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INFORMATION

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

Application as filed:

- Application for Beneficial Water Use Permit, Form 600
- Addenda :
 - Aquifer Testing Addendum, Form 600-ATA
- Attachments:
 - Spreadsheet of proposed points of diversion by legal land description, subdivision lot and block, and with proposed volume and flow rate
 - Spreadsheet of proposed places of use by legal land description and subdivision lot and block with irrigated acres
 - Diagram of the proposed water system titled *Diagram of Water System from P.O.D. to P.O.U*
 - Diagram of the proposed well designs titled *Individual/Shared Well Plan and Specifications (Typical)*
 - Well log for Ground Water Information Center (GWIC) well ID 335804
- Maps:
 - Map of the proposed place of use with quarter section, section, township and range shown, undated, titled *Maplewood Estates Subdivision Location Map*
 - Map of the proposed place of use with proposed points of diversion overlayed on subdivision plat, undated, titled *Maplewood Estates – Points of Diversion (Wells) & Places of Use*
- Department-completed technical analyses based on information provided in the Preapplication Checklist, dated December 8, 2025 (DNRC TA, 2025)

Information Received after Application Filed

- Buy-sell agreement between Larry W. Staley and Mary L. Staley, co-trustees of the Staley Family Trust, and Dan Wells for Regal Land Development, Inc, for the place of use, received March 12, 2026

- Deficiency response titled *Consent for Regal Land Development, Inc to Apply for a Water Right Permit*, dated February 23, 2026, received February 24, 2026

Information within the Department's Possession/Knowledge

- Department-completed Groundwater Permit Technical Analyses Report – Part B – Notice of Erratum, dated May 22, 2026 (DNRC TA Erratum, 2026)
- DNRC stream gage records for Canyon Creek @ ZooMontana (43Q 05900) from May 5, 2016, to November 25, 2025
- DNRC Change Manual
- DNRC Permit Manual
- DNRC Water Rights Information System (WRIS)
- DNRC Esri ArcGIS mapping application Converge

Public Comments Received

- The Department received one (1) comment for the Draft Preliminary Determination to Grant regarding legal availability and adverse effect. The Department considered that comment. The Department responded to issues raised by the comment in the relevant criteria sections. The Department has determined that no modifications to the analysis of whether the legal availability and adverse effect criterion were met is required in response to the considered comment, nor has the preliminary determination decision been modified. The preliminary determination decision is to grant. The public comment received can be found in the administrative file.
 - One (1) public comment was received regarding legal availability. This comment generally questioned the area of potential impact for this application on Canyon Creek and whether that area should have been extended to the Yellowstone River and considered the Montana Fish, Wildlife and Parks Water Reservation and municipal water reservations.
 - One (1) public comment was received regarding adverse effect. This comment generally questioned the Applicant's plan to prevent adverse effect and ability to respond if valid call is made.

The Department also routinely considers the following information. The following information is not included in the administrative file for this application but is available upon request. Please contact the Billings Regional Office at 406-247-4415 to request copies of the following documents.

- Technical Memorandum: Variance - Yellowstone River Terrace Level 3 Aquifer Properties, dated March 1, 2022. (DNRC, 2022)

The Department has fully reviewed and considered the evidence and argument submitted in this application and preliminarily determines the following pursuant to the Montana Water Use Act (Title 85, chapter 2, part 3, MCA).

For the purposes of this document, Department or DNRC means the Department of Natural Resources & Conservation; ARM means Administrative Rules of Montana; MCA means Montana Code Annotated; CFS means cubic feet per second; GPM means gallons per minute; AF means acre-feet; AC means acres; AF/YR means acre-feet per year; POD means point of diversion; POU means place of use; btc means below top of casing, bgs means below ground surface; Sec. means Section; T means Township; and R means Range.

PROPOSED APPROPRIATION

FINDINGS OF FACT

1. The Applicant proposes to divert groundwater from the Yellowstone Terrace 3 alluvial aquifer from January 1 to December 31 by means of 46 groundwater wells at a combined flow rate of 386 GPM. The Applicant proposes to use 131.8 AF of water between January 1 to December 31 for multiple domestic use and April 15 to October 15 for lawn and garden use on 42.36 acres in the SW Sec. 18, T1S, R25E, Yellowstone County, in the proposed Maplewood Estates Subdivision. The Applicant proposes to use 25.9 AF for multiple domestic use and 105.9 AF for lawn and garden irrigation. The proposed Maplewood Estates Subdivision is a 77-lot subdivision with three (3) irrigated park areas. Of the lots, 68 domestic lots will utilize a shared

well between two lots (34 shared wells), while nine (9) domestic lots and the three (3) park areas will utilize individual wells (12 individual wells). The wells serving the domestic lots will provide water for domestic and lawn and garden irrigation purposes. The three (3) wells for the park lots will only provide water for the lawn and garden irrigation purpose. A summary of the proposed use is shown in Table 1. The proposed places of use are shown in Table 2. A complete list of the places of use by shared POD and subdivision lot and block are shown in Table 3; the Department has refined the place of use to the most concise legal land description, as shown in Table 2. The proposed points of diversion are shown in Table 4.

Table 1. Summary of the proposed use of Provisional Permit 43Q 30171432

Source	Flow Rate (GPM)	Diverted Volume (AF)	Purpose	Period of Diversion	Period of Use	Places of Use	Points of Diversion
Groundwater	66	25.9	Domestic	Jan. 1 – Dec. 31	Jan. 1 – Dec. 31	See Table 2	See Table 4
Groundwater	320	105.9	Lawn and Garden	Apr. 15 – Oct. 15	Apr. 15 – Oct. 15	See Table 2	See Table 4
TOTAL:	386	131.8					

Table 2. Proposed place of use (POU) in Maplewood Estates Subdivision

POU ID	Acres of Lawn and Garden	Gov't Lot	Quarter Section	Section	Township	Range	County
1	14.93 AC	3	NWSW	18	1S	25E	Yellowstone
2	18.33 AC		NESW	18	1S	25E	Yellowstone
3	4.13 AC	4	SWSW	18	1S	25E	Yellowstone
4	4.97 AC		SESW	18	1S	25E	Yellowstone
TOTAL:	42.36 AC						

Table 3. Proposed area of use by shared POD and subdivision lot and block in Maplewood Estates Subdivision

POU #	Subdivision Lot	Subdivision Block	Gov't Lot	Quarter Section	Section	Township	Range	County	Irrigated Acres
1	1	1	3	NWNWSW	18	1S	25E	Yellowstone	1.006
2	2	1	3	NWNWSW	18	1S	25E	Yellowstone	0.374
3	3	1	3	NWNWSW	18	1S	25E	Yellowstone	0.374
4	4	1	3	NWNWSW	18	1S	25E	Yellowstone	0.374
5	5	1	3	NENWSW	18	1S	25E	Yellowstone	0.383
6	6	1	3	SENWSW	18	1S	25E	Yellowstone	0.541

7	7	1	3	SWNWSW	18	1S	25E	Yellowstone	0.481
8	8	1	3	SWNWSW	18	1S	25E	Yellowstone	0.462
9	9	1	3	SWNWSW	18	1S	25E	Yellowstone	0.501
10	10	1	3	SWNWSW	18	1S	25E	Yellowstone	0.887
11	11	1	3	SWNWSW	18	1S	25E	Yellowstone	0.763
12	12	1	3	SWNWSW	18	1S	25E	Yellowstone	0.352
13	13	1	3	SWNWSW	18	1S	25E	Yellowstone	0.351
14	14	1	3	SWNWSW	18	1S	25E	Yellowstone	0.351
15	15	1	3	SENWSW	18	1S	25E	Yellowstone	0.395
16	16	1	3	SENWSW	18	1S	25E	Yellowstone	0.541
17	17	1	3	SWNWSW	18	1S	25E	Yellowstone	0.481
18	18	1	3	SWNWSW	18	1S	25E	Yellowstone	0.481
19	19	1	3	SWNWSW	18	1S	25E	Yellowstone	0.481
20	Park 1	1	3	SWNWSW	18	1S	25E	Yellowstone	0.714
21	1	2	4	NWSWSW	18	1S	25E	Yellowstone	0.861
22	2	2	4	NWSWSW	18	1S	25E	Yellowstone	0.461
23	3	2	4	NWSWSW	18	1S	25E	Yellowstone	0.461
24	4	2	4	NWSWSW	18	1S	25E	Yellowstone	0.461
25	5	2	4	NESWSW	18	1S	25E	Yellowstone	0.518
26	1	3	4	NESWSW	18	1S	25E	Yellowstone	0.518
27	2	3	4	NESWSW	18	1S	25E	Yellowstone	0.420
28	3	3	4	NESWSW	18	1S	25E	Yellowstone	0.429
29	4	3	3	SENWSW	18	1S	25E	Yellowstone	0.532
30	5	3	3	SENWSW	18	1S	25E	Yellowstone	0.477
31	6	3	3	SENWSW	18	1S	25E	Yellowstone	0.541
32	7	3	3	SENWSW	18	1S	25E	Yellowstone	0.395
33	8	3	3	SENWSW	18	1S	25E	Yellowstone	0.351
34	9	3	3	SENWSW	18	1S	25E	Yellowstone	0.351
35	10	3		SWNESW	18	1S	25E	Yellowstone	0.351
36	11	3		SWNESW	18	1S	25E	Yellowstone	0.351
37	12	3		SWNESW	18	1S	25E	Yellowstone	0.366
38	13	3		SWNESW	18	1S	25E	Yellowstone	0.510
39	14	3		SWNESW	18	1S	25E	Yellowstone	0.545
40	15	3		SWNESW	18	1S	25E	Yellowstone	0.481
41	16	3		SWNESW	18	1S	25E	Yellowstone	0.476
42	17	3		SWNESW	18	1S	25E	Yellowstone	0.534
43	18	3		NWSESW	18	1S	25E	Yellowstone	0.434
44	19	3		NWSESW	18	1S	25E	Yellowstone	0.420
45	20	3		NWSESW	18	1S	25E	Yellowstone	0.460
46	21	3		NWSESW	18	1S	25E	Yellowstone	0.525
47	Park 2	4		NWNESW	18	1S	25E	Yellowstone	2.533
48	1	4	3	NENWSW	18	1S	25E	Yellowstone	0.488
49	2	4	3	SENWSW	18	1S	25E	Yellowstone	0.541
50	3	4	3	SENWSW	18	1S	25E	Yellowstone	0.481
51	4	4	3	SENWSW	18	1S	25E	Yellowstone	0.481
52	5	4		SWNESW	18	1S	25E	Yellowstone	0.481
53	6	4		SWNESW	18	1S	25E	Yellowstone	0.481
54	7	4		SWNESW	18	1S	25E	Yellowstone	0.602
55	8	4		NWNESW	18	1S	25E	Yellowstone	0.634
56	9	4		NWNESW	18	1S	25E	Yellowstone	0.657

57	10	4		SWNESW	18	1S	25E	Yellowstone	0.351
58	11	4		SWNESW	18	1S	25E	Yellowstone	0.351
59	12	4		SWNESW	18	1S	25E	Yellowstone	0.351
60	13	4		SWNESW	18	1S	25E	Yellowstone	0.351
61	14	4		SWNESW	18	1S	25E	Yellowstone	0.480
62	15	4		SENESW	18	1S	25E	Yellowstone	0.597
63	16	4		SENESW	18	1S	25E	Yellowstone	0.527
64	17	4		SENESW	18	1S	25E	Yellowstone	0.527
65	18	4		SENESW	18	1S	25E	Yellowstone	0.527
66	19	4		SENESW	18	1S	25E	Yellowstone	0.439
67	20	4		NENESW	18	1S	25E	Yellowstone	0.563
68	21	4		NENESW	18	1S	25E	Yellowstone	0.697
69	22	4		NENESW	18	1S	25E	Yellowstone	0.637
70	23	4		NENESW	18	1S	25E	Yellowstone	0.422
71	24	4		SENESW	18	1S	25E	Yellowstone	0.470
72	25	4		SENESW	18	1S	25E	Yellowstone	0.347
73	26	4		SENESW	18	1S	25E	Yellowstone	0.570
74	27	4		SENESW	18	1S	25E	Yellowstone	0.569
75	28	4		SENESW	18	1S	25E	Yellowstone	0.550
76	Park 3	5		NESESW	18	1S	25E	Yellowstone	1.136
77	1	5		NESESW	18	1S	25E	Yellowstone	0.461
78	2	5		NESESW	18	1S	25E	Yellowstone	0.461
79	3	5		NESESW	18	1S	25E	Yellowstone	0.549
80	4	5		NWSESW	18	1S	25E	Yellowstone	0.519
								TOTAL:	42.36

Table 4. Proposed points of diversion (POD) in Maplewood Estates Subdivision

POD #	Subdivision Lot	Subdivision Block	Gov't Lot	Quarter Section	Section	Township	Range	County
1	1	1	3	NWNWSW	18	1S	25E	Yellowstone
2	2 & 3	1	3	NWNWSW	18	1S	25E	Yellowstone
3	4 & 5	1	3	NENWSW	18	1S	25E	Yellowstone
4	6 & 7	1	3	SENWSW	18	1S	25E	Yellowstone
5	8 & 9	1	3	SWNWSW	18	1S	25E	Yellowstone
6	10 & 11	1	3	SWNWSW	18	1S	25E	Yellowstone
7	12 & 13	1	3	SWNWSW	18	1S	25E	Yellowstone
8	14 & 15	1	3	SWNWSW	18	1S	25E	Yellowstone
9	16 & 17	1	3	SWNWSW	18	1S	25E	Yellowstone
10	18 & 19	1	3	SWNWSW	18	1S	25E	Yellowstone
11	Park 1	1	3	SWNWSW	18	1S	25E	Yellowstone
12	1	2	4	NWSWSW	18	1S	25E	Yellowstone
13	2 & 3	2	4	NWSWSW	18	1S	25E	Yellowstone
14	4 & 5	2	4	NESWSW	18	1S	25E	Yellowstone
15	1 & 2	3	4	NESWSW	18	1S	25E	Yellowstone
16	3 & 18	3	4	NESWSW	18	1S	25E	Yellowstone
17	4 & 17	3	3	SENWSW	18	1S	25E	Yellowstone
18	5 & 6	3	3	SENWSW	18	1S	25E	Yellowstone
19	7 & 8	3	3	SENWSW	18	1S	25E	Yellowstone
20	9 & 10	3	3	SENWSW	18	1S	25E	Yellowstone
21	11 & 12	3		SWNESW	18	1S	25E	Yellowstone
22	13	3		SWNESW	18	1S	25E	Yellowstone
23	14 & 15	3		SWNESW	18	1S	25E	Yellowstone
24	16	3		SWNESW	18	1S	25E	Yellowstone
25	19 & 20	3		NWSESW	18	1S	25E	Yellowstone
26	21	3		NWSESW	18	1S	25E	Yellowstone
27	1	4	3	NENWSW	18	1S	25E	Yellowstone
28	Park 2	4	3	NENWSW	18	1S	25E	Yellowstone
29	2 & 3	4	3	SENWSW	18	1S	25E	Yellowstone
30	4 & 5	4	3	SENWSW	18	1S	25E	Yellowstone
31	6 & 7	4		SWNESW	18	1S	25E	Yellowstone
32	8	4		SWNESW	18	1S	25E	Yellowstone
33	9	4		NWNESW	18	1S	25E	Yellowstone
34	10 & 11	4		SWNESW	18	1S	25E	Yellowstone
35	12 & 13	4		SWNESW	18	1S	25E	Yellowstone
36	14	4		SWNESW	18	1S	25E	Yellowstone
37	15 & 16	4		SENESEW	18	1S	25E	Yellowstone
38	17 & 18	4		SENESEW	18	1S	25E	Yellowstone
39	19 & 20	4		SENESEW	18	1S	25E	Yellowstone
40	21 & 22	4		NENESW	18	1S	25E	Yellowstone
41	23 & 24	4		SENESEW	18	1S	25E	Yellowstone
42	25 & 26	4		SENESEW	18	1S	25E	Yellowstone
43	27 & 28	4		SENESEW	18	1S	25E	Yellowstone
44	Park 3	5		NESESEW	18	1S	25E	Yellowstone
45	1 & 2	5		NESESEW	18	1S	25E	Yellowstone
46	3 & 4	5		NESESEW	18	1S	25E	Yellowstone

2. The proposed points of diversion are located approximately 1,600 ft from Canyon Creek, 2,000 ft from the Big Ditch, 7,300 ft (1.4 mi) from the High Ditch, and 12,200 ft (2.32 mi) from Hogans Slough.
3. The Applicant requests 131.8 AF of water of which 76.72 AF will be consumed and of which 55.08 AF will return to the groundwater source aquifer as identified in the Department Groundwater Permit Technical Analyses dated December 8, 2025.
4. There are no other water rights which will provide supplemental water to this subdivision.
5. The Applicant did not propose to measure any diversions.

NA 43Q 30171432 Maplewood Estates Subdivision

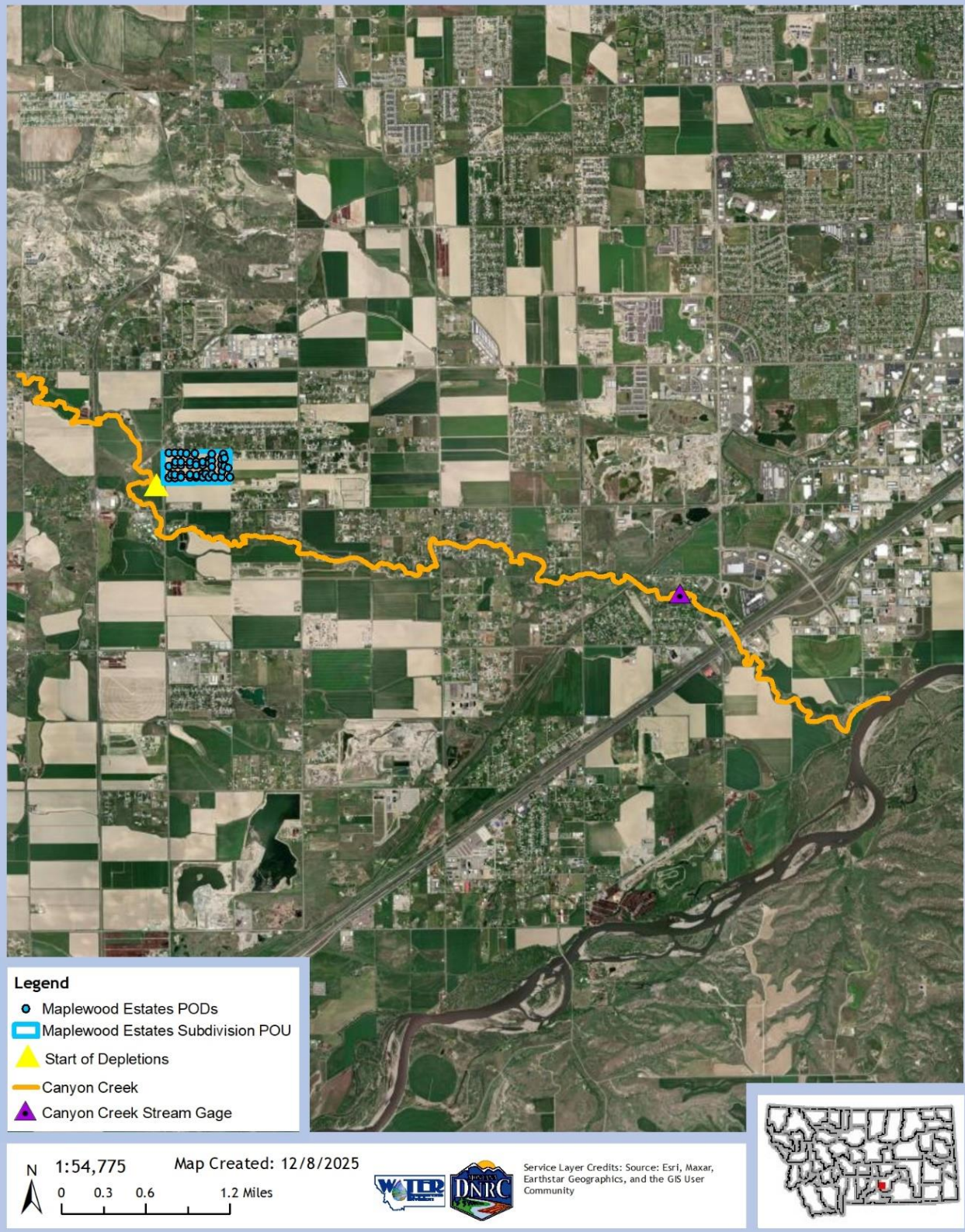


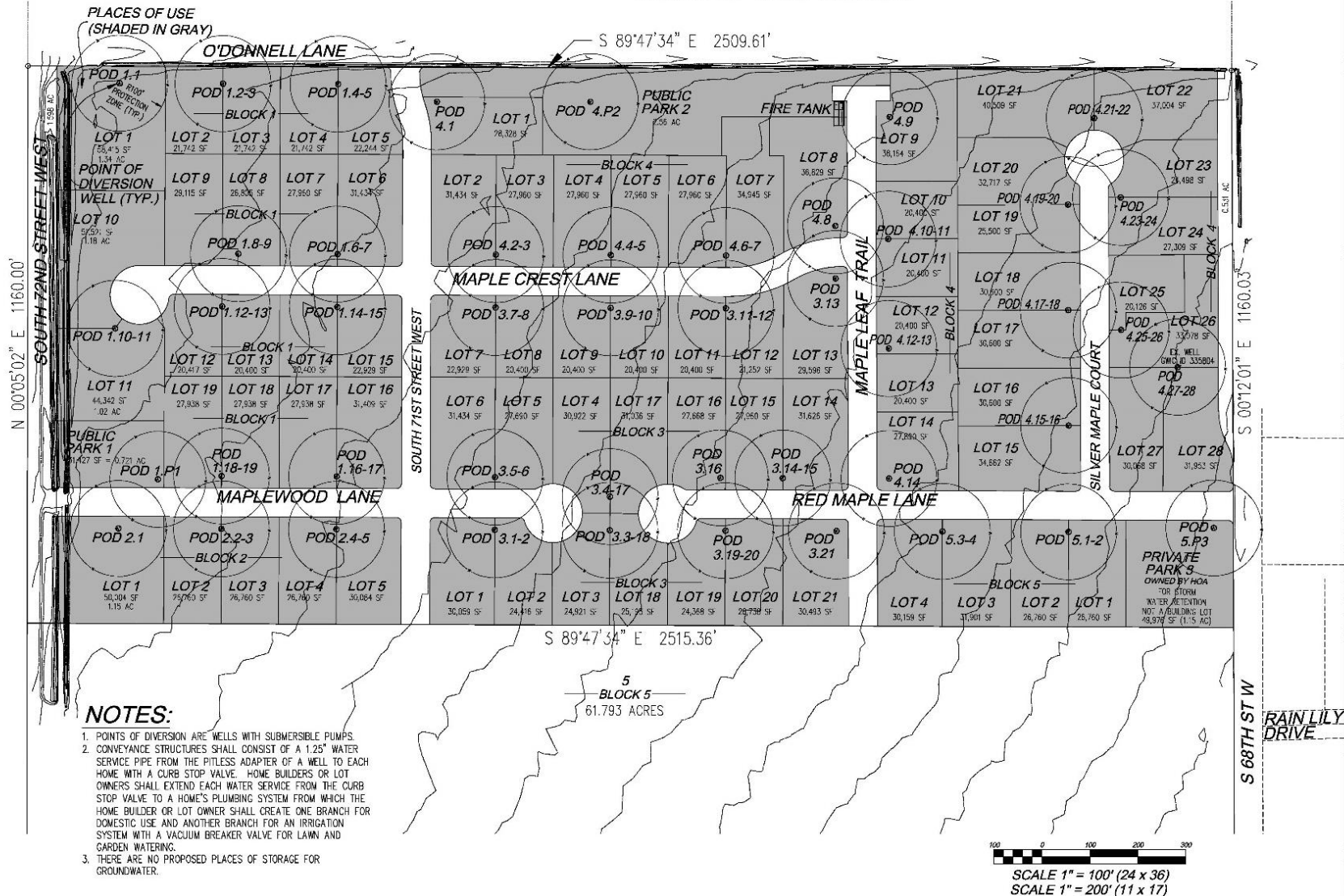
Figure 1: Map of the Applicant's proposed POD, proposed POU, and depleted reach

MAPLEWOOD ESTATES - POINTS OF DIVERSION (WELLS) & PLACES OF USE

LOCATED IN SECTION 18, T01 S, R25 E, P.M.M. YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: REGAL LAND DEVELOPMENT, INC.

PREPARED BY: IN SITE ENGINEERING



Maplewood Estates Residential Subdivision

DEVELOPER
 REGAL LAND DEVELOPMENT, INC.
 P.O. BOX 80205
 BILLINGS, MT 59108



Civil Engineer
 IN SITE ENGINEERING, P.C.
 4231 CREEKWOOD DR
 BILLINGS, MT 59108

IN SITE ENGINEERING



NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		

DATE
 8/20/2025

Maplewood Estates

POINTS OF DIVERSION & PLACES OF USE

SHEET NAME
 POD / POU

SHEET NUMBER
 1

Figure 2: Map of the Applicant's proposed Maplewood Estates Subdivision with PODs and POU.

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

GENERAL CONCLUSIONS OF LAW

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

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

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

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

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

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

(ii) water can reasonably be considered legally available during the period in which the Applicant seeks to appropriate, in the amount requested, based on the records of the department and other evidence provided to the department. Legal availability is determined using an analysis involving the following factors:

- (A) identification of physical water availability;
- (B) identification of existing legal demands on the source of supply throughout the area of potential impact by the proposed use; and
- (C) analysis of the evidence on physical water availability and the existing legal demands, including but not limited to a comparison of the physical water supply at the proposed point of diversion with the existing legal demands on the supply of water.

(b) the water rights of a prior appropriator under an existing water right, a certificate, a permit, or a state water reservation will not be adversely affected. In this subsection (1)(b), adverse effect must be determined based on a consideration of an Applicant's plan for the exercise of the permit that demonstrates that the Applicant's use of the water will be controlled so the water right of a prior appropriator will be satisfied;

(c) the proposed means of diversion, construction, and operation of the appropriation works are adequate;

(d) the proposed use of water is a beneficial use;

(e) the Applicant has a possessory interest or the written consent of the person with the possessory interest in the property where the water is to be put to beneficial use, or if the proposed use has a point of diversion, conveyance, or place of use on national forest system lands, the Applicant has any written special use authorization required by federal law to occupy, use, or traverse national forest system lands for the purpose of diversion, impoundment, storage, transportation, withdrawal, use, or distribution of water under the permit;

(f) the water quality of a prior appropriator will not be adversely affected;

(g) the proposed use will be substantially in accordance with the classification of water set for the source of supply pursuant to 75-5-301(1); and

(h) the ability of a discharge permit holder to satisfy effluent limitations of a permit issued in accordance with Title 75, chapter 5, part 4, will not be adversely affected.

(2) The Applicant is required to prove that the criteria in subsections (1)(f) through (1)(h) have been met only if a valid objection is filed. A valid objection must contain substantial credible information establishing to the satisfaction of the department that the criteria in subsection (1)(f), (1)(g), or (1)(h), as applicable, may not be met. For the criteria set forth in subsection (1)(g), only the department of environmental quality or a local water quality district established under Title 7, chapter 13, part 45, may file a valid objection.

To meet the preponderance of evidence standard, “the Applicant, in addition to other evidence demonstrating that the criteria of subsection (1) have been met, shall submit hydrologic or other

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

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

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

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

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

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

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

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

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

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

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

PHYSICAL AVAILABILITY

FINDINGS OF FACT

12. A 73-hr aquifer test on proposed well Groundwater Information Center (GWIC) ID 335804 was conducted starting on March 31, 2025, and was submitted on Department Form 633. The 73-hour aquifer test was used to evaluate well efficiency for assessment of adequacy of diversion but was not used to estimate aquifer properties. In lieu of using the submitted 73-hour aquifer

test on the proposed well to derive aquifer properties, the Applicant agreed to use aquifer properties from DNRC Technical Memorandum: Variance – Yellowstone River Terrace Level 3 Aquifer Properties (DNRC, 2022). Department Hydrologist Evan Norman used the 73-hour aquifer test to produce Groundwater Permit Technical Analyses Report – Part A, dated December 8, 2025.

13. The wells for Application for Beneficial Water Use Permit 43Q 30171432 are located on mapped alluvial fan deposits (Qaf) along the edge of an unconfined hydrologic unit referred to as the Yellowstone River Terrace Level 3 (Qat3). The following aquifer properties were used to complete adequacy of diversion, physical availability, and adverse effect technical analyses: transmissivity (T) = 6,000 ft²/day and specific yield (S_y) = 0.1 identified from DNRC (2022).

14. An evaluation of groundwater availability in the source aquifer for the purpose of evaluating physical and legal availability was done by calculating groundwater flux through a zone of influence (ZOI) corresponding to the 0.01-foot drawdown contour. The 0.01-foot drawdown contour was modeled in FWD:SOLV (HydroSOLVE Inc., 2024) using a constant pumping rate for each proposed well for the period of diversion based on each well's total annual diverted volume. The average pumping rate of the 73-hour aquifer test was 220 GPM. The cumulative average pumping rate that would be required to produce the proposed volume of 131.8 AF during the period of diversion is 81.7 GPM. To model the 0.01-ft drawdown contour that would result from pumping all 46 proposed wells at a constant rate for one year, the cumulative average pumping rate was apportioned to each well based on each well's proportion of the total proposed volume.

15. The groundwater model predicted the 0.01-foot drawdown contour, or ZOI, extends a maximum of 13,400 ft from the center of the Applicant's proposed wells. The ZOI was truncated north, west, and southwest of the proposed wells to exclude areas mapped at the surface as the Niobrara Formation. This ZOI is shown in Figure 3. The volume of total groundwater flux (Q) each year within ZOI as defined by 0.01 foot of drawdown is given as:

$$Q = TWi$$

where: T = Transmissivity = 6,000 ft²/day;

W = Width of Zone of Influence = 26,600 ft; and

i = Groundwater gradient (from Olson, 2005) = 0.0038 ft/ft.

The total groundwater flux (Q) in the source aquifer is 606,480 ft³/day or 5,082 AF/year (6,000 ft²/day x 26,600 ft x 0.0038 ft/ft).

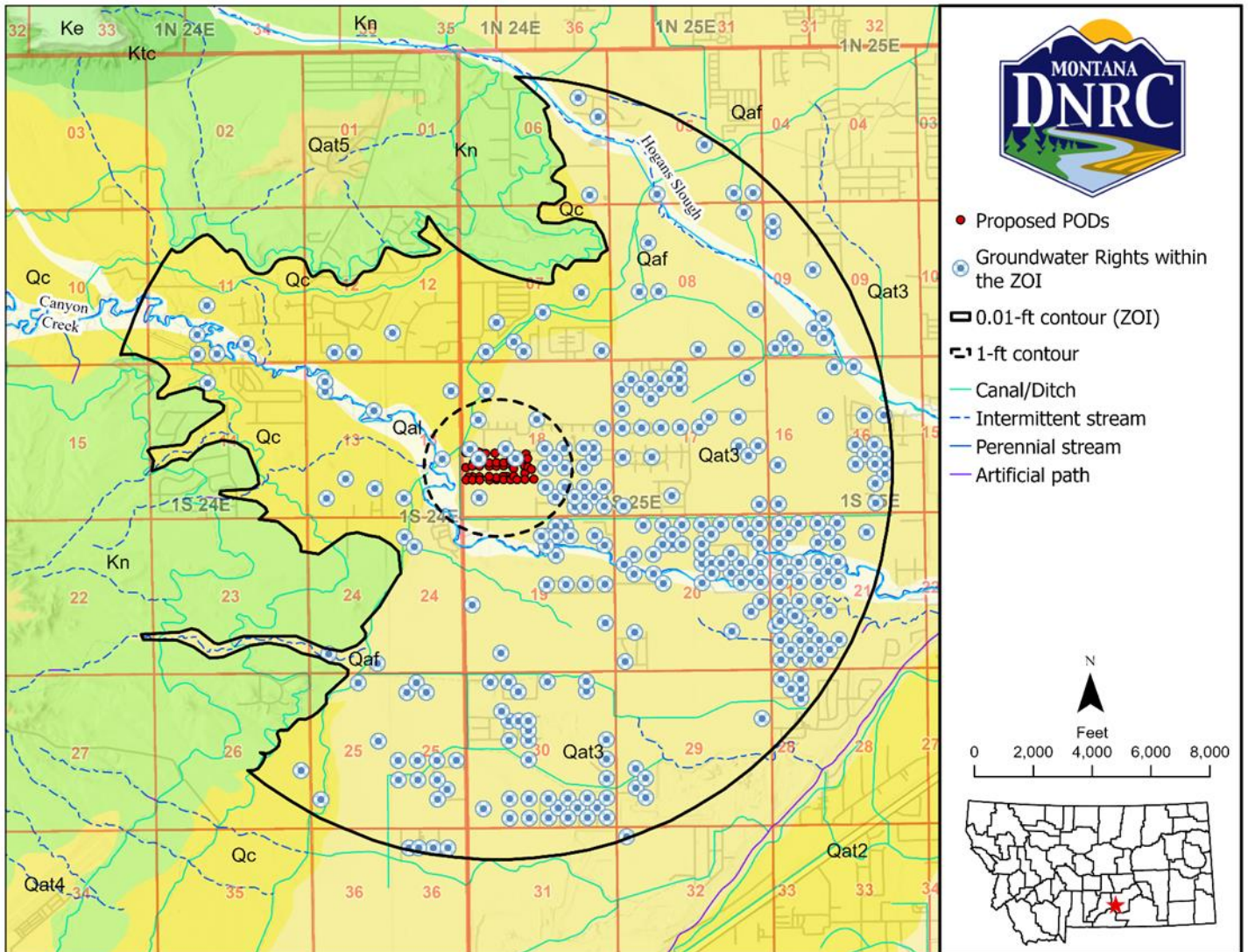


Figure 3. Map showing the 0.01-ft and 1-foot contours and groundwater rights within the ZOI

16. The Applicant requested a variance from the requirements found in ARM 36.12.121 for Aquifer Testing Requirements on September 18, 2025. The variance was granted on October 6, 2025, by the Billings Regional Office because the Applicant agreed to use the aquifer properties described in DNRC Technical Memorandum: Variance – Yellowstone River Terrace Level 3 Aquifer

Properties, dated March 1, 2022. Variances requested from the Aquifer Testing Requirements found in ARM 36.12.121 are as follows:

- i. (c) The proposed pumping rate may be demonstrated by testing multiple wells as long as (e) is met by one well and the remaining flow rate is demonstrated by eight-hour drawdown and yield tests on additional production wells under (e)(ii) and (e)(iii).
- ii.(e) Minimum duration of pumping during an aquifer test must be 24 hours for a proposed pumping rate and volume equal to or less than 150 GPM or 50 acre-feet, or 72 hours for a proposed pumping rate and volume greater than 150 GPM or 50 acre-feet.
- iii. (e)(i) At a minimum, an eight-hour drawdown and yield test is required on all new production wells.
- iv. (e)(ii) In addition to (e), if more than one new production well is proposed, at a minimum an eight-hour drawdown and yield test is required on all subsequent new production wells.
- v.(e)(iii) The testing procedures for a minimum eight-hour drawdown and yield test performed on any production well must follow (a), (d), and (h).
- vi. (f) One or more observation wells must be completed in the same source aquifer as the proposed production well and close enough to the production well so that drawdown is measurable and far enough that well hydraulics do not affect the observation well.
- vii. (g) Background groundwater levels in the production well and observation well(s) must be monitored at frequent intervals for at least two days prior to the beginning of the aquifer test according to Form No. 633.

17. The Department finds 5,082 AF/year physically available in the source aquifer. The Applicant proposes to use 131.8 AF from the source aquifer. The Department finds groundwater physically available in the amount requested per year during the proposed period of diversion.

LEGAL AVAILABILITY

FINDINGS OF FACT

18. Department Hydrologist Evan Norman identified the ZOI extending a maximum of 13,400 ft from the center of the Applicant's proposed wells as described in FOF 15. Active and severed water rights within the groundwater ZOI that are either completed in the source aquifer or have

an unknown well depth are considered existing legal demands on the source. The Department identified 557 water rights within the ZOI. Of the 557 water rights, 502 are Ground Water Certificates, 16 are Provisional Permits, 33 are Statements of Claim, and six (6) are Exempt Notices. Of these 557 water rights, 97 did not have a volume identified. The Department quantified these water rights using Department standard practice for the type of right and purpose. For the 80 Ground Water Certificates with no volume, the volume was taken as the average of the Groundwater Certificates with a volume and is 2.92 AF. For the 17 Statements of Claim with no volume, the water rights were quantified using Department volume standards for the purpose. For Statements of Claim for domestic use, the Adjudication standard is 1.5 AF for domestic and 2.5 AF/AC of lawn and garden irrigation, up to 5 acres total. For Statements of Claim for stock use, the Adjudication standard is 30 GPD/Animal Unit (0.034 AF/YR). For Statements of Claim for irrigation, the volume is calculated as the low range of 60% efficiency flood irrigation in the Climatic Area multiplied by the number of acres irrigated. When water rights span multiple Climatic Areas, the standard for the lowest Climatic Area is used for all water rights (DNRC TA Erratum, 2026). In Climatic Area 1, the standard is 3.07 AF/AC, per ARM 36.12.115(2)(e). A list of these water rights and their quantification can be found in Appendix A of this document. The Department finds the total annual legal demand of water in the ZOI is 3,601.15 AF. A comparison of the physically available water and existing legal demands is shown in Table 5. The amount of groundwater physically available is 5,082 AF/YR and the existing legal demands of groundwater total 3,601.15 AF/YR.

Table 5. Comparison of the water supply and current legal demands for groundwater

Physically Available (AF/year)	Existing Legal Demands (AF/year)	Physically Available minus Existing Legal Demands (AF/year)
5,082.00	3,601.15	1,480.85

19. The Department finds that groundwater is legally available during the proposed period of diversion (5,082 AF – 3,601.15 AF = 1,480.85 AF). The Applicant proposes to use 131.8 AF/YR (1,480.85 AF – 131.8 AF = 1,349.05 AF). The Department finds groundwater is legally available to appropriate in the amount requested.

20. The Department recognizes the connection between surface water and groundwater and the effects of stream capture and induced infiltration on surface waters. The Department identifies hydraulically connected, perennial surface water sources and models net depletions to those sources, as described in DNRC TA (2025). The Department identified Canyon Creek as the depleted source. Because the distance from the proposed wells to the next closest potentially connected surface water source is approximately six times greater than the distance from the proposed wells to the start of the depleted reach on Canyon Creek, the full volume of net depletions is assigned to Canyon Creek. The Department analyzes physical and legal availability of water on the depleted surface water source based on the modeled depletions from groundwater pumping. The Department identified the starting point of the depleted reach on Canyon Creek is in the NESESE of Section 13, Township 1 South, Range 24 East, Yellowstone County.

21. To determine physical availability of water on Canyon Creek at the point where depletions accrue, the Department uses available gage data on the source. The Department has operated a stream gage on Canyon Creek at ZooMontana (43Q 05900) in the SENESE Sec. 22, T1S, R25E, Yellowstone County, since May 2016. The DNRC gage on Canyon Creek at ZooMontana is the only gage on Canyon Creek. Data from that gage are the only available discharge data for this depleted source. These records include approximately six full years of data (2017-2021, 2023) and three partial years of data (2016, 2022, 2024). The mean monthly flow rate will be used based on the available, non-provisional gage data, as this information is more representative of flow conditions than a modeling technique. The period of record is May 5, 2016, to September 30, 2024. Provisional data, which has not been validated by the Department, is available from October 1, 2024, to November 25, 2025. These provisional data are subject to change until they have been corrected against an established rating curve and are validated by the Department. Therefore, these provisional data were not used in the gage data to estimate physically available water on Canyon Creek. The available stream gage records were used to quantify the physically available flow rate and volume using the mean monthly flow rate during the modeled period of depletion. The flow rate is taken as the mean monthly flow rate from the available, non-provisional gage records. The mean monthly volume in AF is calculated by multiplying the mean

monthly flow rate in CFS by 1.98 (unit conversion constant from CFS to AF/day) and by the number of days in the month. Table 6 shows the mean monthly flow rate in CFS and the calculated volume in AF of water available at the gage. Rounding differences may account for any difference in tenths or hundredths places in calculated volumes.

Table 6. Mean monthly flow rate and calculated volume at Canyon Creek gage by month

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mean Monthly Flow at Gage (CFS)	11.75	13.04	23.41	41.84	128.67	141.59	93.04	104.30	149.48	128.81	26.19	14.03
Calculated Monthly Volume at Gage (AF)	721.38	722.77	1437.03	2485.21	7897.58	8410.70	5711.06	6401.74	8879.17	7906.19	1555.67	860.91

22. This gage is located downstream of the modeled point where depletions accrue. To determine physically available water at the point where depletions accrue, the flow rate and volume of existing water rights between the gage and the modeled point where depletions accrue are added to the mean monthly gage data. Existing water rights between the gage and the point depletions accrue were collected from the DNRC Water Right Information System (WRIS) using the DNRC Water Right Query System Points of Diversion layer in Esri ArcMap. There are 10 water rights between the gage and the modeled point where depletions accrue, shown in Table 7. The flow rate and volume of these water rights were taken at face value. Water rights with no flow rate or volume were quantified by Department standard practice. Of the 10 water rights, seven (7) have no volume; all seven (7) are Statements of Claim, six (6) with an irrigation purpose and one (1) with a stock purpose (livestock direct from source). For Statements of Claim with a purpose of irrigation, the volume was calculated as the low end of the standard range for 60% efficient flood irrigation in the Climatic Area 1 multiplied by the number of acres irrigated, and is 3.07 AF/AC, per ARM 36.12.115(2)(e). The volume of Statement of Claim 43Q 30115456 was calculated as the number of animal units multiplied by the Adjudication standard of 30 gallons per day per animal unit (0.034 AF/AU). Of the 10 water rights, one (1) has no flow rate: Statement of Claim 43Q 30115456 for livestock direct from source. Per Department standard

practice, the flow rate is taken as the volume converted into gallons per minute using the following formula:

$$AU \times \frac{0.034 \text{ AF}}{AU \text{ year}} \times \frac{1 \text{ year}}{365 \text{ days}} \times \frac{1 \text{ day}}{1440 \text{ min}} \times 325851 \frac{\text{gal}}{\text{AF}} = \text{GPM}$$

The Department adds 35 GPM to the calculated flow rate to provide a conservative estimate.

Table 7. Water rights on Canyon Creek between the gage location and the point depletions accrue

Water Right Number	Owners	Purposes	Flow Rate (GPM)	Flow Rate (CFS)	Volume (AF)	Period of Diversion
Statement of Claim 43Q 180005-00	Jerry J O'Donnell; Susan R O'Donnell	Irrigation	30.00	0.06	9.21*	03/01 to 11/30
Statement of Claim 43Q 199829-00	Yellowstone Boys and Girls Ranch Inc	Irrigation	340.00	0.75	61.40*	05/01 to 09/04
Statement of Claim 43Q 199830-00	Yellowstone Boys and Girls Ranch Inc	Irrigation	119.00	0.26	21.49*	05/01 to 09/30
Statement of Claim 43Q 214609-00	Catherine McNally; Jim McNally; Judy C McNally; Teresa C McNally	Irrigation	297.50	0.66	53.73*	03/15 to 11/19
Statement of Claim 43Q 26726-00	Sally A Saunders	Irrigation	153.00	0.34	27.63*	06/01 to 09/30
Provisional Permit 43Q 30067817	Kathleen Katsilas; Zachary Katsilas	Lawn and Garden	6.00	0.01	2.50	04/15 to 09/30
Statement of Claim 43Q 30115456	Geordie N Steilen; Sherri J Steilen	Livestock Direct	35.22*	0.08*	0.36*	01/01 to 12/31
Statement of Claim 43Q 39516-00	Randolph L Legare; Susan C Legare	Irrigation	264.00	0.58	46.05*	04/15 to 11/19
Provisional Permit 43Q 8960-00	George L Lambrecht	Irrigation; Stock	596.90	1.33	175.00	04/30 to 12/01
Provisional Permit 43Q 8965-00	Dolores D Grover; George S Grover	Irrigation; Stock	498.16	1.11	28.00	01/01 to 12/31

*Calculated by DNRC

The water rights between the gage and the point where depletions accrue were added to the mean monthly flow at the gage to determine physical availability of water on Canyon Creek at the point where depletions accrue, as shown in Tables 8 and 9. The water rights were distributed by flow rate and volume monthly based on their period of diversion. The distribution for these rights is in Appendix B. The Department finds surface water at the modeled point where surface water depletions from proposed groundwater pumping will accrue on Canyon Creek is physically available by flow and volume.

Table 8. Physically available flow rate on Canyon Creek at point where depletions accrue by month (CFS)

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mean Monthly Flow at Gage	11.75	13.04	23.41	41.84	128.67	141.59	93.04	104.30	149.48	128.81	26.19	14.03
Legal Demands Between Gage and Top of Depleted Reach	1.19	1.19	1.91	3.83	4.84	5.18	5.18	5.18	5.18	3.82	3.82	2.52
Physically Available Flow Rate of Water at Point Where Depletions Accrue	12.94	14.23	25.32	45.67	133.51	146.77	98.22	109.48	154.66	132.63	30.01	16.55

Table 9. Physically available volume on Canyon Creek at point where depletions accrue by month (AF)

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mean Monthly Volume at Gage	721.38	722.77	1437.03	2485.21	7897.58	8410.70	5711.06	6401.74	8879.17	7906.19	1555.67	860.91
Legal Demands Between Gage and Top of Depleted Reach	0.11	0.11	7.1	42.0	58.71	65.62	65.62	65.62	65.62	41.71	12.99	0.24
Physically Available Volume of Water at Point Where Depletions Accrue	721.49	722.88	1444.13	2527.21	7956.29	8476.32	5776.68	6467.36	8944.79	7947.9	1568.66	861.15

23. The Department considers an area of potential impact (AOPI) for existing surface water rights to determine legal availability on the depleted source, Canyon Creek. The AOPI is considered from the point where the depletions accrue on Canyon Creek to the confluence of Canyon Creek with the Yellowstone River. The start of the AOPI, the point where the depletions accrue, is in the NESESE Sec. 13, T1S, R24E, Yellowstone County. The end of the reach considered

for potential impact is approximately 8.3 river miles downstream in Gov't Lot 2 (NW) Sec. 25, T1S, R25E, Yellowstone County. The AOPI includes 11 surface water rights on Canyon Creek. This is an appropriate AOPI of the depleted surface water source because it considers the entirety of Canyon Creek from the modeled point depletions accrue to its confluence with the Yellowstone River. The confluence represents a significant hydraulic boundary from which downstream appropriators are not likely to experience adverse effects as a result of these modeled depletions.

24. Surface water rights within the AOPI on Canyon Creek are shown in Table 10. The water rights within the AOPI with no flow rate or volume were quantified according to Department standard practice. Water rights above the stream gage were quantified as discussed in FOF 22 and shown in Table 7. Statement of Claim 43Q 206480-00 is the only water right within the AOPI below the stream gage on Canyon Creek which was not quantified in FOF 22 and shown in Table 7. Statement of Claim 43Q 206480-00 has an irrigation purpose, is in Climatic Area 1, and the volume was calculated by multiplying the irrigated acres by 3.07 AF/AC for the low end of 60% efficient flood irrigation, per ARM.36.12.115(2)(e). The water rights were distributed by flow rate and volume monthly based on their period of diversion. The monthly distribution for these rights is in Appendix C.

Table 10. Existing legal demands on Canyon Creek within the AOPI

Water Right Number	Owners	Purposes	Flow Rate (GPM)	Flow Rate (CFS)	Volume (AF)	Period of Diversion
Statement of Claim 43Q 180005-00	Jerry J O'Donnell; Susan R O'Donnell	Irrigation	30.00	0.06	9.21*	03/01 to 11/30
Statement of Claim 43Q 199829-00	Yellowstone Boys and Girls Ranch Inc	Irrigation	340.00	0.75	61.40*	05/01 to 09/04
Statement of Claim 43Q 199830-00	Yellowstone Boys and Girls Ranch Inc	Irrigation	119.00	0.26	21.49*	05/01 to 09/30
Statement of Claim 43Q 214609-00	Catherine McNally; Jim McNally; Judy C McNally; Teresa C McNally	Irrigation	297.50	0.66	53.73*	03/15 to 11/19
Statement of Claim 43Q 26726-00	Sally A Saunders	Irrigation	153.00	0.34	27.63*	06/01 to 09/30
Provisional Permit 43Q 30067817	Kathleen Katsilas; Zachary Katsilas	Lawn and Garden	6.00	0.01	2.50	04/15 to 09/30
Statement of Claim 43Q 30115456	Geordie N Steilen; Sherri J Steilen	Livestock Direct	35.22*	0.08*	0.36*	01/01 to 12/31
Statement of Claim 43Q 39516-00	Randolph L Legare; Susan C Legare	Irrigation	264.00	0.58	46.05*	04/15 to 11/19
Provisional Permit 43Q 8960-00	George L Lambrecht	Irrigation; Stock	596.90	1.33	175.00	04/30 to 12/01
Provisional Permit 43Q 8965-00	Dolores D Grover; George S Grover	Irrigation; Stock	498.16	1.11	28.00	01/01 to 12/31
Statement of Claim 43Q 206480 00	J&C Hanson Trust	Irrigation	350.0	0.77	61.40*	04/15 to 11/04

*calculated by DNRC

25. The Department modeled the net depletions to the surface water source based on the proposed pumping schedule; these depletions are shown in Table 11. Wastewater from multiple domestic use will be treated in individual drainfields, resulting in 10% consumption. The consumed volume for lawn and garden irrigation is based on an assumed efficiency of 70%.

Table 11. Net depletions to Canyon Creek by flow rate (GPM and CFS) and volume (AF)

Month	Depletion (GPM)	Depletion (CFS)	Depletion (AF)
January	21.0	0.05	2.88
February	18.4	0.04	2.27
March	16.4	0.04	2.24
April	21.8	0.05	2.89
May	44.1	0.10	6.04
June	70.2	0.16	9.31
July	94.6	0.21	12.96
August	97.9	0.22	13.41
September	76.0	0.17	10.08
October	50.2	0.11	6.87
November	32.6	0.07	4.32
December	25.1	0.06	3.44
Total	--	--	76.72

26. The Department subtracts the existing legal demands within the AOPI from the calculated physically available flow and volume at the point where depletions will accrue to determine legal availability. The Department subtracts the modeled depletions from the legally available water to determine whether flow and volume are legally available in the depleted source. Tables 12 and 13 show these calculations.

Table 12. Comparison of physically available flow and existing and proposed legal demands (CFS)

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Physically Available Water at Top of AOPI	12.94	14.23	25.32	45.67	133.51	146.77	98.22	109.48	154.66	132.63	30.01	16.55
Legal Demand within AOPI	1.19	1.19	1.91	4.6	5.61	5.95	5.95	5.95	5.95	4.59	4.59	2.52
Available Flow Rate within AOPI	11.75	13.04	23.41	41.07	127.9	140.82	92.27	103.53	148.71	128.04	25.42	14.03
Modeled Depletions from Proposed Appropriation	0.05	0.04	0.04	0.05	0.10	0.16	0.21	0.22	0.17	0.11	0.07	0.06
Legally Available Flow Rate	11.70	13.00	23.37	41.02	127.80	140.66	92.06	103.31	148.54	127.93	25.35	13.97

Table 13. Comparison of physically available volume and existing and proposed legal demands (AF)

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Physically Available Water at Top of AOPI	721.49	722.88	1444.13	2527.21	7956.29	8476.32	5776.68	6467.36	8944.79	7947.9	1568.66	861.15
Legal Demand within the AOPI	0.11	0.11	7.1	49.68	66.39	73.3	73.3	73.3	73.3	49.39	20.67	0.24
Available Volume within AOPI	721.38	722.77	1437.03	2477.53	7889.9	8403.02	5703.38	6394.06	8871.49	7898.51	1547.99	860.91
Modeled Depletion from Proposed Appropriation	2.88	2.27	2.24	2.89	6.04	9.31	12.96	13.41	10.08	6.87	4.32	3.44
Legally Available Volume	718.5	720.5	1434.79	2474.64	7883.86	8393.71	5690.42	6380.65	8861.41	7891.64	1543.67	857.47

27. The Department finds the modeled depletions to Canyon Creek of up to 0.21 CFS and up to 13.41 AF per month to be legally available in the AOPI during the proposed period of diversion.

ISSUES RAISED BY PUBLIC COMMENTS AND THE DEPARTMENT'S RESPONSE

28. The Department received one (1) public comment on legal availability and this comment raised one (1) issue. The issue generally called into question the legal availability of water on Canyon Creek as a tributary to the Yellowstone River and the Department's AOPI on Canyon Creek.

29. Issue: Commenter identified that the Department-determined AOPI on Canyon Creek ends at the confluence of Canyon Creek with the Yellowstone River without explaining why and that had the AOPI extended past the confluence and included the Yellowstone River, existing legal demands such as Montana Fish, Wildlife, and Park's Water Reservation 43Q 30017769 and unperfected municipal reservations would have been considered and asserted water would not have been found to be legally available on the Yellowstone River.

30. Response: Canyon Creek was identified as the connected surface water source which would be depleted by the proposed groundwater appropriation in the Department-completed Technical Analyses, dated December 8, 2025, pursuant to ARM 36.12.1704(1)(a) and ARM 36.12.1303(4)(b)(i) and (ii). The Department identified an AOPI based on standard practice, as outlined in the Permit Manual, updated February 2025, and consistent practice from previous, similar applications. The AOPI was determined to be appropriate because it considers the entirety of Canyon Creek from the modeled point depletions accrue to its confluence with the Yellowstone River. The confluence represents a significant hydraulic boundary from which downstream appropriators are not likely to experience adverse effects as a result of the modeled depletions. Without further information to show how the modeled depletions will impact water rights downstream of the confluence, the Department finds that the AOPI is adequate to evaluate legal availability. The Department did not update the criteria analyses in response to the comment.

31. The public comment regarding the legal availability criterion was addressed in FOF 28-30. Considering the public comment and the original analyses conducted, the Department finds the proposed appropriation of 386 GPM and up to 131.8 AF per year of groundwater to be legally available during the proposed period of diversion.

ADVERSE EFFECT

FINDINGS OF FACT

32. The Applicant's plan to prevent adverse effect is to shut down all wells and cease diversion if valid call is made. All wells will have a curb stop valve which can be used. The Applicant will require easements to access the shared wells. A water utility easement around each well will be provided on the final plat that will allow operators to access each well, pump, controls and valves, and shut off the wells if valid call is made.

33. During times of shortage, the Applicant proposes the following measures which may be implemented to voluntarily reduce water use:

- i. Restrict irrigation watering times based on home numbers. Even numbered addresses could water Tuesdays, Thursdays, and Saturdays; odd numbered addresses could water Mondays, Wednesdays, and Fridays.
- ii. Allowable irrigated areas could be restricted to 25% of the lot
- iii. Only domestic use is allowed

34. Based on modeling from the 73-hour aquifer test and aquifer properties from DNRC (2022), the Applicant has proven groundwater to be physically and legally available during the proposed period of diversion in an amount that exceeds the proposed appropriation (FOF 19).

35. Using aquifer properties from DNRC (2022) and a monthly pumping schedule that accounts for domestic use and lawn and garden irrigation, the 1-foot drawdown contour is approximately 2,500 ft from the center of the proposed wells at the end of August of the fifth year of pumping (Figure 3). The 46 water rights in the source aquifer that are predicted to experience drawdown greater than 1.0-foot are listed in Table 14. For wells that have a recorded static water level, the maximum modeled drawdown is 2.06 ft and the minimum available water column after predicted drawdown from the proposed appropriation is 30.77 ft. Drawdown for similar wells is expected to be comparable. Wells that are expected to experience greater than 1.0-foot drawdown are likely to have adequate available water in the water column to not experience an adverse effect.

Table 14. Groundwater rights predicted to experience greater than one foot of drawdown

Water Right Number	Owner(s)	Well Depth (ft)	Well Static Level (ft)	Drawdown (ft)	Available Water Column (ft)
43Q 101360 00	CELESTE BUTLER	65	12	1.89	51.11
43Q 113926 00	JACKSON FAMILY TRUST	60	8	1.24	50.76
43Q 96513 00	CORY L HASIAK; HEATHER HASIAK	54	8	1.06	44.94
43Q 30109326	RENT IS DUE LLC	60	16	1.71	42.29
43Q 30118869	COLE J TURLEY; JAIMEE M TURLEY	58	15	1.24	41.76
43Q 30109826	KEVIN LUNDIN	56	14	1.35	40.65
43Q 56254 00	DANIEL W DOLES	57	15	1.89	40.11
43Q 15717 00	SARAH BADER; TRAVIS BADER	50	9	2.06	38.94
43Q 30170753	TERESA KNEPPER; WYATT KNEPPER	56	17	1.24	37.76
43Q 19208 00	DARCI D RYKOWSKI; TRAVIS J RYKOWSKI	52	14	2.06	35.94

43Q 30004027	BRIAN A BORNHOFT; JANA K BORNHOFT	50	13	1.11	35.89
43Q 77734 00	STALEY FAMILY TRUST	53	18	1.58	33.42
43Q 30149303	JULIE A WORDEN; MICHAEL S WORDEN	47	15	1.06	30.94
43Q 56087 00	CONNIE MCDONALD; THOMAS MCDONALD	52	20	1.23	30.77
43Q 99186 00	THOMAS W CARROLL	-	-	2.05	-
43Q 30108417	CHELSEA A COLE; JOSHUA L COLE	-	-	1.89	-
43Q 30108418	CHELSEA A COLE; JOSHUA L COLE	-	-	1.89	-
43Q 30154658	M & J LAND CO LLC	-	-	1.46	-
43Q 30154658	M & J LAND CO LLC	-	-	1.46	-
43Q 30154658	M & J LAND CO LLC	-	-	1.46	-
43Q 30154658	M & J LAND CO LLC	-	-	1.46	-
43Q 99134 00	BONNIE D HALL; EDWARD C HALL	58	-	1.35	-
43Q 30154658	M & J LAND CO LLC	-	-	1.35	-
43Q 30154658	M & J LAND CO LLC	-	-	1.35	-
43Q 30154658	M & J LAND CO LLC	-	-	1.35	-
43Q 30154658	M & J LAND CO LLC	-	-	1.35	-
43Q 30154658	M & J LAND CO LLC	-	-	1.35	-
43Q 30154658	M & J LAND CO LLC	-	-	1.35	-
43Q 30154658	M & J LAND CO LLC	-	-	1.35	-
43Q 30154658	M & J LAND CO LLC	-	-	1.35	-
43Q 39206 00	JEFFREY T YELEY; KRISTEN D YELEY	-	-	1.26	-
43Q 39207 00	JEFFREY T YELEY; KRISTEN D YELEY	-	-	1.26	-
43Q 39208 00	JEFFREY T YELEY; KRISTEN D YELEY	-	-	1.26	-
43Q 34020 00	EILEEN A WRIGHT; PETER R WRIGHT	-	-	1.10	-
43Q 30154658	M & J LAND CO LLC	-	-	1.10	-
43Q 30154658	M & J LAND CO LLC	-	-	1.10	-
43Q 30154658	M & J LAND CO LLC	-	-	1.10	-
43Q 30154658	M & J LAND CO LLC	-	-	1.10	-
43Q 30165662	ANNIE C FOSTER; NOLAN FOSTER	-	-	1.06	-
43Q 30154658	M & J LAND CO LLC	-	-	1.05	-
43Q 30154658	M & J LAND CO LLC	-	-	1.05	-
43Q 30154658	M & J LAND CO LLC	-	-	1.05	-

43Q 30154658	M & J LAND CO LLC	-	-	1.05	-
43Q 30154658	M & J LAND CO LLC	-	-	1.05	-
43Q 30154658	M & J LAND CO LLC	-	-	1.05	-
43Q 30154658	M & J LAND CO LLC	-	-	1.05	-
43Q 30154658	M & J LAND CO LLC	-	-	1.05	-

- Missing values were not included in water right filing and thus are unknown

36. Canyon Creek was identified as the surface water source which would experience depletions due to the proposed groundwater pumping (FOF 20). Based on the physically available water in Canyon Creek, the legally available water within the AOPI on Canyon Creek, and the modeled depletions to Canyon Creek, the Applicant has proven that surface water in Canyon Creek is physically and legally available to be depleted in the amount modeled by flow rate and volume (FOF 27).

ISSUES RAISED BY PUBLIC COMMENTS AND THE DEPARTMENT'S RESPONSE

37. The Department received one (1) public comment on adverse effect and this comment raised two (2) issues. The issues generally called into question the Applicant's plan to cease diversion if valid call is made and whether the Applicant can adequately respond to a surface water call on the depleted source, Canyon Creek.

38. Issue 1: Commenter identified that the Applicant's plan to prevent adverse effect is to cease all diversion if valid call is made, but that no explanation of how domestic water needs in a subdivision will be met if diversion is ceased.

39. Response 1: The Department does not analyze what alternative source of water the Applicant will use if valid call is made and their diversion must be ceased, as it is outside the scope of the permit criteria analysis and ARM 36.12.1706(1). The Department did not update the criteria assessment based on this comment.

40. Issue 2: Commenter questions whether the Applicant has control of their diversion to sufficiently respond to call on the depleted surface water source, Canyon Creek, and downstream mainstems such as the Yellowstone River. Commenter states the Applicant's plan to address

adverse effect does not sufficiently discuss how timely restoration of flows can be achieved if groundwater pumping is ceased.

41. Response 2: The Applicant provided an adverse effect plan that shows they can control their diversion to respond to a valid call pursuant to § 85-2-311(1)(b), MCA. Each well will be equipped with a curb stop valve, which allows for stopping the flow of water to a property. The Applicant will require easements and record the easements in the final plat, which will ensure operators can access the wells shut them off in response to a valid call. Without further information to show the water right of a prior appropriator will not be satisfied, the Department finds by a preponderance of the evidence that the Applicant's adverse effect plan is adequate. The Department did not update the criteria analysis based on this comment.

42. The public comment regarding the adverse effect criterion was addressed in FOF 37-41. Considering the public comment and based on the Applicant's plan to cease diversion if valid call is made, the physical and legal availability of groundwater in the amount proposed for appropriation, and the physical and legal availability of surface water in the modeled depleted amount, the Department finds the Applicant has proven by a preponderance of the evidence the adverse effect criterion for the proposed appropriation of 386 GPM and up to 131.8 AF/YR from groundwater.

ADEQUATE MEANS OF DIVERSION

FINDINGS OF FACT

43. The proposed means of diversion is 46 wells in the proposed Maplewood Estates Subdivision, a 77-lot subdivision with three (3) irrigated park areas. Of the 77 lots, 68 domestic lots will utilize a shared well between two lots (34 shared wells), while nine (9) domestic lots and the three (3) park areas will utilize individual wells (12 individual wells). One well has been drilled, GWIC 335804. GWIC 335804 is a 61-foot deep well which is screened from 46.5 ft to 56.5 ft and has a static water level of 16.5 ft and a casing diameter of 8 inches. A variance from ARM 36.12.121(e)(i), conducting 8-hr drawdown and yield tests on all production wells, was granted by the Department on October 6, 2025. All remaining production wells will be drilled by a licensed well driller in a manner consistent with the existing well. In order to meet the adequacy of

diversion criterion, the Department will add the following condition if the permit is granted:

IMPORTANT INFORMATION

THE APPROPRIATOR MUST PROVIDE WELL LOGS FOR ALL WELLS AS THE WELLS ARE COMPLETED BY THE PROJECT COMPLETION DEADLINE.

44. Shared wells will be placed between two lots and will have 1.5" discharge lines connected to a tee creating two 1.25" water services lines and a 1.25" curb stop valve for each home. Approximately 100 ft of 1.25" HDPE pipe will convey water from the well to each home. Wells for individual lots will have 1.5" pump discharge line connected to a 1.25" curb stop valve and 1.25" water service line to the home. Less than 100 ft of 1.25" HDPE pipe will convey water from the well to each home. Each well used for domestic and lawn and garden use within the residential lots will have a 1" branch from the water service line connected to the underground sprinkler system. The three (3) individual wells used for the park areas will be piped directly from the wells to the underground sprinkler irrigation systems through similar conveyance infrastructure. A 2 horsepower, 3" submersible pump with a 1.5" outlet will be installed in each well to deliver the peak estimated flow rate of 17.3 GPM.

45. The proposed flow rate is 386 GPM. The average pumping rate of the 73-hour aquifer test was 220 GPM. In order to meet the adequacy of diversion criterion, the Department will add the following condition if the permit is granted:

IMPORTANT INFORMATION

THE APPROPRIATOR MUST PERFORM 8-HOUR DRAWDOWN AND YIELD TESTS ON EACH PRODUCTION WELL UNTIL THE REQUESTED FLOW RATE OF 386 GPM HAS BEEN ATTAINED. THE RESULTS OF THE 8-HOUR DRAWDOWN AND YIELD TESTS MUST BE SUBMITTED TO THE DEPARTMENT ON FORM 633 AS THE PRODUCTION WELLS ARE COMPLETED BY THE PROJECT COMPLETION DEADLINE.

46. Theoretical drawdown due to pumping proposed well GWIC ID 335804 was modeled for the period of diversion using the monthly pumping schedule for that well. Predicted drawdown with well loss was calculated by dividing the theoretical drawdown by well efficiency. Well efficiency was calculated by dividing the maximum modeled drawdown for the aquifer test by the maximum observed drawdown of the aquifer test. Interference drawdown, which is additional drawdown in GWIC ID 335804 created by pumping the other 45 proposed wells, was modeled for the period of diversion using the monthly pumping schedules from Table 15.

Table 15: Monthly diverted volumes for the proposed uses

Month	NIR ¹ (in/ac)	Multiple Domestic Diverted Volume (AF)	Lawn and Garden Diverted Volume (AF)	Total Diverted Volume (AF)
January	0.00	2.20	0.00	2.20
February	0.00	1.99	0.00	1.99
March	0.00	2.20	0.00	2.20
April	0.71	2.13	3.01	5.14
May	3.01	2.20	12.77	14.97
June	4.88	2.13	20.70	22.83
July	6.58	2.20	27.92	30.12
August	5.84	2.20	24.78	26.98
September	3.00	2.13	12.73	14.86
October	0.94	2.20	3.99	6.19
November	0.00	2.13	0.00	2.13
December	0.00	2.20	0.00	2.20
Total	24.96	25.9	105.9	131.8

¹Billings water plant weather station

As shown in Table 16, the aquifer adjacent to proposed well GWIC ID 335804 would experience a total drawdown of 1.83 ft at the end of August in the first year of pumping. The remaining available water column for GWIC ID 335804 is 40.2 ft and is equal to the available drawdown above the bottom of the well minus total drawdown.

Table 16: Remaining available water column for proposed well GWIC ID 335804

Drawdown Estimate	GWIC ID 335804
Total Depth at Bottom of Perforated Interval (ft btc) ¹	58.5
Pre-Test Static Water Level (ft btc)	16.49
Available Drawdown Above Bottom of Well (ft)	42.0
Observed Drawdown of Aquifer Test (ft)	14.04
Modeled Drawdown Using Mean Aquifer Test Rate (ft)	8.50
Well Efficiency (%)	60.5

Maximum Theoretical Drawdown (ft)	0.27
Maximum Predicted Drawdown with Well Loss (ft)	0.45
Maximum Interference Drawdown (ft)	1.38
Total Drawdown (ft)	1.83
Remaining Available Water Column (ft)	40.2

¹The total well depth measuring point (bgs) was adjusted to the top of well casing based on a 2 ft well casing stickup reported on the well log

47. The Applicant will require easements to access the shared wells. A water utility easement around each well will be provided on the final plat that will allow operators to access each well, pump, controls and valves.

48. The Department finds that the proposed means of diversion and conveyance infrastructure are capable of diverting and conveying the proposed flow rate of 386 GPM and volume of up to 131.8 AF/YR.

BENEFICIAL USE

FINDINGS OF FACT

49. The Applicant proposes to use 386 GPM up to 131.8 AF/YR for multiple domestic and lawn and garden irrigation use. Multiple domestic and lawn and garden are recognized as beneficial uses under the Montana Water Use Act. §85-2-102 (5), MCA.

50. The Applicant proposes to use 386 GPM and up to 131.8 AF of water for domestic and lawn and garden irrigation of 42.36 acres in the SW Sec. 18, T1S, R25E, Yellowstone County, in the proposed Maplewood Estates Subdivision. The proposed Maplewood Estates Subdivision is a 77-lot subdivision with three (3) irrigated park areas. The wells serving the domestic lots will provide water for domestic and lawn and garden irrigation purposes. The three (3) wells for the park lots will only provide water for the lawn and garden irrigation purpose. The subdivision's water use system was designed by a licensed engineer from In Site Engineering, P.C., in Billings, Montana.

51. The total peak flow rate of 386 GPM is based on the combined use of all points of diversion for simultaneous domestic and lawn and garden purposes. Proposed peak flow rate per lot varies based on lot size with a maximum flow rate of 17.3 GPM for Park 2, and a minimum flow rate of 4.5 GPM, with lots using 8.4 GPM on average. The total flow rate for multiple domestic use is 66 GPM; the total flow rate for lawn and garden use is 320 GPM.

52. The total volume of 131.8 AF/YR is based on Department standards for domestic and lawn and garden use, per ARM 36.12.115(2). The total multiple domestic volume is 25.9 AF. The multiple domestic volume is based on 77 3-bedroom homes at 0.336 AF/home or 300 GPD ($0.336 \text{ AF/home} \times 77 \text{ homes} = 25.9 \text{ AF}$) within the subdivision. The total lawn and garden volume is 105.9 AF. The lawn and garden volume is based on 42.36 acres of lawn and garden irrigated at 2.5 AF/AC ($42.36 \text{ AC} \times 2.5 \text{ AF/AC} = 105.9 \text{ AF}$). The volumes for multiple domestic and lawn and garden irrigation use are within Department standard for the uses, per ARM 36.12.115(2).

53. The proposed period of diversion is January 1 to December 31 annually. The proposed period of use for multiple domestic is January 1 to December 31 annually. The proposed period of use for lawn and garden irrigation is April 15 to October 15 annually. Both proposed periods of use fall within the Department standard, per ARM 36.12.112(1).

54. The Department finds the proposed water use for multiple domestic and lawn and garden irrigation is beneficial, and that the requested flow rate of 386 GPM and up to 131.8 AF are reasonably justified per ARM 36.12.1801(3).

POSSESSORY INTEREST

FINDINGS OF FACT

55. The Applicant provided *Purchase Agreement and Sales Contract*, entered January 30, 2024, by Larry W. Staley and Mary L. Staley, co-trustees of the Staley Family Trust, and Dan Wells for Regal Land Development, Inc. The agreement is for the purchase of the land owned by Staley Family Trust, identified as the place of use in this application, and was provided to the Department on March 12, 2026. The Applicant provided *Consent for Regal Land Development, Inc. to Apply for a Water Right Permit*, entered February 23, 2026, by Larry W. Staley and Mary L. Staley, co-trustees of the Staley Family Trust, and Dan Wells for Regal Land Development, Inc. This agreement is written consent of the landowner, Staley Family Trust, for the Applicant, Regal Land Development, Inc. to apply for water rights on the proposed place of use in this application, described as the SW Sec. 18, T1S, R25E, Yellowstone County, and was provided to the Department on February 24, 2026.

56. The Applicant has elected for the water to not be appurtenant to the land. The water right will be held independently by the Applicant to facilitate management of the water use and

perfection of the water right. If granted, the water right will be issued severed from the place of use. Severed water rights may be used in accord with permitted practices. DNRC must be contacted to obtain a change authorization prior to change an element of the water right.

57. The Department finds the Applicant has written consent from party with possessory interest of the place of use.

CONCLUSIONS OF LAW

PHYSICAL AVAILABILITY

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

59. It is the Applicant’s burden to produce the required evidence. *In the Matter of Application for Beneficial Water Use Permit No. 27665-41I by Anson* (DNRC Final Order 1987) (Applicant produced no flow measurements or any other information to show the availability of water; permit denied); *In the Matter of Application to Change Water Right No. 41H 1223599 by MGRR #1, LLC.*, (DNRC Final Order 2005).

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

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

62. The Applicant has proven that water is physically available at the proposed point of diversion in the amount Applicant seeks to appropriate. Section 85-2-311(1)(a)(i), MCA. (FOF 12-17)

LEGAL AVAILABILITY

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

(ii) water can reasonably be considered legally available during the period in which the Applicant seeks to appropriate, in the amount requested, based on the records of the department and other evidence provided to the department. Legal availability is determined using an analysis involving the following factors:

(A) identification of physical water availability;

(B) identification of existing legal demands on the source of supply throughout the area of potential impact by the proposed use; and

(C) analysis of the evidence on physical water availability and the existing legal demands, including but not limited to a comparison of the physical water supply at the proposed point of diversion with the existing legal demands on the supply of water.

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

64. It is the Applicant's burden to present evidence to prove water can be reasonably considered legally available. *Sitz Ranch v. DNRC*, DV-10-13390, Fifth Judicial District Court, *Order Affirming DNRC Decision*, (2011) Pg. 7 (the legislature set out the criteria (§ 85-2-311, MCA) and placed the burden of proof squarely on the Applicant. The Supreme Court has instructed that those burdens are exacting.); *see also Matter of Application for Change of Appropriation Water Rights Nos. 101960-41S and 101967-41S by Royston* (1991), 249 Mont. 425, 816 P.2d 1054 (burden of proof on Applicant in a change proceeding to prove required criteria); *In the Matter of Application to Change Water Right No. 41H 1223599 by MGRR #1, LLC.*, (DNRC Final Order 2005))(it is the Applicant's burden to produce the required evidence.); *In the Matter of Application for Beneficial Water Use Permit No. 41H 30023457 by Utility Solutions, LLC* (DNRC Final Order 2007) (permit denied for failure to prove legal availability); *see also* ARM 36.12.1705.

65. Pursuant to *Montana Trout Unlimited v. DNRC*, 2006 MT 72, 331 Mont. 483, 133 P.3d 224, the Department recognizes the connectivity between surface water and ground water and the effect of pre-stream capture on surface water. *E.g.*, *Wesmont Developers v. DNRC*, CDV-2009-823, Montana First Judicial District Court, *Memorandum and Order*, (2011) Pgs. 7-8; *In the Matter*

of Beneficial Water Use Permit Nos. 41H 30012025 and 41H 30013629 by Utility Solutions LLC (DNRC Final Order 2006) (mitigation of depletion required), *affirmed, Faust v. DNRC et al.*, Cause No. CDV-2006-886, Montana First Judicial District (2008); *see also Robert and Marlene Takle v. DNRC et al.*, Cause No. DV-92-323, Montana Fourth Judicial District for Ravalli County, *Opinion and Order* (June 23, 1994) (affirming DNRC denial of Applications for Beneficial Water Use Permit Nos. 76691-76H, 72842-76H, 76692-76H and 76070-76H; underground tributary flow cannot be taken to the detriment of other appropriators including surface appropriators and ground water appropriators must prove unappropriated surface water, *citing Smith v. Duff*, 39 Mont. 382, 102 P. 984 (1909), and *Perkins v. Kramer*, 148 Mont. 355, 423 P.2d 587 (1966)); *In the Matter of Beneficial Water Use Permit No. 80175-s76H by Tintzman* (DNRC Final Order 1993)(prior appropriators on a stream gain right to natural flows of all tributaries in so far as may be necessary to afford the amount of water to which they are entitled, *citing Loyning v. Rankin* (1946), 118 Mont. 235, 165 P.2d 1006; *Granite Ditch Co. v. Anderson* (1983), 204 Mont. 10, 662 P.2d 1312; *Beaverhead Canal Co. v. Dillon Electric Light & Power Co.* (1906), 34 Mont. 135, 85 P. 880); *In the Matter of Beneficial Water Use Permit No. 63997-42M by Joseph F. Crisafulli* (DNRC Final Order 1990) (since there is a relationship between surface flows and the ground water source proposed for appropriation, and since diversion by Applicant's well appears to influence surface flows, the ranking of the proposed appropriation in priority must be as against all rights to surface water as well as against all groundwater rights in the drainage).

66. Because the Applicant bears the burden of proof as to legal availability, the Applicant must prove that the proposed appropriation will not result in prestream capture or induced infiltration and cannot limit its analysis to ground water. Section 85-2-311(a)(ii), MCA. Absent such proof, the Applicant must analyze the legal availability of surface water in light of the proposed ground water appropriation. *In the Matter of Application for Beneficial Water Use Permit No. 41H 30023457 By Utility Solutions LLC* (DNRC Final Order 2007) (permit denied); *In the Matter of Application for Beneficial Water Use Permit No. 76H-30028713 by Patricia Skergan and Jim Helmer* (DNRC Final Order 2009); *Sitz Ranch v. DNRC*, DV-10-13390, Fifth Judicial District Court, *Order Affirming DNRC Decision*, (2011) Pg. 5 ; *Wesmont Developers v. DNRC*, CDV-2009-823, First Judicial District Court, *Memorandum and Order*, (2011) Pgs. 11-12.

67. Where a proposed ground water appropriation depletes surface water, Applicant must prove legal availability of amount of depletion of surface water throughout the period of diversion either through a mitigation /aquifer recharge plan to offset depletions or by analysis of the legal demands on, and availability of, water in the surface water source. *Robert and Marlene Takle v. DNRC*, Cause No. DV-92-323, Montana Fourth Judicial District for Ravalli County, *Opinion and Order* (June 23, 1994); *In the Matter of Beneficial Water Use Permit Nos. 41H 30012025 and 41H 30013629 by Utility Solutions LLC* (DNRC Final Order 2006) (permits granted), *affirmed*, *Faust v. DNRC et al.*, Cause No. CDV-2006-886, Montana First Judicial District (2008); *In the Matter of Application for Beneficial Water Use Permit 41H 30019215 by Utility Solutions LLC* (DNRC Final Order 2007)(permit granted), *affirmed*, *Montana River Action Network et al. v. DNRC*, Cause No. CDV-2007-602, Montana First Judicial District (2008); *In the Matter of Application for Beneficial Water Use Permit No. 41H 30023457 by Utility Solutions LLC* (DNRC Final Order 2007) (permit denied for failure to analyze legal availability outside of irrigation season (where mitigation applied)); *In the Matter of Application for Beneficial Water Use Permit No. 41H 30026244 by Utility Solutions LLC* (DNRC Final Order 2008); *In the Matter of Application for Beneficial Water Use Permit No. 76H-30028713 by Patricia Skergan and Jim Helmer* (DNRC Final Order 2009)(permit denied in part for failure to analyze legal availability for surface water depletion); *Sitz Ranch v. DNRC*, DV-10-13390, Fifth Judicial District Court, *Order Affirming DNRC Decision*, (2011) Pg. 5 (Court affirmed denial of permit in part for failure to prove legal availability of stream depletion to slough and Beaverhead River); *Wesmont Developers v. DNRC*, CDV-2009-823, First Judicial District Court, *Memorandum and Order*, (2011) Pgs. 11-12 (“DNRC properly determined that Wesmont cannot be authorized to divert, either directly or indirectly, 205.09 acre-feet from the Bitterroot River without establishing that the water does not belong to a senior appropriator”; Applicant failed to analyze legal availability of surface water where projected surface water depletion from groundwater pumping); *In the Matter of Application for Beneficial Water Use Permit No. 76D-30045578 by GBCI Other Real Estate, LLC* (DNRC Final Order 2011) (in an open basin, Applicant for a new water right can show legal availability by using a mitigation/aquifer recharge plan or by showing that any depletion to surface water by groundwater pumping will not take water already appropriated; development next to Lake

Koocanusa will not take previously appropriated water). Applicant may use water right claims of potentially affected appropriators as a substitute for “historic beneficial use” in analyzing legal availability of surface water under § 85-2-360(5), MCA. *Royston, supra*.

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

69. Applicant has proven by a preponderance of the evidence that water can reasonably be considered legally available during the period in which the Applicant seeks to appropriate, in the amount requested, based on the records of the Department and other evidence provided to the Department. Section 85-2-311(1)(a)(ii), MCA. (FOF 18-31)

ADVERSE EFFECT

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

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

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

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

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

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

76. The Applicant has proven by a preponderance of the evidence that the water rights of a prior appropriator under an existing water right, a certificate, a permit, or a state water reservation will not be adversely affected. Section 85-2-311(1)(b), MCA. (FOF 32-42)

ADEQUATE DIVERSION

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

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

79. Whether party presently has easement not relevant to determination of adequate means of diversion. *In the Matter of Application to Change a Water Right No. G129039-76D by Keim/Krueger* (DNRC Final Order 1989).

80. Water wells must be constructed according to the laws, rules, and standards of the Board of Water Well Contractors to prevent contamination of the aquifer. *In the Matter of Application for Beneficial Water Use Permit No. 41I-105511 by Flying J Inc.* (DNRC Final Order 1999).

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

82. Applicant has proven by a preponderance of the evidence that the proposed means of diversion, construction, and operation of the appropriation works are adequate for the proposed beneficial use. Section 85-2-311(1)(c), MCA (FOF 43-48)

BENEFICIAL USE

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

84. An appropriator may appropriate water only for a beneficial use. See also, § 85-2-301 MCA. It is a fundamental premise of Montana water law that beneficial use is the basis, measure, and limit of the use. *E.g., McDonald; Toohey v. Campbell* (1900), 24 Mont. 13, 60 P. 396. The amount of water under a water right is limited to the amount of water necessary to sustain the beneficial use. *E.g., Bitterroot River Protective Association v. Siebel, Order on Petition for Judicial Review*, Cause No. BDV-2002-519, Montana First Judicial District Court, Lewis and Clark County (2003), *affirmed on other grounds*, 2005 MT 60, 326 Mont. 241, 108 P.3d 518; *In The Matter Of Application For Beneficial Water Use Permit No. 43C 30007297 by Dee Deaterly* (DNRC Final Order), *affirmed other grounds, Dee Deaterly v. DNRC*, Cause No. 2007-186, Montana First Judicial District, *Order Nunc Pro Tunc on Petition for Judicial Review* (2009); *Worden v. Alexander* (1939), 108 Mont. 208, 90 P.2d 160; *Allen v. Petrick* (1924), 69 Mont. 373, 222 P. 451; *In the*

Matter of Application for Beneficial Water Use Permit No. 41S-105823 by French (DNRC Final Order 2000).

85. Amount of water to be diverted must be shown precisely. *Sitz Ranch v. DNRC*, DV-10-13390, Fifth Judicial District Court, *Order Affirming DNRC Decision*, 3 (2011) (citing *BRPA v. Siebel*, 2005 MT 60, and rejecting Applicant's argument that it be allowed to appropriate 800 acre-feet when a typical year would require 200-300 acre-feet).

86. It is the Applicant's burden to produce the required evidence. *Bostwick Properties, Inc. v. DNRC*, 2013 MT 48, ¶ 22, 369 Mont. 150, 296 P.3d 1154 ("issuance of the water permit itself does not become a clear, legal duty until [the applicant] proves, by a preponderance of the evidence, that the required criteria have been satisfied"); *Sitz Ranch v. DNRC*, DV-10-13390, Fifth Judicial District Court, *Order Affirming DNRC Decision*, (2011) Pg. 7; *In the Matter of Application to Change Water Right No. 41H 1223599 by MGRR #1, LLC.*, (DNRC Final Order 2005); *see also Royston; Ciotti*.

87. Applicant proposes to use water for multiple domestic and lawn and garden irrigation which are recognized beneficial uses. Section 85-2-102(5), MCA. Applicant has proven by a preponderance of the evidence multiple domestic and lawn and garden irrigation are beneficial uses and that 131.8 AF of diverted volume and 386 GPM is the amount needed to sustain the beneficial use. Section 85-2-311(1)(d), MCA. (FOF 49-54)

POSSESSORY INTEREST

88. Pursuant to § 85-2-311(1)(e), MCA, an Applicant must prove by a preponderance of the evidence that it has a possessory interest or the written consent of the person with the possessory interest in the property where the water is to be put to beneficial use, or if the proposed use has a point of diversion, conveyance, or place of use on national forest system lands, the Applicant has any written special use authorization required by federal law to occupy, use, or traverse national forest system lands for the purpose of diversion, impoundment, storage, transportation, withdrawal, use, or distribution of water under the permit.

89. Pursuant to ARM 36.12.1802:

(1) An Applicant or a representative shall sign the application affidavit to affirm the following:

(a) the statements on the application and all information submitted with the application are true and correct and

(b) except in cases of an instream flow application, or where the application is for sale, rental, distribution, or is a municipal use, or in any other context in which water is being supplied to another and it is clear that the ultimate user will not accept the supply without consenting to the use of water on the user's place of use, the Applicant has possessory interest in the property where the water is to be put to beneficial use or has the written consent of the person having the possessory interest.

(2) If a representative of the Applicant signs the application form affidavit, the representative shall state the relationship of the representative to the Applicant on the form, such as president of the corporation, and provide documentation that establishes the authority of the representative to sign the application, such as a copy of a power of attorney.

(3) The department may require a copy of the written consent of the person having the possessory interest.

90. The Applicant has proven by a preponderance of the evidence that it has a possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use. Section 85-2-311(1)(e), MCA. (FOF 55-57)

PRELIMINARY DETERMINATION

Subject to the terms, analysis, and conditions in this Order, the Department preliminarily determines that this Application for Beneficial Water Use Permit No. 43Q 30171432 should be GRANTED.

The Department determines the Applicant may divert groundwater, by means of a 46 wells, from January 1 to December 31 at 386 GPM up to 131.8 AF, from 46 points generally in the SW Sec. 18, T1S, R25E, Yellowstone County, for multiple domestic use from January 1 to December 31 and for lawn and garden irrigation use from April 15 to October 15. The Applicant may irrigate lawn and garden on 42.36 acres. The place of use is located generally in the SW Sec. 18, T1S, R25E, Yellowstone County within the proposed Maplewood Estates Subdivision.

The application will be subject to the following conditions, limitations, or restrictions:

1. IMPORTANT INFORMATION

THE APPROPRIATOR MUST PROVIDE WELL LOGS FOR ALL WELLS AS THE WELLS ARE COMPLETED BY THE PROJECT COMPLETION DEADLINE.

2. IMPORTANT INFORMATION

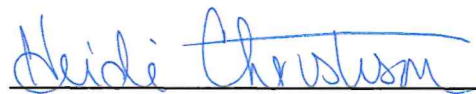
THE APPROPRIATOR MUST PERFORM 8-HOUR DRAWDOWN AND YIELD TESTS ON EACH PRODUCTION WELL UNTIL THE REQUESTED FLOW RATE OF 386 GPM HAS BEEN ATTAINED. THE RESULTS OF THE 8-HOUR DRAWDOWN AND YIELD TESTS MUST BE SUBMITTED TO THE DEPARTMENT ON FORM 633 AS THE PRODUCTION WELLS ARE COMPLETED BEFORE PROJECT COMPLETION.

NOTICE

The Department will provide public notice of this application and the Department's Preliminary Determination to Grant pursuant to § 85-2-307, MCA. The Department will set a deadline for objections to this application pursuant to §§ 85-2-307, and -308, MCA. If this application receives a valid objection, it will proceed to a contested case proceeding pursuant to Title 2 Chapter 4 Part 6, MCA, and § 85-2-309, MCA. If this application receives no valid objection or all valid objections are unconditionally withdrawn, the Department will grant this application

as herein approved. If this application receives a valid objection(s) and the valid objection(s) are conditionally withdrawn, the Department will consider the proposed condition(s) and grant the application with such conditions as the Department decides necessary to satisfy the applicable criteria. Sections 85-2-310, -312, MCA.

DATED this 28th day of August 2026.



Heidi Christison, Manager
Billings Regional Office
Montana Department of Natural Resources and Conservation

CERTIFICATE OF SERVICE

This certifies that a true and correct copy of the PRELIMINARY DETERMINATION TO GRANT was served upon all parties listed below on this 28th day of August 2026, by first class United States mail.

REGAL LAND DEVELOPMENT, INC.
ATTN: DAN WELLS
5847 WHISPERING WOODS DR
BILLINGS, MT 59108

and:

IN SITE ENGINEERING
ATTN: SCOTT WORTHINGTON
4231 CREEKWOOD DR
BILLINGS MT 59106-8601

A handwritten signature in blue ink, appearing to read 'K. Curtis', is written over a horizontal line.

BILLINGS Regional Office, (406) 247-4415

Appendix A: Groundwater Rights in the Zone of Influence

Table A. Water Rights within the ZOI for groundwater

Water Right Type	Water Right Number	Owners	Purpose	Volume (AF)
Ground Water Certificate	43Q 100083 00	KRAFT, EDWARD & ROXANA LIVING TRUST	Lawn & Garden	1.88
Ground Water Certificate	43Q 101360 00	CELESTE BUTLER	Stock	0.05
Ground Water Certificate	43Q 101461 00	KYLE E BISTLINE; LINDA L BISTLINE	Domestic	1.63
Ground Water Certificate	43Q 101509 00	TINA W OXLEY	Domestic	1.63
Ground Water Certificate	43Q 102165 00	MILO ZEMLISKA	Lawn & Garden	5.0
Ground Water Certificate	43Q 102173 00	WILLIAM A MITCHELL	Domestic; Lawn & Garden	2.25
Ground Water Certificate	43Q 102241 00	DIANE M HILL; ROBIN E HILL	Domestic	1.63
Ground Water Certificate	43Q 103417 00	ERNEST R WEIGEL; MELISSA WEIGEL	Domestic; Lawn & Garden; Stock	2.38
Ground Water Certificate	43Q 103493 00	KRISTA WESTON; SCOTT WESTON	Domestic	1.63
Ground Water Certificate	43Q 103551 00	BRADLEY C CARSTENS; GREGORY C CARSTENS	Domestic; Lawn & Garden	4.75
Ground Water Certificate	43Q 103554 00	BONNIE K JARES; JOHN E JARES	Domestic; Lawn & Garden	4.75
Ground Water Certificate	43Q 103562 00	JOANN JURICA; LEO JURICA	Domestic; Lawn & Garden	2.88
Ground Water Certificate	43Q 103595 00	DAVID BLACK; WUANITA A BLACK	Domestic	1.63
Ground Water Certificate	43Q 104991 00	KIRK BLEE	Lawn & Garden; Multiple Domestic	4.5
Ground Water Certificate	43Q 104993 00	SCOTT SCHEETZ	Domestic; Lawn & Garden	4.75
Ground Water Certificate	43Q 105045 00	WILLIAM A MITCHELL	Lawn & Garden	1.25
Ground Water Certificate	43Q 105892 00	DAN LOWE	Domestic; Lawn & Garden	3.5
Ground Water Certificate	43Q 105940 00	MONEEN D MEANS; SAM A MEANS	Domestic	1.63
Ground Water Certificate	43Q 105941 00	MONEEN D MEANS; SAM A MEANS	Lawn & Garden; Stock	3.7
Ground Water Certificate	43Q 105963 00	RICHARD D GUFFEY; SUSAN D GUFFEY	Domestic; Lawn & Garden; Stock	3.54
Ground Water Certificate	43Q 106046 00	OLSEN ERIC HOWARD & DIANE LEE LIVING TRUST	Domestic; Stock	1.71
Ground Water Certificate	43Q 106047 00	TWO MARINES OLSON TRUST	Lawn & Garden	1.25
Ground Water Certificate	43Q 106048 00	TWO MARINES OLSON TRUST	Domestic; Lawn & Garden; Stock	2.35
Ground Water Certificate	43Q 106508 00	PROUE FAMILY TRUST	Lawn & Garden	1.88

Ground Water Certificate	43Q 107223 00	DANIEL D MOLLETT; GENIA M MOLLETT	Domestic; Lawn & Garden	2.25
Ground Water Certificate	43Q 107395 00	RICHARD A NEVE	Domestic; Lawn & Garden	2.25
Ground Water Certificate	43Q 107396 00	ROBERT J KRAEGER	Domestic; Lawn & Garden	2.25
Ground Water Certificate	43Q 107397 00	COLLEEN JACOBSON; RODNEY JACOBSON	Domestic; Lawn & Garden	2.25
Ground Water Certificate	43Q 107398 00	JENNIFER L EDGELL; KEITH R EDGELL	Domestic; Lawn & Garden	2.25
Ground Water Certificate	43Q 108098 00	MARY J WERTZ; RICHARD W WERTZ	Domestic; Lawn & Garden	1.63
Ground Water Certificate	43Q 108803 00	JONINE K SMITH; JOHN E TETER	Domestic; Lawn & Garden; Stock	4.05
Ground Water Certificate	43Q 109262 00	LISA MOLINE; MICHAEL J MOLINE	Domestic	1.63
Ground Water Certificate	43Q 109303 00	LEE E BURRINGTON	Lawn & Garden	0.63
Ground Water Certificate	43Q 109304 00	LEE E BURRINGTON	Domestic	1.63
Ground Water Certificate	43Q 109701 00	JULIE A MYERS; WILLARD L MYERS	Domestic; Stock	2.14
Ground Water Certificate	43Q 109865 00	TAMARA M LORENZ	Domestic; Lawn & Garden	3.5
Ground Water Certificate	43Q 109877 00	TAMARA M LORENZ	Lawn & Garden; Stock	2.58
Ground Water Certificate	43Q 109975 00	JUDY A WARD; THEODORE A WARD	Domestic	1.63
Ground Water Certificate	43Q 109995 00	TEEN CHALLENGE INTERNATIONAL PACIFIC NW CENTERS	Domestic; Stock	1.68
Ground Water Certificate	43Q 110931 00	BRET REAY; DEANE REAY	Domestic; Lawn & Garden	6
Ground Water Certificate	43Q 110958 00	KEVIN SILVERNAGEL	Domestic	1.63
Ground Water Certificate	43Q 111960 00	DANNY R WELBORN; TERRI R WELBORN	Domestic; Lawn & Garden	5.08
Ground Water Certificate	43Q 112751 00	PDQ PROPERTIES LLC	Domestic; Lawn & Garden	3.5
Ground Water Certificate	43Q 112776 00	KELLY HOWELL; TODD HOWELL	Domestic; Lawn & Garden	2.25
Ground Water Certificate	43Q 113440 00	CHUCK CREMER; JEANETTE CREMER	Domestic; Lawn & Garden	3.5
Ground Water Certificate	43Q 113455 00	JUDY A WARD; THEODORE A WARD	Lawn & Garden	0.63
Ground Water Certificate	43Q 11362 00	KATHLEEN KATSILAS; ZACHARY KATSILAS	Domestic	2.92
Ground Water Certificate	43Q 113926 00	JACKSON FAMILY TRUST	Lawn & Garden; Domestic	2.88
Ground Water Certificate	43Q 113927 00	ANNA M HOPKINS	Domestic; Lawn & Garden	2.92

Ground Water Certificate	43Q 113949 00	JOLENE K STATON; LEONARD E STATON	Domestic; Stock	1.51
Ground Water Certificate	43Q 113950 00	JOLENE K STATON; LEONARD E STATON	Lawn & Garden	1.88
Ground Water Certificate	43Q 113958 00	DARCY D MILLER	Stock; Domestic	8.43
Ground Water Certificate	43Q 113959 00	GREGORY E MILLER	Domestic; Lawn & Garden	2.25
Ground Water Certificate	43Q 113970 00	CONNIE JOHNSON; JERRY JOHNSON	Domestic	1.63
Ground Water Certificate	43Q 113980 00	BRENDA RIDER; TERRY RIDER	Lawn & Garden; Stock	5.05
Ground Water Certificate	43Q 113981 00	BRENDA RIDER; TERRY RIDER	Domestic	1.63
Ground Water Certificate	43Q 113999 00	CORDELL ANTHONY; PRESLEY PAYNE	Domestic; Irrigation	4.13
Ground Water Certificate	43Q 115137 00	CATHERINE MCNALLY; JAMES MCNALLY; JUDY C MCNALLY; TERESA MCNALLY	Domestic	1.63
Ground Water Certificate	43Q 115221 00	BARBARA L BRITTON; LEVI J BRITTON	Domestic; Stock	1.89
Ground Water Certificate	43Q 115249 00	CONNIE JOHNSON; JERRY JOHNSON	Lawn & Garden	2.5
Ground Water Certificate	43Q 115250 00	CONNIE JOHNSON; JERRY JOHNSON	Lawn & Garden	5.0
Ground Water Certificate	43Q 115354 00	JEAN M MALKUCH	Lawn & Garden	10.0
Ground Water Certificate	43Q 1155 00	SCOTT A TOTH	Domestic; Irrigation; Stock	2.92*
Ground Water Certificate	43Q 116137 00	ANNA M HOPKINS	Domestic	1.63
Ground Water Certificate	43Q 116149 00	MELVIN L MILLER; SHARON L MILLER	Lawn & Garden; Multiple Domestic; Stock	7.32
Ground Water Certificate	43Q 116210 00	SANDRA L SANDVIG; SCOTT D SANDVIG	Domestic	1.63
Ground Water Certificate	43Q 116214 00	JEAN M MALKUCH	Lawn & Garden	5.0
Ground Water Certificate	43Q 116811 00	BUROWS-DURAY, CHRISTINA L LIVING TRUST; DURAY MATHEW A LIVING TRUST	Lawn & Garden	2.0
Ground Water Certificate	43Q 116812 00	BUROWS-DURAY, CHRISTINA L LIVING TRUST; DURAY MATHEW A LIVING TRUST	Domestic; Lawn & Garden	3.0
Ground Water Certificate	43Q 12328 00	KRAFT, EDWARD & ROXANA LIVING TRUST	Stock; Domestic	12.0
Ground Water Certificate	43Q 12861 00	CHAD H INGRAHAM; CHARLENE R INGRAHAM	Domestic	2.92*
Ground Water Certificate	43Q 14064 00	DARRYL G CHRISTIANSON	Domestic; Irrigation; Stock	19.0
Ground Water Certificate	43Q 14587 00	MARY M BLOUNT	Domestic	1.5
Provisional Permit	43Q 1545 00	YELLOWSTONE BOYS AND GIRLS RANCH INC	Domestic	40.0

Ground Water Certificate	43Q 15450 00	ANITA F KUDRNA; DOUGLAS J KUDRNA	Stock; Domestic	1.55
Ground Water Certificate	43Q 15717 00	SARAH BADER; TRAVIS BADER	Domestic	1.5
Ground Water Certificate	43Q 1632 00	PETE HARDT	Domestic	1.0
Ground Water Certificate	43Q 16530 00	BANGERT, LARRY & NANCY LIVING TRUST	Domestic	1.5
Ground Water Certificate	43Q 16593 00	BRITTANY'S DREAM LLC	Domestic	1.5
Ground Water Certificate	43Q 18771 00	DAVID PRINCIPE; LISA PRINCIPE	Domestic	1.5
Ground Water Certificate	43Q 19208 00	DARCI D RYKOWSKI; TRAVIS J RYKOWSKI	Domestic; Irrigation	6.9
Ground Water Certificate	43Q 19460 00	DONALD MAY	Domestic	1.5
Ground Water Certificate	43Q 19955 00	DALE M DAHL; NOREEN H DAHL	Domestic	1.5
Statement Of Claim	43Q 208169 00	EDITH J WOODS	Stock	10.37*
Statement Of Claim	43Q 208170 00	MIKEL ANDERSON; JAY COCHRAN; MOLLY DEKAYE; PAUL L DEKAYE; KEVIN F KURTH; ERIC M MUELLER; HANNAH M MUELLER; OLIVE GROVE LLC; STANLEY, NANCY LIVING REVOCABLE TRUST	Irrigation	644.7*
Statement Of Claim	43Q 208191 00	JEANINE HOLT-SEAVY; LYLE SEAVY	Stock	0.153*
Statement Of Claim	43Q 208192 00	JEANINE HOLT-SEAVY; LYLE SEAVY	Domestic	3.0
Ground Water Certificate	43Q 20832 00	ALLEN J FISCHER	Domestic; Stock	2.0
Ground Water Certificate	43Q 21133 00	DAVID L MCCRORIE	Domestic	1.0
Ground Water Certificate	43Q 21474 00	BLAINE LIVING TRUST	Domestic	1.5
Ground Water Certificate	43Q 23760 00	HELENA AGRI-ENTERPRISES LLC	Industrial	1.5
Ground Water Certificate	43Q 24536 00	PROUE FAMILY TRUST	Domestic	1.5
Ground Water Certificate	43Q 25622 00	WINONA R ACHTEN; CHRISTINE A OBENAUER	Domestic; Irrigation; Stock	3.27
Ground Water Certificate	43Q 26769 00	JEANNE B DOWNEY; RICHARD M DOWNEY	Domestic	1.5
Ground Water Certificate	43Q 26770 00	LEO C SCHWEHR	Domestic	1.5
Ground Water Certificate	43Q 27922 00	XB RENTALS LLC	Domestic	1.5
Ground Water Certificate	43Q 28690 00	ASHLEY R DIMMICK; TRAVIS DIMMICK	Domestic	1.5
Ground Water Certificate	43Q 28822 00	GARY C SCHILD; PATRICIA SCHILD	Domestic	1.5

Ground Water Certificate	43Q 28912 00	FORMENTO FAMILY TRUST	Domestic	0.5
Ground Water Certificate	43Q 30000556	LAURIE A MOHL	Domestic	1.63
Ground Water Certificate	43Q 30001482	BRENT A WENNING; JESSICA D WENNING	Domestic	1.63
Ground Water Certificate	43Q 30001893	CHRISTINE L MARTIN; STEVEN MARTIN	Domestic; Lawn & Garden	4.5
Ground Water Certificate	43Q 30002318	KEITH HEIDECKER	Domestic	1.63
Ground Water Certificate	43Q 30002715	WILLIAM F MADILL	Domestic; Lawn & Garden	3.5
Ground Water Certificate	43Q 30003490	JEFFREY D ROBERTS	Domestic	1.63
Ground Water Certificate	43Q 30004027	BRIAN A BORNHOFT; JANA K BORNHOFT	Domestic; Lawn & Garden	3.0
Ground Water Certificate	43Q 30007531	STEPHANIE WEAVER; TOM WEAVER	Domestic; Lawn & Garden	2.92*
Ground Water Certificate	43Q 30008514	LANNY LUCARA; LISA LUCARA	Domestic	2.92*
Ground Water Certificate	43Q 30008585	JESSICA SCHROTENBOER; MATTHEW SCHROTENBOER	Domestic	2.92*
Ground Water Certificate	43Q 30010011	RUSS WALTERS; TERRI WALTERS	Domestic	2.92*
Ground Water Certificate	43Q 30010576	BARBARA J LOVE; BRUCE LOVE	Domestic	2.92*
Ground Water Certificate	43Q 30010577	BARBARA J LOVE; BRUCE LOVE	Lawn & Garden	2.92*
Ground Water Certificate	43Q 30010957	DEBORAH A DORN; JAMES C DORN	Domestic; Lawn & Garden	2.92*
Ground Water Certificate	43Q 30011110	ROBERT J MALCOLM; PAULA R ODEGAARD	Domestic; Lawn & Garden	2.92*
Ground Water Certificate	43Q 30012185	NATHAN P BEMER	Domestic	2.92*
Ground Water Certificate	43Q 30013358	DAVID C LYNCH	Domestic; Lawn & Garden; Irrigation; Stock	2.92*
Ground Water Certificate	43Q 30013363	FUSON LINDA NICHOLS REVOCABLE TRUST	Domestic; Lawn & Garden; Irrigation; Stock	2.92*
Ground Water Certificate	43Q 30013364	VICKI L BENDER	Domestic; Lawn & Garden; Irrigation; Stock	2.92*
Ground Water Certificate	43Q 30014667	DOLORES D GROVER; GEORGE S GROVER	Lawn & Garden	2.92*
Ground Water Certificate	43Q 30014692	STACY L BROWN	Domestic	2.92*
Ground Water Certificate	43Q 30014693	LEVI J BRITTON	Domestic	2.92*
Ground Water Certificate	43Q 30014694	LEVI J BRITTON	Domestic	2.92*
Ground Water Certificate	43Q 30014859	KRISTEN M CLARK; NICHOLAS L EICKHOFF	Domestic; Lawn & Garden	2.92*

Ground Water Certificate	43Q 30015153	STEPHEN C BALL	Domestic; Lawn & Garden	2.92*
Ground Water Certificate	43Q 30015172	JEFFREY MEIER; KIMBERLY MEIER	Domestic	2.92*
Ground Water Certificate	43Q 30015335	BEIERWALTES, CHRIS & BIRGIT FAMILY TRUST	Domestic	2.92*
Ground Water Certificate	43Q 30016629	RON G PIERCE	Lawn & Garden; Irrigation	2.92*
Ground Water Certificate	43Q 30017258	COLLEEN E BLACKFORD; THOMAS E BLACKFORD	Domestic	2.92*
Ground Water Certificate	43Q 30017873	EDWARD LAMBRECHT	Domestic	2.92*
Ground Water Certificate	43Q 30018289	SJK FARM LLC	Domestic; Irrigation; Stock	2.92*
Ground Water Certificate	43Q 30019141	AMEN, GEORGE W TRUST	Domestic; Stock	2.92*
Ground Water Certificate	43Q 30019235	SCOTT COX	Domestic	2.92*
Ground Water Certificate	43Q 30019249	DONNA JOHNS; MARK JOHNS	Domestic	2.92*
Ground Water Certificate	43Q 30019271	JACKIE ZAWADA; JOE ZAWADA	Domestic	2.92*
Ground Water Certificate	43Q 30019287	MARK CADY; MARY CADY	Irrigation; Stock	2.92*
Ground Water Certificate	43Q 30019312	STEINMETZ LP	Stock	2.92*
Ground Water Certificate	43Q 30019314	STEINMETZ LP	Domestic	2.92*
Ground Water Certificate	43Q 30019316	STEINMETZ LP	Domestic; Stock	2.92*
Ground Water Certificate	43Q 30019321	KORDELL HARMON; KAYLA JOHNSON	Domestic	2.92*
Ground Water Certificate	43Q 30019472	EDWARD E ERICKSON	Domestic	2.92*
Ground Water Certificate	43Q 30019475	SCOTT COX	Domestic; Irrigation	2.92*
Ground Water Certificate	43Q 30020990	TANGIE J RHOADS; ROBERT M TEHLE	Domestic; Stock	2.92*
Ground Water Certificate	43Q 30021983	BRANDON MCKNIRE; KELSIE MCKNIRE	Irrigation	2.92*
Ground Water Certificate	43Q 30021988	BRANDON MCKNIRE; KELSIE MCKNIRE	Domestic	2.92*
Ground Water Certificate	43Q 30022054	L & L MYERS TRUST	Domestic	2.92*
Exempt Right	43Q 30022683	MELVIN L MILLER; SHARON L MILLER	Domestic; Lawn & Garden; Stock	3.76
Ground Water Certificate	43Q 30022777	BIG UNIT STORAGE LLC	Irrigation	2.92*
Ground Water Certificate	43Q 30022837	KIRK LIX	Domestic	2.92*

Ground Water Certificate	43Q 30022846	DOLORES LIX	Lawn & Garden	2.92*
Ground Water Certificate	43Q 30022992	HICKS, SCOTT LIVING TRUST	Domestic	2.92*
Ground Water Certificate	43Q 30023035	HICKS, SCOTT LIVING TRUST	Domestic	2.92*
Ground Water Certificate	43Q 30023266	DOLORES LIX	Domestic	2.92*
Ground Water Certificate	43Q 30024274	JEANINE HOLT-SEAVY; LYLE SEAVY	Domestic; Lawn & Garden	2.92*
Ground Water Certificate	43Q 30026947	JACKI L SHERMAN	Domestic; Lawn & Garden	2.92*
Ground Water Certificate	43Q 30027121	RICK KRAFT	Domestic; Lawn & Garden; Stock	2.92*
Ground Water Certificate	43Q 30027147	QUENTIN EGGART	Stock	2.92*
Ground Water Certificate	43Q 30027149	STUDER PROPERTIES LLC	Domestic; Lawn & Garden	2.92*
Ground Water Certificate	43Q 30027201	MURIEL SWENSON; RONALD SWENSON	Domestic	2.92*
Ground Water Certificate	43Q 30027203	D SCOTT ASAY; LEANN C ASAY	Domestic	2.92*
Ground Water Certificate	43Q 30027207	RICK KRAFT	Domestic; Stock	2.92*
Ground Water Certificate	43Q 30027210	GEORDIE N STEILEN; SHERRI J STEILEN	Domestic	2.92*
Ground Water Certificate	43Q 30028205	WILLIAM F MADILL	Lawn & Garden	2.92*
Ground Water Certificate	43Q 30029071	LISA BLOHM; STEVE BLOHM	Domestic; Lawn & Garden	2.92*
Ground Water Certificate	43Q 30030053	SAMPSON PROPERTIES LLC	Domestic	2.92*
Ground Water Certificate	43Q 30030821	CAROL PHILLIPS; KEITH PHILLIPS	Domestic	2.92*
Ground Water Certificate	43Q 30042119	RICHARD A MCCANN; SHARON M MCCANN	Domestic	2.92*
Ground Water Certificate	43Q 30042450	LOVELL WITTMAYER	Lawn & Garden	2.92*
Ground Water Certificate	43Q 30042788	GINA EARNST; LEONARD EARNST	Domestic	2.92*
Ground Water Certificate	43Q 30042789	GINA EARNST; LEONARD EARNST	Domestic	2.92*
Ground Water Certificate	43Q 30042969	JOSHUA C MUIR; KRYSTAL MUIR	Domestic; Lawn & Garden	2.92*
Ground Water Certificate	43Q 30043846	HARDRIVES CONSTRUCTION INC	Lawn & Garden	0.15
Ground Water Certificate	43Q 30043866	HARDRIVES CONSTRUCTION INC	Domestic	1.0
Ground Water Certificate	43Q 30043909	DALE EDLUND; ELLA L EDLUND	Lawn & Garden	2.92*

Ground Water Certificate	43Q 30044191	PATRICE M OLOUGHLIN; RAYMOND F OLOUGHLIN	Domestic; Lawn & Garden	2.5
Ground Water Certificate	43Q 30044770	EEC INDUSTRIAL PARK	Lawn & Garden	2.92*
Ground Water Certificate	43Q 30044830	LOUIS TAYLOR; NANCY TAYLOR	Domestic	2.92*
Ground Water Certificate	43Q 30044880	JAMES R FORSETH; KARIE A FORSETH	Domestic; Lawn & Garden; Irrigation	2.92*
Ground Water Certificate	43Q 30045650	CURTIS SCHELLE; SUSAN SCHELLE	Domestic	1.0
Ground Water Certificate	43Q 30045811	RVU RANCH LLC	Domestic	1.0
Ground Water Certificate	43Q 30046672	NATHAN P BEMER	Lawn & Garden	2.5
Ground Water Certificate	43Q 30046813	ROUTSON, MARY K TRUST	Domestic; Lawn & Garden	1.83
Ground Water Certificate	43Q 30047386	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	2.7
Ground Water Certificate	43Q 30047387	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	1.7
Ground Water Certificate	43Q 30047388	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	1.7
Ground Water Certificate	43Q 30047389	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	2.7
Ground Water Certificate	43Q 30047390	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	2.7
Ground Water Certificate	43Q 30047391	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	2.7
Ground Water Certificate	43Q 30047392	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	1.7
Ground Water Certificate	43Q 30047393	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	1.7
Ground Water Certificate	43Q 30047394	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	1.7
Ground Water Certificate	43Q 30047395	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	2.7
Ground Water Certificate	43Q 30047396	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	2.7
Ground Water Certificate	43Q 30047397	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	2.7
Ground Water Certificate	43Q 30047398	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	2.7
Ground Water Certificate	43Q 30047399	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	2.7
Ground Water Certificate	43Q 30047400	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	2.7
Ground Water Certificate	43Q 30047401	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	2.7
Ground Water Certificate	43Q 30047402	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	2.7

Ground Water Certificate	43Q 30047403	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	2.7
Ground Water Certificate	43Q 30047404	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	2.7
Ground Water Certificate	43Q 30047405	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	2.7
Ground Water Certificate	43Q 30047406	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	2.7
Ground Water Certificate	43Q 30047407	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	2.7
Ground Water Certificate	43Q 30047408	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	2.7
Ground Water Certificate	43Q 30047409	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	2.7
Ground Water Certificate	43Q 30047410	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	1.7
Ground Water Certificate	43Q 30047411	REGAL LAND DEVELOPMENT INC	Domestic; Lawn & Garden	1.7
Ground Water Certificate	43Q 30047699	CAMERON TOWNSEND; KARI TOWNSEND	Domestic	1.0
Ground Water Certificate	43Q 30048848	CHARLES A BROWNLEE	Domestic	1.0
Ground Water Certificate	43Q 30049418	BRADFORD, ROBERT & KAREE LIVING TRUST	Lawn & Garden; Stock	2.01
Ground Water Certificate	43Q 30050769	DAVID A VALDEZ; VICKI L VALDEZ	Lawn & Garden; Domestic	2.25
Ground Water Certificate	43Q 30050836	BRADFORD, ROBERT & KAREE LIVING TRUST	Domestic; Lawn & Garden	6.0
Ground Water Certificate	43Q 30050938	PAMELA R ADAMS; ROSS E ADAMS	Domestic	1.0
Ground Water Certificate	43Q 30050951	REGAL LAND DEVELOPMENT INC	Multiple Domestic; Lawn & Garden	2.69
Ground Water Certificate	43Q 30051071	GARY R LUCAS; SUZANNE K LUCAS	Domestic	1.0
Ground Water Certificate	43Q 30051273	AMY M KINNETT; CHAD W KINNETT	Domestic; Lawn & Garden	3.78
Ground Water Certificate	43Q 30051613	D BAR C LIVING TRUST	Lawn & Garden	2.53
Ground Water Certificate	43Q 30051812	XB RENTALS LLC	Domestic; Lawn & Garden	3.5
Ground Water Certificate	43Q 30051993	COLE J REINHARDT; SHARI K REINHARDT	Domestic	1.0
Ground Water Certificate	43Q 30052056	GARY R LUCAS; SUZANNE K LUCAS	Domestic; Lawn & Garden	3.5
Ground Water Certificate	43Q 30052213	JACOB M TAYLOR	Domestic	1.0
Ground Water Certificate	43Q 30052502	ALEXANDRA C BLAIR; SCOTT B BLAIR	Domestic	1.0
Ground Water Certificate	43Q 30062919	MICHELLE HINTZ; NATHAN HINTZ	Domestic	1.0

Ground Water Certificate	43Q 30063364	DARREN W MILLER	Lawn & Garden; Stock	9.92
Ground Water Certificate	43Q 30063469	NICOLE PHILIPS	Lawn & Garden; Domestic	2.3
Ground Water Certificate	43Q 30063489	XB RENTALS LLC	Domestic; Lawn & Garden	1.83
Ground Water Certificate	43Q 30063500	ANDREW MERRY	Domestic	1.0
Ground Water Certificate	43Q 30064196	DOUG STAHLMAN; MARISSA STAHLMAN	Domestic	1.0
Ground Water Certificate	43Q 30064366	MOORE LIVING TRUST	Lawn & Garden; Irrigation; Stock	3.64
Ground Water Certificate	43Q 30065296	BRYAN J FAULKES; MINNA A FAULKES	Domestic	1.0
Ground Water Certificate	43Q 30065552	ED JORDEN; KARI JORDEN	Domestic; Lawn & Garden	3.5
Ground Water Certificate	43Q 30066610	MARY E BAROVICH	Domestic	1.0
Ground Water Certificate	43Q 30066678	LESLIE R ESHAM; RICHARD H ESHAM	Domestic; Lawn & Garden; Stock	2.3
Ground Water Certificate	43Q 30066861	DIANE M HILL; ROBIN E HILL	Lawn & Garden	2.5
Ground Water Certificate	43Q 30066864	EDWARD G CODDEN	Domestic; Lawn & Garden	2.88
Ground Water Certificate	43Q 30067114	MCKELL PHIPPS; PARKER J PHIPPS	Domestic	1.0
Ground Water Certificate	43Q 30067449	JASON W HUBBARD; KRISTINA HUBBARD	Domestic	1.0
Ground Water Certificate	43Q 30067450	JASON W HUBBARD; KRISTINA HUBBARD	Lawn & Garden	2.5
Ground Water Certificate	43Q 30067464	JULIEN, DEBRA J LIVING TRUST	Domestic	1.0
Ground Water Certificate	43Q 30067465	JULIEN, DEBRA J LIVING TRUST	Domestic	1.0
Ground Water Certificate	43Q 30067466	AMANDA DORNHORST; CHRISTIAN DORNHORST	Domestic; Lawn & Garden	4.25
Ground Water Certificate	43Q 30067705	CURTIS MOLT; STACY MOLT	Domestic; Lawn & Garden	1.43
Ground Water Certificate	43Q 30067746	BRIAN P COOK; MICHELLE JONES	Domestic	1.0
Ground Water Certificate	43Q 30067842	MICHAEL T MCCLEARY; SARA L MCCLEARY	Multiple Domestic; Lawn & Garden; Other Purpose	6.7
Ground Water Certificate	43Q 30067854	REGAL LAND DEVELOPMENT INC	Multiple Domestic; Lawn & Garden	3.15
Ground Water Certificate	43Q 30067855	REGAL LAND DEVELOPMENT INC	Multiple Domestic; Lawn & Garden	3.15
Ground Water Certificate	43Q 30067856	REGAL LAND DEVELOPMENT INC	Multiple Domestic; Lawn & Garden	3.15
Ground Water Certificate	43Q 30068600	ANNE MARIE D GONZALES; RONALD A GONZALES	Domestic; Lawn & Garden	1.63

Ground Water Certificate	43Q 30068707	ANDREW J HANSON; EDIE R HANSON	Domestic	1.0
Ground Water Certificate	43Q 30069320	ROBERT J CUSTER; BECKY J THOMPSON	Lawn & Garden; Irrigation; Stock	7.23
Ground Water Certificate	43Q 30069373	ASHLEIGH A HOSKINS; LEE A HOSKINS	Domestic; Lawn & Garden	2.88
Ground Water Certificate	43Q 30069449	SILVERADO HOME OWNERS ASSN	Lawn & Garden	5.0
Ground Water Certificate	43Q 30069452	SILVERADO HOME OWNERS ASSN	Lawn & Garden	6.5
Ground Water Certificate	43Q 30069555	QUALITY HEATING AND AIR CONDITIONING	Commercial	1.34
Ground Water Certificate	43Q 30070082	CHERI ANDERSON; RICHARD ANDERSON	Domestic; Lawn & Garden	3.3
Ground Water Certificate	43Q 30070144	MARY E BURLEY; WESLEY D BURLEY	Domestic; Lawn & Garden	2.33
Ground Water Certificate	43Q 30070169	CHARLES EISELE; DEBORAH EISELE	Domestic; Lawn & Garden; Stock	4.05
Ground Water Certificate	43Q 30071606	MELISSA L HUBBARD; ZACHARY J HUBBARD	Domestic	1.0
Ground Water Certificate	43Q 30072062	DARRON ALDERMAN; NATASHA ALDERMAN	Domestic	1.0
Ground Water Certificate	43Q 30072861	AUGUSTIA M SATCHELL; JOHN D SATCHELL	Lawn & Garden	2.3
Ground Water Certificate	43Q 30072862	AUGUSTIA M SATCHELL; JOHN D SATCHELL	Domestic	1.0
Ground Water Certificate	43Q 30072923	CORINA GOLLEHON; DARREN GOLLEHON	Domestic; Lawn & Garden	2.25
Ground Water Certificate	43Q 30073005	DAVID P HEADRICK; SHAY M HEADRICK	Domestic	1.0
Provisional Permit	43Q 30102729	DIAMOND FALLS LLC	Multiple Domestic; Lawn & Garden	117.05
Ground Water Certificate	43Q 30102810	JEFF GOLINI; KIM GOLINI	Domestic; Lawn & Garden	1.15
Ground Water Certificate	43Q 30102833	DARCI SMITH; DARRELL SMITH	Domestic; Lawn & Garden	3.5
Ground Water Certificate	43Q 30102875	DURYEA TRUST	Domestic; Lawn & Garden	1.45
Ground Water Certificate	43Q 30103335	JASON A LEHMAN	Domestic	1.0
Ground Water Certificate	43Q 30103357	TRAVIS STORTZ	Domestic	1.0
Ground Water Certificate	43Q 30103446	THURSDAY MORNING LIVING TRUST	Domestic	1.0
Ground Water Certificate	43Q 30104162	WAYNE D ROBINSON	Lawn & Garden	2.5
Ground Water Certificate	43Q 30104263	AARON GUSTIN; DANIELLE GUSTIN	Domestic	1.0
Ground Water Certificate	43Q 30104295	JODIE L SMITH	Lawn & Garden	2.5

Ground Water Certificate	43Q 30104563	KATHY MENDOZA-POWERS; WAYNE POWERS	Domestic; Lawn & Garden	4.0
Ground Water Certificate	43Q 30104830	ALYCIA FLEURY; RYAN FLEURY	Domestic	1.0
Ground Water Certificate	43Q 30105010	BRUCE C NELSON; SUSAN NELSON	Lawn & Garden	5.0
Ground Water Certificate	43Q 30105011	BRUCE C NELSON; SUSAN NELSON	Domestic	1.0
Ground Water Certificate	43Q 30105814	DEANNA K LEFFERS; JEFFRY L LEFFERS	Domestic	1.0
Ground Water Certificate	43Q 30105815	BARBARA L HOPE; WILLIAM H HOPE	Lawn & Garden	1.25
Ground Water Certificate	43Q 30105912	DARREN BUONOCORE; SARA KRAMVIS	Domestic; Lawn & Garden	2.25
Provisional Permit	43Q 30106062	REGAL LAND DEVELOPMENT INC	Multiple Domestic; Lawn & Garden	128.89
Ground Water Certificate	43Q 30107755	JEFF GOLINI; KIM GOLINI	Lawn & Garden	2.75
Ground Water Certificate	43Q 30107923	LISA DELL; WILLIAM STRADTMAN	Lawn & Garden	2.5
Ground Water Certificate	43Q 30108241	RHONDA M LAUGHMAN; CODY STEINMETZ	Domestic; Lawn & Garden	2.25
Ground Water Certificate	43Q 30108244	BTC OIL PROPERTIES LLC	Domestic; Lawn & Garden; Stock	9.4
Ground Water Certificate	43Q 30108417	CHELSEA A COLE; JOSHUA L COLE	Domestic	1.0
Ground Water Certificate	43Q 30108418	CHELSEA A COLE; JOSHUA L COLE	Lawn & Garden	3.25
Ground Water Certificate	43Q 30108737	JAMES YELEY; SHIRLEE YELEY	Domestic	1.0
Ground Water Certificate	43Q 30109326	RENT IS DUE LLC	Domestic	1.0
Exempt Right	43Q 30109488	W D HOWLAND	Lawn & Garden	0.5
Ground Water Certificate	43Q 30109826	KEVIN LUNDIN	Domestic	1.0
Ground Water Certificate	43Q 30110176	TODD E BROWN; SHARON J KIRKNESS	Domestic	1.0
Ground Water Certificate	43Q 30111241	JENNIFER M LINSE; SHANE G LINSE	Domestic	1.0
Statement Of Claim	43Q 30111722	RICK KRAFT	Stock	20.4*
Ground Water Certificate	43Q 30111808	RICK KRAFT	Lawn & Garden; Stock	1.38
Ground Water Certificate	43Q 30112091	CORDELL ANTHONY; PRESLEY PAYNE	Domestic; Lawn & Garden	4.13
Ground Water Certificate	43Q 30112463	BRITTANY'S DREAM LLC	Lawn & Garden	2.5
Ground Water Certificate	43Q 30113203	BRUCE L TONN	Domestic	1.0
Ground Water Certificate	43Q 30113205	BRUCE L TONN	Lawn & Garden	1.25

Ground Water Certificate	43Q 30113206	BRUCE L TONN	Lawn & Garden	1.25
Ground Water Certificate	43Q 30114284	GARY G RAITT	Domestic	1.0
Ground Water Certificate	43Q 30114285	GARY G RAITT	Lawn & Garden	2.5
Statement Of Claim	43Q 30114314	JOHN L CHAFFEE; KATHLEEN CHAFFEE	Domestic	2.0
Statement Of Claim	43Q 30114315	JOHN L CHAFFEE; KATHLEEN CHAFFEE	Stock	2.312*
Statement Of Claim	43Q 30114359	MONTEXAS INVESTMENTS LLC	Domestic	1.63
Provisional Permit	43Q 30115108	P3 COLEMAN LLC	Multiple Domestic; Lawn & Garden	155.3
Statement Of Claim	43Q 30115454	GEORDIE N STEILEN; SHERRI J STEILEN	Domestic	1.0
Ground Water Certificate	43Q 30115581	BRADFORD, ROBERT & KAREE LIVING TRUST	Lawn & Garden; Stock	5.6
Ground Water Certificate	43Q 30115582	DOLORES D GROVER; GEORGE S GROVER	Domestic	1.0
Ground Water Certificate	43Q 30116340	JANICEK, R & D LIVING TRUST	Domestic; Lawn & Garden	2.1
Statement Of Claim	43Q 30116579	REGAL LAND DEVELOPMENT INC	Domestic	1.63
Statement Of Claim	43Q 30116580	REGAL LAND DEVELOPMENT INC	Stock	8.5*
Statement Of Claim	43Q 30116581	MILLER FEEDLOT & FARMS LLC	Stock	27.2*
Statement Of Claim	43Q 30116582	MILLER FEEDLOT & FARMS LLC	Domestic	1.63
Ground Water Certificate	43Q 30116931	MATTHEW L RHEAUME	Domestic; Lawn & Garden	3.5
Ground Water Certificate	43Q 30117771	ROOKHUIZEN, RYAN & JODI FAMILY TRUST	Domestic; Lawn & Garden	2.88
Ground Water Certificate	43Q 30117888	KINSFATHER BARRY RUSSELL TRUST; KINSFATHER BONITA ANN TRUST	Domestic; Lawn & Garden	3.5
Ground Water Certificate	43Q 30118036	RNL TRUST	Domestic	1.0
Ground Water Certificate	43Q 30118252	TODD E BROWN	Lawn & Garden	1.25
Statement Of Claim	43Q 30118849	ANITA AZAM; EARL J NICHOLS	Domestic	2.0
Ground Water Certificate	43Q 30118850	ANITA AZAM; EARL J NICHOLS	Lawn & Garden	3.25
Ground Water Certificate	43Q 30118869	COLE J TURLEY; JAIMEE M TURLEY	Domestic	1.0
Ground Water Certificate	43Q 30119383	RUSSELL MCCLELLAN	Domestic; Lawn & Garden	2.88
Ground Water Certificate	43Q 30120742	LESLIE R ESHAM; RICHARD H ESHAM	Domestic; Lawn & Garden; Stock	8.6

Ground Water Certificate	43Q 30123323	PAUL ODEGAARD; SUZANNE ODEGAARD	Domestic	1.0
Statement Of Claim	43Q 30123366	DIANE R KRAFT; ROBERT R KRAFT	Domestic	3.5
Ground Water Certificate	43Q 30123996	KENNETH ROBINSON	Domestic; Lawn & Garden	1.63
Statement Of Claim	43Q 30124949	GERALD V MILLER	Domestic	2.3
Statement Of Claim	43Q 30124950	GERALD V MILLER	Stock	10.2*
Provisional Permit	43Q 30127618	NEXCO LLC	Multiple Domestic; Lawn & Garden	31.73
Ground Water Certificate	43Q 30128116	HEIN BOYS REVOCABLE TRUST	Lawn & Garden	1.0
Statement Of Claim	43Q 30128117	HEIN BOYS REVOCABLE TRUST	Stock	0.68*
Ground Water Certificate	43Q 30129795	MCCALL RANDALL; THOMAS S RANDALL	Domestic; Lawn & Garden	2.25
Ground Water Certificate	43Q 30129936	DOUGLAS MAGNUS; JULIE A MAGNUS	Lawn & Garden; Stock	0.48
Ground Water Certificate	43Q 30130016	DOUGLAS MAGNUS; JULIE A MAGNUS	Lawn & Garden	7.5
Ground Water Certificate	43Q 30131283	LISA DELL; WILLIAM STRADTMAN	Domestic	1.0
Ground Water Certificate	43Q 30131709	PENNY R KINDSFATER	Domestic; Lawn & Garden	1.85
Ground Water Certificate	43Q 30133196	TAMARA VL BRALEY	Domestic	1.0
Ground Water Certificate	43Q 30133799	GWEN T SCHLEICHER	Lawn & Garden	2.93
Statement Of Claim	43Q 30134018	WILLIAM C LACKMAN	Domestic	1.5
Statement Of Claim	43Q 30134019	WILLIAM C LACKMAN	Stock	10.0
Statement Of Claim	43Q 30143772	JESS BERG; LYNDA K BERG	Domestic	4.58
Statement Of Claim	43Q 30143773	JESS BERG; LYNDA K BERG	Stock	5.34*
Statement Of Claim	43Q 30144026	JUDY C MCNALLY	Stock	2.55*
Statement Of Claim	43Q 30144029	JUDY C MCNALLY	Stock	2.55*
Statement Of Claim	43Q 30144031	JUDY C MCNALLY	Domestic	1.63
Statement Of Claim	43Q 30144032	JUDY C MCNALLY	Domestic	1.63
Statement Of Claim	43Q 30144058	SISTKO-TAYLOR TRUST	Domestic	14.0*
Statement Of Claim	43Q 30144061	SISTKO-TAYLOR TRUST	Stock	1.36*

Statement Of Claim	43Q 30144127	VANLUCHENE, RONALD & JENNIFER REVOCABLE LIVING TRT	Domestic	3.5
Statement Of Claim	43Q 30144158	DEBRA K MORRIS	Stock	0.27*
Statement Of Claim	43Q 30144160	DEBRA K MORRIS; WALTER L MORRIS	Domestic	14.0
Statement Of Claim	43Q 30145279	JUDI MACKNEY; SCOTT MACKNEY	Domestic	2.75*
Provisional Permit	43Q 30147261	ELDER GROVE SCHOOL	Institutional; Irrigation	15.26
Ground Water Certificate	43Q 30148205	CHARLES ROSE; LAURA L ROSE	Domestic	1.0
Ground Water Certificate	43Q 30148839	JOHN E TRAEGER; KAREN L TRAEGER	Domestic	1.0
Ground Water Certificate	43Q 30148938	EDWARD G CODDEN	Domestic; Lawn & Garden	2.88
Ground Water Certificate	43Q 30149303	JULIE A WORDEN; MICHAEL S WORDEN	Domestic; Lawn & Garden	3.83
Ground Water Certificate	43Q 30149585	KURU P PALAIYAN; SHARLENE L PALAIYAN	Domestic; Lawn & Garden	2.25
Ground Water Certificate	43Q 30149793	MEGAN J LUTHER; WARREN R LUTHER	Domestic; Lawn & Garden	1.45
Provisional Permit	43Q 30149895	REGAL LAND DEVELOPMENT INC	Multiple Domestic; Lawn & Garden; Other Purpose	157.75
Provisional Permit	43Q 30150480	M & J LAND CO LLC	Multiple Domestic; Lawn & Garden; Other Purpose	53.0
Ground Water Certificate	43Q 30150724	MERTON E MUSSER	Domestic; Lawn & Garden	4.75
Ground Water Certificate	43Q 30150814	WADE AFFLECK	Domestic; Lawn & Garden	2.88
Ground Water Certificate	43Q 30151799	RODNEY W LEE; THERESA L LEE	Domestic; Lawn & Garden	2.25
Ground Water Certificate	43Q 30151834	BRYAN OKRAGLY	Domestic	1.0
Provisional Permit	43Q 30152396	LAZY KU ESTATES LLC	Lawn & Garden; Multiple Domestic	24.61
Provisional Permit	43Q 30152518	ACK HOLDINGS INC	Multiple Domestic; Lawn & Garden	79.0
Ground Water Certificate	43Q 30152776	ELLYN E DALEY; MITCH G DALEY	Domestic; Lawn & Garden	1.13
Ground Water Certificate	43Q 30152815	CARRIE G DAVISON; DUSTIN T DAVISON	Domestic; Lawn & Garden	2.23
Ground Water Certificate	43Q 30152929	DEREK J MENHOLT	Lawn & Garden; Domestic	6.0
Ground Water Certificate	43Q 30152986	NATALIE L DRAGOO; DEVIN P SMITH	Domestic; Lawn & Garden; Stock	2.78
Ground Water Certificate	43Q 30153350	JILL W PECK; KENNETH W PECK	Domestic	1.0
Provisional Permit	43Q 30154658	M & J LAND CO LLC	Multiple Domestic; Lawn & Garden	97.6
Ground Water Certificate	43Q 30155130	TY LANTIS; PAMELA LANTIS	Lawn & Garden; Domestic	2.83

Ground Water Certificate	43Q 30155293	BETHANY J OLSON; GRANT A OLSON	Domestic; Lawn & Garden	5.23
Ground Water Certificate	43Q 30156336	MICHAEL J HRABAN; VALERIE K HRABAN	Domestic; Lawn & Garden	3.0
Ground Water Certificate	43Q 30157877	REGAL LAND DEVELOPMENT INC	Lawn & Garden; Multiple Domestic	3.4
Ground Water Certificate	43Q 30157878	REGAL LAND DEVELOPMENT INC	Multiple Domestic; Lawn & Garden	3.4
Ground Water Certificate	43Q 30157879	REGAL LAND DEVELOPMENT INC	Lawn & Garden; Multiple Domestic	3.4
Ground Water Certificate	43Q 30157880	REGAL LAND DEVELOPMENT INC	Lawn & Garden; Multiple Domestic	3.4
Ground Water Certificate	43Q 30157881	REGAL LAND DEVELOPMENT INC	Multiple Domestic; Lawn & Garden	3.4
Ground Water Certificate	43Q 30157882	REGAL LAND DEVELOPMENT INC	Multiple Domestic; Lawn & Garden	3.4
Ground Water Certificate	43Q 30157883	REGAL LAND DEVELOPMENT INC	Multiple Domestic; Lawn & Garden	3.4
Ground Water Certificate	43Q 30157884	REGAL LAND DEVELOPMENT INC	Lawn & Garden; Multiple Domestic	3.4
Ground Water Certificate	43Q 30157885	REGAL LAND DEVELOPMENT INC	Lawn & Garden; Multiple Domestic	3.4
Ground Water Certificate	43Q 30157886	REGAL LAND DEVELOPMENT INC	Lawn & Garden; Multiple Domestic	3.4
Ground Water Certificate	43Q 30157887	REGAL LAND DEVELOPMENT INC	Lawn & Garden; Multiple Domestic	3.4
Ground Water Certificate	43Q 30157888	REGAL LAND DEVELOPMENT INC	Multiple Domestic; Lawn & Garden	3.4
Ground Water Certificate	43Q 30157889	REGAL LAND DEVELOPMENT INC	Multiple Domestic; Lawn & Garden	3.4
Ground Water Certificate	43Q 30157890	REGAL LAND DEVELOPMENT INC	Multiple Domestic; Lawn & Garden	3.4
Ground Water Certificate	43Q 30157891	REGAL LAND DEVELOPMENT INC	Lawn & Garden; Multiple Domestic	3.4
Ground Water Certificate	43Q 30157892	REGAL LAND DEVELOPMENT INC	Multiple Domestic; Lawn & Garden	3.4
Ground Water Certificate	43Q 30158399	BLAINE A POPPLER	Lawn & Garden	7.5
Ground Water Certificate	43Q 30158528	SHERRY L WALKING EAGLE	Domestic; Lawn & Garden	3.5
Provisional Permit	43Q 30158778	MYRON S GROSS; NANCY J GROSS	Lawn & Garden; Multiple Domestic	79.1
Ground Water Certificate	43Q 30159049	DKSMITH HOLDINGS LLC	Commercial	0.11
Ground Water Certificate	43Q 30160033	ERIN M STICKEL; RYAN STICKEL	Lawn & Garden; Domestic	2.88
Ground Water Certificate	43Q 30161015	NATHANIEL G CRUZAN; NICOLE A CRUZAN	Lawn & Garden; Domestic	3.5
Ground Water Certificate	43Q 30161069	JOSHUA BENZINGER; LINDSY BENZINGER	Domestic	1.0

Ground Water Certificate	43Q 30161071	JOSHUA BENZINGER; LINDSY BENZINGER	Lawn & Garden	3.88
Ground Water Certificate	43Q 30161091	KELLY COMSTOCK; SANDEE-DEE COMSTOCK	Lawn & Garden	3.75
Ground Water Certificate	43Q 30161092	KELLY COMSTOCK; SANDEE-DEE COMSTOCK	Domestic	1.0
Ground Water Certificate	43Q 30161105	DOUGLAS CHAPMAN; BRANDY JONES	Lawn & Garden	3.65
Ground Water Certificate	43Q 30161106	DOUGLAS CHAPMAN; BRANDY JONES	Domestic	1.0
Provisional Permit	43Q 30162249	LAZY KU ESTATES LLC	Multiple Domestic; Lawn & Garden	72.4
Ground Water Certificate	43Q 30162299	CHRISTOPHER J SPILLERS; JULIE T SPILLERS	Domestic; Lawn & Garden	3.53
Provisional Permit	43Q 30162460	BIGHORN DRYWALL & CONSTRUCTION LLC	Lawn & Garden; Multiple Domestic	70.51
Ground Water Certificate	43Q 30162493	JAMES W COONS; MARY LOU PALMER	Lawn & Garden; Domestic	3.28
Ground Water Certificate	43Q 30163087	HARDRIVES CONSTRUCTION INC	Domestic	1.0
Ground Water Certificate	43Q 30163139	DAN & JULANE FARMS, LLC	Fishery	5.83
Ground Water Certificate	43Q 30163503	CHRISTINE Y LEE; RICHARD A LEE	Domestic; Lawn & Garden	3.5
Ground Water Certificate	43Q 30163734	KELSEY KLABOE; PAUL KLABOE	Domestic; Lawn & Garden	2.63
Ground Water Certificate	43Q 30163928	USELMAN FAMILY TRUST	Domestic	1.0
Ground Water Certificate	43Q 30163937	ASHLEY A ERB; CAMERON M ERB	Domestic; Lawn & Garden	2.73
Ground Water Certificate	43Q 30164116	BONNIE K JARES; JOHN E JARES	Lawn & Garden	3.75
Ground Water Certificate	43Q 30164746	KRAMER, RAY AND SHARON FAMILY TRUST	Domestic; Lawn & Garden	3.5
Provisional Permit	43Q 30164891	COUGAR INVESTMENTS LLC	Lawn & Garden; Commercial	48.01
Ground Water Certificate	43Q 30165392	CHRISTINE Y LEE; RICHARD A LEE	Stock	0.34
Ground Water Certificate	43Q 30165662	ANNIE C FOSTER; NOLAN FOSTER	Domestic; Lawn & Garden	2.23
Ground Water Certificate	43Q 30170753	TERESA KNEPPER; WYATT KNEPPER	Domestic; Lawn & Garden	3.5
Ground Water Certificate	43Q 30578 00	PAMELA P SANDERSON; ROBERT L SANDERSON	Domestic; Irrigation; Stock	8.88
Ground Water Certificate	43Q 31216 00	THOMAS H DAVIS	Domestic; Stock	1.04
Ground Water Certificate	43Q 31701 00	DEBRA S COLE; N CASSIDY COLE	Domestic	1.5
Ground Water Certificate	43Q 32930 00	BRUCE J MACINTYRE	Domestic	1.5

Ground Water Certificate	43Q 33794 00	JEAN E JACQUES; THOMAS P JACQUES	Stock	0.71
Ground Water Certificate	43Q 34020 00	EILEEN A WRIGHT; PETER R WRIGHT	Domestic	1.5
Ground Water Certificate	43Q 34552 00	JOHN HEIN; JOYCE HEIN	Domestic	1.5
Ground Water Certificate	43Q 35635 00	TAMARA L BELLINGER	Domestic; Stock	1.71
Ground Water Certificate	43Q 35746 00	DAVID KERBEL	Domestic; Stock	1.73
Ground Water Certificate	43Q 36355 00	ROBERT J CUSTER; BECKY J THOMPSON	Domestic	1.5
Ground Water Certificate	43Q 36787 00	EDWARD A HEIN	Domestic	1.5
Ground Water Certificate	43Q 36859 00	CATHERINE MCNALLY; JIM MCNALLY; TERESA C MCNALLY	Domestic	1.5
Ground Water Certificate	43Q 37930 00	CYNTHIA E PETEK	Stock	0.14
Ground Water Certificate	43Q 38459 00	SCOTT SCHEETZ	Domestic; Stock	3.24
Ground Water Certificate	43Q 39189 00	GWEN T SCHLEICHER	Domestic	1.5
Ground Water Certificate	43Q 39206 00	JEFFREY T YELEY; KRISTEN D YELEY	Domestic; Stock	25.0
Ground Water Certificate	43Q 39207 00	JEFFREY T YELEY; KRISTEN D YELEY	Domestic; Stock	25.0
Ground Water Certificate	43Q 39208 00	JEFFREY T YELEY; KRISTEN D YELEY	Domestic; Stock	25.0
Ground Water Certificate	43Q 39330 00	MARILYN A KROFT; TODD D KROFT	Domestic	1.5
Ground Water Certificate	43Q 39331 00	DONALD S LOVELESS; SUSAN D LOVELESS	Domestic	1.5
Ground Water Certificate	43Q 40804 00	LOVELL WITTMAYER	Domestic	2.0
Ground Water Certificate	43Q 4335 00	NOEL E MEISNER	Domestic; Fish And Wildlife; Stock	2.92*
Exempt Right	43Q 43987 00	JERRY J O'DONNELL; SUSAN R O'DONNELL	Domestic; Stock	3.0
Ground Water Certificate	43Q 4482 00	FISKE LIVING TRUST	Domestic; Stock	2.92*
Ground Water Certificate	43Q 45082 00	JERRY J O'DONNELL; SUSAN R O'DONNELL	Domestic; Stock	3.08
Ground Water Certificate	43Q 46880 00	JULIE A MYERS; WILLARD L MYERS	Commercial; Domestic; Lawn & Garden	11.5
Ground Water Certificate	43Q 48551 00	ROBERTS CATTLE SERVICES INC	Domestic; Lawn & Garden	3.13
Ground Water Certificate	43Q 49035 00	KATHRYN A ENSIGN	Domestic; Stock	6.2
Exempt Right	43Q 49403 00	MLH LLC	Domestic	1.5
Ground Water Certificate	43Q 49531 00	SOLOMON FAMILY TRUST	Domestic	1.5

Ground Water Certificate	43Q 49541 00	GEORGE ELLINGHOUSE	Stock	0.07
Ground Water Certificate	43Q 501 00	CLEVE NEWMAN	Domestic; Stock	2.92*
Ground Water Certificate	43Q 52262 00	4E PROPERTIES LLC	Domestic	1.75
Ground Water Certificate	43Q 54016 00	LYNETTE D SIROKY	Domestic; Lawn & Garden	1.5
Ground Water Certificate	43Q 54024 00	GARY P RAY	Domestic	1.5
Ground Water Certificate	43Q 5534 00	CECIL C OLIVER	Domestic	2.92*
Ground Water Certificate	43Q 56087 00	CONNIE MCDONALD; THOMAS MCDONALD	Domestic; Stock	4.53
Ground Water Certificate	43Q 56235 00	CAREN L MCLANE; TODD A MCLANE	Domestic	1.5
Ground Water Certificate	43Q 56236 00	KELLY J LEMM; THOMAS K LEMM	Domestic	1.5
Ground Water Certificate	43Q 56237 00	KELLY J LEMM; THOMAS K LEMM	Irrigation; Stock	12.28
Ground Water Certificate	43Q 56254 00	DANIEL W DOLES	Domestic; Lawn & Garden	3.5
Ground Water Certificate	43Q 57879 00	GARY L SCHULTZ; WAUNETTA M SCHULTZ	Domestic	1.5
Ground Water Certificate	43Q 57891 00	BRENDA FREYMILLER; GEORGE FREYMILLER	Domestic	1.5
Ground Water Certificate	43Q 58052 00	AMANDA M SWIFT; JAMES T SWIFT	Domestic; Stock; Irrigation	4.05
Ground Water Certificate	43Q 60345 00	DICK HARRIS	Domestic	1.5
Ground Water Certificate	43Q 60411 00	BILL CARR; BONNIE CARR	Domestic	1.5
Ground Water Certificate	43Q 60484 00	TYLER JUMPER	Domestic	1.5
Ground Water Certificate	43Q 62343 00	CHRISTINA B LANG; ROY A LANG	Domestic	1.0
Ground Water Certificate	43Q 62344 00	CHRISTINA B LANG; ROY A LANG	Lawn & Garden	3.75
Ground Water Certificate	43Q 62391 00	BRIAN G POWELL; MICHO L E POWELL	Domestic; Lawn & Garden; Stock	3.59
Ground Water Certificate	43Q 62438 00	ELDER GROVE SCHOOL	Commercial; Lawn & Garden	4.39
Ground Water Certificate	43Q 66429 00	H 5300 TRUST; H-5100 TRUST	Domestic; Stock	1.11
Ground Water Certificate	43Q 67198 00	BRAD STUART; KAY C STUART	Irrigation; Stock	13.25
Ground Water Certificate	43Q 67199 00	BRAD STUART; KAY C STUART	Domestic	1.5
Statement Of Claim	43Q 677 00	JOLENE KAY STATON; LEONARD E STATON	Irrigation	122.8*

Ground Water Certificate	43Q 68358 00	BERNADETTE J BOTZ; MICHAEL M BOTZ	Domestic; Lawn & Garden; Stock	6.05
Ground Water Certificate	43Q 68394 00	FRANK C WAGNER; PAULETTE R WAGNER	Lawn & Garden	3.75
Ground Water Certificate	43Q 68395 00	FRANK C WAGNER; PAULETTE R WAGNER	Domestic; Lawn & Garden; Stock	4.81
Ground Water Certificate	43Q 69467 00	TYLER JUMPER	Irrigation; Stock	8.14
Ground Water Certificate	43Q 69473 00	ANNIE B TEAL; PETER V TEAL	Domestic; Lawn & Garden	3.5
Ground Water Certificate	43Q 69496 00	LINDA K OVERSTREET; MICHAEL W OVERSTREET	Domestic	1.5
Ground Water Certificate	43Q 70777 00	EMILEE J ATKINSON; KELLY J ATKINSON	Domestic	1.5
Ground Water Certificate	43Q 70792 00	RENEWAL RANCH LLC	Domestic	1.5
Ground Water Certificate	43Q 72279 00	R A RENTALS LLC	Domestic; Lawn & Garden; Stock	15.85
Ground Water Certificate	43Q 72844 00	LYNDON S COBURN	Lawn & Garden	0.63
Ground Water Certificate	43Q 72871 00	JAMES L DEWIT; SHARON DEWIT	Domestic; Lawn & Garden	3.5
Ground Water Certificate	43Q 73494 00	MONTEXAS INVESTMENTS LLC	Domestic	2.5
Ground Water Certificate	43Q 75519 00	BLAINE A POPPLER	Lawn & Garden; Stock	1.33
Ground Water Certificate	43Q 759 00	MARGARET E SANDERSON	Domestic	2.92*
Ground Water Certificate	43Q 76308 00	MONTEXAS INVESTMENTS LLC	Domestic	1.5
Ground Water Certificate	43Q 76346 00	MARGARET E SANDERSON	Domestic	1.63
Ground Water Certificate	43Q 7703 00	LAS PALMAS LLC; NATHANIAL C SAYLER	Domestic; Stock	4.0
Ground Water Certificate	43Q 77128 00	MIKOL HJELVIK	Domestic; Lawn & Garden	5.13
Ground Water Certificate	43Q 77130 00	CARRIE ROBERTS	Domestic	1.63
Ground Water Certificate	43Q 7747 00	JAMES BINANDO; VIVIAN D BINANDO	Stock; Domestic	2.92*
Ground Water Certificate	43Q 77734 00	STALEY FAMILY TRUST	Domestic	1.63
Ground Water Certificate	43Q 78045 00	ANGELA GRIMSTAD; JAMES GRIMSTAD	Domestic; Lawn & Garden	3.5
Ground Water Certificate	43Q 78082 00	JEFFREY D HUDIBURGH; RILEY C HUDIBURGH	Domestic; Irrigation; Stock	10.0
Ground Water Certificate	43Q 78088 00	DONALD W MACDONALD	Domestic	1.0
Ground Water Certificate	43Q 78093 00	OTREMBA, GAYLE J TRUST; OTREMBA, JAMES J TRUST	Domestic	1.63

Ground Water Certificate	43Q 781 00	PHILLIP M ROTH	Domestic	2.92*
Ground Water Certificate	43Q 79823 00	JOHN C ROLLMAN	Stock	0.08
Ground Water Certificate	43Q 79845 00	MICHAEL J BARLOW; TRACY A BARLOW	Lawn & Garden	0.63
Ground Water Certificate	43Q 79850 00	GRANITE PEAK GROUP LLC	Lawn & Garden	0.85
Ground Water Certificate	43Q 80858 00	MOORE LIVING TRUST	Domestic; Lawn & Garden	2.25
Ground Water Certificate	43Q 80896 00	HALLIE E LINDAL; JASON T LINDAL	Domestic; Lawn & Garden	3.75
Ground Water Certificate	43Q 8233 00	D BAR C LIVING TRUST	Domestic	0.34
Ground Water Certificate	43Q 82736 00	JULIE A MYERS; WILLARD L MYERS	Domestic; Lawn & Garden; Stock	3.53
Provisional Permit	43Q 82797 00	SPRING CREEK LANDSCAPE CO	Irrigation	7.5
Ground Water Certificate	43Q 82799 00	LEWIS FAMILY TRUST	Domestic; Lawn & Garden	8.88
Ground Water Certificate	43Q 84384 00	DOUGLAS MAGNUS; JULIE A MAGNUS	Domestic	1.0
Ground Water Certificate	43Q 84404 00	MILO ZEMLISKA	Domestic	1.0
Ground Water Certificate	43Q 84411 00	DAVID J VANEK; DENYSE M VANEK	Domestic; Lawn & Garden	3.5
Ground Water Certificate	43Q 84447 00	CHRISTINE L MARTIN; STEVEN MARTIN	Domestic; Lawn & Garden	4.45
Ground Water Certificate	43Q 84481 00	KENNETH R HEIN	Domestic	1.63
Ground Water Certificate	43Q 85481 00	ROBINSON, JACK L TRUST	Domestic; Lawn & Garden; Stock	2.3
Ground Water Certificate	43Q 8551 00	SMITH, KOLTER RAY TRUST	Domestic	2.92*
Ground Water Certificate	43Q 87418 00	MATTHEW P BOERSCHINGER	Domestic	1.0
Ground Water Certificate	43Q 87432 00	KYLE A KINDSFATHER; SARAH F KINDSFATHER	Domestic; Lawn & Garden	6.0
Ground Water Certificate	43Q 87458 00	DORIS M KNUDSEN	Domestic; Lawn & Garden; Stock	3.54
Ground Water Certificate	43Q 87463 00	CAROL A WILLIS; THOMAS D WILLIS	Domestic	1.63
Ground Water Certificate	43Q 87471 00	JA NET HOFER; KENNETH HOFER	Domestic; Irrigation; Lawn & Garden; Stock	4.92
Ground Water Certificate	43Q 8754 00	IAN P BLUMENSHINE	Domestic	2.92*
Ground Water Certificate	43Q 88840 00	DAN KAUTZ	Domestic; Stock	1.94
Exempt Right	43Q 90679 00	R A RENTALS LLC	Domestic; Lawn & Garden; Stock	15.85
Ground Water Certificate	43Q 90966 00	ROY E HOTH	Domestic	1.63

Ground Water Certificate	43Q 91689 00	GREG F MEYER	Domestic; Lawn & Garden	1.63
Ground Water Certificate	43Q 91690 00	DANA M SHORE	Domestic; Lawn & Garden; Stock	3.53
Exempt Right	43Q 91699 00	JUDY C MCNALLY	Domestic; Lawn & Garden; Stock	2.93
Ground Water Certificate	43Q 91742 00	BRENT A WENNING; JESSICA D WENNING	Domestic; Lawn & Garden	8.5
Ground Water Certificate	43Q 91800 00	BRENT M BATES; LIANE R BATES	Domestic; Lawn & Garden	2.15
Ground Water Certificate	43Q 91833 00	LORNA STOKKE; SAM STOKKE	Domestic; Lawn & Garden	2.88
Ground Water Certificate	43Q 93018 00	TYLER LAW; TYLER ANN LAW	Domestic; Lawn & Garden; Stock	3.6
Ground Water Certificate	43Q 93019 00	VICKI L BENDER	Domestic; Lawn & Garden; Stock	3.6
Ground Water Certificate	43Q 93020 00	ANDREW L KONKEL	Domestic; Lawn & Garden; Stock	3.6
Ground Water Certificate	43Q 93021 00	SK2 LIVING TRUST DTD 3/11/2022	Domestic; Lawn & Garden; Stock	3.6
Ground Water Certificate	43Q 93022 00	JOSH LEENKNECHT; STEPHANIE LEENKNECHT	Domestic; Lawn & Garden; Stock	3.6
Ground Water Certificate	43Q 93023 00	DEBUF, MARY JEAN REVOCABLE TRUST	Domestic; Lawn & Garden; Stock	3.6
Ground Water Certificate	43Q 94669 00	THURSDAY MORNING LIVING TRUST	Domestic	1.63
Ground Water Certificate	43Q 94680 00	TOM L FULTON; SUSANNE K FULTON.	Domestic; Irrigation	4.13
Ground Water Certificate	43Q 96416 00	AMANDA LAIN; EDWIN S LAIN	Domestic; Lawn & Garden	5.25
Ground Water Certificate	43Q 96477 00	TERESA L BOTTRELL	Domestic	1.63
Ground Water Certificate	43Q 96513 00	CORY L HASIAK; HEATHER HASIAK	Domestic; Irrigation; Lawn & Garden; Stock	6.03
Ground Water Certificate	43Q 97684 00	LYNDON S COBURN	Lawn & Garden	2.5
Ground Water Certificate	43Q 97685 00	VICKI L BENDER; DEBUF, MARY JEAN REVOCABLE TRUST; RANDEE L KILLION; ANDREW L KONKEL; TYLER LAW; TYLER ANN LAW; BRENT LEBRUN; JOSH LEENKNECHT; STEPHANIE LEENKNECHT	Lawn & Garden	10.0
Ground Water Certificate	43Q 97721 00	DIANE S ASCHEMAN; STEVEN J ASCHEMAN	Domestic; Lawn & Garden	3.5
Ground Water Certificate	43Q 99134 00	BONNIE D HALL; EDWARD C HALL	Domestic	1.63
Ground Water Certificate	43Q 99185 00	JEAN E JACQUES; THOMAS P JACQUES	Domestic	1.63
Ground Water Certificate	43Q 99186 00	THOMAS W CARROLL	Domestic	1.63
Ground Water Certificate	43Q 99273 00	ERIC ARZUBI; ELA MATA	Domestic; Lawn & Garden	1.18

Ground Water Certificate	43Q 99274 00	CAREN L MCLANE; TODD A MCLANE	Lawn & Garden; Stock	2.55
Ground Water Certificate	43Q 99325 00	MICHAEL W WILLIAMS	Domestic; Lawn & Garden	2.25
Ground Water Certificate	43Q 9980 00	BIG UNIT STORAGE LLC	Domestic	2.92*
Ground Water Certificate	43Q 99953 00	JULIANNA M PAPEZ	Domestic; Lawn & Garden; Stock	2.35
Ground Water Certificate	43Q 99960 00	TOEWS FAMILY REVOCABLE TRUST	Domestic; Lawn & Garden	5.5
Ground Water Certificate	43Q 99962 00	JEAN M MALKUCH	Domestic	1.63
			Total	3,601.15

* Calculated by DNRC

**Appendix B: Monthly Distribution of Water
Rights Between the Gage and the Point Where
Depletions Accrue on Canyon Creek by Flow
Rate (CFS) and Volume (AF)**

Table B-1. Monthly Distribution of Water Rights Between the Gage and Point Where Depletions Accrue on Canyon Creek by Flow Rate (CFS)

Water Right Number	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
43Q 180005 00			0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	
43Q 199829 00					0.75	0.75	0.75	0.75	0.75			
43Q 199830 00					0.26	0.26	0.26	0.26	0.26			
43Q 214609 00			0.66	0.66	0.66	0.66	0.66	0.66	0.66	0.66	0.66	
43Q 26726 00						0.34	0.34	0.34	0.34			
43Q 30067817				0.01	0.01	0.01	0.01	0.01	0.01			
43Q 30115456	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08
43Q 39516 00				0.58	0.58	0.58	0.58	0.58	0.58	0.58	0.58	
43Q 8960 00				1.33	1.33	1.33	1.33	1.33	1.33	1.33	1.33	1.33
43Q 8965 00	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11
SUM	1.19	1.19	1.91	3.83	4.84	5.18	5.18	5.18	5.18	3.82	3.82	2.52

Table B-2. Monthly Distribution of Water Rights Between the Gage and Point Where Depletions Accrue on Canyon Creek by Volume (AF)

Water Right Number	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
43Q 180005 00			1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	
43Q 199829 00					12.28	12.28	12.28	12.28	12.28			
43Q 199830 00					4.3	4.3	4.3	4.3	4.3			
43Q 214609 00			5.97	5.97	5.97	5.97	5.97	5.97	5.97	5.97	5.97	
43Q 26726 00						6.91	6.91	6.91	6.91			
43Q 30067817				0.42	0.42	0.42	0.42	0.42	0.42			
43Q 30115456	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03
43Q 39516 00				5.76	5.76	5.76	5.76	5.76	5.76	5.76	5.76	
43Q 8960 00 (Stock)					0.13	0.13	0.13	0.13	0.13	0.13	0.13	0.13
43Q 8960 00 (Irrigation)				24.86	24.86	24.86	24.86	24.86	24.86	24.86		
43Q 8965 00 (Stock)	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08
43Q 8965 00 (Irrigation)				3.86	3.86	3.86	3.86	3.86	3.86	3.86		
SUM	0.11	0.11	7.1	42.00	58.71	65.62	65.62	65.62	65.62	41.71	12.99	0.24

Appendix C: Water Rights within the Surface Water Area of Potential Impact

Table C-1. Monthly Distribution of Water Rights Within the Depleted Reach of Canyon Creek by Flow Rate (CFS)

Water Right Number	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
43Q 180005 00			0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	
43Q 199829 00					0.75	0.75	0.75	0.75	0.75			
43Q 199830 00					0.26	0.26	0.26	0.26	0.26			
43Q 214609 00			0.66	0.66	0.66	0.66	0.66	0.66	0.66	0.66	0.66	
43Q 26726 00						0.34	0.34	0.34	0.34			
43Q 30067817				0.01	0.01	0.01	0.01	0.01	0.01			
43Q 30115456	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08
43Q 39516 00				0.58	0.58	0.58	0.58	0.58	0.58	0.58	0.58	
43Q 8960 00				1.33	1.33	1.33	1.33	1.33	1.33	1.33	1.33	1.33
43Q 8965 00	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11
43Q 206480				0.77	0.77	0.77	0.77	0.77	0.77	0.77	0.77	
SUM	1.19	1.19	1.91	3.83	4.84	5.18	5.18	5.18	5.18	3.82	3.82	2.52

Table C-2. Monthly Distribution of Water Rights Within the Depleted Reach of Canyon Creek by Volume (AF)

Water Right Number	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
43Q 180005 00			1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	
43Q 199829 00					12.28	12.28	12.28	12.28	12.28			
43Q 199830 00					4.3	4.3	4.3	4.3	4.3			
43Q 214609 00			5.97	5.97	5.97	5.97	5.97	5.97	5.97	5.97	5.97	
43Q 26726 00						6.91	6.91	6.91	6.91			
43Q 30067817				0.42	0.42	0.42	0.42	0.42	0.42			
43Q 30115456	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03
43Q 39516 00				5.76	5.76	5.76	5.76	5.76	5.76	5.76	5.76	
43Q 8960 00 (Stock)					0.13	0.13	0.13	0.13	0.13	0.13	0.13	0.13
43Q 8960 00 (Irrigation)				24.86	24.86	24.86	24.86	24.86	24.86	24.86		
43Q 8965 00 (Stock)	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08
43Q 8965 00 (Irrigation)				3.86	3.86	3.86	3.86	3.86	3.86	3.86		
43Q 206480				7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	
SUM	0.11	0.11	7.1	49.68	66.39	73.3	73.3	73.3	73.3	49.39	20.67	0.24