902

BEFORE F.H. Alden

TITLE Notary Public

APPEARED Patrick J. Walsh and Bessie Walsh, his wife.

SEALED? Yes.

POOR COPY

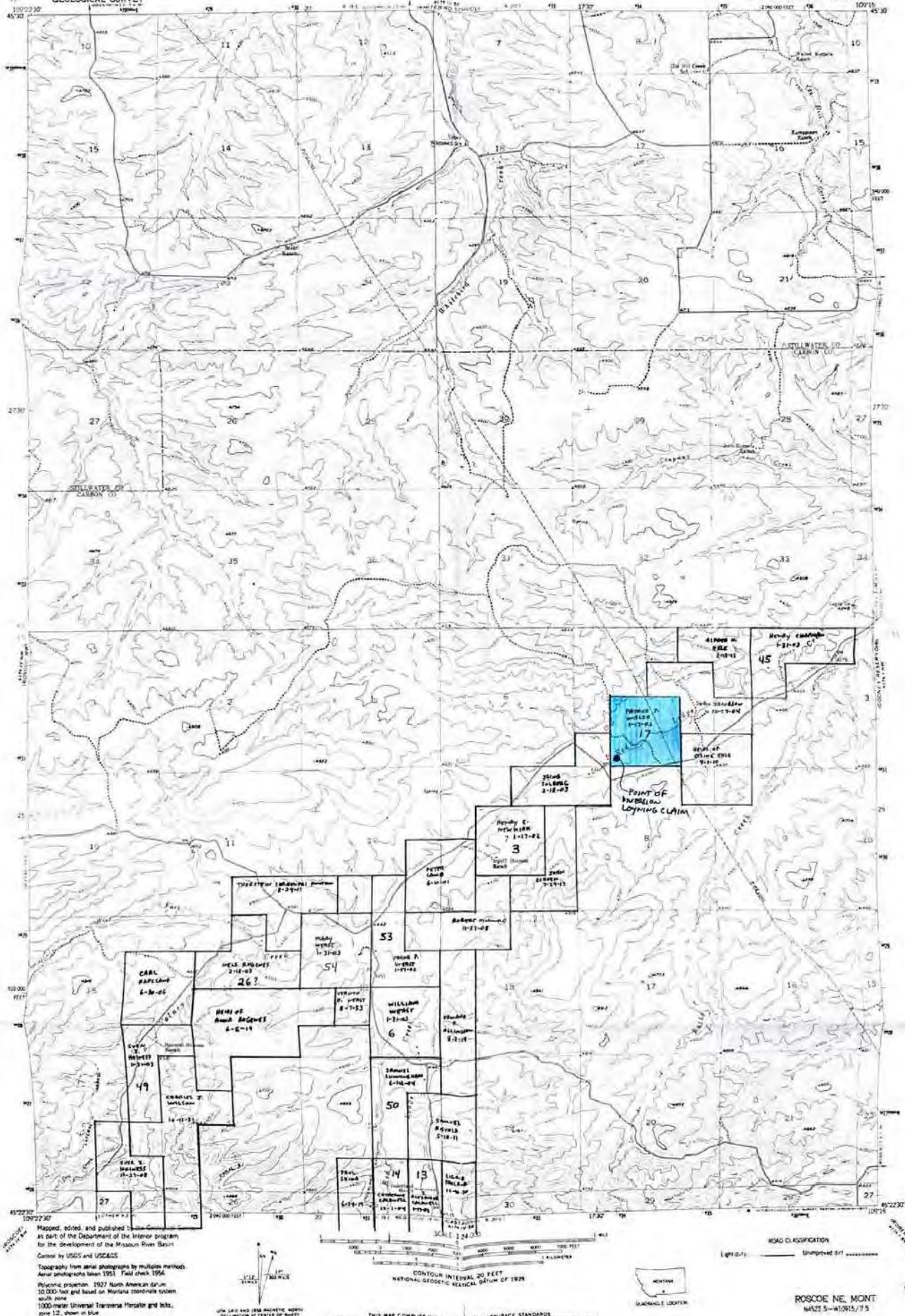


Exhibit D

Exhibit D



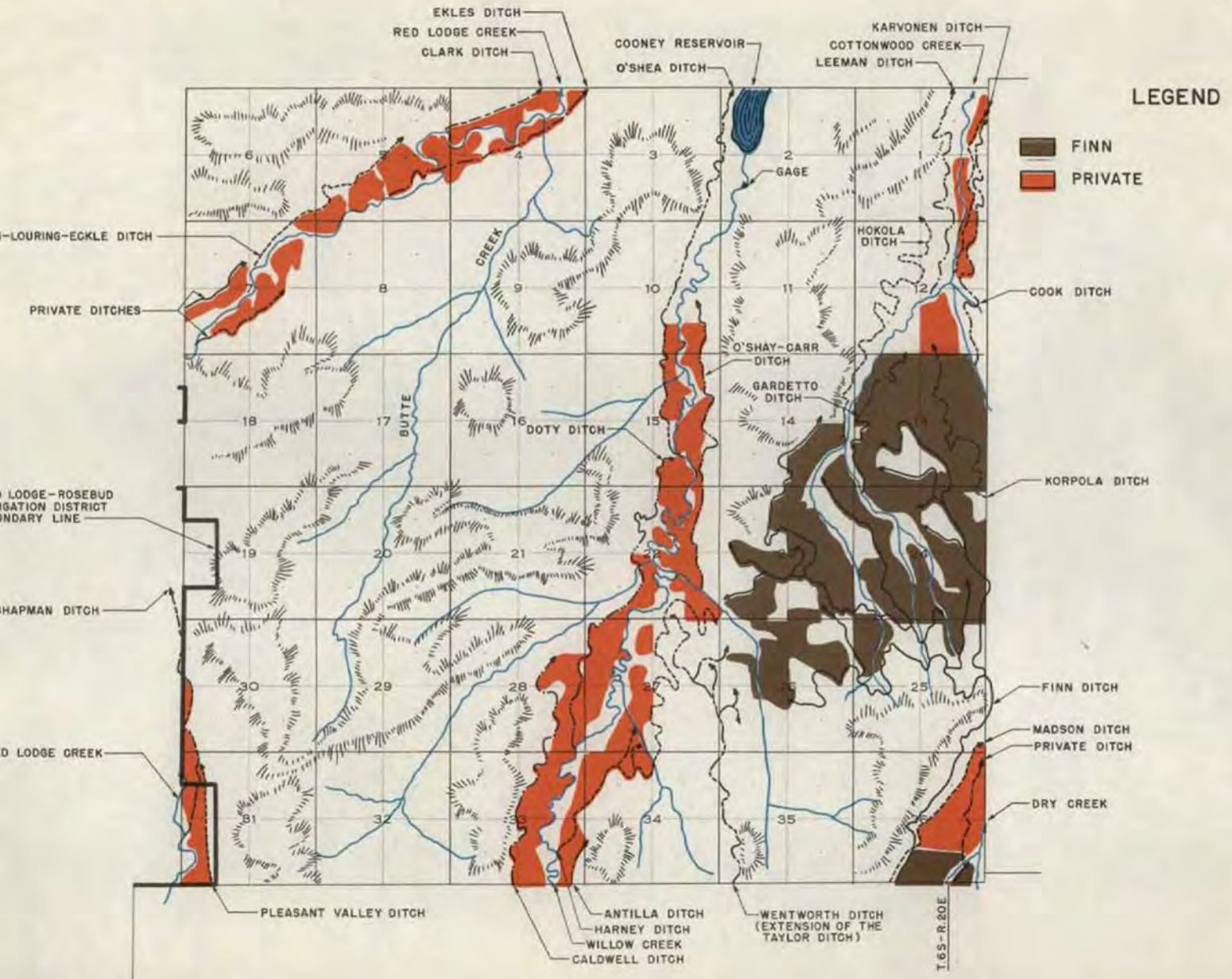
Township No. 5 SOUTH

Range No. 20 EAST

County CARBON

T. 5 S.

R. 20 E.



County Carbon

T 5S R 20E..... Plat No..17.....

Photo No. 2CC-142, 144.....

Address Roberts

Operator	Same	Address

Water is delivered by:— (1.) Private System; (2.) Ditch Company; 3. State Project; 4. Federal Project; 5. Irrigation District.

NOTE: R—Denotes Regular Irrigation. F—Flood Irrigation.

Henry & Pauline Loyning, Waest Irr. Ditch Co., Inc. 200 Shares.

River Basin

Information From:

Mr. Lovning

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
10	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Land Ownership.....

.....

.....

Exhibit E

Roque Properties, LLC

Carbon County, MT



43D 13723 00 Historic
POU Detail

Exhibit E

Created 6/18/2025
Aerial Imagery: 9/11/1953 USGS



0 0.07 0.15

Miles

Geographic features displayed on the map have not been surveyed by DMS and should not be construed as surveyed. This map includes publicly available data obtained from third-party sources. DMS makes no warranties as to the accuracy of data obtained from third-party sources.



Roque Properties, LLC

Carbon County, MT



43D 13723 00 Historic POU Detail

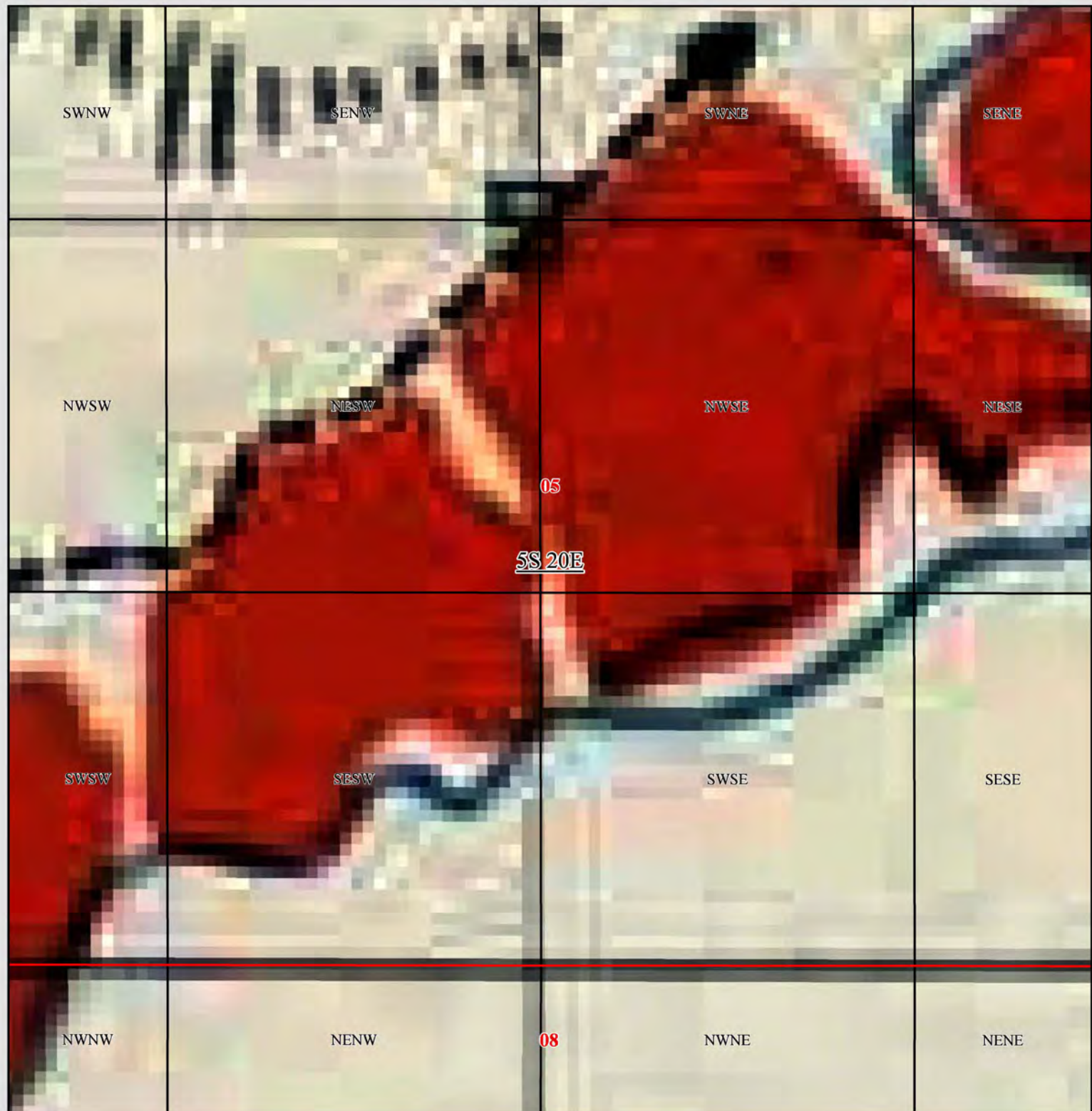
Created 6/18/2025
Background: 1966 WRS Map



0 0.07 0.15

Miles

Geographic features displayed on the map have not been surveyed by DMS and should not be construed as surveyed. This map includes publicly available data obtained from third-party sources. DMS makes no warranties as to the accuracy of data obtained from third-party sources.



Roque Properties, LLC

Carbon County, MT



43D 13723 00 Historic POU Detail

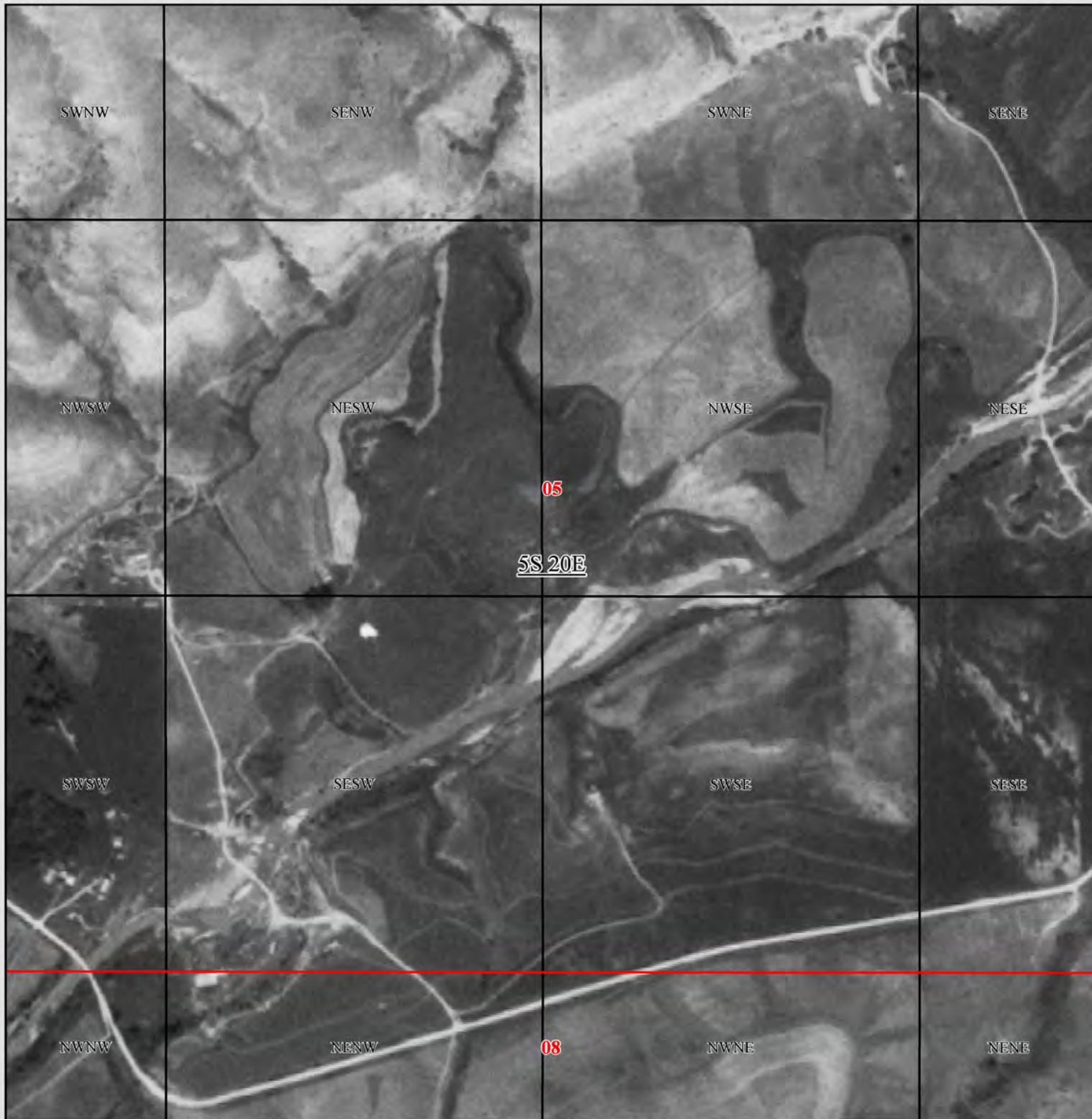
Created 6/18/2025
Aerial Imagery: 7/25/1975 USGS



0 0.07 0.15

Miles

Geographic features displayed on the map have not been surveyed by DMS and should not be construed as surveyed. This map includes publicly available data obtained from third-party sources. DMS makes no warranties as to the accuracy of data obtained from third-party sources.



Roque Properties, LLC

Carbon County, MT



43D 13723 00 Historic
POU Detail

Created 6/18/2025

Background: 1981 Statement of Claim Map



0 0.07 0.15

Miles

Geographic features displayed on the map have not been surveyed by DMS and should not be construed as surveyed. This map includes publicly available data obtained from third-party sources. DMS makes no warranties as to the accuracy of data obtained from third-party sources.

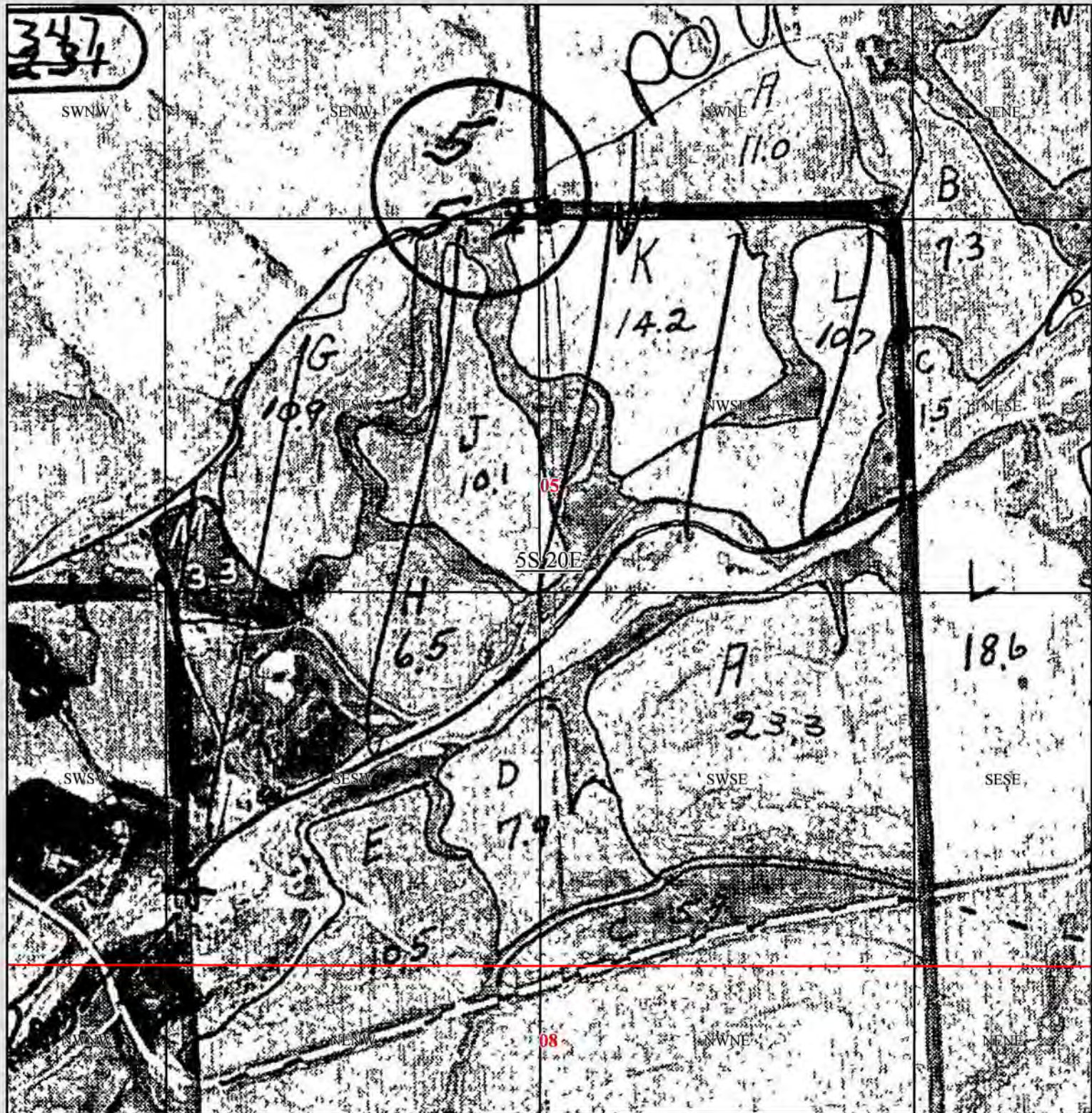


Exhibit F

Roque Properties, LLC

Carbon County, MT



43D 13723 00 Historic Use

Exhibit F

 Roque Properties, LLC Property Border

PODs

 43D 13723 00 (Loyning Ditch Headgate)

Ditches

 Loyning Ditch

POUs

 43D 13723 00 (80 Acres)

Created 6/27/2025

Aerial Imagery: 9/11/1953 USGS



0 0.07 0.15

Miles

Geographic features displayed on the map have not been surveyed by DMS and should not be construed as surveyed. This map includes publicly available data obtained from third-party sources. DMS makes no warranties as to the accuracy of data obtained from third-party sources.





DNRC Water Resources
Billings Regional Office
1371 Rintop Dr.
Billings, MT 59105-1978

June 18, 2025

Roque Properties LLC
1747 Red Lodge Creek Rd
Roberts, MT 59070

Subject: Incomplete Preapplication Form for Change Application No. 43D 30165111

Dear Applicant,

The Department received your Preapplication Meeting Form and preapplication fee on May 1, 2025. The Department deemed the submitted Preapplication Meeting Form to be incomplete because it lacks the following information:

☐ **28 – Historical Use Map**

- Statement of Claim 43D 13723-00 has a place of use for 80 acres of irrigation: 40 acres in NWSE Sec. 5; 20 acres in NESW Sec. 5; and 20 acres in SESW Sec. 5, T5S, R20E, Carbon County, based on Montana Water Court Case 43D-187. The provided historical use map indicates historically irrigated acres in the NWSW Sec. 5 and SWSE Sec. 5, T5S, R20E, outside of the claimed place of use. Of the 79.96 acres indicated as historically irrigated in the Applicant-provided shapefiles, the breakdown appears as follows: 37.8 acres in NWSE Sec. 5; 28.4 acres in NESW Sec. 5; 12.6 acres in SESW Sec. 5; and the remaining acres in the NWSW and SWSE, which does not correspond with the place of use per the claim. Please provide a map based on the historical use of the water right.

☐ **30.a.i.1.b – Does the legal land description from the abstract match the actual location of the historical places of use?**

- This question was marked yes, but the map provided and breakdown of historically irrigated acres and proposed irrigated acres does not support this. If the answer should be no, provide documentation of a written request submitted to the Water Court for amendment of the Claim as well as information to substantiate the requested amendment.

If other questions from the preapplication meeting form should be modified based on new information, the Department encourages the Applicant to consider those and amend any responses necessary.

The 180-day deadline from the original preapplication meeting is July 6, 2025. You have 19 remaining days to successfully complete the Preapplication Meeting Form. If you do not submit the successfully completed



Preapplication Meeting Form to the Billings Regional Office by July 6, 2025, you will need to request a new preapplication meeting.

Please let me know if you have any questions.

Best,



Veronica Corbett | Water Resource Specialist
Water Resources Division, DNRC
Billings Regional Office
1371 Rintop Dr, Billings, MT 59105
DESK: 406-247-4431 | EMAIL: veronica.corbett@mt.gov

CC: DMS Natural Resources



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



DNRC Billings Regional Office
1371 Rimtop Drive
Billings, MT 59105-1978

June 10, 2025

Re: Additional Information - Roque Properties, LLC Change Applications 43D 30165111 and 43D 30165112

Veronica,

This letter is in response to your letters dated May 7, 2025, requesting additional information for Roque Properties, LLC's change applications 43D 30165111 and 43D 30165112.

Change Application 43D 30165111 (43D 13723 00)

40.a.i.2.h.i.2 – Historical Supplemental Water Rights (Volume Contributed AF)

The Department is not able to replicate the volume contributed by supplemental Statement of Claim 43C 198705-00 based on the calculations described. Please provide the equations used to come up with this value.

Applicant's preliminary calculations are being provided electronically in Excel with this letter.

47.a.vii.1.b – Proposed Supplemental Water Rights (Volume Contributed AF)

The Department is not able to replicate the volume contributed by supplemental Statement of Claim 43C 198705-00 based on the calculations described. Please provide the equations used to come up with this value.

Applicant's preliminary calculations are being provided electronically in Excel with this letter.

122.g.i.2 – Sum of Historical Flow Rates – Loyning Ditch

Please explain from where the sum value 3.45 CFS originates. The two water rights historically conveyed through the Loyning Ditch are 43D 13723-00 – 3.0 CFS, and 43D 14970-00 – 3.75 CFS.

The 3.45 cfs flow rate attributed to the Loyning Ditch is based on 3.0 cfs under 43D 13723 00, which is diverted solely through the Loyning Ditch, and 0.45 cfs under 43D 14970 00. As described in 2023 change applications 43D 30161864 and 43D 30161865¹ and discussed in the January 7, 2025 preapplication meeting for 43D 30165111 and 43D 30165112 *“The full 3.0 cfs flow rate of 43D 13723 00 was diverted solely through the Loyning Ditch. The 3.75 cfs flow rate of 43D 14970 00 was split and/or alternated between all three diversions depending on operational needs. While the flow rate diverted through each POD historically varied depending on operational needs, for the purposes of the calculations in this application, the flow rate of 43D 14970 00 was apportioned between each POD based on the number of acres historically served by each diversion. Of the total 169.3-acre POU of 43D 14970 00, 20.5 acres (12.1%) were served by the Loyning Ditch, 40.4 acres (23.9%) were served from the Clark (Hoines) Ditch, and 108.4 acres (64.0%) were served by the historic pump site. Thus, for calculation purposes only, the proportionate flow rate allocation by POD calculates to 0.45 cfs through the Loyning Ditch, 0.90 cfs through the Clark (Hoines) Ditch, and 2.4 cfs from the historic pump site.”*

Additionally, while not a deficiency, the Department would like to confirm that for question 40.a.i.2.d, the acres historically flood irrigated were considered 60% efficient while the adjacent acres under Change Application No. 43D 30165112 (Statement of Claim 43D 14970-00) were considered 55% efficient. Please clarify if one of these values should be changed, if the adjacent acres irrigated by these two water rights have different efficiencies, or if some flood acres irrigated under Statement of Claim 43D 14970-00 have different efficiencies than other acres under the same water right.

Based on Google Earth elevation data, the slopes across the POUs of 43D 13723 00 and 43D 14970 00 are highly variable. The slopes across the POU of 43D 13723 00 ranges from approximately 0.6% - 1%. Thus, the Applicant and DNRC agreed on a field efficiency of 60%² for 43D 13723 00 during the January 7, 2025 preapplication meeting and DNRC entered the 60% field efficiency on the preapplication form. The slopes of the 43D 14970 00 POU vary from approximately 0.8% on the edge of the pivot partially claimed under 43D 13723 00 to as much as approximately 4% on the acres south of Red Lodge Creek. Thus, to keep the calculations simple, yet reflective of the entire POU, the Applicant used a field efficiency of 55%³ for 43D 14970 00.

¹ Change applications 43D 30161864 and 43D 30161865 terminated August 6, 2024.

² Field Efficiency for Contour Ditch (Design Slope = 0.75%), DNRC memo entitled “Development of standardized methodologies to determine Historic Diverted Volume” dated September 13, 2012.

³ Field Efficiency for Contour Ditch (Design Slope = 1.5-3%), DNRC memo entitled “Development of standardized methodologies to determine Historic Diverted Volume” dated September 13, 2012.

Change Application 43D 30165112 (43D 14970 00)

33.b.i – Historical Pump Specifications

Please provide evidence of the historical pump and its capacity and information for “standard pumps of this era” as described in the Method section of this answer. From where does the 2.4 CFS estimate originate? The original claim file indicates the pump capacity as 700 GPM.

The Applicant has completed extensive research and discussions with folks knowledgeable of past water use on the Applicant’s property. The Applicant has provided DNRC with all information the Applicant has been able to locate for the historic pump used under 43D 14970 00. As described in 2023 change application 43D 30161864 and in question 33.b.i of the preapplication follow-up information in change application 43D 30165112, *“DMS and the Applicant were unable to locate any historic pump site infrastructure during DMS’ December 16, 2022 site visit. As with the Loyning Ditch, the Applicant has little knowledge of the historic pump system, and is not aware of any records or information regarding the specific pumping infrastructure historically operated at this location. To the best of the Applicant’s knowledge, discussion with the Applicant’s neighbor, Everett Hoines, and standard pumps of this era, the historic pump infrastructure was capable of pumping at least the 2.4 cfs of 43D 14970 00 attributed to the irrigated acres south of Red Lodge Creek.”* DNRC did not raise any questions or concerns regarding the historic pump site in the 43D 30161864 deficiency letter, nor in the January 7, 2025 preapplication meeting for change application 43D 30165112.

The 2.4 cfs estimate of the historic pump is based on the proportional acres served by the historic pump site. As described in 2023 change application 43D 30161864: *“While the flow rate diverted through each POD historically varied depending on operational needs, for the purposes of the calculations in this application, the flow rate of 43D 14970 00 was apportioned between each POD based on the number of acres historically served by each diversion. Of the total 169.3-acre POU of 43D 14970 00, 20.5 acres (12.1%) were served by the Loyning Ditch, 40.4 acres (23.9%) were served from the Clark (Hoines) Ditch, and 108.4 acres (64.0%) were served by the historic pump site. Thus, for calculation purposes only, the proportionate flow rate allocation by POD calculates to 0.45 cfs through the Loyning Ditch, 0.90 cfs through the Clark (Hoines) Ditch, and 2.4 cfs from the historic pump site.”*

On question 7 of the original 43D 14970 00 statement of claim filing, the means of diversion check boxes were checked for “Headgate and ditch or pipe” and “Pump.” Pump capacity is listed as 700 GPM (1.56 cfs). However, there are no documents included in the claim file describing the pump or indicating a specific capacity of the pump. Additionally, there are notations on the form indicating that DNRC modified and/or added information to question 7. It is unclear from the Applicant’s review what information was modified by DNRC, and if the claimant filled in the 700 GPM capacity or if that information was added by DNRC.

As described above, the Applicant has conducted extensive research and has been unable to locate any documentation of the capacity or model/type of pump historically used under 43D 14970 00. Two means of estimating the pump capacity are described above, and support a pump capable of pumping at least 700 GPM (1.56 cfs) to 1,077 GPM (2.4 cfs). The Applicant has been unable to locate specific literature citations for typical capacities for “standard pumps of this era.” However, based on DMS’ extensive work with irrigators and reviewing historic water right documentation across the state, a pump with a capacity between 1.5 cfs to 2.5 cfs is well within reason for a pre-1973 irrigation pump⁴. As described throughout 2023 change application 43D 30161864 and the preapplication materials for 43D 30165112, the 3.75 cfs flow rate of 43D 14970 00 was historically diverted through a combination of the historic pump site, the Loyning Ditch, and the Clark (Hoines) Ditch. As described in question 122 of the 43D 30165112 preapplication follow-up information, the Clark (Hoines) Ditch alone has the capacity to convey the full 3.75 cfs flow rate of 43D 14970 00. Thus, the ambiguity regarding the specific capacity of the historic pump does not impact the total flow rate historically utilized under 43D 14970 00.

40.a.i.2.h.i.2 – Historical Supplemental Water Rights (Volume Contributed AF)

The Department is not able to replicate the volume contributed by supplemental Statement of Claim 43C 198705-00 based on the calculations described. Please provide the equations used to come up with this value.

Applicant’s preliminary calculations are provided electronically in Excel with this letter. During preparation of this letter, the Applicant identified that the original spreadsheet calculations had inadvertently linked to the wrong irrecoverable loss percentage for sprinkler irrigation. The total historic CU contributed by Weast Ditch water right 43C 198705 00 was listed as ~135.99 AF on the follow-up information. The total historic CU contributed by 43C 198705 00 is actually ~138.01 AF as shown in the attached spreadsheet.

47.a.vii.1.b – Proposed Supplemental Water Rights (Volume Contributed AF)

The Department is not able to replicate the volume contributed by supplemental Statement of Claim 43C 198705-00 based on the calculations described. Please provide the equations used to come up with this value.

Applicant’s preliminary calculations are provided electronically in Excel with this letter. During preparation of this letter, the Applicant identified that the original spreadsheet calculations had

⁴ A paper published by the Environmental Protection Agency in 1974 describes use of irrigation pumps rated at 5,600 GPM. While this case is for a pecan orchard and not located in Montana, it demonstrates that an irrigation pump with a capacity between 700 GPM (1.56 cfs) and 1,077 GPM (2.4 cfs) is well within reason for the pump technology of the era. Selected Irrigation Return Flow Quality Abstracts, 1972 – 1973, U. S. Environmental Protection Agency, Office of Research and Development, June 1974, Page. 225.
<https://nepis.epa.gov/Exe/ZyNET.exe/9101RIOR.txt?ZyActionD=ZyDocument&Client=EPA&Index=Prior%20to%201976&Docs=&Query=%28GPM%29%20OR%20FNAME%3D%229101RIOR.txt%22%20AND%20FNAME%3D%229101RIOR.txt%22&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&UseQField=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5CZYFILES%5CINDEX%20DATA%5C70THRU75%5CXT%5C0000025%5C9101RIOR.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=71&SeekPage=f>

inadvertently linked to the wrong irrecoverable loss percentage for sprinkler irrigation. The total proposed CU contributed by Weast Ditch water right 43C 198705 00 was listed as ~125.65 AF on the follow-up information. The total proposed CU contributed by 43C 198705 00 is actually ~127.22 AF as shown in the attached spreadsheet.

122.d – Historical Ditch Dimensions – Clark (Hoines) Ditch

Please provide historical ditch dimensions for the Clark (Hoines) Ditch. Significant time has passed since December 16, 2022, during which cross-sectional measurements of the ditch could have been obtained.

Cross section measurements are provided as Exhibit 122.d with this letter. A map of the measurement locations is provided as Exhibit 122.d, pg. 2.

122.g.i.2 – Sum of Historical Flow Rates – Loyning Ditch

Please explain from where the sum value 3.45 CFS originates. The two water rights historically conveyed through the Loyning Ditch are 43D 13723-00 – 3.0 CFS, and 43D 14970-00 – 3.75 CFS.

The 3.45 cfs flow rate attributed to the Loyning Ditch is based on 3.0 cfs under 43D 13723 00, which is diverted solely through the Loyning Ditch, and 0.45 cfs under 43D 14970 00. As described in 2023 change applications 43D 30161864 and 43D 30161865 and discussed in the January 7, 2025 preapplication meeting for 43D 30165111 and 43D 30165112: *“The full 3.0 cfs flow rate of 43D 13723 00 was diverted solely through the Loyning Ditch. The 3.75 cfs flow rate of 43D 14970 00 was split and/or alternated between all three diversions depending on operational needs. While the flow rate diverted through each POD historically varied depending on operational needs, for the purposes of the calculations in this application, the flow rate of 43D 14970 00 was apportioned between each POD based on the number of acres historically served by each diversion. Of the total 169.3-acre POU of 43D 14970 00, 20.5 acres (12.1%) were served by the Loyning Ditch, 40.4 acres (23.9%) were served from the Clark (Hoines) Ditch, and 108.4 acres (64.0%) were served by the historic pump site. Thus, for calculation purposes only, the proportionate flow rate allocation by POD calculates to 0.45 cfs through the Loyning Ditch, 0.90 cfs through the Clark (Hoines) Ditch, and 2.4 cfs from the historic pump site.”*

122.g.i.2 – Sum of Historical Flow Rates – Clark (Hoines) Ditch

Please clarify the sum value. The math equation shown of 3.45 CFS + 5.28 CFS is equal to 8.73 CFS. While 3.75 CFS (the flow rate of 43D 14970-00) added to 5.28 CFS is equal to 9.03 CFS.

The 3.45 cfs flow rate is a typographical error. The sum of historical flow rates in Clark (Hoines) Ditch is calculated as 9.03 cfs based on 3.75 cfs under 43D 14970 00⁵ and 5.28 cfs under 43D 19098 00 and 43D 19099 00 (3.75 cfs + 5.28 cfs = 9.03 cfs).

Additionally, while not a deficiency, the Department would like to make the Applicant aware of the recent passing of HB 74 which revises private fish pond laws regulated by Montana Fish, Wildlife & Parks, and may impact the Applicant's ability to receive a private fish pond license and/or be issued a groundwater certificate under a Form 602 Notice of Completion of Groundwater Development.

The Applicant intends to first finalize the current change applications to the Applicant's surface water rights. Once the change authorization is issued, fisheries is added as a purpose of use, and a place of storage is added to 43D 14970 00, the Applicant will apply for a fish stocking permit from Montana Fish, Wildlife & Parks using 43D 14970 00 as the water right. The Applicant can then use the fish stocking permit to submit a Notice of Completion of Groundwater Development form 602 for the groundwater component of the proposed pond. If the DNRC does not believe this approach will work, the Applicant may need to amend the change application(s) to permit the entire capacity of the pond under 43D 14970 00. ***Therefore, the Applicant respectfully requests that DNRC let the Applicant know if DNRC has concerns with this approach in order to avoid unintended issues in the future.***

Sincerely,

Deb Stephenson

Cc:

Frank Roque (Owner, Roque Properties, LLC)
Roger Hammersmark (Ranch Manager, Roque Properties, LLC)

⁵ As described in Section 122.g – Sum of Historical Flow Rates – Loyning Ditch, the total flow rate of 43D 14970 00 may be apportioned between the three PODs based on acres served by each POD which results in 0.9 cfs attributed to the Clark (Hoines) Ditch. However, this apportionment is only an approximation of average water use primarily for the purpose of estimating the total flow rate conveyed in the Loyning Ditch, which never diverted the full capacity of both 43D 13723 00 and 43C 14970 00. The Clark (Hoines) Ditch is large enough to carry the full flow rate of all water rights claimed in the ditch, including the full 3.75 cfs of 43D 14970 00, and the full 3.75 cfs flow rate of 43D 14970 00 was historically diverted through the Clark (Hoines) Ditch if the other PODs were not in operation. Thus, to be conservative, the full 3.75 cfs flow rate of 43D 14970 00 should be used to assess the capacity and maximum use through the Clark (Hoines) Ditch.

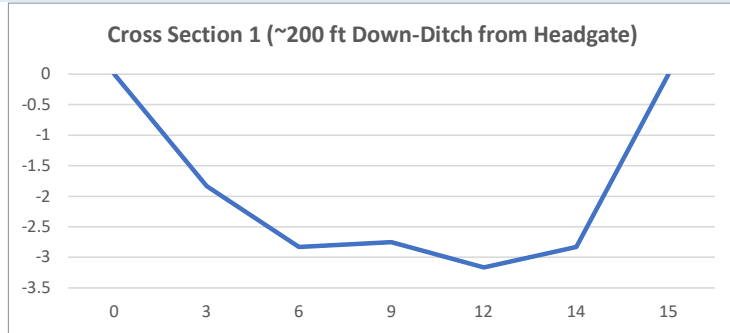
Exhibit 122.d

Clark (Hoines) Ditch Cross Sections June 2, 2025

Cross Section 1 (~200 ft Down-Ditch from Headgate)

Station (ft)	Depth (in)	Depth (ft)
0	0	0
3	22	1.83
6	34	2.83
9	33	2.75
12	38	3.17
14	34	2.83
15	0	0

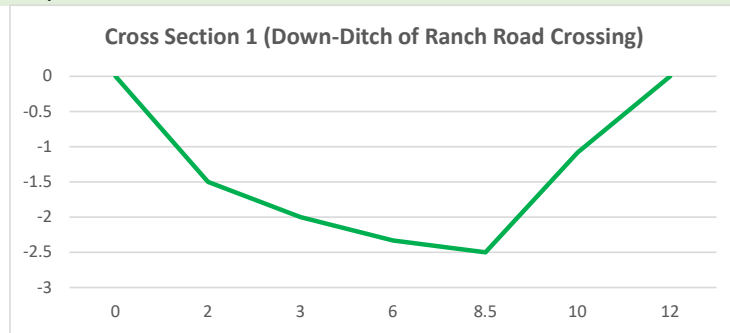
Wetted Perimeter (ft) 17.74
Cross-Sectional Area (sq ft) 34.42



Cross Section 2 (Down-Ditch Side of Main Ranch Access Road)

Station (ft)	Depth (in)	Depth (ft)
0	0	0
2	18	1.50
3	24	2.00
6	28	2.33
8.5	30	2.50
10	13	1.08
12	0	0

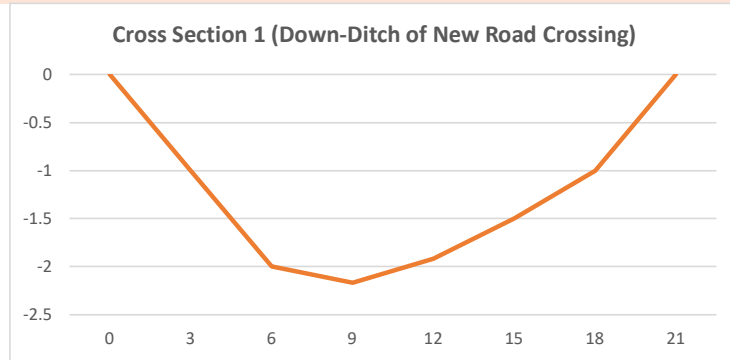
Wetted Perimeter (ft) 13.33
Cross-Sectional Area (sq ft) 19.56



Cross Section 3 (Down-Ditch of New Road Crossing)

Station (ft)	Depth (in)	Depth (ft)
0	0	0
3	12	1.00
6	24	2.00
9	26	2.17
12	23	1.92
15	18	1.50
18	12	1.00
21	0	0

Wetted Perimeter (ft) 21.57
Cross-Sectional Area (sq ft) 28.75



Roque Properties, LLC

Carbon County, MT



Clark (Hoines) Ditch Measurement Locations

-  Roque Properties, LLC Property Border
-  Clark (Hoines) Ditch
-  Measurement Locations

Created 6/4/2025
Aerial Imagery: 2023 NAIP



0 0.04 0.07

Miles

Geographic features displayed on the map have not been surveyed by DMS and should not be construed as surveyed. This map includes publicly available data obtained from third-party sources. DMS makes no warranties as to the accuracy of data obtained from third-party sources.



THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

GOVERNOR GREG GIANFORTE



DNRC DIRECTOR AMANDA KASTER

DNRC Water Resources
Billings Regional Office
1371 Rimtop Dr.
Billings, MT 59105-1978

May 7, 2025

Roque Properties LLC
1747 Red Lodge Creek Rd
Roberts, MT 59070

Subject: Incomplete Preapplication Form for Change Application No. 43D 30165111

Dear Applicant,

The Department received your Preapplication Meeting Form and preapplication fee on May 1, 2025. The Department deemed the submitted Preapplication Meeting Form to be incomplete because it lacks the following information:

- ☐ **40.a.i.2.h.i.2 – Historical Supplemental Water Rights (Volume Contributed AF)**
 - The Department is not able to replicate the volume contributed by supplemental Statement of Claim 43C 198705-00 based on the calculations described. Please provide the equations used to come up with this value.
- ☐ **47.a.vii.1.b – Proposed Supplemental Water Rights (Volume Contributed AF)**
 - The Department is not able to replicate the volume contributed by supplemental Statement of Claim 43C 198705-00 based on the calculations described. Please provide the equations used to determine this value.
- ☐ **122.g.i.2 – Sum of Historical Flow Rates – Loyning Ditch**
 - Please explain from where the sum value 3.45 CFS originates. The two water rights historically conveyed through the Loyning Ditch are 43D 13723-00 – 3.0 CFS, and 43D 14970-00 – 3.75 CFS.

Additionally, while not a deficiency, the Department would like to confirm that for question 40.a.i.2.d, the acres historically flood irrigated were considered 60% efficient while the adjacent acres under Change Application No. 43D 30165112 (Statement of Claim 43D 14970-00) were considered 55% efficient. Please clarify if one of these values should be changed, if the adjacent acres irrigated by these two water rights have different efficiencies, or if some flood acres irrigated under Statement of Claim 43D 14970-00 have different efficiencies than other acres under the same water right.



DNRC.MT.GOV

Because the Preapplication Meeting Form for Change Application No. 43D 30165112 was also not accepted and the two applications are inextricably linked by the shared use under the pivot, the Preapplication Meeting Form for Change Application No. 43D 30165111 is considered unacceptable.

The 180-day deadline from the original preapplication meeting is July 6, 2025. You have 61 remaining days to successfully complete the Preapplication Meeting Form. If you do not submit the successfully completed Preapplication Meeting Form to the Billings Regional Office by July 6, 2025, you will need to request a new preapplication meeting.

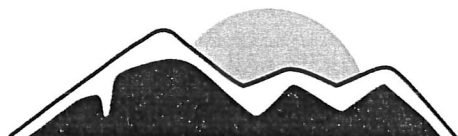
Please let me know if you have any questions.

Best,



Veronica Corbett | Water Resource Specialist
Water Resources Division, DNRC
Billings Regional Office
1371 Rimtop Dr, Billings, MT 59105
DESK: 406-247-4431 | EMAIL: veronica.corbett@mt.gov

CC: DMS Natural Resources





PREAPPLICATION MEETING FORM CHANGE

§ 85-2-302(3)(b)
Form No. 606P (Revised 4/2024)

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)).

For Department Use Only

Application # 30165111 Basin 43D
Meeting Date 1/7/2025 Time 9:00a AM/PM
Completed Form Deadline 7/6/2025

RECEIVED
MAY 1 2025
DNRC - WRD -
BILLINGS RO

Completed Form Received May 1, 2025
Fee Rec'd \$ \$500/1000 Check # 2179
Deposit Receipt # BLS2521906-01
Payor DMS Natural Resources
Refund \$ _____ Date _____

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

Applicant Information: Add more as necessary.

Applicant Name Roque Properties, LLC
Mailing Address 1747 Red Lodge Creek Rd City Roberts State MT Zip 59070-9650
Phone Numbers: Home (559) 351-8547 Work _____ Cell _____
Email Address frank@panochecreek.com

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

Contact/Representative Information: Add more as necessary.

Contact/Representative is: ☐ Applicant ☒ Consultant ☐ Attorney ☐ Other (describe) _____
Contact/Representative Name DMS Natural Resources, LLC
Mailing Address 602 S. Ferguson Ave, Suite 2 City Bozeman State MT Zip 59718
Phone Numbers: Home (406) 600-1422 Work _____ Cell (406) 582-4988
Email Address stephenson@dmsnaturalresources.com; moore@dmsnaturalresources.com

NOTE: If a contact person is identified as an attorney, all communication will be sent only to the attorney unless the attorney provides written instruction to the contrary. If a contact person is identified as a consultant, employee, or lessee, the individual filing the water right form or objection form will receive all correspondence and a copy may be sent to the contact person.

Meeting Attendees: Add more as necessary.

Name	Organization	Position
Mark Elison	DNRC	Regional Manager
Chris Schweigert	DNRC	Hydrologist
Veronica Corbett; Cassey Strebeck	DNRC	Water Resource Specialist
Melissa Brickl	DNRC	Groundwater Section Supervisor
Deb Stephenson	DMS Natural Resources	Consultant
William Moore	DMS Natural Resources	Consultant

Table of Contents

Application Details	3
Historical Use	7
Historical Use: Place of Use	11
Historical Use: Point of Diversion.....	12
Historical Use: Period of Diversion.....	14
Historical Use: Historical Diverted Volume.....	15
Historical Use: Historical Consumed Volume.....	16
Historical Use: Historical Places of Storage.....	19
Surface Water	20
Surface Water: Return Flow Analysis	20
Surface Water: Mitigation Analysis.....	22
Surface Water: Aquifer Recharge Analysis.....	24
Groundwater	26
Groundwater: Adequacy of Diversion	26
Groundwater: Adequacy of Diversion: Well/Pit.....	27
Groundwater: Adequacy of Diversion: Developed Spring	28
Groundwater: Adequacy of Diversion: Pond.....	28
Groundwater: Adverse Effect to Existing Groundwater Rights	29
Groundwater: Adverse Effect to Surface Water Rights.....	29
Groundwater: Adverse Effect to Surface Water Rights: Surface Water Depletion Analysis	29
Groundwater: Adverse Effect to Surface Water Rights: Return Flow Analysis.....	30
Groundwater: Mitigation	32
Project-Specific Questions.....	34
Temporary Change	34
Change in Purpose	35
Change in Place of Storage.....	36
Ditch-Specific Questions	37
Water Marketing	41
Instream Flow Change.....	41
Salvage Water.....	43
Non-Mandatory Questions for Criteria Analysis.....	44
Adverse Effect	44
Adverse Effect: Evaluation of Impacts to Identified Water Rights for Return Flow Analysis.....	45
Adverse Effect: Evaluation of Impacts to Identified Water Rights for Surface Water Depletion Analysis	49
Adequate Means of Diversion and Operation.....	53
Beneficial Use.....	55
Possessory Interest.....	56
PREAPPLICATION MEETING AFFIDAVIT & CERTIFICATION.....	57
FOLLOW-UP PAGE.....	58
AMENDED RESPONSES PAGE.....	59
FOLLOW-UP PAGE AFFIDAVIT & CERTIFICATION.....	60

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".

<u>Questions, Narrative Responses, and Tables</u>		<u>Check-boxes</u>	<u>Follow-Up</u>
1. Do you elect to have DNRC conduct Technical Analyses?		☒ Y ☐ N	☐ F
2. Which water right(s) are proposed for change? Include water right number, currently authorized flow rate (GPM or CFS), and flow rate needed for project (GPM or CFS).		☐ A	☐ F
Water Right Number	Current Flow Rate (GPM or CFS)	Flow Rate Needed for Project (GPM or CFS)	
43D 13723-00	3 CFS	1.36 CFS	
3. Is the proposed change on a non-filed water project?		☐ Y ☒ N	☐ F
a. If yes, please submit a Non-Filed Water Project Addendum (Form 606/634-NFWPA). The project must meet the requirements of the addendum. The addendum is required before the Preapplication Meeting Form is completed.		☐ S	☐ F
4. How many change applications will be needed for this project? Please refer to ARM 36.12.1305 for more information. 1 _____			☐ F
5. Please submit a historical use map created on an aerial photograph or topographic map that shows the following: section corners, township and range, a north arrow, all historical points of diversion (POD) labeled with a unique POD ID letter, all historical places of use (POU), all historical conveyance structures, all historical places of storage, and historical place of		☐ S	☒ F



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

Water Right #	43D 13723-00						
Point of diversion	X						
Place of use	X						
Purpose of use							
Place of storage							

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

POD #	¼	¼	¼	Sec	Twp	Rge	County	Lot	Block	Tract	Subdivision	Gov Lot	GW or SW	Source Name	Means
1	SW	NW	SE	5	5S	20E	Carbon						SW	Red Lodge Creek	Pump

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

10-0533-05-3-04-01-0000	



ii. Describe the legal land description of the proposed place of use and, if the water rights being changed will have an irrigation or lawn and garden purpose, list the number of irrigated acres.								☐ A	☐ F
Acres	Gov't Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	
31.5			NW	SE	5	5S	20E	Carbon	
25.4			NE	SW	5	5S	20E	Carbon	
11.3		N2	SE	SW	5	5S	20E	Carbon	
0.6		NW	SW	SE	5	5S	20E	Carbon	
0.3		SE	NW	SW	5	5S	20E	Carbon	
69.1	Total								

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



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



Historical Use

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

<u>Questions, Narrative Responses, and Tables</u>					<u>Check-boxes</u>	<u>Follow-Up</u>
21. What type of water right(s) are proposed for change? Answer question 22 for each Statement of Claim, 23 for each Provisional Permit, and 24 for other types of water rights. <u>Statement of Claim</u> _____ _____					☐ A	☐ F
22. In the table below, write the water right number for each Statement of Claim proposed for change in the “Statement of Claim” column. If there is one or more previous change authorizations, write the application numbers for the change authorizations in the “Previous Change Authorization” column and if there are no previous change authorizations, write “none” instead. Write the date of the Project Completion Notice for each previous change authorization in the “Project Completion Notice” column and if the previous change authorization does not have a Project Completion Notice, write “none” instead. In the “Previous Historical Use Analysis” column, write “full” or “partial” if a historical use analysis was conducted for the previous change authorization, and “none” if no previous historical use analysis was conducted. In the “Use Historical Use Analysis for Current Application” column, write “yes” if the previous historical use analysis will be used for the current application and “no” if a new historical use analysis will be conducted.					☐ A	☐ F
Statement of Claim	Previous Change Authorization	Project Completion Notice	Previous Historical Use Analysis	Use Historical Use Analysis for Current Application		
43D 13723-00	None	N/A	N/A	No		
23. In the table below, write the water right number for each Provisional Permit proposed for change in the “Provisional Permit” column. If a Project Completion Notice has been submitted, write the date in the “Project Completion Notice” column, and if no Project Completion Notice has been submitted, write “none” instead. For each Provisional Permit proposed for change, if there are one or more previous change authorizations, write the application number for the change authorizations in the “Previous Change Authorization” column. If there are no previous change authorizations, write “none” in the “Previous Change Authorization” column and “NA” in all the remaining columns. Write the date of the Project					☐ A	☐ F



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

24. In the table below, write the water right number for each water right with another type proposed for change, the type of water right, and the date of issuance.					☐ A	☐ F
Other Water Right Type Number	Other Water Right Type Description	Date of Issuance				

25. Are there previous Montana Water Court approved stipulations, Water Master reports, or prior Montana Water Court or Department decisions related to the water right(s) being changed?					☒ Y ☐ N	☐ F
a. If yes, explain. <u>WC Case 43D-R404</u> _____ _____ _____ _____ _____ _____ _____					☐ A	☐ F



26. Fill in the table below based on ARM 36.12.1902(1) and the information provided in questions 21 to 25. In column "Water Right Number" list all water rights proposed for change. Select one of the three options from column "Historical Use Analysis Options" and fill in the "Information Required for Historical Use" associated with that option. Select "Full Historical Use Analysis NA" only if an unperfected Provisional Permit will be used to serve as historical use in lieu of analysis. If the "Existing Historical Use Analysis" or "Full Historical Use Analysis NA" option is selected, skip to question 42 because this section is complete.		☐ A	☐ F
Water Right No. Proposed for Change	Historical Use Analysis Option and Information Required for Historical Use		
43D 13723-00	☒ New Historical Use Analysis. Date for new Historical Use Analysis: <u>June 30, 1973</u>		
	☐ Existing Historical Use Analysis. Change authorization number with existing Historical Use Analysis: _____		
	☐ Full Historical Use Analysis NA. Water right number serving as historical use in lieu of analysis: _____		
	☐ New Historical Use Analysis. Date for new Historical Use Analysis: _____		
	☐ Existing Historical Use Analysis. Change authorization number with existing Historical Use Analysis: _____		
	☐ Full Historical Use Analysis NA. Water right number serving as historical use in lieu of analysis: _____		
	☐ New Historical Use Analysis. Date for new Historical Use Analysis: _____		
	☐ Existing Historical Use Analysis. Change authorization number with existing Historical Use Analysis: _____		
	☐ Full Historical Use Analysis NA. Water right number serving as historical use in lieu of analysis: _____		



	☐ New Historical Use Analysis. Date for new Historical Use Analysis: _____		
	☐ Existing Historical Use Analysis. Change authorization number with existing Historical Use Analysis: _____		
	☐ Full Historical Use Analysis NA. Water right number serving as historical use in lieu of analysis: _____		
	☐ New Historical Use Analysis. Date for new Historical Use Analysis: _____		
	☐ Existing Historical Use Analysis. Change authorization number with existing Historical Use Analysis: _____		
	☐ Full Historical Use Analysis NA. Water right number serving as historical use in lieu of analysis: _____		
	☐ New Historical Use Analysis. Date for new Historical Use Analysis: _____		
	☐ Existing Historical Use Analysis. Change authorization number with existing Historical Use Analysis: _____		
	☐ Full Historical Use Analysis NA. Water right number serving as historical use in lieu of analysis: _____		
27. Do you have actual knowledge of historical use?		☒ Y ☐ N	☐ F
a. If yes,			
i. Is this firsthand knowledge?		☐ Y ☒ N	☐ F
ii. Who has this knowledge and what was their role? <u>Neighbors, prior owners</u>		☐ A	☐ F



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

Historical Use: Place of Use

28. The historical use map provided for question 5 must clearly identify the entire place of use for each overlapping water right that intersects the historical place of use. Does your historical use map meet this requirement?	☒ Y ☐ N	☐ F
29. Are you proposing to change all water right(s) associated with the historical place of use?	☐ Y ☒ N	☐ F
a. If no, identify the water right(s) associated with the historical place of use that are not included in this application. Provide the priority date for each water right and explain why all overlapping water rights are not included in the application. Include water received via contract from a company, district, or water users' association.	☐ A	☐ F
Water Right No.	Priority Date	Reason Not Included in Change
43C 198705	7/8/1919	Not owned by Applicant, supplemental ditch shares

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



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

Historical Use: Point of Diversion

31. For all historical point(s) of diversion, identify the means, location (¼ ¼ ¼ section), and if they are proposed for change. Label using the same POD ID letter as for the Historical Use Map (question 5).			☐ A	☐ F
POD ID	Means	Location (¼ ¼ ¼ Section)	Proposed for Change?	
1	Headgate	SWSESW Sec 5, T5S, R20E, Carbon	Yes	

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



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

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

POD ID	Estimated Capacity (GPM or CFS)	Method

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

POD ID	Estimated Capacity (GPM or CFS)	Method

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



POD ID	Water Right No.	Flow (GPM or CFS)	Relationship
1	43D 14970	0.45 CFS	Associated

Historical Use: Period of Diversion

35. Are the period of diversion and the period of use the same?		☒ Y ☐ N	☐ F
a. If no,			
i. Why are they different?		☐ A	☐ F

ii. Is there a place of storage?		☐ Y ☐ N	☐ F
36. When was water diverted for the purpose(s) of the water right(s) being changed?		☐ A	☐ F
Start Date (Month (MM)/Day (DD))		End Date (MM/DD)	
04/15		7/1	
37. Does the Department have a standard, found in ARM 36.12.112, for the period of diversion for the purposes for which water is used?		☒ Y ☐ N	☐ F
a. If yes, does the period of diversion fall within Department standards?		☒ Y ☐ N	☐ F
b. If no or if the period of diversion falls outside Department standards, explain how the period of diversion is reasonable for the purpose.		☐ A	☐ F

38. If the water right(s) being changed have an irrigation purpose, answer the following questions.			
a. What were the crop(s) grown? <u>Hay, alfalfa, grass</u>			☐ F



i. If the crop(s) grown include hay, how many cuttings were there per season and how many days did they last? <u>2 cuttings, no stoppage of diversion</u>		☐ F
b. Did diversions ever temporarily cease within the period of use? This may include water shortages or calls based on priority date.	☐ Y ☒ N	☐ F
i. If yes, please explain. _____ _____ _____	☐ A	☐ F

Historical Use: Historical Diverted Volume

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



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

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



completed.					
d. Based on answers to the above questions, what is the percent efficiency of irrigation? <u>60%</u>					☐ F
e. What is the County Management Factor? <u>58.3%</u>					☐ F
f. What is evapotranspiration (ET) based on the irrigation method and county? <u>22.41in</u>					☐ F
g. What percent of applied water are irrecoverable losses per ARM 36.12.1902(17)? <u>5%</u>					☐ F
h. Do other water rights supplement or overlap the historical place of use that contribute to the irrigation water demand?				☒ Y ☐ N	☐ F
i. If yes,					
1. How were the water rights operated to serve the irrigation purpose? <u>43D 13723 was used from 4/15-7/1 until Red Lodge Creek could no longer provide irrigation water; Weast Ditch (43C 198705) provided the remainder of the irrigation water for the season (7/1-10/15).</u>				☐ A	☐ F
2. For each supplemental or overlapping water right, please list the average period of diversion and use (MM/DD-MM/DD), flow rate (GPM or CFS), and the volume of water (AF) contributed to the total irrigation water demand.				☐ A	☒ F
Water Right No.	Avg. Period of Diversion (MM/DD-MM/DD)	Avg. Period of Use (MM/DD-MM/DD)	Flow Rate (GPM or CFS)	Volume Contributed (AF)	
43C 198705-00	7/1 - 10/15	7/1 - 10/15			



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



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

Historical Use: Historical Places of Storage

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



Surface Water

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

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

Surface Water: Return Flow Analysis

<u>Questions, Narrative Responses, and Tables</u>	<u>Check-boxes</u>	<u>Follow-Up</u>
42. Do the purposes of the water rights proposed for change include irrigation?	☒ Y ☐ N	☐ F
a. If yes, does the proposed change include a change in place of use <i>and/or</i> a change in purpose? A change in place of use includes retiring acres in the historical place of use and adding any new acres outside the historical place of use.	☒ Y ☐ N	☐ F
i. If yes, a return flow analysis is required. Move on to answer question 43.		
ii. If no, this section is complete, and you may skip to question 51.		
43. Does the proposed change include a change in purpose?	☐ Y ☒ N	
a. If yes, what is the consumptive use for the proposed non-irrigation purpose? Please explain. _____ _____ _____ _____ _____	☐ A	☐ F
44. Does the proposed change include a change in place of use? If yes, move on to question 45. If no, this section is complete, and you may skip to question 51.	☒ Y ☐ N	
45. Provide a map showing the historical and proposed places of use created on an aerial photograph or topographic map with section corners, township and range, and a north arrow.	☐ S	☒ F
46. How many acres, if any, will be retired from the historical place of use? <u>14.5 AC</u>		☐ F
47. Are irrigated acres proposed that are outside the historical place of use?	☒ Y ☐ N	☐ F
a. If yes,		
i. How many acres? <u>3.6 AC</u>		☐ F



ii. What is the proposed irrigation method type (e.g., flood or sprinkler) and subtype (e.g., level border, graded border, furrow, contour ditch, wild flood, center pivot, or wheel line) for the new acres? <u>Sprinkler, center pivot</u>			☐ F	
iii. What is the slope of the new place of use? <u>1%</u>			☐ F	
iv. Based on 47.a.ii to 47.a.iii, what is the percent efficiency of irrigation for the new acres? <u>70%</u>			☐ F	
v. What is the County Management Factor for the new acres? <u>70.8%</u>			☐ F	
vi. What is the ET based on the irrigation method and county for the new acres? <u>25.12 in</u>			☐ F	
vii. What percent of applied water are irrecoverable losses for new acres per ARM 36.12.1902(17)? <u>10%</u>			☐ F	
viii. Do other water rights supplement or overlap the new place of use that contribute to the irrigation water demand?		☒ Y ☐ N	☐ F	
1. If yes,				
a. How will the water rights be operated to serve the irrigation purpose? <u>Weast Ditch shares will continue to be used 7/1 - 10/15</u> _____ _____ _____		☐ A	☐ F	
b. For each supplemental or overlapping water right, please list the average period of diversion and use (MM/DD-MM/DD), flow rate (GPM or CFS), and the volume of water (AF) contributed to the total irrigation water demand.		☐ A	☒ F	
Water Right No.	Avg. Period of Diversion (MM/DD-MM/DD)	Avg. Period of Use (MM/DD-MM/DD)	Flow Rate (GPM or CFS)	Volume Contributed (AF)
43C 198705	7/1 - 10/15	7/1 - 10/15		



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

Surface Water: Mitigation Analysis

51. Are you changing the purpose to mitigation to meet the criteria of issuance for another application? If yes, answer the questions in this section (questions 52 to 60). If no, this section is complete, and you can skip to question 61.	☐ Y ☒ N	☐ F
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52. Identify the water right(s) proposed for change to a mitigation purpose, the water right(s) identified as needing mitigation and the application number for the water right(s) identified as needing mitigation. _____	☐ A	☐ F
53. What source(s) have been identified as needing mitigation water? _____		☐ F
54. By what means will mitigation water be made available (e.g., infiltration gallery, water left instream)? You must provide a copy of all relevant discharge permits at application submittal (§85-2-364, MCA). _____ _____ _____	☐ A	☐ F
55. What is the location (¼ ¼ ¼ section of start and end of reach) and length (FT) of the mitigation reach? _____		☐ F
56. What is the amount, timing, and location (¼ ¼ ¼ section) of water needed for mitigation?	☐ A	☐ F

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

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



a. If yes, describe and submit them to the Department.				☐ S		☐ F	
59. Do the water rights proposed for change to mitigation have a period of use that is greater than or equal to the period when mitigation is necessary?				☐ Y ☐ N		☐ F	
a. If no, how will mitigation water be made available during the entire period when mitigation is necessary?				☐ A		☐ F	
60. Will other water rights contribute to mitigation water?				☐ Y ☐ N		☐ F	
a. If yes, what amount, at what timing, and at which location (1/4 1/4 1/4 section) will they contribute?				☐ A		☐ F	
Month	Days	Amount	Location	Month	Days	Amount	Location
January				July			
February				August			
March				September			
April				October			
May				November			
June				December			

Surface Water: Aquifer Recharge Analysis

61. Are you changing the purpose to aquifer recharge to serve a current purpose or changing the purpose to marketing for mitigation/aquifer recharge for a future mitigation purpose? If yes, answer the questions in this section (questions 62 to 66). If no, this section is complete, and you can skip to question 67.		☐ Y ☒ N	☐ F
62. Is this aquifer recharge for a current mitigation need or marketing for mitigation/aquifer recharge for a future mitigation need?			☐ F
63. What sources have been identified as having net depletions in need of mitigation or as benefiting from marketing for mitigation/aquifer recharge water?			☐ F



64. By what means will aquifer recharge water be made available? You must provide a copy of all relevant discharge permits at application submittal (§85-2-364, MCA). 	☐ A	☐ F
65. How do the priority dates of the water rights proposed for change to aquifer recharge compare to other water rights on the source? 	☐ A	☐ F
66. Do you have measurement records or Water Commissioner records that show the reliability of the water rights proposed for change to aquifer recharge?	☐ Y ☐ N	☐ F
a. If yes, describe and submit them to the Department. 	☐ S	☐ F



Groundwater

☐ **Applicable**, move on to question 67. ☒ **Not Applicable**, skip to question 99.

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

Groundwater: Adequacy of Diversion

<u>Questions, Narrative Responses, and Tables</u>						<u>Check-boxes</u>	<u>Follow-Up</u>
67. What is the flow rate (GPM or CFS), volume (AF), and period of diversion (MM/DD-MM/DD) required at each new groundwater point of diversion? Label using the same POD ID number as the Proposed Use Map (question 6) to match this information with the location information.						☐ A	☐ F
POD #	Flow Rate (GPM or CFS)	Volume (AF)	Period of Diversion (MM/DD-MM/DD)				

68. Will the monthly pumping schedule differ from an allocation of diverted volume by the number of days in the month for year-round uses or the IWR 80% net irrigation requirements for irrigation/lawn & garden uses (IWR, NRCS 2003)?						☐ Y ☐ N	☐ F
a. If yes, provide the monthly pumping schedule in the table below. Label using the same POD ID number as the Proposed Use Map (question 6).						☐ A	☐ F
Month	POD #	Volume (AF)	Month	POD #	Volume (AF)		
January			July				
February			August				
March			September				
April			October				
May			November				
June			December				

69. Answer the following questions specific to the means of groundwater diversion.							
Well/Pit	Questions 70 to 71	Developed Spring	Question 72	Pond	Questions 73 to 76		

Groundwater: Adequacy of Diversion: Well/Pit

☐ Applicable ☐ Not Applicable

70. Have you submitted a completed Form 633 to DNRC for review?	☐ Y ☐ N	☐ F
a. If no, submit Form 633 to DNRC for review. Form 633 is required by the time the Preapplication Meeting Form is deemed complete.	☐ S	☐ F
b. If yes, did the Department identify deficiencies?	☐ Y ☐ N	☐ F
1. If yes, are variances from ARM 36.12.121 needed?	☐ Y ☐ N	☐ F
a. If yes,		
i. Do you have data for aquifer characteristics?	☐ Y ☐ N	☐ F
1. If yes, provide the data to the Department.	☐ S	☐ F
ii. Have you submitted Form 653 to the Department?	☐ Y ☐ N	☐ F
1. If yes, was the variance granted?	☐ Y ☐ N	☐ F
71. Have all the wells/pits been constructed?	☐ Y ☐ N	☐ F
a. If yes, provide a map with the location of each well/pit labeled, the well/pit depth, and, if available, the GWIC ID. Create map on an aerial photograph or topographic map and include the following: well/pit location, well/pit depth, GWIC ID (if available), section corners, township and range, and a north arrow.	☐ S	☐ F
b. If no,		
i. When will the wells/pits be constructed? _____		☐ F
ii. Do you have an initial map with the proposed location of wells/pits?	☐ Y ☐ N	☐ F
1. If yes, provide an initial map to the Department. Create map on an aerial photograph or topographic map and include the following: proposed well/pit location, section corners, township and range, and a north arrow.	☐ S	☐ F
iii. What is the anticipated depth for each new well/pit? Label on the initial map if the proposed location is known. Otherwise provide the depth(s) here: _____ _____	☐ S	☐ F
iv. Is the requested volume for each new well/pit known?	☐ Y ☐ N	☐ F
1. If no, what is the total requested volume (AF) and the number of new PODs? _____		☐ F

Groundwater: Adequacy of Diversion: Developed Spring

☐ Applicable ☐ Not Applicable

72. Have you measured the source?	☐ Y ☐ N	☐ F
a. If yes,		
i. Submit measurements to the Department.	☐ S	☐ F
ii. With what method were measurements collected? _____ _____	☐ A	☐ F
iii. What is the interval of measurements? _____		☐ F
iv. Is the interval of measurements sufficient to comply with ARM 36.12.1703(1)?	☐ Y ☐ N	☐ F
b. If no, or if measurements do not comply with ARM 36.12.1703(1),		
i. When do you plan to measure? _____		☐ F
ii. With what method and at what interval will measurements be collected? _____ _____	☐ A	☐ F

Groundwater: Adequacy of Diversion: Pond

☐ Applicable ☐ Not Applicable

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



Groundwater: Adverse Effect to Existing Groundwater Rights

All information to calculate the one-foot drawdown contour was collected in previous questions.

Groundwater: Adverse Effect to Surface Water Rights

Groundwater: Adverse Effect to Surface Water Rights: Surface Water Depletion Analysis

77. Does the proposed change include a change in point of diversion or a change in place of use or purpose that will lead to a change in consumptive use or pumping schedule? If you do not know if a change in place of use or purpose will lead to a change in consumptive use or pumping schedule, work through this with the Department. If yes, a surface water depletion analysis is required; move on to question 78. If no, this section is complete; skip to question 80.	☐ Y ☐ N	☐ F
78. Based on the preliminary data provided by the Department at this preapplication meeting, what are the hydraulically connected surface water sources before and after the proposed change? <i>*Net depletion data provided by the Department at the preapplication meeting is preliminary and is subject to change during the Technical Analysis.</i> _____ _____ _____ _____	☐ A	☐ F
79. If an analysis of impacts to identified surface water rights is required as part of the surface water depletion analysis, pursuant to ARM 36.12.1903(2)(f), do you elect to answer non-mandatory questions 166 to 168 to provide information required for this extended surface water depletion analysis?	☐ Y ☐ N	☐ F
a. If yes, go to question 166. If an analysis of impacts to identified surface water rights is required for the surface water depletion analysis, this information will be used for the analysis.		
b. If no, did you elect in question 1 for the Department to conduct technical analyses?	☐ Y ☐ N	☐ F
i. If yes, do you elect for the Department to use publicly available water quantity data for the analysis of impacts to identified surface water rights for the surface water depletion analysis? If this extended surface water depletion analysis is required and sufficient publicly available water quantity data is not available, then the Department will not be able to conduct the extended surface water depletion analysis. You will still have to prove a lack of adverse effect from the proposed change.	☐ Y ☐ N	☐ F
ii. If no, you may still include the analysis of impacts to identified surface water rights with the surface water depletion analysis. The Department will include the extended analysis in its scientific credibility review of the Technical Analyses.		



Groundwater: Adverse Effect to Surface Water Rights: Return Flow Analysis

80. Do the purposes of the water rights proposed for change include irrigation?	☐ Y ☐ N	☐ F
a. If yes, does the proposed change include a change in place of use <i>and/or</i> a change in purpose? A change in place of use includes retiring acres in the historical place of use and adding any new acres outside the historical place of use.	☐ Y ☐ N	☐ F
i. If yes, a return flow analysis is required. Move on to answer question 81.		
ii. If no, this section is complete, and you may skip to question 89.		
81. Does the proposed change include a change in purpose?	☐ Y ☐ N	
a. If yes, what is the consumptive use for the proposed non-irrigation purpose? Please explain. _____ _____ _____ _____ _____ _____	☐ A	☐ F
82. Does the proposed change include a change in place of use? If yes, move on to question 83. If no, this section is complete, and you may skip to question 89.	☐ Y ☐ N	
83. Provide a map showing the historical and proposed places of use. Create map on an aerial photograph or topographic map that shows the following: section corners, township and range, and a north arrow.	☐ S	☐ F
84. How many acres, if any, will be retired from the historical place of use? _____		☐ F
85. Are irrigated acres proposed that are outside the historical place of use?	☐ Y ☐ N	☐ F
a. If yes,		
i. How many acres? _____		☐ F
ii. What is the proposed irrigation method type and subtype (e.g., level border, graded border, furrow, contour ditch, or wild flood) for the new acres? _____		☐ F
iii. What is the slope of the new place of use? _____		☐ F
iv. Based on question 85.a.ii to 85.a.iii, what is the percent efficiency of irrigation for the new acres? _____		☐ F

v. What is the County Management Factor for the new acres? _____		☐ F
vi. What is the ET based on the irrigation method and county for the new acres? _____		☐ F
vii. What percent of applied water are irrecoverable losses for new acres? _____		☐ F
viii. Do other water rights supplement or overlap the new place of use that contribute to the irrigation water demand?	☐ Y ☐ N	☐ F
1. If yes,		
a. How will the water rights be operated to serve the irrigation purpose? _____ _____ _____ _____ _____ _____ _____	☐ A	☐ F
b. For each supplemental or overlapping water right, please list the average period of diversion and use (MM/DD-MM/DD), flow rate (GPM or CFS), and the volume of water (AF) contributed to the total irrigation water demand.	☐ A	☐ F

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

86. Do you have information for the Department to consider about the source and location where return flows historically accrued?	☐ Y ☐ N	☐ F
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a. If yes, explain. _____ _____ _____	☐ A	☐ F
87. Based on the preliminary data provided at this preapplication meeting, to what surface water sources will return flows accrue before and after the proposed change? <i>*Return flow data provided by the Department at the preapplication meeting is preliminary and is subject to change during the Technical Analysis.</i> _____ _____ _____	☐ A	☐ F
88. If an analysis of impacts to identified surface water rights is required as part of the return flow analysis, pursuant to ARM 36.12.1303(5)(d)(iii), do you elect to answer non-mandatory questions 161 to 163 to provide information required for this extended analysis?	☐ Y ☐ N	☐ F
a. If yes, go to question 161. If an analysis of impacts to identified surface water rights is required as part of the return flow analysis, this information will be used for the analysis.		
b. If no, did you elect in question 1 for the Department to conduct technical analyses?	☐ Y ☐ N	☐ F
i. If yes, do you elect for the Department to use publicly available water quantity data for the analysis of impacts to identified surface water rights? If this extended return flow analysis is required and sufficient publicly available water quantity data is not available, then the Department will not be able to conduct the extended analysis. You will still have to prove a lack of adverse effect from the proposed change.	☐ Y ☐ N	☐ F
ii. If no, an analysis of impacts to identified surface water rights will need to be completed as part of the return flow analysis. The Department will include the extended analysis in its scientific credibility review of the Technical Analyses.		

Groundwater: Mitigation

89. Do you require mitigation water to meet the criteria of issuance for this change application or for a different application? If yes, answer the questions in this section (questions 90 to 98). If no, this section is complete, and you can skip to question 99.	☐ Y ☐ N	☐ F
90. Please identify the water rights proposed for change to a mitigation purpose and the water rights identified as needing mitigation. _____	☐ A	☐ F

91. What sources have been identified as needing mitigation water? 		☐ A ☐ F
92. By what means will mitigation water be made available? 	☐ A	☐ F
93. What is the location (¼ ¼ ¼ section of start and end of reach) and length (feet) of the mitigation reach? 		☐ F
94. What is the amount, timing, and location (¼ ¼ ¼ section) of water needed for mitigation?	☐ A	☐ F

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

95. How do the priority dates of the water rights proposed for change to mitigation compare to other water rights on the source? 	☐ A	☐ F
96. Do you have measurement records or Water Commissioner records that show the reliability of the water right(s) proposed for change to a mitigation purpose?	☐ Y ☐ N	☐ F
a. If yes, describe and submit them to the Department. 	☐ S	☐ F
97. Do the water rights proposed for change to mitigation have a period of use that is greater than or equal to the period when mitigation is necessary?	☐ Y ☐ N	☐ F



a. If no, how will mitigation water be made available during the entire period when mitigation is necessary? _____ _____ _____				☐ A		☐ F	
98. Will other water rights contribute to mitigation water?				☐ Y ☐ N		☐ F	
a. If yes, what amount, at what timing, and at which location (¼ ¼ ¼ section) will they contribute?				☐ A		☐ F	
Month	Days	Amount	Location (¼ ¼ ¼ Section)	Month	Days	Amount	Location (¼ ¼ ¼ Section)
January				July			
February				August			
March				September			
April				October			
May				November			
June				December			

Project-Specific Questions

The following questions are mandatory when applicable and must be filled out before the Preapplication Meeting Form is determined to be complete.

Temporary Change

<u>Questions, Narrative Responses, and Tables</u>	<u>Check-boxes</u>	<u>Follow-Up</u>
99. Does the proposal include a temporary change? If yes, please answer the questions in this section (questions 100 to 105) for each water right being changed. If no, or if you answered these questions earlier in the preapplication meeting, this section is complete and you can skip to question 106.	☐ Y ☒ N	☐ F
100. What element(s) of the water right(s) are being temporarily changed? _____		☐ F
101. For how many years will the water right(s) be temporarily changed? _____		☐ F
102. Will the temporary change be intermittent over the years?	☐ Y ☐ N	☐ F
a. If yes, explain. _____	☐ A	☐ F
103. For what purpose will the water rights be temporarily used? _____		☐ F



104. Is the quantity of water subject to the temporary change being made available from the development of a new water conservation or storage project?	☐ Y ☐ N	☐ F
a. If yes, explain the water conservation or storage project. _____ _____ _____	☐ A	☐ F
105. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 10 if you are proposing to add a place of use on State of Montana Trust Land and question 15 if you are proposing a temporary change that does not involve State of Montana Trust Land. If you are answering in consecutive order, go to question 106.		

Change in Purpose

106. Does the project involve a change in purpose? If yes, answer the questions in this section (questions 107 to 109). If no, of if you answered these questions earlier in the preapplication meeting, this section is complete and you can skip to question 110.	☐ Y ☒ N	☐ F
107. Identify the proposed new purpose, flow rate (GPM or CFS), volume (AF), and period of use (MM/DD-MM/DD) for each purpose.	☐ A	☐ F

Purpose	Flow Rate (GPM or CFS)	Volume (AF)	Period of Use Start (MM/DD-MM/DD)	Period of Use End (MM/DD-MM/DD)

108. Explain why the requested flow rate and volume is the amount needed for the purpose. _____ _____ _____	☐ A	☐ F
109. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 11 and if you are answering in consecutive order, go to question 110.		



Change in Place of Storage

110. Does the project involve a change in place of storage? If yes, answer the questions in this section (questions 111 to 119) for each individual place of storage (use additional Change in Place of Storage sheet for additional places of storage). If no, or if you answered these questions earlier in the preapplication meeting, this section is complete; skip to question 120.	☐ Y ☒ N	☐ F
111. Submit a map showing the location of the place of storage. Create map on an aerial photograph or topographic map that shows the following: place of storage, section corners, township and range, and a north arrow.	☐ S	☐ F
112. Is this application to add a new place of storage or change an existing place of storage? _____		☐ F
a. If application is to change an existing place of storage, list the water rights that include the place of storage and a short description of the proposed change. _____ _____	☐ A	☐ F
113. Is the place of storage located on-stream?	☐ Y ☐ N	☐ F
a. If no, explain the conveyance means to and from the off-stream place of storage and any losses that may occur with that conveyance. _____ _____	☐ A	☐ F
114. What is the proposed capacity of the place of storage? Use bathymetry data, survey, or engineering plans for capacity. Submit the data source used with this form. In lieu of these data sources, use the following equation: <i>Surface Acres x Maximum Depth (FT) x 0.5 (0.4-0.6 depending on side slope) = Capacity (AF)</i> _____	☐ S	☐ F
115. Will the place of storage include primary and/or emergency spillways? Preliminary design specifications for primary and emergency spillways must be included with application submittal (ARM 36.12.113).	☐ Y ☐ N	☐ F
116. Will the place of storage be lined?	☐ Y ☐ N	☐ F
117. What is the annual net evaporation of water from the place of storage using the standards in ARM 36.12.116(1) and the Department's Gridded Net Evaporation Layer? _____		☐ F
118. Is the place of storage capacity calculated to be greater than 50 acre-feet?	☐ Y ☐ N	☐ F
a. If yes, have you made an application to the DNRC Water Operations Bureau for a determination of whether the dam or reservoir is a high-hazard dam?	☐ Y ☐ N	☐ F



119. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 12 and if you are answering in consecutive order, go to question 120.		
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Ditch-Specific Questions

120. Does the historical use of water include at least one conveyance ditch? If yes, answer questions 121 to 122. If no, or if you answered these questions earlier in the preapplication meeting, skip to question 123.	☒ Y ☐ N	☐ F
121. Submit a Historical Use Ditch Map that shows every ditch conveying water for the historical use of all water right(s) proposed for change. Label the ditch name(s), POD(s), the POU(s), and the ditch measurement locations (requested in question 122.d). The map should be created on an aerial photograph or topographic map with the following: section corners, township and range, and a north arrow.	☐ S	☒ F
122. For each historical conveyance ditch, answer question 122.a to 122.h. If there is more than one historical conveyance ditch, use an Additional Historical Ditch Sheet for each additional ditch.		
a. What is the ditch name? <u>Loyning Ditch</u>		☐ F
b. List the water right(s) proposed for change that were conveyed by the ditch. <u>43D 13723-00 and 43D 14970-00</u>		☐ F
c. What is the distance water was historically carried by the conveyance ditch? Only include segments between the POD and start of the POU; do not include segments within the POU. <u>642 ft</u>	☐ A	☐ F
d. Provide at least one set of ditch measurements, which include width (FT), depth (FT), and slope (%). Discuss ditch characteristics with DNRC to determine the minimum number of ditch measurements. Include the location of each measurement, labeled with the 2-digit measurement ID number, used on the map submitted for question 121.	☐ S	☒ F

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

e. What is a reasonable Manning's n value? List the factors used for estimation. If you do not know this value, please work through estimation with the Department. <u></u> <u></u>	☐ A	☒ F
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f. What type of soils compose the historical conveyance ditch? For lined ditches, write “lined” instead. _____ _____	☐ A	☒ F
g. Are other water rights conveyed by the historical conveyance ditch?	☒ Y ☐ N	☐ F
i. If yes,		
1. What are the water right numbers? 43D 14970-00 _____ _____	☐ A	☐ F
2. What is the sum of the flow rates (GPM or CFS) for all water rights conveyed? 3.45 CFS _____ _____	☐ A	☐ F
3. Provide a map with your best estimate of the historical POUs for the other water rights conveyed by the historical conveyance ditch. Include only POUs between the historical POD and your historical POU. If you do not know this information, the Department can help you create the map. The map should be created on an aerial photograph or topographic map and show the following: section corners, township and range, and a north arrow.	☐ S	☒ F
h. Were any water rights proposed for change part of one historical water right that was split?	☐ Y ☒ N	☐ F
i. If yes, were all split water rights split in such a way to ensure each post-split water right could stand alone and not be reliant on the others for carriage water?	☐ Y ☐ N	☐ F
1. If no, do any of the water right(s) proposed for change have a carriage water requirement?	☐ Y ☐ N	☐ F
a. If yes,		
i. List the water right(s) with a carriage water requirement _____		☐ F
ii. Update your Historical Use Ditch Map to label the ditch segments where a carriage water requirement exists for a water right proposed for change. Also, use your best estimate to label the POUs for all water rights included in the carriage water requirement. If you do not know this information, the Department can help you update the map.	☐ S	☐ F
123. Does the proposed use include at least one existing or new conveyance ditch? If yes, answer questions 124 to 126. If no, or if you answered these questions earlier in the preapplication meeting, this section is complete; skip to question 127.	☐ Y ☒ N	☐ F



124. Submit a Proposed Use Ditch Map that shows every ditch conveying the water right(s) proposed for change, including any unchanged portions. Label all unchanged and proposed PODs, all unchanged and proposed POUs, and additional ditch measurement locations (requested in question 125.e). The map should be created on an aerial photograph or topographic map with the following: section corners, township and range, and a north arrow.	☐ S	☐ F
125. For each proposed use conveyance ditch, answer the questions 125.a to 125.i. If there is more than one proposed use conveyance ditch, use an Additional Proposed Use Ditch Sheet for each additional ditch.		
a. What is the ditch name? _____		☐ F
b. Is this ditch a historical conveyance ditch detailed in questions 121 to 122?	☐ Y ☐ N	☐ F
i. If yes, have any of the following details changed, to the best of your knowledge, from historical conditions: ditch length, distance water conveyed, ditch lining, or water rights conveyed by the ditch?	☐ Y ☐ N	☐ F
1. If yes, answer questions 125.c to 125.i using current data.		
2. If no, do not answer questions 125.c to 125.i for this ditch because the information remains unchanged. Move on to the next proposed use conveyance ditch, or if none remain, skip to question 127.		
c. List the water right(s) proposed for change that are going to be conveyed by the ditch. _____		☐ F
d. What is the distance water will be carried by the conveyance ditch? Only include segments between the POD and start of the POU; do not include segments within the POU. _____ _____	☐ A	☐ F
e. Provide at least one set of ditch measurements, which include width (FT), depth (FT), and slope (%). Discuss ditch characteristics with DNRC to determine the minimum number of ditch measurements. Include the location of each measurement, labeled with the 2-digit measurement ID number, used on the map submitted for question 124.	☐ S	☐ F

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



f. What is a reasonable Manning's n value? List the factors used for estimation. If you do not know this value, please work through estimation with the Department. _____ _____	☐ A	☐ F
g. What type of soils compose the proposed conveyance ditch? For lined ditches, write "lined" instead. _____ _____	☐ A	☐ F
h. Are other water rights conveyed by the proposed conveyance ditch?	☐ Y ☐ N	☐ F
i. If yes,		
1. What are the water right numbers? _____ _____ _____	☐ A	☐ F
2. What is the sum of the flow rates (GPM or CFS) for all water rights conveyed? _____ _____ _____	☐ A	☐ F
3. Provide a map with your best estimate of the current POUs for the other water rights conveyed by the proposed conveyance ditch. Include only POUs between the POD and your proposed POU. If you do not know this information, the Department can help you create the map. The map should be created on an aerial photograph or topographic map and show the following: section corners, township and range, and a north arrow.	☐ S	☐ F
i. Were any water right(s) proposed for change identified as having a carriage water requirement in question 122.h.i.1.a.i?	☐ Y ☐ N	☐ F
i. If yes, update your Proposed Use Ditch Map to label the ditch segments where a carriage water requirement exists for a water right proposed for change. Also, use your best estimate to label the POUs for all water rights included in the carriage water requirement. If you do not know this information, the Department can help you update the map.	☐ S	☐ F
126. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 13 and if you are answering in consecutive order, go to question 127.		



Water Marketing

127. Does this project involve water marketing? If yes, answer the questions in this section (questions 128 to 134). If no, or if you answered these questions earlier in the preapplication meeting, this section is complete; skip to question 135.	☐ Y ☒ N	☐ F
128. Identify the flow rate (GPM or CFS) and volume of water (AF) that will be marketed. _____		☐ F
129. Will the marketed water return to the source?	☐ Y ☐ N	☐ F
a. If yes, explain how that determination was made. _____ _____ _____	☐ A	☐ F
130. For what purpose(s) will the marketed water be used? _____ _____	☐ A	☐ F
131. How will you control or limit access to the water? _____ _____	☐ A	☐ F
132. Do you have contracts for the entire volume and flow rate sought?	☐ Y ☐ N	☐ F
133. Provide a service area map. Create map on an aerial photograph or topographic map and shows the following: general service area boundary, section corners, township and range, and a north arrow.	☐ S	☐ F
134. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 19 and if you are answering in consecutive order, go to question 135.		

Instream Flow Change

135. Does the project involve an instream flow change? If yes, answer the questions in this section (questions 136 to 145). If no, or if you answered these questions earlier in the preapplication meeting, this section is complete; skip to question 146.	☐ Y ☒ N	☐ F
136. Is the proposal to retire all the use from the historical purpose throughout the entire period of use?	☐ Y ☐ N	☐ F
a. If no, describe why not in detail. _____ _____ _____	☐ A	☐ F



137. What is the name of the source of water where streamflow will be maintained or enhanced? _____		☐ F
138. Provide specific information on the location (¼ ¼ ¼ section of start and end of reach) and length (FT) of the stream reach in which the streamflow is to be maintained or enhanced. _____	☐ A	☐ F
139. Does the protected reach begin at the existing point of diversion?	☐ Y ☐ N	☐ F
a. If no, does the proposed protected reach begin upstream of or downstream from the existing point of diversion? _____		☐ F
140. Does return flow go back to the source of supply? The Department provides an initial estimate of the sources where return flow historically accrued at the preapplication meeting.	☐ Y ☐ N	☐ F
141. Describe the way the streamflow is to be maintained or enhanced. _____ _____ _____	☐ A	☐ F
142. Provide initial details about a streamflow measuring plan, which include the points where measurements occur, the interval of measurement, and the methods and equipment used. A complete streamflow measuring plan will be required for the application. _____ _____ _____ _____ _____	☐ A	☐ F
143. Provide initial details about an operation plan, which include the proposed flow rate (GPM or CFS) to be protected up to the proposed volume (AF) and the period when protection is to occur. If there is a “trigger flow” associated with your operation plan, please explain. A complete operation plan, based on the Technical Analysis, will be required for the application. _____ _____ _____ _____ _____	☐ A	☐ F



144. Is the amount of water proposed for change in the application made available through creation of a “water saving method,” as defined in ARM 36.12.101?	☐ Y ☐ N	☐ F
a. If yes, complete the Salvage Water section (questions 146 to 150).	☐ S	☐ F
145. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 20 and if you are answering in consecutive order, go to question 146.		

Salvage Water

146. Does this project involve salvage water? Salvage water does not include destroying phreatophytes, removing vegetation, converting to a less consumptive crop, or converting to a partial irrigation schedule. If yes, answer the questions in this section (questions 147 to 150). If no, or if you answered these questions earlier in the preapplication meeting, this section is complete and you can skip to question 151.	☐ Y ☒ N	☐ F
147. What water saving method was implemented? This may include lining an unlined ditch or canal, converting unlined ditch or canal to pipeline, converting high profile or high-pressure sprinklers to low pressure, and other (explain). _____ _____	☐ A	☐ F
148. How much water was salvaged from creation of the water saving method? Include flow rate (GPM or CFS) and volume (AF). _____		☐ F
149. How did you determine the amount of water salvaged? _____ _____ _____ _____ _____ _____	☐ A	☐ F
150. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 21 and if you are answering in consecutive order, go to question 151.		



Non-Mandatory Questions for Criteria Analysis

The following questions are not mandatory. They should be discussed in the Preapplication Meeting, but do not need to be filled out before the Preapplication Meeting Form is determined to be complete.

Adverse Effect

<u>Questions, Narrative Responses, and Tables</u>	<u>Check-boxes</u>
151. Once the historical use analysis is complete for the application, be ready to compare the historical use with the proposed use. Do you have evidence the proposed use exceeds the historical use for flow rate, consumed volume, or diverted volume?	☐ Y ☒ N
a. If yes, what is your plan to address this with the permitting process? _____ _____	☐ A
152. Describe your plan to ensure that existing water rights will be satisfied during times of water shortage. <u>Point of diversion can be shut down</u> _____ _____	☐ A
153. Explain how you can control your diversion in response to call being made. <u>Pump can be shut off if valid call is made</u> _____ _____	☐ A
154. Are you aware of any calls that have been made on the source of supply or depleted surface water source?	☐ Y ☒ N
a. If yes, explain. _____ _____	☐ A
155. Does a water commissioner distribute water or oversee water distribution on your proposed source or depleted surface water source?	☒ Y ☐ N
156. Will the proposed use change the ability for you to make call?	☐ Y ☒ N



157. When was the last time water was appropriated and used beneficially? <u>2024</u> If there has been a period of nonuse, explain below:	
a. Why the water right was not used. _____ _____	☐ A
b. Why a resumption of use will not adversely affect other water users. _____ _____	☐ A
c. Is the period of nonuse greater than 10 years?	☐ Y ☐ N
d. Have water rights been authorized to use the source during the period of nonuse?	☐ Y ☐ N
158. For point of diversion changes:	
a. Is the proposed point of diversion upstream or downstream of the historical point of diversion? <u>Downstream</u>	
b. Are there intervening water users between the historical and proposed point of diversion?	☐ Y ☒ N
c. Does the proposed point of diversion allow for diverting water longer during times of shortage?	☐ Y ☒ N
159. For place of use changes, will changes to the rate, location, volume, or timing of return flows adversely affect other appropriators?	☐ Y ☒ N

Adverse Effect: Evaluation of Impacts to Identified Water Rights for Return Flow Analysis

160. Respond to questions in this section if you elected in questions 50 or 88 to answer optional questions 161 to 163. If you did not elect to answer these questions or answered these questions earlier in the preapplication meeting, this section is complete; skip to question 165.	
161. For each surface water source receiving return flows, is gage data available?	☐ Y ☐ N
a. If yes, answer the following questions for the number of stream gages that are available.	
i. One stream gage is available	
1. What is the gage name? _____	
2. Who operates and maintains the gage? _____	



3. Is the stream gage upstream or downstream of the point(s) of diversion? _____	
4. Is there a limiting or controlling factor that would make the Drainage Area Method not practical? This includes dams that control the flow and streams with large gaining and/or losing reaches. If you have questions about this, please contact the Regional Hydro-Specialist or the Water Sciences Bureau.	☐ Y ☐ N
5. Is the period of record greater than or equal to 10 years?	☐ Y ☐ N
6. How frequently is stage data recorded? _____	
7. If data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?	☐ Y ☐ N
8. Was the rating curve established and maintained throughout the duration of the period of record using measurements taken near the reference gage and stage recorder according to USGS protocols?	☐ Y ☐ N
9. Were there requirements for maintaining a permanent gage datum and meeting specified accuracy limits?	☐ Y ☐ N
10. Does the gage data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion?	☐ Y ☐ N
a. If yes, skip to question 163.	
b. If no, answer question 161.b.	
ii. More than one stream gage is available	
1. List the gage names. _____	
2. Who operates and maintains the gages? _____	
3. Is one stream gage upstream and one downstream of point(s) of diversion?	☐ Y ☐ N
4. Do the stream gages have similar periods of record?	☐ Y ☐ N
5. Are the periods of record each greater than or equal to 10 years?	☐ Y ☐ N
6. How frequently is stage data recorded at each gage? _____	
7. For each gage, if data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?	☐ Y ☐ N



8. Were the rating curves established and maintained throughout the duration of the period of record using measurements taken near the reference gages and stage recorders according to USGS protocols?	☐ Y ☐ N
9. For each gage, were there requirements for maintaining a permanent gage datum and meeting specified accuracy limits?	☐ Y ☐ N
10. Does the gage data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion?	☐ Y ☐ N
a. If yes, skip to question 163.	
b. If no, answer question 161.b.	
b. If no gage data is available or if available gage data does not meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion, is the source otherwise measured?	☐ Y ☐ N
i. If yes,	
1. Submit measurements to the Department.	☐ S
2. Who collected the measurements? _____	☐ A
3. With what method was the data collected? _____ _____	☐ A
4. What is the period of record? _____	
5. What is the frequency of measurement? _____	
6. Are there gaps in the data?	☐ Y ☐ N
a. If yes, what is the nature of the gaps and how are gaps handled to ensure data quality? _____ _____ _____ _____	☐ A
7. Is there a process for maintaining the data and meeting specified accuracy limits?	☐ Y ☐ N



a. If yes, explain. _____ _____ _____ _____	☐ A
8. Does available measurement data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion?	☐ Y ☐ N
a. If yes, skip to question 163.	
b. If no, answer question 162.	
162. For each surface water source receiving return flows, does the available measurement data, gage and/or otherwise measured, meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for validation of a department-accepted estimation technique?	☐ Y ☐ N
a. If yes, describe the estimation technique. _____ _____ _____	☐ A
b. If no, will measurements be collected prior to submission of a completed Form No. 606P that meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for validation of a department-accepted estimation technique?	☐ Y ☐ N
i. If yes,	
1. With what method will the data be collected? _____ _____ _____	☐ A
2. What will be the interval of measurement? _____	



3. Describe the proposed estimation technique. _____ _____ _____ _____	☐ A
ii. If no, describe your plan supply measurements for return flow receiving sources. _____ _____ _____	☐ A
163. If you are conducting Technical Analysis, how will the Area of Potential Adverse Effect be defined for evaluating return flow impacts? If the Department is conducting Technical Analyses, write N/A. _____ _____ _____ _____	☐ A
164. If you went straight to this section when referenced, go back to question 51 for surface water changes and question 88 for groundwater changes. If you waited to answer in consecutive order and have completed all prior sections, move to question 165.	

Adverse Effect: Evaluation of Impacts to Identified Water Rights for Surface Water Depletion Analysis

165. Respond to questions in this section if you elected in question 79 to answer optional questions 166 to 168. If you did not elect to answer these questions or answered these questions earlier in the preapplication meeting, this section is complete; skip to question 170.	
166. For each hydraulically connected surface water source, is gage data available?	☐ Y ☐ N
a. If yes, answer the following questions for the number stream gages are available.	
i. One stream gage is available	
1. What is the gage name? _____	



2. Who operates and maintains the gage? _____	
3. Is the stream gage upstream or downstream of the start of the depletion? _____	
4. Is there a limiting or controlling factor that would make the Drainage Area Method not practical? This includes dams that control the flow and streams with large gaining and/or losing reaches. If you have questions about this, please contact the Regional Hydro-Specialist or the Water Sciences Bureau.	☐ Y ☐ N
5. Is the period of record greater than or equal to 10 years?	☐ Y ☐ N
6. How frequently is stage data recorded? _____	
7. If data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?	☐ Y ☐ N
8. Was the rating curve established and maintained throughout the duration of the period of record using measurements taken near the reference gage and stage recorder according to USGS protocols?	☐ Y ☐ N
9. Were there requirements for maintaining a permanent gage datum and meeting specified accuracy limits?	☐ Y ☐ N
10. Does the gage data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion?	☐ Y ☐ N
a. If yes, skip to question 168.	
b. If no, answer question 166.b.	
ii. More than one stream gage is available	
1. List the gage names. _____	
2. Who operates and maintains the gages? _____	
3. Is one stream gage upstream and one downstream of the start of the depletion?	☐ Y ☐ N
4. Do the stream gages have similar periods of record?	☐ Y ☐ N
5. Are the periods of record each greater than or equal to 10 years?	☐ Y ☐ N
6. How frequently is stage data recorded at each gage? _____	



7. For each gage, if data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?	☐ Y ☐ N
8. Were the rating curves established and maintained throughout the duration of the period of record using measurements taken near the reference gages and stage recorders according to USGS protocols?	☐ Y ☐ N
9. For each gage, were there requirements for maintaining a permanent gage datum and meeting specified accuracy limits?	☐ Y ☐ N
10. Does the gage data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion?	☐ Y ☐ N
a. If yes, skip to question 168.	
b. If no, answer question 166.b.	
b. If no gage data is available or if available gage data does not meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion, is the source otherwise measured?	☐ Y ☐ N
i. If yes,	
1. Submit available measurements to the Department	☐ S
2. Who collected the measurements? _____	☐ A
3. With what method was the data collected? _____ _____	☐ A
4. What is the period of record? _____	
5. What is the frequency of measurement? _____	
6. Are there gaps in the data?	☐ Y ☐ N
a. If yes, what is the nature of the gaps and how are gaps handled to ensure data quality? _____ _____ _____ _____	☐ A
7. Is there a process for maintaining the data and meeting specified accuracy limits?	☐ Y ☐ N



a. If yes, explain. _____ _____ _____	☐ A
8. Does available measurement data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion?	☐ Y ☐ N
a. If yes, skip to question 168.	
b. If no, answer question 167.	
167. For each hydraulically connected surface water source, does the available measurement data, gage and/or otherwise measured, meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for validation of a department-accepted estimation technique?	☐ Y ☐ N
a. If yes, describe the estimation technique. _____ _____ _____ _____	☐ A
b. If no,	
i. Will measurements be collected prior to submission of a completed Form No. 606P that meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for validation of a department-accepted estimation technique?	☐ Y ☐ N
1. If yes,	
a. With what method will the data be collected? _____ _____ _____	☐ A
b. What will be the interval of measurement? _____	



c. Describe the proposed estimation technique. _____ _____ _____ _____	☐ A
2. If no, describe your plan to comply with the measurement requirements for hydraulically connected surface water sources. _____ _____ _____	☐ A
168. If you are conducting Technical Analysis, how will the Area of Potential Adverse Effect be defined for evaluating changes to net depletions? If the Department is conducting Technical Analyses, write N/A. _____ _____ _____ _____	☐ A
169. If you went straight to this section when referenced, go back to question 80. If you waited to answer in consecutive order and have completed all prior sections, move to question 170.	

Adequate Means of Diversion and Operation

170. Provide a diagram of how you will operate your system from the point of diversion to the place of use.	☐ S
171. Describe specific information about the capacity of the diversionary structure(s). This may include, where applicable: pump curves and total dynamic head calculations, headgate design specifications, and dike or dam height and length. _____ _____	☐ A
172. Is the diversion capable of providing the full amount requested through the period of diversion?	☒ Y ☐ N



173. Describe the size and configuration of infrastructure to convey water from point of diversion to place of use. This may include, where applicable: ditch capacity and/or pipeline size and configuration. 	☐ A
174. Describe any losses related to conveyance. None 	☐ A
175. Is the conveyance infrastructure capable of providing the required flow and volume and any losses?	☒ Y ☐ N
176. Does the proposed conveyance require easements?	☐ Y ☒ N
a. If yes, explain. 	☐ A
177. Describe any places of storage, including whether drainage devices will be installed, and provide preliminary designs, if available. Preliminary designs will be required at application submittal. N/A 	☐ A
178. Describe specific information about how water is delivered within the place of use. This may include, where applicable, the range of flow rates needed for a pivot and output and configuration of sprinkler heads. 	☐ A
179. Is the water delivery system capable of providing the requested beneficial use?	☒ Y ☐ N
180. Will your system be designed to discharge water from the project?	☐ Y ☒ N
a. If yes, explain the way water will be discharged and the wastewater disposal method. 	☐ A



181. Provide a plan of operations. _____ _____ _____	☐ A
182. Can the plan of operations deliver the flow rate and volume for the beneficial use being requested?	☒ Y ☐ N
183. Do you have any plans to measure your diversion and use?	☐ Y ☒ N
a. If yes, describe the plan and the type of measurements you will take. _____ _____	☐ A
184. Is the means of diversion a well?	☐ Y ☒ N
a. If yes, are well log(s) available?	☐ Y ☐ N
i. If yes, submit well log(s) to DNRC	☐ S
ii. If no, who drilled the well? _____	

Beneficial Use

185. Why is the requested flow rate and volume the amount needed for the purpose? <u>Flow rate based on infrastructure needs, volume based on irrigation water requirements</u> _____ _____	☐ A
186. Does the Department have a standard for the purposes for which water is used? Department standards can be found in ARM 36.12.112.	☒ Y ☐ N
a. If yes, does the proposed beneficial use fall within Department standards?	☒ Y ☐ N
187. If no standard or if proposed beneficial use falls outside of Department standards, explain how the use is reasonable for the purpose. _____ _____ _____ _____	☐ A
188. Will your proposed project be subject to DEQ requirements for a public water supply (PWS) system or Certificate of Subdivision Approval (COSA)?	☐ Y ☒ N



a. If yes,	
i. Have you researched or consulted with DEQ regarding those requirements?	☐ Y ☐ N
189. Are you proposing to use surface water for in-house domestic use?	☐ Y ☒ N
a. If yes, does a COSA exist for the proposed place of use?	☐ Y ☐ N
i. If yes, please submit the COSA.	☐ S
ii. If no, have you researched or consulted with DEQ regarding their requirements?	☐ Y ☐ N

Possessory Interest

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



PREAPPLICATION MEETING AFFIDAVIT & CERTIFICATION

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

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

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

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

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

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


 Frank Roque (Jan 11, 2025 09:04 PST)
 Applicant Signature

01/11/2025

Date

Applicant Signature

Date


 Department Signature

1/23/2025
 Date



2025.01.09_606P_43D 30165111 (43D 13723 00)

Final Audit Report

2025-01-21

Created:	2025-01-09
By:	William Moore (moore@dmsnaturalresources.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA76-NbXU6ExVdk1JqTUIUx3TaKxGdRfRX

"2025.01.09_606P_43D 30165111 (43D 13723 00)" History

-  Document created by William Moore (moore@dmsnaturalresources.com)
2025-01-09 - 8:10:36 PM GMT
-  Document emailed to Frank Roque (frank@panochecreek.com) for signature
2025-01-09 - 8:11:28 PM GMT
-  Email viewed by Frank Roque (frank@panochecreek.com)
2025-01-21 - 3:18:38 PM GMT
-  Document e-signed by Frank Roque (frank@panochecreek.com)
Signature Date: 2025-01-21 - 3:26:49 PM GMT - Time Source: server
-  Agreement completed.
2025-01-21 - 3:26:49 PM GMT

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

- 5 - Maps with label / POD labels	-
- 6 - Proposed maps with POD labels (with GIS shapefiles)	-
- 121 Historical Map w/ POD labels	-
- 122 d Ditch Dimensions	-
- 122 e - Manning's Value	-
- 122 f - Ditch soil type	-
- 122 g.i.3. - historical map w/ POD labels	-
- 33a - Headgate measurements	-
- 40.a.i.2.h.i.2- supplemental flow rate & volume	-
- 45 - Proposed use map	-
- 47.a.viii.1.b - supplemental flow rate & volume	-
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AMENDED RESPONSES PAGE

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

Questions with amended responses

-181 - plan of operations	-	-	-
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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))."



Frank Roque (Apr 16, 2025 16:18 MDT)

16/04/25

Applicant Signature

Date

Applicant Signature

Date

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

Veronica Corbett

Department Signature

7/11/2025

Date

Department Signature

Date



Question 5 – Historic Use Map

See Exhibit 5 historic use map.

Question 6 – Proposed Use Map

See Exhibit 6 proposed use map. As agreed to during the January 7, 2025 preapplication meeting, DMS is electronically providing DNRC with the shapefiles used to create DMS' maps along with submission of the follow-up information.

Question 33.a – Historic Headgate Dimensions

POD ID	Dimensions (FT)	Slope (%)	Material	Estimated Capacity (GPM or CFS)	Method
1	2 ft diameter circular opening	0.1% (0.001)	Corrugated culvert set in concrete walls	4.54 CFS	Manning's Equation ¹

Question 40.a.i.2.h.i.2 – Historical Consumed Volume – Supplemental Water Rights

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)
43C 198705 00	7/1 – 10/15	7/1 – 10/15	~3.0 CFS ²	~64.07 AF Total CU ³

Question 45 – Map(s) Showing Historical and Proposed Places of Use

See Exhibit 5 historic use map and Exhibit 6 proposed use map.

¹ The historic Loyning Ditch has not been used since at least 1997 when the current pump site in the SWNWSE of Section 5 was established. Based on DMS' December 16, 2022 site visit, there is no longer any evidence of the historic headgate/diversion infrastructure, and most of the ditch has been destroyed and/or naturally filled in and is no longer visible. Thus, DMS was unable to obtain any measurements of the historic headgate and/or ditch due to the highly degraded condition. Additionally, the Applicant has been unable to locate any historic details and/or measurements of the Loyning Ditch and headgate. To the best of the Applicant's knowledge, and from discussion of historic water use with neighbor Everett Hoines, the Loyning Ditch historically was capable of diverting and conveying at least the 3.45 cfs attributed to the ditch. Slope and headgate dimensions estimated based on DMS' knowledge from preparation of analogous change applications. Manning's "n" value of 0.022 for corrugated metal pipe used for calculation of corrugated culvert capacity. Calculations completed using The Open Channel Flow Calculator published by Auburn University, <https://www.eng.auburn.edu/~xzf0001/Handbook/Channels.html>.

² Roque Properties, LLC has 500 shares in Weast Ditch Company (which is equivalent to approximately 12.5 cfs). Historically and currently, the Applicant and the Applicant's predecessors did not increase or decrease their diversions when irrigation switched from Red Lodge Creek to Weast Ditch shares. Rather, irrigation continued as it occurred from Red Lodge Creek, the source of water just switched to Weast Ditch Shares. Thus, for this change application, a total of 3.0 cfs was diverted under Red Lodge Creek claim 43D 13723 00 until approximately the end of June, and then 3.0 cfs of Weast Ditch water was used after approximately July 1. There is substantial conveyance loss from the POD of the Weast Ditch to the Applicant's secondary PODs from Red Lodge Creek. Thus, the Applicant's Weast Ditch shares represent a higher flow (~12.5 cfs) than the Applicant's combined diversions at secondary PODs under 43D 13723 00 and 43D 14970 00 (~6.75 cfs) to account for conveyance loss to the Applicant's secondary PODs.

³ Assuming 43D 13723 00 provides irrigation water from beginning of the season through end of June, and Weast Ditch Shares (43C 198705 00) provides irrigation water from July 1 through end of the season. Total seasonal consumptive use was calculated based on decreed 80-acre POU and DNRC standards listed in 40.a.i.2.a through 40.a.i.2.g. Total Consumptive Use was apportioned proportionately between the time periods of April through June (43D 13723 00; 7.19 in or 32.1% of total 22.41 in NIR) and June through October (43C 198705 00; 15.21 in or 67.9% of total 22.41 in NIR) based on IWR monthly breakdown provided by DNRC via email on March 4, 2025.

Question 47.a.viii.1.b – Proposed Supplemental Water Rights

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)
43C 198705 00	7/1 – 10/15	7/1 – 10/15	~1.36 CFS ⁴	~56.47 AF Total CU ⁵

Question 121 – Historic Use Map

See Exhibit 5 historic use map.

Question 122.d – Historic Ditch Dimensions⁶

ID #	Width (FT)	Depth (FT)	Slope (%)	Date of Measurement
1	1.67	2.5	0.1% (0.001)	March 1, 2024
2	2.0	2.5	0.1% (0.001)	March 1, 2024

Question 122.e – Manning's Value

Applicant used a Manning's "n" value of 0.035 for natural channels with stones and weeds.

Question 122.f – Ditch soil type

The soils underlying the portion of the Loyning Ditch between the historic POD and the up-gradient edge of the historic POU are primarily silty-clay loams. See Web Soil Survey printout provided as Exhibit 122.f.

Question 122.g.i.3 – Historic Use Map Including Other Rights Conveyed by Historic Ditch

43D 14970 00 was also historically conveyed in the Loyning Ditch⁷. However, the 43D 14970 00 POU is down-ditch from the historic POU of 43D 13723 00. See Exhibit 5 historic use map.

Question 181 – Provide a Plan of Operations

After the proposed change, the Applicant will divert up to 1.36 cfs (0.76 cfs for the NW pivot and 0.6 cfs for the NE pivot) under 43D 13723 00 from the pump site in the SWNWSE of Section 5 (Proposed POD No. 1). Buried pipelines will convey water from the pump site to the two pivots on the north bank of Red Lodge Creek. The NE pivot requires 1.0 cfs (450 GPM). However, the NE pivot is irrigated under both 43D 13723 00 and 43D 14970 00. The flow rate requirement of the NE pivot was split proportionately between 43D 13723 00 and 43D 14970 00 based on the number of acres of the NE pivot that fall within the POU of each

⁴ As described in Footnote 2, Weast Ditch Company shares replace Red Lodge Creek claims around approximately July 1. Thus, the proposed 1.36 cfs flow rate required for the proposed irrigation under 43C 13723 00 will be "replaced" by 1.36 cfs of Weast Ditch shares approximately July 1.

⁵ Assuming 43D 13723 00 provides irrigation water from beginning of the season through end of June, and Weast Ditch Shares (43C 198705 00) provides irrigation water from July 1 through end of the season. Total seasonal consumptive use for 65.5 acres of proposed POU within historic POU calculated based on the standards listed in 40.a.i.2.a through 40.a.i.2.g and split proportionately between the time periods of April through June (43D 13723 00; 7.19 in or 32.1% of total 22.41 in NIR) and June through October (43C 198705 00; 15.21 in or 67.9% of total 22.41 in NIR) based on IWR monthly breakdown provided by DNRC via email on March 4, 2025. Total seasonal consumptive use for 3.6 acres of proposed pivot irrigation outside historic POU calculated based on standards listed in 47.a.i. through 47.a.vii and split proportionately between the time periods of April through June (43D 13723 00; 8.6 in or 34.2% of total 25.11 in NIR) and June through October (43C 198705 00; 16.51 in or 65.8% of total 25.11 in NIR) based on IWR monthly breakdown for pivot irrigation provided by DNRC via email on March 4, 2025.

⁶ The historic Loyning Ditch has not been used since at least 1997 when the current pump site in the SWNWSE of Section 5 was established. Based on DMS' December 16, 2022 site visit, there is no longer any evidence of the historic headgate/diversion infrastructure, and most of the ditch has been destroyed and/or naturally filled in and is no longer visible. Thus, DMS was unable to obtain any measurements of the historic headgate and/or ditch due to the highly degraded condition. However, in an effort to provide the requested information, the Applicant obtained a set of estimated ditch dimension measurements at a historic check structure located in the SWSESW of Section 5, T5S R20E. This check structure is located on the historic ditch route where the ditch crossed a small unnamed tributary of Red Lodge Creek.

⁷ The Applicant's Weast Ditch Shares are also conveyed in the Loyning Ditch under 43C 198705 00 after 43D 13723 00 and 43D 14970 00 are called out of priority (approximately July 1).

water right⁸. Thus, for the purposes of the calculations in this application, the Applicant proportionately calculates that 60%, 0.6 cfs, of the irrigation demand for the NE pivot is provided by 43D 13723 00, and 40%, 0.4 cfs, is provided by 43D 14970 00.

Both water rights will be used in combination to provide the irrigation requirement of the NE pivot, and the NE pivot will never be irrigated under only 43D 13723 00 or only 43D 14970 00 to ensure that there is no expansion of use under either claim. The Applicant will only irrigate the NE pivot with Red Lodge Creek water if both 43D 13723 00 and 43D 14970 00 are in priority. If junior claim is called out of priority, 43D 14970 00 with a June 15, 1902 priority date, the Applicant will cease all irrigation of the NE pivot until either 1) 43D 14970 00 is back in priority, or 2) Weast Ditch shares are released into Red Lodge Creek. If 43D 14970 00 is called out of priority, the Applicant could continue to irrigate the NW pivot fully within the proposed POU of 43D 13723 00, but the NE pivot would be shut off. This plan will ensure that there is no expansion of use, nor any adverse effect to water users, as a result of the proposed change.

⁸ Approximately 19.8 acres (40.0%) of the 49.4-acre NE pivot are within the POU of 43D 134970 00, and the remaining 29.6 acres (60.0%) are within the POU of 43D 13723 00.

Roque Properties, LLC

Carbon County, MT



Historic Use

43D 13723 00 & 43D 14970 00

Exhibit 5

Roque Properties, LLC Property Border

PODs

- 43D 13723 00 & 43D 14970 00 - Headgate
- 43D 14970 00 - Headgate
- 43D 14970 00 - Pump Site
- Ditch Measurement Points

Ditches

- Clark (Hoines) Ditch
- Loyning Ditch

POUs

- 43D 13723 00 (80 Acres)
- 43D 14970 00 (169.3 Acres)

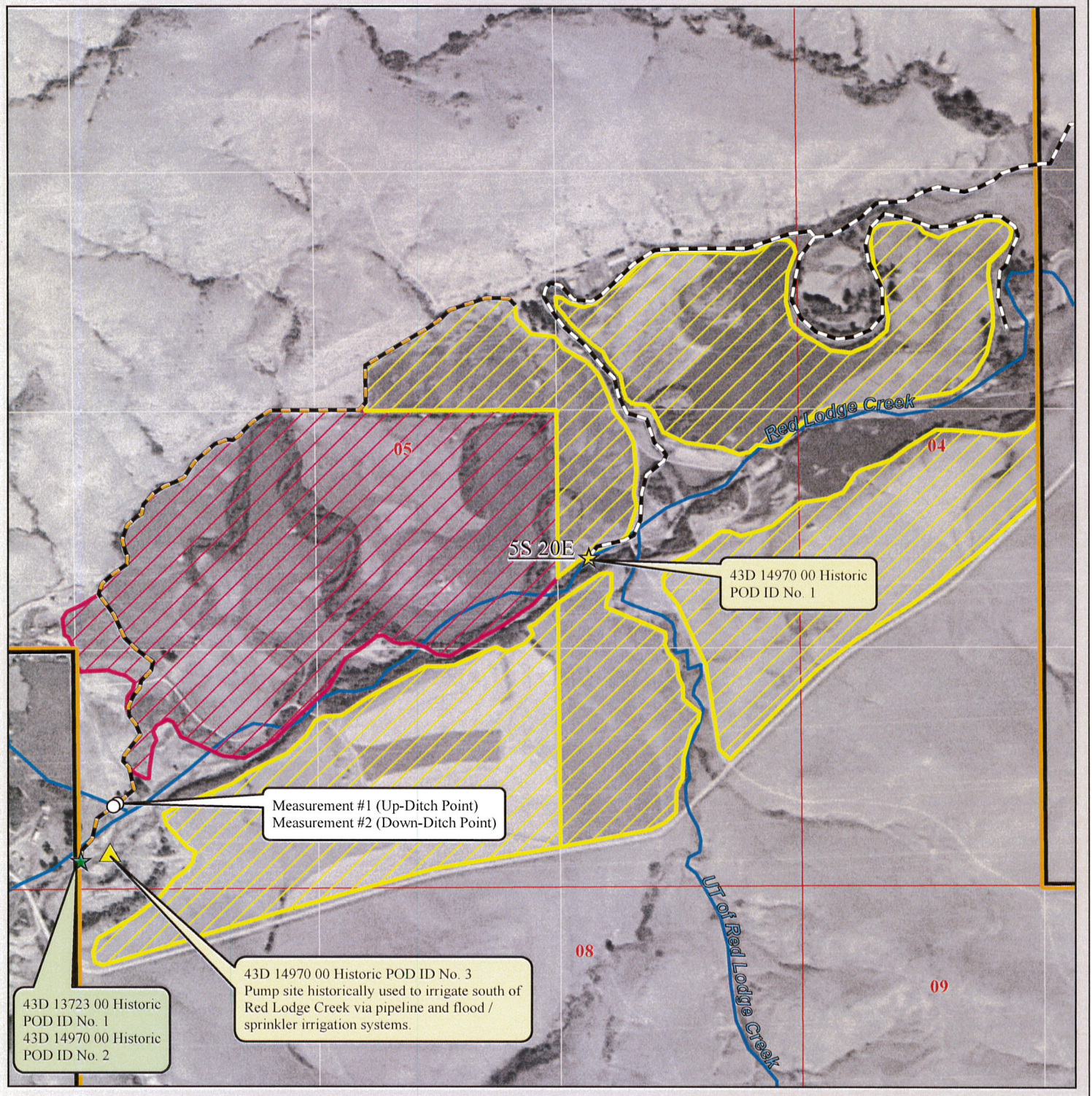
Created 3/30/2025

Aerial Imagery: 9/11/1953 USGS



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Miles

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Roque Properties, LLC

Carbon County, MT



Proposed Use

43D 13723 00 & 43D 14970 00

Exhibit 6

Roque Properties, LLC Property Border

PODs

43D 14970 00 - Historic & Proposed Headgate

Proposed Pump Sites

Ditches

Clark (Hoines) Ditch

Pipelines

POUs

Pivot Extents

43D 13723 00 - Retained Historic POU (65.5 Acres)

43D 13723 00 - Proposed New POU (3.6 Acres)

43D 13723 00 - Proposed Acres to Retire (14.5 Acres)

43D 14970 00 - Retained Historic POU (151.5 Acres)

43D 14970 00 - Proposed New POU (3.5 Acres)

43D 14970 00 - Proposed Acres to Retire (17.8 Acres)

Proposed Pond - 43D 14970 00 Place of Storage



Created 2/10/2025
Aerial Imagery: 2023 NAIP

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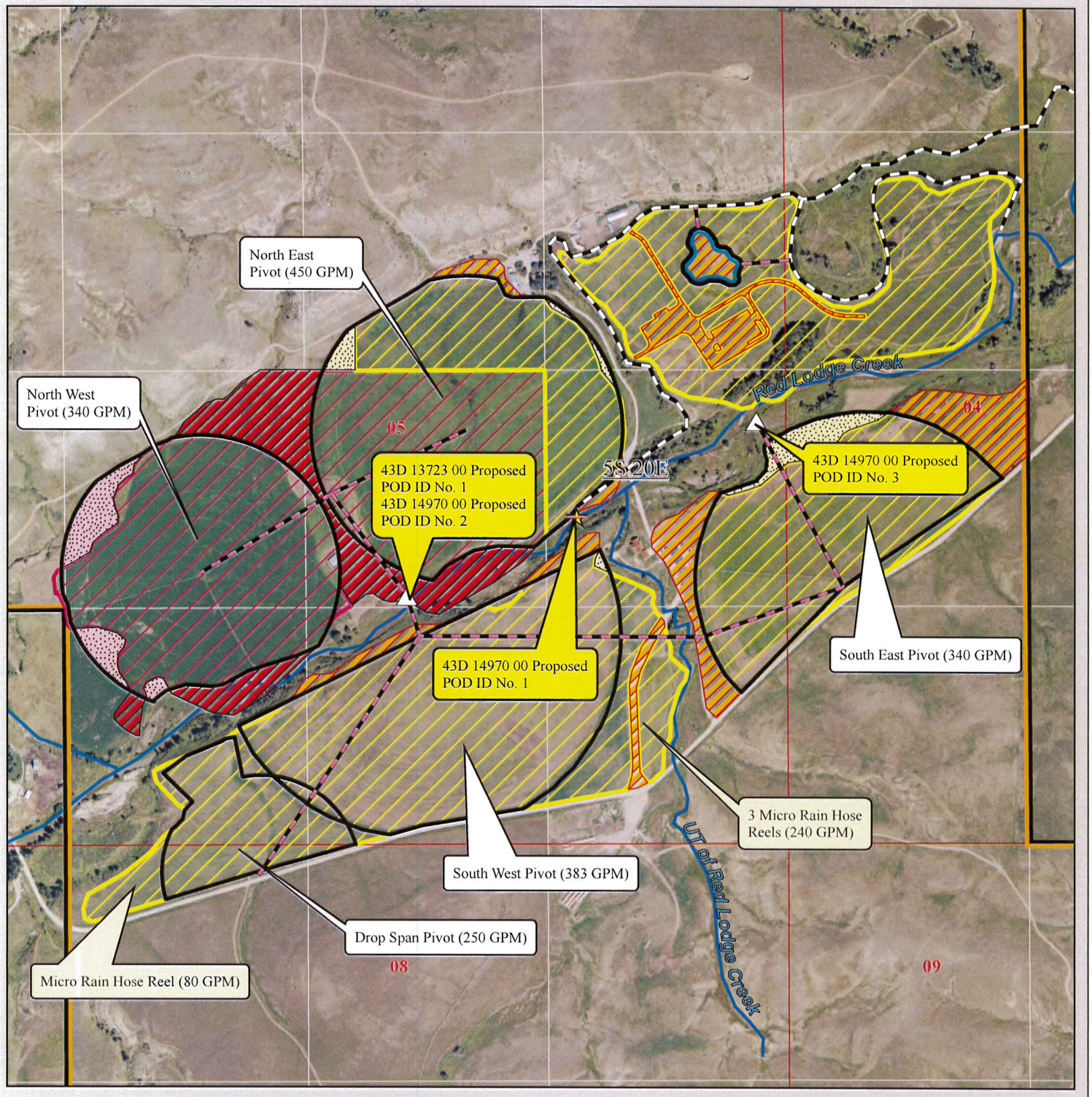


Exhibit 122.f

Soil Map—Carbon County Area, Montana
(Loyning Ditch)



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

2/12/2025
Page 1 of 3

Soil Map—Carbon County Area, Montana
(Loyning Ditch)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

 Blowout
 Borrow Pit
 Clay Spot
 Closed Depression
 Gravel Pit
 Gravelly Spot
 Landfill
 Lava Flow
 Marsh or swamp
 Mine or Quarry
 Miscellaneous Water
 Perennial Water
 Rock Outcrop
 Saline Spot
 Sandy Spot
 Severely Eroded Spot
 Sinkhole
 Slide or Slip
 Sodic Spot

 Spoil Area
 Stony Spot
 Very Stony Spot
 Wet Spot
 Other
 Special Line Features

Water Features

 Streams and Canals

Transportation

 Rails
 Interstate Highways
 US Routes
 Major Roads
 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Carbon County Area, Montana
 Survey Area Data: Version 20, Aug 22, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 29, 2021—Sep 24, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
An	Adel silty clay loam, 0 to 4 percent slopes	0.6	11.5%
Rd	Redlodge-Adel silty clay loams, wet	4.8	88.5%
Totals for Area of Interest		5.4	100.0%

606P 43D 30165111 (43D 13723 00) FollowUp Combined

Final Audit Report

2025-04-16

Created:	2025-04-14
By:	William Moore (moore@dmsnaturalresources.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAuf9fwpzhIFyosDaCc6MOzIfPKfdBz0Bq

"606P 43D 30165111 (43D 13723 00) FollowUp Combined" History

-  Document created by William Moore (moore@dmsnaturalresources.com)
2025-04-14 - 5:25:57 PM GMT
-  Document emailed to Frank Roque (frank@panochecreek.com) for signature
2025-04-14 - 5:26:05 PM GMT
-  Email viewed by Frank Roque (frank@panochecreek.com)
2025-04-16 - 10:17:00 PM GMT
-  Document e-signed by Frank Roque (frank@panochecreek.com)
Signature Date: 2025-04-16 - 10:18:47 PM GMT - Time Source: server
-  Agreement completed.
2025-04-16 - 10:18:47 PM GMT



REQUEST FOR PREAPPLICATION MEETING

ARM 36.12.1302(2)
(Revised 01/2024)

For Department Use Only

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.

Date Received _____

Received By _____

Scheduled Meeting Date _____

1. Applicant Name Roque Properties, LLC

Mailing Address 1747 Red Lodge Creek Rd

City Roberts State MT Zip 59070-9650

Home Phone _____ Other Phone (559) 351-8547

Email: frank@panochecreek.com

2. Representative Name (if other than Applicant) DMS Natural Resources, LLC

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

Mailing Address 602 S. Ferguson Ave., Suite 2

City Bozeman State MT Zip 59718

Home Phone 406-600-1422 Other Phone (406) 582-4988

Email: stephenson@dmsnaturalresources.com and moore@dmsnaturalresources.com

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

☐ Permit ☒ Change

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

a) The flow rate and volume of water required:

Flow Rate 1.36 ☐ GPM ☒ CFS Volume Historic Use Acre-Feet

b) The point of diversion:

Point of Diversion #1 SW 1/4 NW 1/4 SE 1/4 Section 5, Township 5 ☐ N ☒ S, Range 20 ☒ E ☐ W
County Carbon County

Lot/Tract _____ Block _____ Subdivision Name _____

Point of Diversion #2 _____ 1/4 _____ 1/4 _____ 1/4 Section _____, Township _____ ☐ N ☐ S, Range _____ ☐ E ☐ W
County _____

Lot/Tract _____ Block _____ Subdivision Name _____

c) The place of use:

31.5 Acres _____ Lot _____ Block _____ 1/4 NW 1/4 SE 1/4 Sec 5, Twp 5 ☐ N ☒ S, Rge 20 ☒ E ☐ W

25.4 Acres _____ Lot _____ Block _____ 1/4 NE 1/4 SW 1/4 Sec 5, Twp 5 ☐ N ☒ S, Rge 20 ☒ E ☐ W

11.3 Acres _____ Lot _____ Block N2 1/4 SE 1/4 SW 1/4 Sec 5, Twp 5 ☐ N ☒ S, Rge 20 ☒ E ☐ W

0.6 Acres _____ Lot _____ Block NW 1/4 SW 1/4 SE 1/4 Sec 5, Twp 5 ☐ N ☒ S, Rge 20 ☒ E ☐ W



0.3 Acres ____ Lot ____ Block SE 1/4 NW 1/4 SW 1/4 Sec 5, Twp 5 ☐ N ☒ S, Rge 20 ☒ E ☐ W

d) The source of water: Red Lodge Creek

e) The proposed purpose: Irrigation

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

Type of water right Statement of Claim Basin 43D Water Right # 13723 00

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:

43D 13723 00 historically irrigated 80 acres in the NWSE, NESW, SENWSW, SESW, and N2SWSE of Section 5, T5S R20E. The full 3.0 cfs decreed flow rate was diverted solely through the Loyning Ditch. Water was historically diverted into the Loyning Ditch by means of a headgate located on the north bank of Red Lodge Creek in the SWSESW of Section 5. No third-party water rights were historically, nor are currently, conveyed via the Loyning Ditch. Based on historic USGS and Google Earth imagery, the current pump site location (proposed POD #1) appears to have been established in the SWNWSE of Section 5 sometime between 1980 and 1997. The Loyning Ditch was abandoned when the pump site was established and thus the Loyning Ditch has not been used since at least 1997. All irrigation under 43D 13723 00 since this time has been via the current pump site (proposed POD #1). Water was historically diverted under 43D 13723 00 beginning in mid to late April each year, typically on or around April 15, depending on annual conditions. 43D 13723 00 provided irrigation water for the 80-acre POU until approximately the end of June, and the Applicant's Weast Ditch Company shares provided irrigation water from approximately July 1 through the end of the season. The exact date water switches from Red Lodge Creek natural flow to Weast Ditch Company shares varies year-to-year depending on seasonal conditions. Water was historically rotated between fields during periods of cutting / haying.

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 5 ☐ 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



Roque Properties, LLC

Carbon County, MT



Historic Use

43D 13723 00 & 43D 14970 00

 Roque Properties, LLC Property Border

PODs

 43D 13723 00 & 43D 14970 00 - Headgate

 43D 14970 00 - Headgate

 43D 14970 00 - Pump Site

Ditches

 Clark (Hoines) Ditch

 Loyning Ditch

POUs

 43D 13723 00 (80 Acres)

 43D 14970 00 (169.3 Acres)

Created 10/24/2024

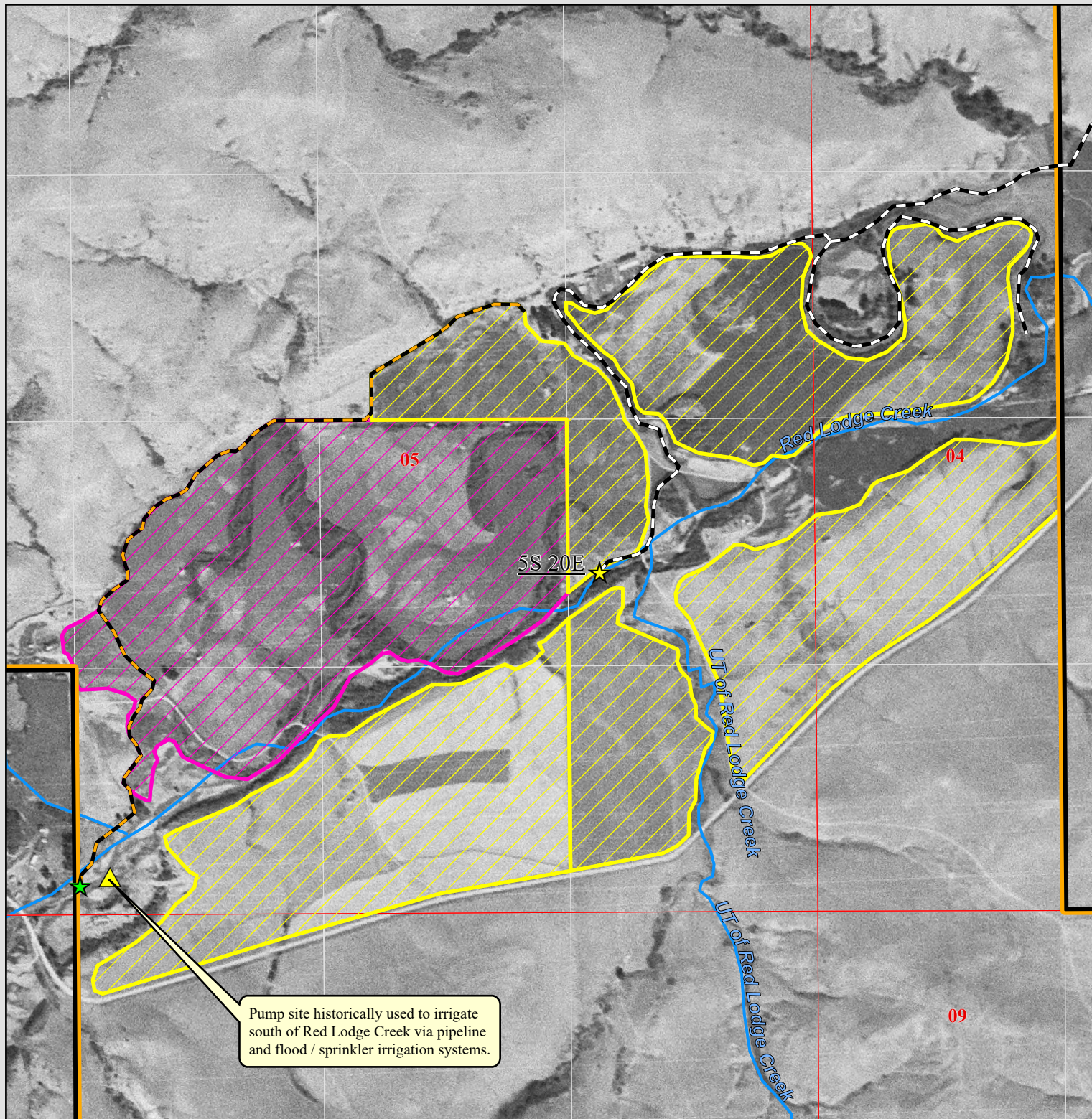
Aerial Imagery: 9/11/1953 USGS



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Miles

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Roque Properties, LLC

Carbon County, MT



Proposed Use

43D 13723 00 & 43D 14970 00

Roque Properties, LLC Property Border

PODs

43D 14970 00 - Historic & Proposed Headgate

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Ditches

Clark (Hoines) Ditch

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43D 14970 00 - Retained Historic POU (151.5 Acres)

43D 14970 00 - Proposed New POU (3.5 Acres)

43D 14970 00 - Proposed Acres to Retire (17.8 Acres)

Proposed Pond - 43D 14970 00 Place of Storage



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Aerial Imagery: 2023 NAIP

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