

## **Environmental Assessment & Public Notice for Public Comment**

- **Environmental Assessment &  
supporting documents**
- **Public Notice for Public Comment  
package**
  - Notice Area List
  - Notice Area Map
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**Environmental Assessment &  
Public Notice for Public  
Comment**

# NOTICE AREA

Application No. 76K 30172668 Regional Office # 09

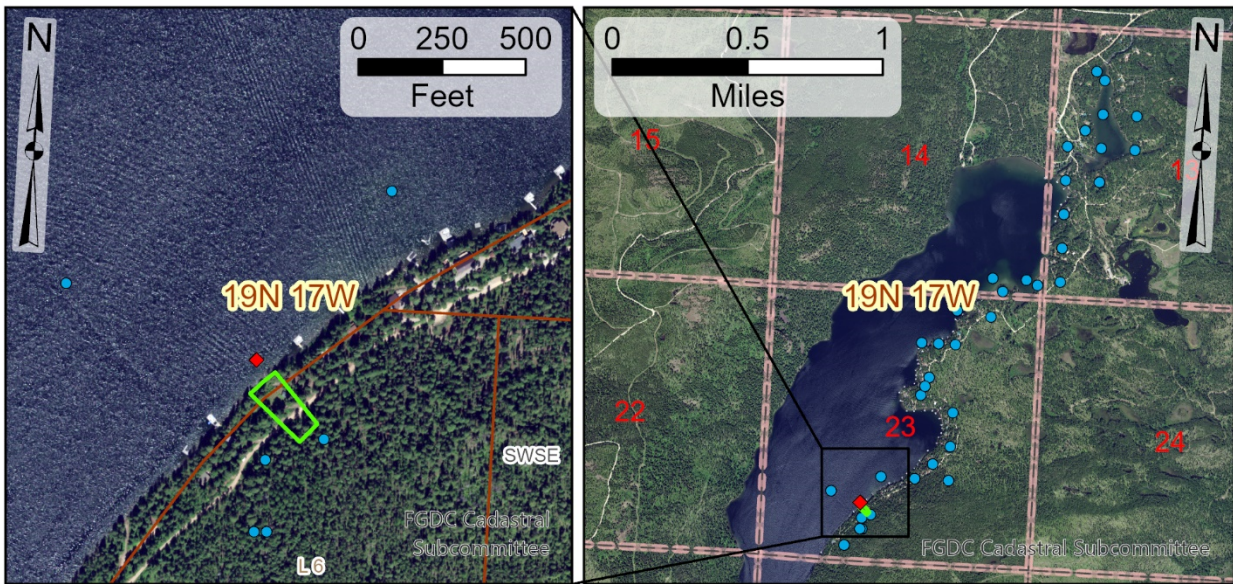
Applicant's Name R & E Associates of Montana, LLC

Indian Reservation  Yes  No If yes, Reservation \_\_\_\_\_

Irrigation District  Yes  No If yes, District \_\_\_\_\_

Specialist Benjamin Thomas Date 6/18/2026

## Permit Application 76K 30172668 - R&E Associates of Montana LLC



### Legend

<p><span style="color: red;">◆</span> Point of Diversion</p> <p><span style="border: 2px solid green; display: inline-block; width: 20px; height: 10px;"></span> Place of Use (Property Boundary)</p>	<p><span style="border: 2px solid red; display: inline-block; width: 20px; height: 10px;"></span> Township/Range</p> <p><span style="border: 1px dashed red; display: inline-block; width: 20px; height: 10px;"></span> Section</p> <p><span style="color: blue;">●</span> Publicly Noticed Right</p>
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Map of proposed change.

<b>Interested Party</b>	
Applicant: Dean E Hardi & Rhonda K Hardi Living Trust	
Avista Corporation	
Bitterroot Conservation District	
Bitterroot National Forest	
Bureau of Indian Affairs	
Clark Fork Coalition	
Department of Environmental Quality	
Department of Fish, Wildlife and Parks	
Lolo National Forest	
Montana Board of Land Commissioners	
Montana Trout Unlimited	
Northwestern Energy	
PPL Montana LLC	
Ravalli County Clerk of Court	
Ravalli County Commissioners	
Ravalli Republic	
U.S. Forest Service	
<b>Water Right Owner</b>	<b>Water Right #</b>
REYNOLDS PROPERTIES LLC	76K 376 00
JAMES SNYDER AND BARBARA REISS SNYDER 2006 TRUST	76K 840 00
DRASDO FAMILY TRUST	76K 3026 00
MCCRANE, DAVID & CYNTHIA 1998 REVOCABLE TRUST	76K 5617 00
BART M KELLNER; ROBERT M MORGAN	76K 5765 00
JOHN J OTTMAN; KARI E OTTMAN	76K 5847 00
COLLEEN S MCCABE	76K 5849 00
CREDIT SHELTER TRUST; PLATTS FAMILY TRUST	76K 6053 00
LAZY MD LLC	76K 6223 00
H A CARLSON; HACMOORE HOMEOWNERS ASSOC	76K 6460 00
DAVID P JOHNSON; PENNY M JOHNSON	76K 6797 00
CONRAD COLBY; SHARON S COLBY	76K 21215 00
ERICKSON FAMILY TRUST; LEO SMITH FAMILY CABIN LLC	76K 21216 00
DROUILLARD, DENNIS D & PAMELA S REVOCABLE TRUST	76K 22979 00
CARL D HEISHMAN; GAYLE H HEISHMAN	76K 28553 00
GWEN C HANLEY; JOHN R HANLEY	76K 28856 00
LESTER A KEILMAN	76K 29127 00
MARRON, JOHN E & MARY J FAMILY TRUST	76K 29742 00
REXFORD KLEINSASSER LIVING TRUST	76K 31056 00
BETTY DEE RUSS; PHILIP W RUSS	76K 32059 00
SEELEY LAKE RESERVE LLC	76K 33290 00
BRITTNEY SAMEL; MARK YORK	76K 36692 00
PICKERING-WINGFIELD, POLLY LIVING TRUST 06/26/95; WINGFIELD, MIRIAM H LIVING TRUST MAY 2, 2008; WINGFIELD, ROBERTA LIVING TRUST AUGUST 11, 2009	76K 37653 00
PORTE, NEVA J TRUST	76K 38511 00
HASHSAKI TUBRIDY REV INTER VIVOS TRUST	76K 38765 00
CLAUDIA T KUX; MARTIN J KUX	76K 40934 00
GOLDSTON LIVING TRUST	76K 47643 00
DEHAVEN, MARTIN R & TISHA A REVO INTER VIVOS TRUST	76K 49192 01
DEREK L PAGE; NATALIE R PAGE; BRUCE W RIPPY; CAROLYN M RIPPY	76K 49192 00

USA (DEPT OF AGRICULTURE FOREST SERVICE)	76K 51692 00
DEHAVEN, MARTIN R & TISHA A REVO INTER VIVOS TRUST	76K 75192 00
CHRISTINE J STILLWELL; TIMOTHY B TRIPP	76K 83705 00
GARY PALM; SUZANNE PHILIPPUS	76K 87115 00
DARLA A TRUDEL; RAYMOND TRUDEL	76K 87704 00
KEMMIS FAMILY LLC	76K 87753 00
DEBRA A SMITH; SCOTT R SMITH	76K 88530 00
BINLEY, JAY & JALALEH LIVING TRUST; GLEASON FAMILY LIVING TRUST	76K 92178 00
YAPA LLC	76K 94320 00
JILL P DOYLE; SCOTT W DOYLE	76K 94968 00
CHRISTOPHER R BARRICK; MICHAEL C BARRICK; STEPHEN D BARRICK; BRYAN COLWELL; JOAN COLWELL-HARTUNG; CAROL COLWELL-WILLIAMS	76K 98855 00
DOUGLAS D HARRIS; GAEL M HARRIS	76K 98858 00
OLSON TRUST	76K 98917 00
WIRTH BROTHERS TRUST DATED 4/16/26	76K 99150 00
C V ERICKSON FAMILY LLC	76K 99169 00
JORDAN TOLLEFSON	76K 99647 00
KAINRATH, SARAH E TRUST; TAYLOR, CLARK & KAREN TRUST	76K 100128 00
CLARENCE A CLARK; S RAMONA CLARK	76K 103846 00
MCCRANE FAMILY ESTATE, LLC	76K 105114 00
JON G BEAL; KRISTINE J BEAL	76K 105583 00
PAUL GILES; WENDY JONES	76K 107360 00
CHRISTINE L MUSKETT; GARY MUSKETT	76K 107803 00
GAYLE C WADSWORTH	76K 115188 00
MARILYN JOAN KEITH	76K 130080 00
DAVID B DIGGS; ROSAMOND E DIGGS	76K 131013 00
GEOFFREY W KNIGHT; HEIDI P KNIGHT; WILLIAMSON, DAVID M & SUSAN G LIVING TRUST	76K 131044 00
HUNGRY HOLLOW LLC	76K 131055 00
SUSAN L FLAIG; DEBRA L MOSTEK; ROBERT J REYNOLDS; WILLIAM C REYNOLDS	76K 131066 00
JUNKERMIER-LINDBERGH LAKE LLP	76K 142972 00
MICHAEL B HALL; ROBIN L HALL	76K 147375 00
JUDITH M PAGE; STEPHEN L PAGE	76K 147485 00
SHELLY ANN GROSSI; HERBERT THORNBY	76K 149255 00
LLR PROPERTIES LLC	76K 149341 00
DAVID KRATOCHVIL; JENNIFER B MAYO; ERICA L ROULLIER; ROBERT H ROULLIER; JEANNE S TWOHIG	76K 150399 00
SEELEY LAKE RESERVE LLC	76K 215858 00
CLARK EVELYN FAMILY TRUST	76K 30003325
MARGARET T EDDY	76K 30005618
LESLIE P GILES; THOMAS W GILES	76K 30024711
LLR PROPERTIES LLC	76K 30029677
FARM GROUND NEBRASKA LLC	76K 30029678
ALAN S NEWELL; SUSAN H NEWELL	76K 30042646
WATKISS LIVING TRUST	76K 30043145
WILLIAM H CORY	76K 30043702
JIM CORY; NANCY CORY	76K 30043703
LLR PROPERTIES LLC	76K 30045597
JON GERGEN; LAURANY GERGEN	76K 30046073
WILLIAM S BEYER	76K 30046196
EDWARD A MCDONALD; TAMELA K MCDONALD	76K 30049898
MCCRANE, DAVID & CYNTHIA 1998 REVOCABLE TRUST	76K 30064355

GEOFFREY W KNIGHT; HEIDI P KNIGHT; WILLIAMSON, DAVID M & SUSAN G LIVING TRUST	76K 30103481
ALAN MUSKETT; PAMELA MUSKETT	76K 30103655
BURNS FAMILY CABIN LLC	76K 30118147
JAMES A BARDIN; CHRISTA B TALLMAN; WILKISON, WARREN K FAMILY TRUST	76K 30119252
GEORGE HASHISAKI; GERALDINE A HASHISAKI; KATHLEEN S HASHISAKI; PETER HASHISAKI; SUSAN HASHISAKI	76K 30127441
JOHN C ADAMS; DARA K NEWMAN; D SCOTT SAMUELS; LAURIE A YUNG	76K 30133835
MARY E REARDEN	76K 30134215
BRANDON J PAGE; JANNA W PAGE	76K 30158059
STACEY WELDELE-WADE	76K 30161713
MCCRANE FAMILY LLC	76K 30163120

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

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

1. **Applicant/Contact name and address:**  
R&E Associates of Montana LLC  
1631 W 1<sup>st</sup> Ave  
Spokane, WA 99201-6010
2. **Type of action:** Permit Application 76K 30172668
3. **Water source name:** Swan River (Lindbergh Lake)
4. **Location affected by project:** Government Lot 6 N2SESW Section 23 T19N, R17W
5. **Narrative summary of the proposed project, purpose, action to be taken, and benefits:** The Applicant proposes to divert water from Lindbergh Lake by means of a pump for domestic and lawn & garden purposes. The DNRC shall issue a permit if an applicant proves the criteria in 85-2-311 MCA are met.
6. **Agencies consulted during preparation of the Environmental Assessment:**  
Montana Department of Fish, Wildlife & Parks (DFWP)  
Montana Department of Environmental Quality (DEQ)  
Montana Natural Heritage Program Species of Concern Report  
U.S. Fish & Wildlife Service (USFWS) National Wetlands Inventory  
USDA Natural Resources Conservation Service (NRCS) Web Soil Survey

**Part II. Environmental Review**

**Environmental Impact Checklist:**

**PHYSICAL ENVIRONMENT**

**WATER QUANTITY, QUALITY AND DISTRIBUTION**

***Water quantity*** - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

The Swan River is not identified as a chronically or periodically dewatered stream by DFWP.

*Determination:* No significant impact

**Water quality** - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

The Swan River was not assessed for any of the four beneficial uses in DEQ's 303(d) list (drinking water, primary contact recreation, agricultural, and aquatic life). No effect on water quality is anticipated as a result of the proposed change.

*Determination:* No significant impact

**Groundwater** - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

This proposal does not involve groundwater.

*Determination:* No significant impact

**DIVERSION WORKS** - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

The proposed diversion works is a  $\frac{3}{4}$  HP submersible electric pump capable of diverting 12 GPM. The proposed diversion will not result in meaningful changes to the lakebed or the flow of water through Lindbergh Lake. The construction of the system will result in limited, temporary disturbances to the riparian area on the Applicant's property. No impacts to fish migration will result from this proposal. This project does not involve dams or wells.

*Determination:* No significant impacts.

#### **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

The Montana Natural Heritage Program website was reviewed to determine if there are any "threatened" or "endangered" fish, wildlife, plants, or aquatic species that could potentially be impacted by this project. "Species of special concern" were also included in this search.

According to the Montana Natural Heritage Program, observations from the past 50 years indicate that 14 animal species of concern may be found in the area of potential impact. Of these, 4 species are listed as threatened by the USFWS in this area: the Bull Trout (*Salvelinus confluentus*) Canada Lynx (*Lynx canadensis*), Grizzly Bear (*Ursus arctos*) and the Wolverine (*Gulo gulo*).

Animal species of concern include:  
American Goshawk (*Astur atricapillus*)  
Brown Creeper (*Certhia americana*)  
Bull Trout (*Salvelinus confluentus*)  
Canada Lynx (*Lynx canadensis*)  
Common Loon (*Gavia immer*)  
Evening Grosbeak (*Coccothraustes vespertinus*)  
Fisher (*Pekania pennanti*)  
Grizzly Bear (*Ursus arctos*)  
Northern Hoary Bat (*Lasiurus cinereus*)  
Pacific Wren (*Troglodytes pacificus*)  
Pileated Woodpecker (*Dryocopus pileatus*)  
Varied Thrush (*Ixoreus naevius*)  
Westslope Cutthroat Trout (*Oncorhynchus lewisi*)  
Wolverine (*Gulo gulo*)

The proposal is for appropriating 12 GPM up to 0.59 AF/yr for domestic and lawn and garden use. No impact to any species of concern is anticipated as a result of this proposal.

*Determination:* No significant impact.

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

N/A – This project does not involve wetlands.

*Determination:* No significant impact.

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

N/A – This project does not involve ponds.

*Determination:* No significant impact.

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

Soils in the project area are non-saline. No impacts to soil quality, health, stability, or moisture content are anticipated.

*Determination:* No significant impact

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

The installation of a pump and buried pipe will result in temporary disruptions to vegetative cover. No establishment or spread of noxious weeds is anticipated.

*Determination:* No significant impact

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

No negative effects to air quality are expected as a result of this proposal.

*Determination:* No significant impact

**HISTORICAL AND ARCHEOLOGICAL SITES** - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

*Determination:* N/A – Project not located on State or Federal Lands

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

No additional impacts to land, water, or energy are anticipated.

*Determination:* No significant impact

<b>HUMAN ENVIRONMENT</b>
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**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

This project does not violate any known locally adopted environmental plans or regulations.

*Determination:* No significant impact

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

The proposed project will not inhibit, alter, or impair access to present recreational opportunities in the area. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities. The proposed place of use does not exist on land designated as wilderness.

*Determination:* No significant impact

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

No impacts on human health are anticipated as a result of this project.

*Determination:* No significant impact

**PRIVATE PROPERTY** - *Assess whether there are any government regulatory impacts on private property rights.*

Yes \_\_\_ No X *If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

*Determination:* No significant impact

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

*Impacts on:*

- (a) Cultural uniqueness and diversity? None identified
- (b) Local and state tax base and tax revenues? None identified
- (c) Existing land uses? None identified
- (d) Quantity and distribution of employment? None identified
- (e) Distribution and density of population and housing? None identified
- (f) Demands for government services? None identified
- (g) Industrial and commercial activity? None identified
- (h) Utilities? None identified
- (i) Transportation? None identified
- (j) Safety? None identified
- (k) Other appropriate social and economic circumstances? None identified

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

Secondary Impacts: None identified

Cumulative Impacts: None identified

3. ***Describe any mitigation/stipulation measures:*** None
4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** None identified

### **PART III. Conclusion**

1. ***Preferred Alternative***  
Issue a water use permit if the Applicant proves the criteria in 85-2-311 MCA are met.
2. ***Comments and Responses***  
None.
3. ***Finding:***  
Yes\_\_\_ No\_X Based on the significance criteria evaluated in this EA, is an EIS required?

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:*

No significant environmental impacts were identified as a result of the EA.

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

*Name:* Benjamin Thomas

*Title:* Water Conservation Specialist

*Date:* 5/28/2026

## **Draft Preliminary Determinations**

- **Draft PD**
- **Draft PD cover letter**
- **Updated Draft PD**
- **Updated Draft PD cover letter**
- **Any correspondence with the applicant regarding the draft PDs**

# **Draft Preliminary Determinations**



Missoula Water Resources Regional Office  
PO Box 5004  
2705 Spurgin Road, Bldg. C  
Missoula, MT 59806-5004  
(406) 721-4284

May 28, 2026

R & E Associates of Montana, LLC

1631 W 1<sup>st</sup> Ave

Spokane, WA 99201-6010

Subject: Draft Preliminary Determination to Grant Beneficial Water Use Permit Application No.  
76K 30172668

Dear Applicant,

The Department of Natural Resources and Conservation (Department or DNRC) has completed a preliminary review of your application. This review consists of an evaluation of the criteria for issuance of a permit found in §85-2-311, MCA. The Department has preliminarily determined that the criteria are met, and this application should be granted. A copy of the Draft Preliminary Determination to Grant your application is attached.

You have the opportunity to request an extension of time to submit additional information for the Department to consider in the decision, within 15 business days of the date of this letter. If no written request for an extension is received by June 18, 2026, the Department will prepare a notice of opportunity to provide public comment per §85-2-307(4), MCA.

Please note that if you are granted an extension of time to submit additional information to the Department, additional information may be considered an amendment to your application, which may reset application timelines pursuant to ARM 36.12.1401.



Please let me know if you have any questions.

Sincerely,

*Benjamin Thomas*

Benjamin Thomas

Water Conservation Specialist II

Missoula Regional Office

[benjamin.thomas@mt.gov](mailto:benjamin.thomas@mt.gov) | (406) 542-5883



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

\*\*\*\*\*

<b>APPLICATION FOR BENEFICIAL WATER USE )</b>	<b>DRAFT PRELIMINARY DETERMINATION</b>
<b>PERMIT NO. 76K 30172668 BY )</b>	<b>TO GRANT PERMIT</b>
<b>R&amp;E ASSOCIATES OF MONTANA LLC )</b>	

\*\*\*\*\*

On March 12, 2026, R&E Associates of Montana LLC (Applicant) submitted Application for Beneficial Water Use Permit No. 76K 30172668 to the Missoula Regional Office of the Department of Natural Resources and Conservation (Department or DNRC) for 12 gallons per minute and 0.59 acre-feet for domestic and lawn & garden use. The Department published receipt of the application on its website. A preapplication meeting was held between the Department and the Applicant on December 12, 2026, in which the Applicant designated that the technical analyses for this application would be completed by the Department. The Applicant returned the completed Preapplication Meeting Form on December 23, 2025. The Department delivered the Department-completed Technical Analysis on January 30, 2026. The application was determined to be correct and complete as of March 30, 2026. An Environmental Assessment for this application was completed on May 28, 2026.

**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
- Maps:
  - Schematic map of COS 6929, Lot 79 including proposed structure and point of diversion, dated December 2025
  - USGS 1:100,000 scale topographic map of Seeley Lake, Montana, showing general location of proposal, dated 1993

- USGS topographic map (unknown finer scale) showing location of proposal, undated
- Certificate of Survey for Diamond Bar L Ranch Third Lakeshore Tracts, dated 1958
- Department-completed Technical Analyses Report based on information provided in the Preapplication Meeting Form, dated January 30, 2026

Information within the Department’s Possession/Knowledge

- Stream flow data for the Swan River from USGS Gaging Station #12369200 near Condon, MT
- Stream flow data for the Swan River from USGS Gaging Station #12370000 near Bigfork, MT
- 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 Missoula Regional Office at (406) 542-5883 to request copies of the following documents.
  - Technical Memorandum: Physical Availability of Surface Water With Gage Data

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

For the purposes of this document, Department or DNRC means the Department of Natural Resources & Conservation; CFS means cubic feet per second; GPD means gallons per day; GPM means gallons per minute; AF means acre-feet; AC means acres; and AF/YR means acre-feet per year.

**PROPOSED APPROPRIATION**

**FINDINGS OF FACT**

1. The Applicant proposes to divert water from Lindbergh Lake, by means of a pump, from January 1 through December 31 at 12 GPM. The applicant proposes to divert a total volume of

0.59 AF, from a point in the N2SESW Section 23, T19N, R17W, for domestic use from January 1 through December 31 and lawn & garden use from April 15 through October 15. The place of use is generally located in the N2SESW Section 23, T19N, R17W. Table 1 below provides a summary of the proposed use.

Table 1: Summary of Proposed Use

Flow Rate	Volume	Purpose	Period Of Use	Place Of Use	Point Of Diversion	Priority Date
12 GPM	0.51 AF	Domestic	01/01 – 12/31	N2SESW Sec. 23, T19N, R17W	N2SESW Sec. 23, T19N, R17W	03/12/2026
	0.08 AF	Lawn & Garden	04/15 – 10/15			

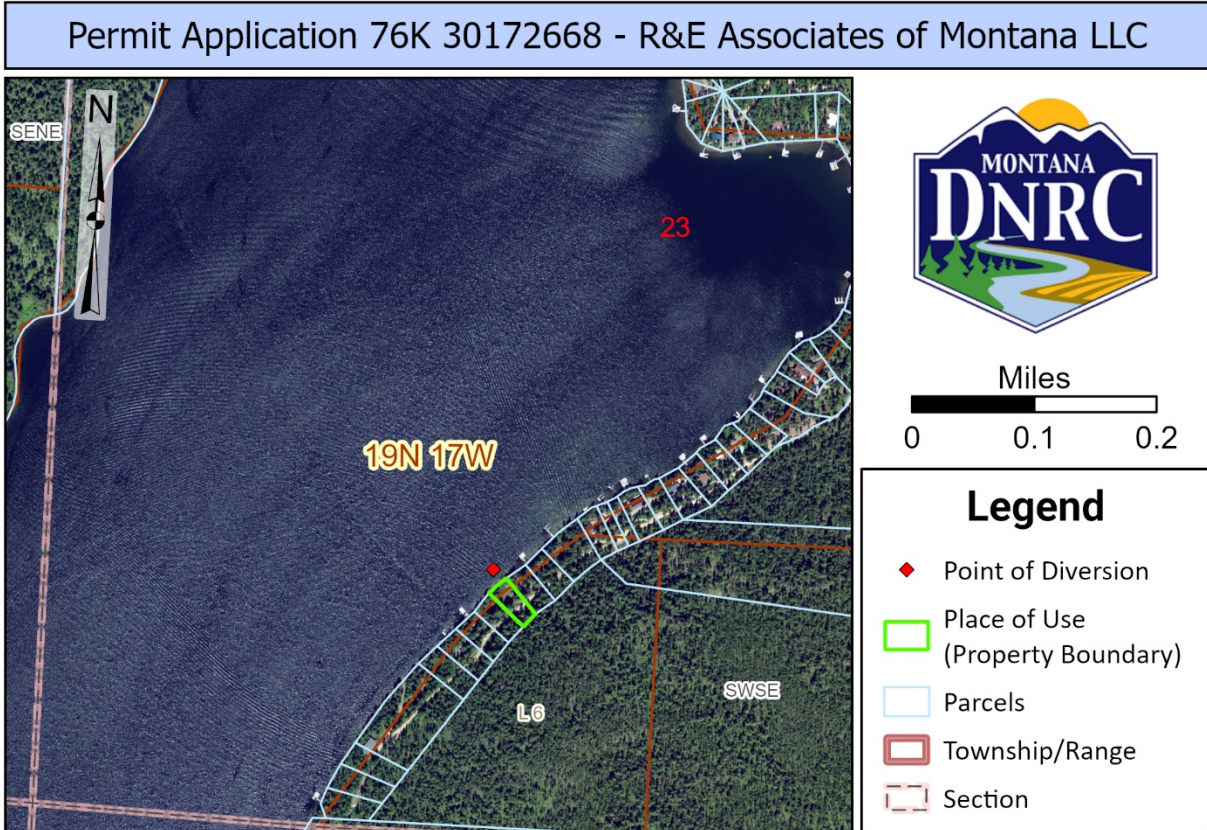


Figure 1. Map of proposed appropriation.

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

**GENERAL CONCLUSIONS OF LAW**

2. 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 . . .

3. 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.

4. 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.

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

Nothing in that section [85-2-313], however, relieves an Applicant of his burden to meet the statutory requirements of § 85-2-311, MCA, before DNRC may issue

that provisional permit. Instead of resolving doubts in favor of appropriation, the Montana Water Use Act requires an Applicant to make explicit statutory showings that there are unappropriated waters in the source of supply, that the water rights of a prior appropriator will not be adversely affected, and that the proposed use will not unreasonably interfere with a planned use for which water has been reserved.

*See also, Wesmont Developers v. DNRC, CDV-2009-823, First Judicial District Court,*

*Memorandum and Order* (2011). The Supreme Court likewise explained that:

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

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

6. 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.

7. 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**

8. The Applicant proposes to divert 0.59 AF of water at 12 GPM from Lindbergh Lake.

9. Lindbergh Lake is a natural water body located near the headwaters of the Swan River in the Mission Mountains. Water flowing out of Lindbergh Lake flows under 1000 ft before entering Cygnet Lake. After Cygnet Lake, the Swan River runs uninterrupted for approximately 57 river miles before entering Swan Lake.

10. The Department calculated the physical availability of water for the proposed appropriation using United States Geological Survey (USGS) stream flow data from USGS Gage #12369200 (Swan River near Condon), located in the NESWNW Section 8, T19N, R16W, approximately 4 miles downstream of the outlet of Cygnet Lake. USGS Gage #12369200 has a 20-year period of record from 1972 to 1992.

11. Because streamflow records do not extend to the present day, the Department relied on modeled flows generated by the USGS Streamflow Record Extension Facilitator (SREF) program. The SREF program works by comparing streamflows between two or more gages which have an overlapping period of record and creating a regression model. After recording at one gage ends, data from the gage with continuing records can be input into the regression model to estimate streamflow at the first gage. The department runs the SREF model on the Condon gage every 5-10 years, using data from USGS Gage #12370000 (Swan River near Bigfork). The most recent model extended the streamflow record to November 2023. The median deviation (error) for the model was -0.00697, and the root mean square error was 0.102, indicating a high degree of accuracy.

12. The Department used the extended record for USGS Gage #12369200 to calculate average (mean) flow rates for each month from October 1972 to November 2023. The median mean monthly flow rate was used as the typical flow rate in each month. These flow rates were then converted into monthly volumes.

13. The SREF model cannot account for water rights which were authorized after the measured period of record at Condon; therefore, the demands of water rights upstream of the gage with priority dates from October, 1992 (when the Condon gage stopped directly recording flows) to January, 2026 (when the Technical Analysis was conducted) were subtracted from the median of the mean monthly flows and volumes. Because the proposed point of diversion lies upstream of the Condon gage, the legal demands of water rights upstream of the gage and downstream of Lindbergh Lake were added. Physical availability was calculated as the median of the mean monthly flow after these two adjustments. Tables 1 and 2 show the flow rate and volume of water physically available on Lindbergh Lake.

<b>Table 1: Physical Availability (CFS) at POD Using Condon Gage #12369200 Extended Record</b>				
A	B	C	D	E
Month	Median of the Mean Flow (CFS)	Pre-1992 Demands Between POD and Gage (CFS)	Post-1992 Demands Above POD (CFS)	Physical Availability (CFS)
January	45.39	0.28	1.03	44.63
February	42.32	0.28	1.03	41.56
March	73.58	0.32	1.03	72.87
April	206.03	0.32	1.06	205.29
May	382.97	0.39	1.06	382.29
June	468.67	0.39	1.06	467.99
July	212.94	0.39	1.06	212.26
August	75.90	0.39	1.06	75.23
September	49.50	0.39	1.06	48.83
October	50.89	0.35	1.06	50.18
November	60.35	0.32	1.06	59.61
December	47.84	0.32	1.03	47.13

<b>Table 2: Physical Availability (AF) at POD Using Condon Gage #12369200 Extended Record</b>				
A	B	C	D	E
Month	Median of the Mean Volume (AF)	Pre-1992 Demands Between POD and Gage (AF)	Post-1992 Demands Above POD (AF)	Physical Availability (AF)
January	2790.08	0.82	1.74	2789.16
February	2349.86	0.82	1.74	2348.93
March	4523.22	0.92	1.74	4522.40
April	12256.92	1.27	3.31	12254.89
May	23542.18	1.83	3.31	23540.70
June	27880.98	1.83	3.56	27879.25
July	13089.78	1.83	3.56	13088.05
August	4666.00	1.83	3.56	4664.27
September	2944.76	1.83	3.56	2943.03
October	3128.18	1.73	3.56	3126.35
November	3590.22	0.92	1.83	3589.31
December	2940.79	0.92	1.74	2939.97

14. The Department finds that surface water is physically available in the amount the Applicant seeks to appropriate during the proposed period of diversion.

## **LEGAL AVAILABILITY**

### **FINDINGS OF FACT**

15. The area of potential impact for this application is limited to the Swan River from its inflow into Lindbergh Lake to its outflow from Cygnet Lake. Per Department standard practice for area of potential impact analyses for surface water permits, downstream reservoirs and lakes are appropriate limits to the area of potential impact. Lindbergh Lake and Cygnet Lake are separated by less than 1000 ft and thus can be reasonably regarded as a single system.

Most of the water rights on the upper Swan River are for domestic and lawn & garden use on these two lakes, and this region is not one which experiences water shortages or disputes.

16. There are 87 surface water rights in the area of potential impact with a total legal demand of 3.99 CFS. These rights are listed in Appendix A of the Technical Analysis.

17. The monthly legal demands of water rights in terms of flow rate was quantified by assuming that the authorized flow for each right was fully utilized during each month of its period of diversion. Monthly volumes were calculated by assuming that flow rates were continuously appropriated throughout the month. Table 3, below, shows legal demands over the course of a year.

<b>Table 3: Legal Availability of Water on Lindbergh Lake</b>					
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>Month</b>	<b>Physically Available Water (CFS)</b>	<b>Physically Available Water (AF)</b>	<b>Legal Demands (CFS)</b>	<b>Legally Available Water (CFS)</b>	<b>Legally Available Water (AF)</b>
January	44.63	2789.16	3.16	41.47	2594.91
February	41.56	2348.93	3.16	38.40	2173.48
March	72.87	4522.40	3.20	69.67	4325.41
April	205.29	12254.89	3.45	201.84	12049.54
May	382.29	23540.70	3.97	378.32	23296.59
June	467.99	27879.25	3.99	464.00	27641.82
July	212.26	13088.05	3.99	208.27	12842.70
August	75.23	4664.27	3.99	71.24	4418.92
September	48.83	2943.03	3.99	44.84	2705.60
October	50.18	3126.35	3.96	46.22	2883.06
November	59.61	3589.31	3.68	55.93	3370.57
December	47.13	2939.97	3.24	43.89	2740.52

18. The Department finds the proposed appropriation of 12 GPM and 0.59 AF to be legally available during the proposed period of diversion.

### **ADVERSE EFFECT**

#### **FINDINGS OF FACT**

19. The Applicant provided an operation plan to prevent adverse effect to existing water users. In times of water shortage, lawn and garden will be discontinued first. If a legitimate call for water is made, the electric pump can be turned off. In this case, potable water for domestic use will be purchased and hauled to the site.

20. The Applicant has proven that enough water remains in the Lindbergh Lake and the Swan River to meet both the existing legal demands within the area of potential impact and the proposed appropriation of 12 GPM and 0.59 AF.

21. The Department finds the proposed use of 0.59 AF will not have an adverse effect on existing water users.

### **ADEQUATE MEANS OF DIVERSION**

#### **FINDINGS OF FACT**

22. The proposed means of diversion is a Flint & Walling Model 4F10S07305 4-inch submersible pump (3/4 HP, 12-stage). Manufacturer specifications indicate a nominal rating of 10 GPM and a maximum head of 375 ft. At the proposed static lift of 40 ft and an estimated operating pressure of 40 PSI, the calculated total dynamic head is approximately 132 ft. According to the manufacturer's pump curve, the system capacity at this head is approximately 13.5 GPM. A flow meter will be installed at or near the discharge point with regular logs recorded to ensure the flow rate does not exceed the 12 GPM limit.

23. Water is conveyed from the pump through 1.25-inch HDPE PVC pipe. The pipeline runs 75 ft from the point of diversion to the place of use and is buried at a depth of 6 ft for frost protection. Lawn and garden irrigation will be through a garden hose and small oscillating sprinkler.

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

## **BENEFICIAL USE**

### **FINDINGS OF FACT**

25. The Applicant proposes to appropriate 0.59 AF of water; 0.51 AF for domestic use in a 6-bedroom house and 0.08 AF for lawn and garden irrigation of 0.03 acres. Per ARM 36.12.115(2)(a), domestic use is calculated as 300 GPD (0.34 AF/yr) plus 50 GPD (0.056 AF/yr) for each bedroom beyond 3; thus, the standard for a 6-bedroom house is  $0.34 + (3 \times 0.056) = 0.51$  AF. The standard for lawn & garden irrigation is 2.5 AF/ac per ARM 35.12.115(b); thus, the standard for 0.03 acres is  $2.5 \times 0.03 = 0.08$  AF. There are no DNRC standards for flow rate. In this case, the Department determines that a flow rate of 12 GPM is a reasonable amount for the proposed purposes.

26. The proposed period of use for the domestic purpose is year round, which is consistent with the standard listed in ARM 35.12.112(1)(a). The proposed period of use for lawn & garden irrigation is April 15 through October 15. The Administrative Rules of Montana do not list a standard for lawn & garden irrigation (a purpose which is distinct from crop irrigation); however, the Department regularly issues ground water certificates with periods of use for lawn & garden irrigation from April 1 to October 31. The proposed period of use falls within this span.

27. The Department finds the proposed water use is beneficial, and that the requested flow rate of 12 GPM and annual volume of 0.59 AF are reasonably justified per ARM 36.12.1802(3).

## **POSSESSORY INTEREST**

### **FINDINGS OF FACT**

28. The Applicant owns the property where water is to be put to beneficial use, which demonstrates possessory interest. The Department finds the possessory interest criterion to be met.

## **CONCLUSIONS OF LAW**

### **PHYSICAL AVAILABILITY**

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

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

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

32. 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 8-14)

### **LEGAL AVAILABILITY**

33. 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).

34. 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.

35. Applicant has proven by a preponderance of the evidence that water can reasonably be considered legally available during the period in which the Applicant seeks to appropriate, in the amount requested, based on the records of the Department and other evidence provided to the Department. Section 85-2-311(1)(a)(ii), MCA. (FOF 15-18)

#### ADVERSE EFFECT

36. 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.

37. 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).

38. 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).

39. 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).

40. 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.

41. 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).

42. The Applicant has proven by a preponderance of the evidence that the water rights of a prior appropriator under an existing water right, a certificate, a permit, or a state water reservation will not be adversely affected. Section 85-2-311(1)(b), MCA. (FOF 19-21)]

#### ADEQUATE DIVERSION

43. 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.

44. 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.

45. 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 22-24).

#### BENEFICIAL USE

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

47. 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).

48. 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).

49. 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*.

50. Applicant proposes to use water for domestic use and lawn & garden irrigation which are recognized beneficial uses. Section 85-2-102(5), MCA. Applicant has proven by a preponderance of the evidence domestic use and lawn & garden irrigation is a beneficial use and that 0.59 AF of diverted volume and 12 GPM is the amount needed to sustain the beneficial use. Section 85-2-311(1)(d), MCA. (FOF 25-27)

#### POSSESSORY INTEREST

51. 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.

52. 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.

53. The Applicant has proven by a preponderance of the evidence that it has a possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use. Section 85-2-311(1)(e), MCA. (FOF 28)

### **PRELIMINARY DETERMINATION**

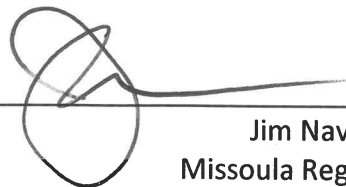
Subject to the terms, analysis, and conditions in this Order, the Department preliminarily determines that this Application for Beneficial Water Use Permit No. 76K 30172668 should be granted.

The Department determines the Applicant may divert water from Lindbergh Lake, by means of a pump, from January 1 through December 31 at 12 GPM up to 0.59 AF, from a point in the N2SESW Section 23, T19N, R17W, Missoula County, for domestic use from January 1 through December 31 and lawn & garden use from April 15 through October 15. The place of use is located in the N2SESW Section 23, T19N, R17W, Missoula County. The Applicant may irrigate lawn and garden on 0.03 acres.

### **NOTICE**

The Department will provide a notice of opportunity for public comment on this application and the Department's Draft Preliminary Determination to Grant pursuant to § 85-2-307, MCA. The Department will set a deadline for public comments to this application pursuant to §§ 85-2-307, and -308, MCA. If this application receives public comment pursuant to § 85-2-307(4), the Department shall consider the public comments, respond to the public comments, and issue a preliminary determination to grant the application, grant the application in modified form, or deny the application. If no public comments are received pursuant to § 85-2-307(4), MCA, the Department's preliminary determination will be adopted as the final determination.

Dated this 28th day of May, 2026.



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Jim Nave, Manager  
Missoula Regional Office  
Montana Department of Natural Resources and Conservation

**CERTIFICATE OF SERVICE**

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

R&E ASSOCIATES OF MONTANA LLC  
1636 W 1<sup>ST</sup> AVE  
SPOKANE, WA 99201-6010



Benjamin Thomas  
Water Conservation Specialist  
Missoula Regional Office  
(406) 542-5883

## Processing Materials

- Work copies of applicant-submitted information
- Deficiency letter
- Deficiency response
- Correct & complete determination
- Any correspondence with the applicant after application receipt and prior to sending the Draft PD

# Processing Materials



Missoula Water Resources Regional Office  
PO Box 5004  
2705 Spurgin Road, Bldg. C  
Missoula, MT 59806-5004  
(406) 721-4284

March 30, 2026

R & E Associates of Montana

1631 W 1<sup>st</sup> Ave

Spokane, WA 99201-6010

Subject: Correct & Complete Application for Beneficial Water Use Permit No. 76K 30172668

Dear Applicant,

The Department of Natural Resources and Conservation (Department) has determined that your application is correct and complete pursuant to ARM 36.12.1601. Please remember that correct and complete **does not mean that your application will be granted.** The purpose of this letter is to indicate that the Department has enough information to analyze your water right application.

The Department will issue a Draft Preliminary Determination within 60 days of the date of this letter per §85-2-307(2)(b), MCA.

Following issuance of the Draft Preliminary Determination, you (Applicant) will have 15 business days to request an extension of time to submit additional information, if desired pursuant to §85-2-307(3)(a), MCA.

If no extension of time is requested and the Draft Preliminary Determination decision is to grant your application or grant your application in modified form, the Department will prepare a notice of opportunity to provide public comment, per §85-2-307(4)(a), MCA.



If no extension of time is requested and the Draft Preliminary Determination decision is to deny your application, the Department will adopt the Draft Preliminary Determination as the final determination per §85-2-307(3)(d)(ii), MCA.

If you have any questions or concerns about the application process, please contact me.

Sincerely,



Benjamin Thomas

Water Conservation Specialist II

Missoula Regional Office

[benjamin.thomas@mt.gov](mailto:benjamin.thomas@mt.gov) | (406) 542-5883



## Application Materials

- Application
- Any information submitted with Application including maps

# Application Materials



APPLICATION FOR BENEFICIAL WATER USE PERMIT

§ 85-2-302, MCA

Form No. 600 (10/2025)

FILING FEE

\$2900/\$1600 - Inside a Basin Closure Area, Controlled Groundwater Area or Compact Closure; without/with filing fee reduction.

\$2500/\$1200 - Outside a Basin Closure Area, Controlled Groundwater Area or Compact Closure; without/with filing fee reduction.

INFORMATION

An application will be eligible for a filing fee reduction and expedited timelines if the applicant completes a preapplication meeting with the Department (ARM 36.12.1302(1)), which includes submitting any follow-up information identified by the Department (ARM 36.12.1302(3)(c)) and receiving either Department-completed technical analyses or Department review of applicant-submitted technical analyses (ARM 36.12.1302(4) and (5)).

For Department Use Only

RECEIVED

MAR 12 2026

MONTANA D.N.R.C MISSOULA REGIONAL OFFICE

Application # 30172668 Basin 76K
Priority Date 3/12/26 Time 13:48 AM/PM
Rec'd By ar
Fee Rec'd \$ 700 Check # 7766
Deposit Receipt # MSS 2623610
Payor
Refund \$ Date

Applicant Information: Add more as necessary.

Applicant Name R&E Associates of Montana
Mailing Address 1636 W 1st Ave City Spokane State WA Zip 99201
Phone Numbers: Home Work 509-536-8650 Cell 509-499-5368
Email Address reassociates01@gmail.com

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

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

Contact/Representative Information: Add more as necessary.

Contact/Representative is: [X] Applicant [ ] Consultant [ ] Attorney [ ] Other
Contact/Representative Name William Junkermier
Mailing Address 1636 W 1st Ave City Spokane State WA Zip 99201
Phone Numbers: Home Work 509-536-8650 Cell 509-499-5368
Email Address reassociates01@gmail.com

NOTE: If a contact person is identified as an attorney, all communication will be sent only to the attorney unless the attorney provides written instruction to the contrary (ARM 36.12.122(2)).



Answer every question and applicable follow-up questions. Use the checkboxes to denote yes ("Y"), no ("N"), or not applicable ("NA"). Questions that require items to be submitted to the Department have a submitted ("S") checkbox, which is marked when the required item is attached to the Application. Label all submitted items with the question number for which they were submitted. Narrative responses that are larger than the space provided can be answered in an attachment. If an attachment is used, specify "see attachment" on this form, and label the attachment with the question number. Constrain narrative responses to the specific question as is asked on the form; do not respond to multiple questions in one narrative. Responses in the form of a table may be entered into the table provided on this form or in an attachment. If an attachment is used, the table must have the exact headings found on this form, and "see attachment" must be entered as a response to the relevant question. Clearly label all units in tables and narrative responses.

**PREAPPLICATION AND TECHNICAL ANALYSES INFORMATION**

- 1.  Y  N Do you elect for Department technical analyses to be used for criteria assessment?
- 2.  Y  N Did you have a preapplication meeting AND complete a Permit Preapplication Meeting Form Part A and Part B (Form 600P-A and 600P-B)?

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

- 2.a.  S Submit the Technical Analyses Addendum (Form 600-TAA).
- 2.b.  S  NA Submit the technical analyses, if you elected in question 1 for Applicant technical analyses to be used for criteria assessment. Select "NA" if you elected for Departmental technical analyses.

**IF QUESTION 2 IS YES, answer 2.c, 2.d, and 2.e:**

- 2.c.  Y  N Has any element of the project described in this application changed from the mandatory elements of the project described in the completed form 600P? **If yes:**  
2.c.i. Please explain.

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- 2.c.ii.  S Submit the Technical Analyses Addendum (Form 600-TAA).

- 2.d.  Y  N Are the technical analyses to be used for criteria assessment exactly the same as those completed during the preapplication process? **If no:**  
2.d.i. Please explain.

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- 2.d.ii.  S Submit the Technical Analyses Addendum (Form 600-TAA).

- 2.e.  Y  N Did you elect in Question 1 for Department technical analyses to be used for criteria assessment? **If no:**  
2.e.i.  S Submit the technical analyses.



## **APPLICATION ADDENDA AND REVIEW**

3.  S  NA If your application is for groundwater, not surface water, and one or more of your points of diversion are in a Basin Closure Area, then submit the Basin Closure Area Addendum (Form 600-BCA).
4.  S  NA If your application is for groundwater and one or more points of diversion are in a Basin Closure Area, then your project must have a Hydrogeologic Report that conforms with MCA 85-2-361 to comply with the requirements of § 85-2-360, MCA. A Hydrogeologic Report Addendum (Form 600-HRA) or Department Technical Analyses may be used to meet these requirements. Please mark the box below that best applies, then select "S" if submitting a Hydrogeologic Report or "NA" if one is not required. This question does not apply to surface water points of diversion in a Basin Closure Area.
- If you elected to conduct Technical Analyses, you must submit the Hydrogeologic Report Addendum (Form 600-HRA).
  - If you elected for DNRC to conduct Technical Analyses but did not have a preapplication meeting AND complete a Form 600P Permit Preapplication Meeting Form (or changes have occurred since the completed Form 600P), you must submit the Hydrogeologic Report Addendum (Form 600-HRA).
  - If you elected for DNRC to conduct Technical Analyses, had a preapplication meeting, completed a Form 600P, and the Technical Analyses remain unchanged since the preapplication meeting, you do not need to submit Form 600-HRA because the Department's Technical Analyses meet the report requirements of § 85-2-360 and § 85-2-361, MCA.
5.  S  NA If the project is for one or more groundwater points of diversion located in a Controlled Groundwater Area, then submit the Controlled Groundwater Area Addendum (Form 600-CGWA).
6.  S  NA If the project involves an appropriation that is greater than 5.5 CFS and 4,000 acre-feet, then submit a Criteria Addendum Application for Beneficial Water Use Permit for Appropriations Greater than 5.5 CFS and 4,000 AC-FT (Form 600-B).
7.  S  NA If the project involves out-of-state water use, then submit the Out-of-State Use Addendum (Form 600/606-OSA).
8.  S  NA If you require mitigation water to meet the criteria of issuance, then submit a Mitigation Purpose Addendum (Form 600/606-MIT).
9.  S  NA If the proposed purposes include marketing or selling water, (not marketing for mitigation/aquifer recharge), then submit the Marketing Purpose Addendum (Form 600/606-WMA).
10.  S  NA If the project involves one or more places of storage, then submit a Permit Storage Addendum (Form 600-SA). This does not include reservoirs, pits, pit-dams, or ponds with a capacity less than 0.1 AF; water tanks; or cisterns (ARM 36.12.113(6)).
11.  S  NA If the project is in designated sage grouse habitat, then submit a review letter from the Montana Sage Grouse Habitat Conservation Program.
12.  S  NA If the project includes a point of diversion and/or place of use on State of Montana Trust Land, submit documentation of consent from the DNRC Trust Lands Management Division.
13.  S  NA You must provide a written notice of the application to each owner of an appropriation right sharing a point of diversion or means of conveyance (e.g., canal, ditch, flume, pipeline, or constructed waterway) pursuant to §85-2-302(4)(c), MCA. Submit a copy of this notice and the recipient list.



**PURPOSE AND DIVERSION INFORMATION**

14.  Y  N Is the proposed use temporary?

14.a. If yes, when will the appropriation cease? \_\_\_\_\_

15. Is the proposed source surface water or groundwater? Surface Water

16. What is the source name? Lindbergh Lake

17.  S Attach a map utilizing an aerial photograph or topographic map that shows the following: section corners; township and range; north arrow; scale bar; all proposed points of diversion labeled with a unique Point of Diversion (POD) ID number and, if applicable, GWIC number; all proposed places of use; all proposed conveyance facilities and or routes; all proposed places of storage labeled with a unique Storage ID number; and places of use (POU) for all overlapping water rights. More than one map may be submitted, if necessary to clearly convey all required information.

18. Fill out the table below. Means of diversion for surface water includes headgate, pump, dam, and others. Means of diversion for groundwater includes well, developed spring, pit pond, and others.

Purpose	Means of Diversion	Acres Irrigated (if appl.)	Period of Diversion (Month/Day - Month/Day)	Period of Use (Month/Day - Month/Day)	Flow Rate		Volume (Acre-Feet)
					<input checked="" type="checkbox"/> GPM	<input type="checkbox"/> CFS	
Domestic Home	Pump		01/01-12/31	01/01-12-31	12		.51
Lawn & Garden	Pump		04/15-10/15	04/15-10/15	12		.08
Total Flow Rate and Volume Required					12		.59

19.  Y  N Does the proposed use include on or more of the following purposes: domestic, multiple domestic, stock, or irrigation? If yes, fill out the table below, where applicable.

Purpose	Requested Information	Response
Domestic or multiple domestic	Number of households and bedrooms served per household	1 home 6 bedrooms
Stock	Number of animal units	
Irrigation	Method of irrigation type (sprinkler or flood) and subtype (if flood: level border, graded border, furrow, contour ditch, or other; if sprinkler: center pivot, wheel line, or other)	Sprinkler - center pivot
Irrigation (flood only)	Design slope	





**SUPPLEMENTAL AND OVERLAPPING WATER RIGHTS**

23.  Y  N Will other water rights supplement or overlap the place of use to contribute to the purpose(s)?

23.a. If yes, summarize how the supplemental and proposed water rights will be operated as a whole to serve the purpose(s).

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24. For each supplemental or overlapping water right, please list the water right number, typical period of diversion and use (MM/DD-MM/DD), flow rate (GPM or CFS), and the volume of water (AF) contributed to the shared place of use.

Water Right #	Average Period of Diversion	Average Period of Use	Flow Rate	Volume Contributed

25.  Y  N Will this application supplement contract water from a Federal Project, ditch company, or other source?

25.a. If yes, explain.

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**ADVERSE EFFECT**

26. Explain how you can control your diversion in response to a call being made. In times of water shortage, lawn and garden irrigation will be discontinued first. If a legitimate call for water is made, the diversion consists of an electric pump which can be shut off, and diversions from the lake for domestic water will cease. In this instance, domestic potable water will be purchased and hauled to the site.

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27. Describe any plans you have for ensuring existing water rights will be satisfied during times of water shortage.  
If there is a water shortage with no surface water availability, potable water will be purchased and hauled to the site. If that is not an available option, then alternative living locations would need to be explored.

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28.  Y  N Are you aware of any calls that have been made on the source of supply or, if groundwater, on nearby surface water sources?  
28.a. If yes, explain.

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29.  Y  N Does a water commissioner distribute water or oversee water distribution on your proposed source?  
29.a. If yes, list the source(s).

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30.  Y  N Do other water rights share any of the proposed points of diversion?  
30.a. If yes, describe how the proposed project will not adversely affect these water rights.

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31.  Y  N Do other water rights share any conveyance infrastructure associated with the proposed project?  
31.a. If yes, describe how the proposed project will not adversely affect these water rights.

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**ADEQUATE MEANS OF DIVERSION AND OPERATION**

32.  **S** Submit a diagram of how you will operate your system from all proposed points of diversion to all proposed places of use.

33. Describe specific information about the capacity of all proposed diversionary structures. This may include, where applicable: pump curves and total dynamic head calculations, headgate design specifications, and dike or dam height and length.

The proposed diversion utilizes a Flint & Walling Model 4F10S07305 4-inch submersible pump (3/4 HP, 12-stage). Manufacturer specifications indicate a nominal rating of 10 GPM and a maximum head of 375 feet. At the proposed static lift of 40 feet and an estimated operating pressure of 40 PSI, the calculated Total Dynamic Head (TDH) is approximately 132 feet. According to the manufacturer's pump curve, the system capacity at this head is approximately 13.5 GPM, which is consistent with the requested flow rate."

34. Describe the size, materials, capacity, and configuration of infrastructure to convey water from all proposed points of diversion to all proposed places of use. This may include but is not limited to, pipelines and ditches. Include a description of any losses related to the proposed conveyance. Ditch conveyance losses may be estimated numerous ways, which include a ditch loss rate or Department standard methods.

Conveyance Description: Water is conveyed from the Flint & Walling 4F10S07305 pump at the point of diversion through 75' feet of 1.25" HDPE PVC pipe. The pipeline is buried to a depth of 6' for frost protection.

35. Describe how the proposed diversion and conveyance infrastructure can provide the required flow and volume, for the purposes plus any conveyance losses and storage, throughout the proposed period of diversion.

The proposed 3/4 HP submersible pump is capable of producing 13-14 GPM at the requested 40' lift. This exceeds the requested flow rate of 12 GPM ensuring that the diversion can meet demand without straining infrastructure. A standard flow meter will be installed at or near the discharge point with regular logs recorded to assure the flow rate and consumption does not exceed the 12 GPM limit. The infrastructure is sized to provide the total requested volume of .59 acre feet.

36. Provide a plan of operations, which includes specific information about how water is delivered within the place of use. This may include, where applicable, the range of flow rates needed for a pivot. Water is diverted from Lindbergh Lake via a 3/4HP submersible pump and is conveyed through a 1.25" pipe. Flow meter(s) will be installed to measure the amount of water usage and to assure usage stays within the annual allowances. Irrigation will be through the homes exerior hose bibs through standard 5/8" garden hose connected directly to the spigot. Irrigation is applied manually directly to shrubs & trees and with a small oscilating lawn/garden sprinkler.

37.  Y  N Does the proposed conveyance require easements?

37.a. If yes, explain.

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

38.  Y  N Do you own the land where all proposed points of diversion are located?

38.a.  S If no, submit documentation to show you have the right to use all points of diversion located on each property you do not own. This may include, but is not limited to, a well agreement, an easement, or permission of the party that owns the property where the proposed point(s) of diversion are located.

39.  Y  N Will your system be designed to discharge water from the project?

**IF YES,**

39.a. Explain the wastewater disposal method.  
Discharge through a septic drainfield system as approved by Missoula County.

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

40.  Y  N Do you have any plans to measure your diversion and use?

40.a. If yes, describe the plan and the type of measurements you will take.  
Grey water discharge will be monitored with a flow meter.

\_\_\_\_\_  
\_\_\_\_\_





WORK COPY

41.  Y  N Is the means of diversion for any proposed point of diversion a well?

IF YES,

41.a.  Y  N Have all wells been drilled?

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

\_\_\_\_\_

41.c.  Y  N For all wells yet to be drilled, will a licensed well driller construct the wells?

41.d.  S  NA Submit any well logs not yet submitted to the Department.

**BENEFICIAL USE**

*Domestic has standards, LG has volume standards and period of use based off irrigation*

42.  Y  N Does the Department have a volume, period of diversion, or period of use standard for the purposes for which water is proposed? Department standards can be found in the DNRC Water Calculation Guide, ARM 36.12.112, and ARM 36.12.115.

42.a.  Y  N If yes, do all proposed beneficial uses fall within Department standards?

42.b. If no Department standard exists, or if any proposed beneficial use falls outside of Department standards, explain how the requested flow rate and volume are reasonable for the purpose.

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43.  Y  N Will your proposed project be subject to DEQ requirements for a public water supply (PWS) system or Certificate of Subdivision Approval (COSA)?

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

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

44.a.i.  S  NA If yes, please submit the COSA.

44.a.ii.  Y  N If no, have you researched or consulted with DEQ regarding their requirements?



**POSSESSORY INTEREST**

45.  Y  N Do you meet one of the exceptions to possessory interest requirements, pursuant to ARM 36.12.1802? Exceptions include cases where the application is for sale, rental, distribution, or is a municipal use, or in any other context in which water is being supplied to another and it is clear that the ultimate user will not accept the supply without consenting to the use of water on the user's place of use.

45.a. If yes, explain.

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46.  Y  N  NA Do you own all proposed places of use? Mark "NA" if you meet one of the exceptions to the possessory interest requirement.

IF NO,

46.a.  S Explain and submit documentation that shows you either have possessory interest or written permission of the parties with possessory interest of the place of use.

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46.b.  Y  N Would you like the water right to be appurtenant to the land? Please note that if your water right is not appurtenant to land it will not transfer by default with the conveyance of the property, pursuant to § 85-2-403, MCA.

46.b.i. If no, explain.

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**PROPOSED COMPLETION PERIOD**

47. How much time will be needed to complete this project and to submit to the DNRC a Project Completion Notice (Form 617)? June, 2028

48. Please describe why this amount of time is needed to complete this project.  
New Construction of remote home.

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**AFFIDAVIT & CERTIFICATION**

Read carefully before you sign and review with legal counsel if you have any questions. All owners (or trustees) must sign the form. *\*\*If the owner is a business or trust, include the title of the representative(s) signing the form (i.e., president, trustee, managing partner, etc.) and provide documentation that establishes the authority of the representative to sign the application.*


I affirm the information provided for this application is to the best of my knowledge true and correct. If a preapplication meeting form was submitted, I am aware that my application for this project will not qualify for a discounted filing fee and expedited timelines if upon submittal of the application to the Department, I changed any element of the proposed application from the preapplication meeting form and follow-up materials (ARM 36.12.1302(6)(a)).

I affirm I have possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use, unless this application meets an exception to the possessory interest requirements in ARM 36.12.1802(1)(b).

I understand that making a false statement under oath or affirmation in this application and official proceedings throughout the examination of my application may subject me to prosecution under § 45-7-202, MCA, a misdemeanor punishable by a jail term not to exceed 6 months or a fine not to exceed \$500, or both. I have read this Affidavit and understand the terms and conditions.

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

Printed Name William Junkermier/R&E Associates of Montana LLC

Applicant Signature  Date: 03/11/2026

Printed Name \_\_\_\_\_

Applicant Signature \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name \_\_\_\_\_

Applicant Signature \_\_\_\_\_ Date: \_\_\_\_\_

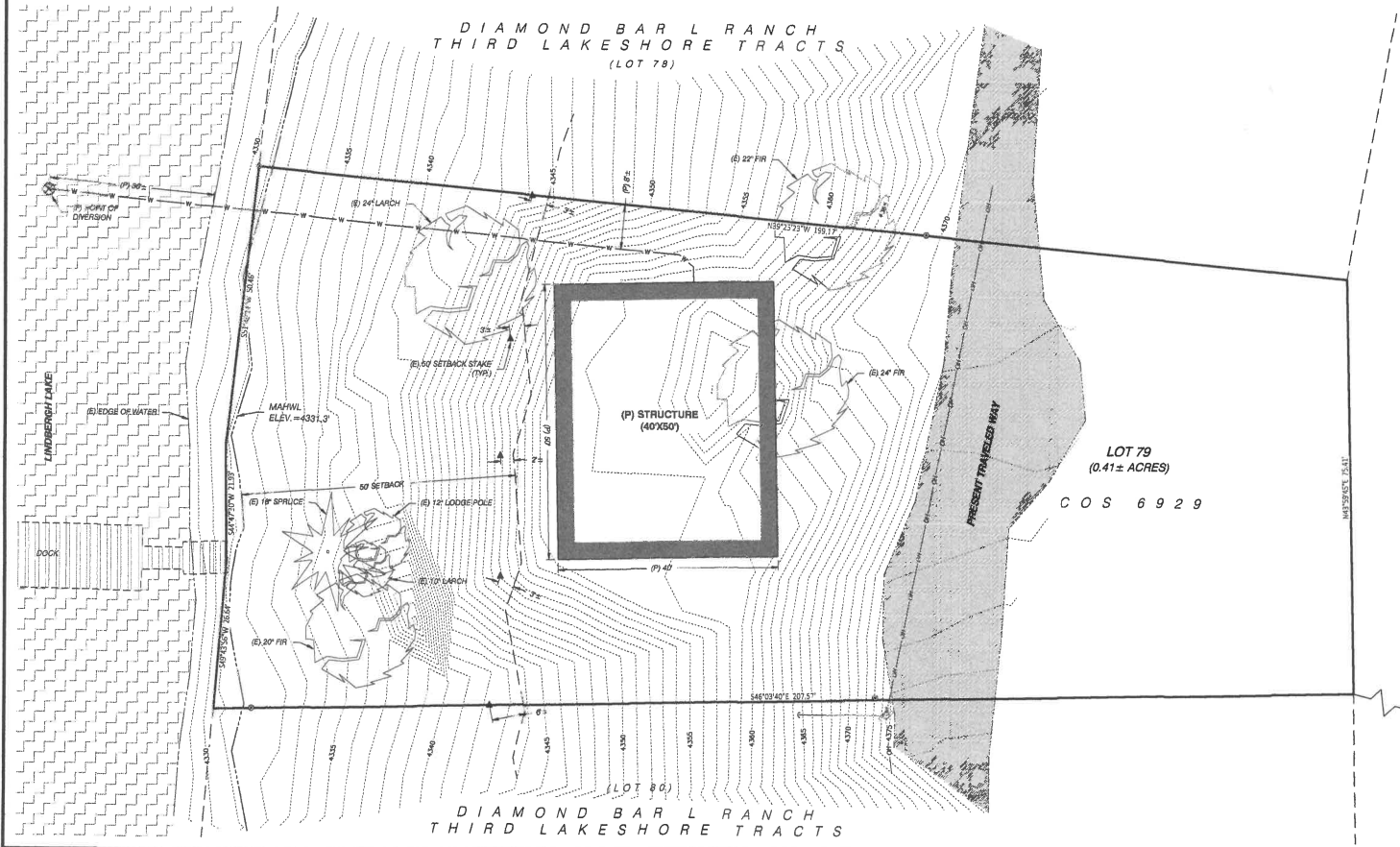
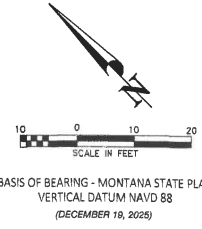


~~STDA~~ Map Q32.  
D.Version

**LEGEND**

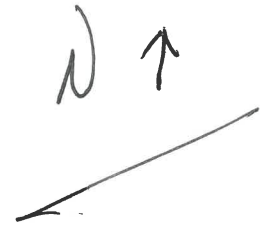
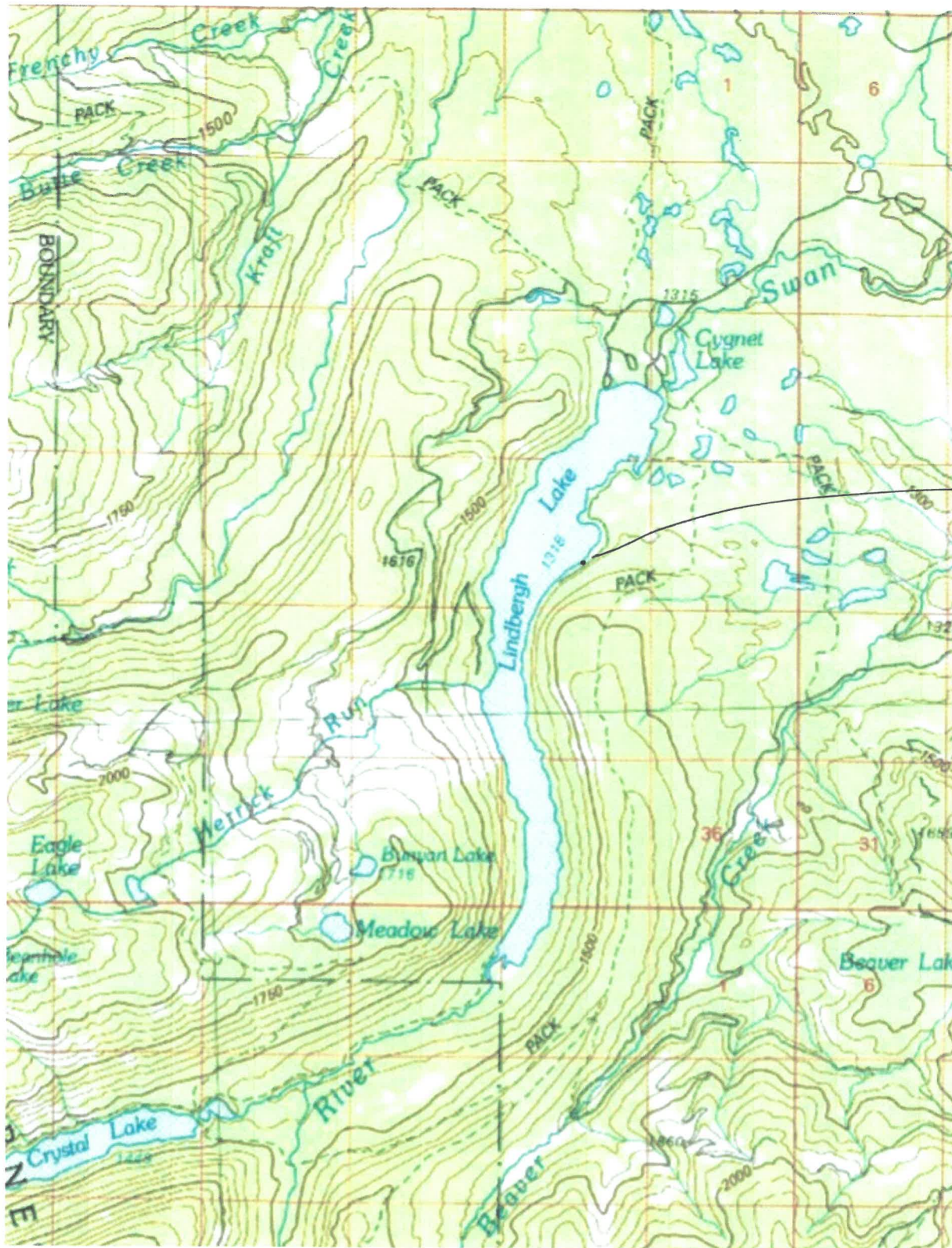
- (P) WATER MAIN
- (E) MEAN ANNUAL HIGH WATER LEVEL
- (E) EDGE OF WATER
- (E) PROPERTY BOUNDARY
- (E) ADJACENT PROPERTY BOUNDARY
- (E) OVERHEAD POWER LINE
- (E) UTILITY POLE
- (E) GUY WIRE
- (E) CONTOUR LINES
- (E) DECIDUOUS TREE
- (E) CONIFEROUS TREE
- (E) GRAVEL
- (E) WATER
- FOUND 1-1/2" ALUMINUM CAP (SURVEYOR, 128715)
- FOUND 3/8" REBAR (NO CAP)
- 50' SETBACK STAKE

**LEGAL DESCRIPTION:**  
LOT 79 OF DIAMOND BAR L RANCH THIRD LAKESHORE TRACTS,  
LOCATED IN THE SW1/4 SECTION 23, T.19N., R.17W.,  
PMM, MISSOULA COUNTY, MONTANA.



<b>PROJECT #</b>	B887-18	<b>DATE</b>		<b>ISSUED TO</b>	
<b>DATE</b>		<b>DATE</b>		<b>DATE</b>	
<b>REVISION</b>		<b>REVISION</b>		<b>REVISION</b>	
<b>NO.</b>		<b>NO.</b>		<b>NO.</b>	
<b>DESCRIPTION</b>		<b>DESCRIPTION</b>		<b>DESCRIPTION</b>	
<b>BILL JUNKERMIER</b>					
<b>COS 6929, LOT 79</b>					
MISSOULA COUNTY					
SEC. 23, T. 19N., R. 17W.					
DEC., 2025					
WATER RIGHT EXHIBIT					
<b>1</b>					

~~Step 4~~ MAP  
Diversion Map  
Q 32

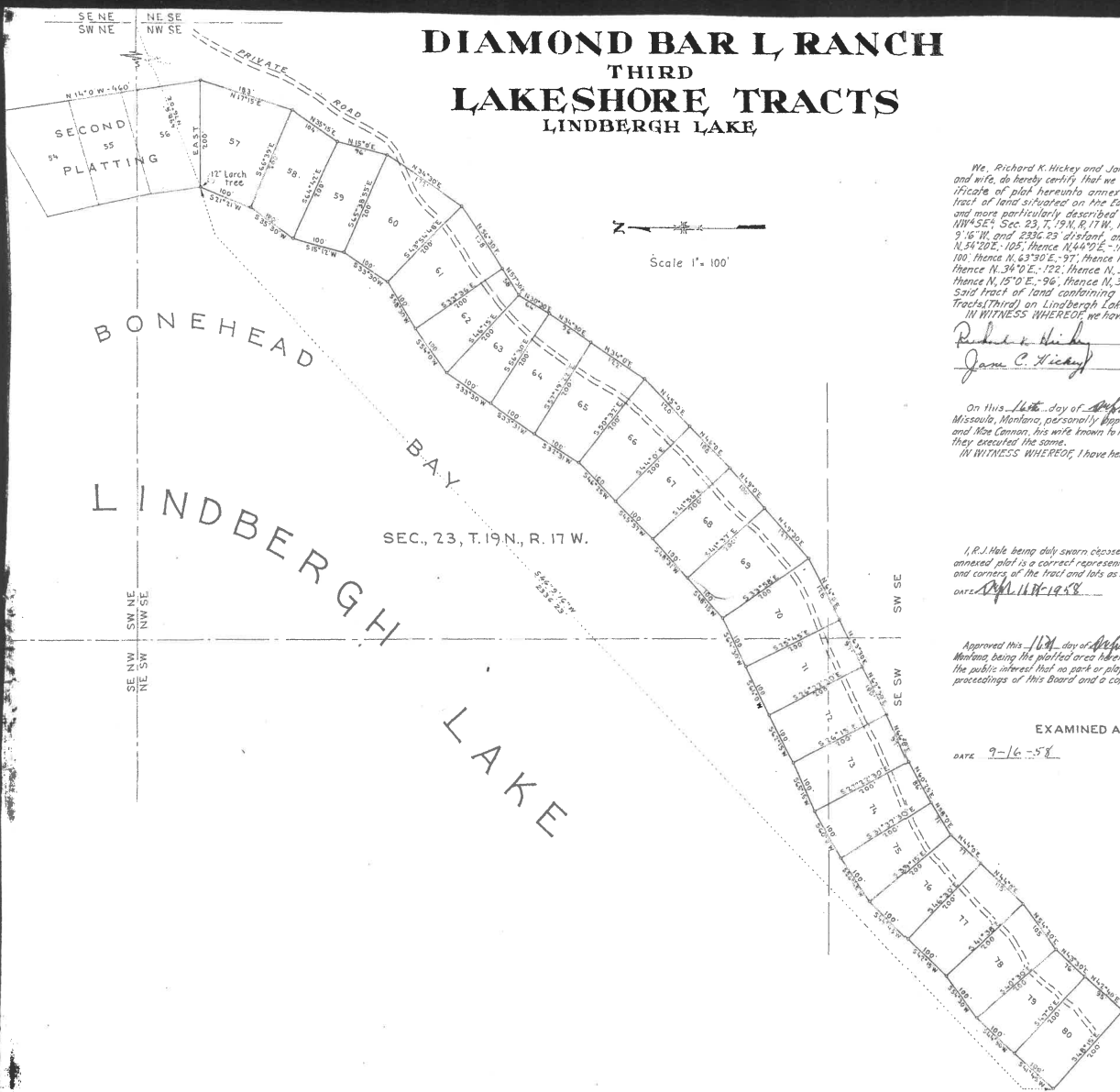


Point of  
Diversion  
Point of  
Use



509.B

# DIAMOND BAR L RANCH THIRD LAKESHORE TRACTS LINDBERGH LAKE



### DEDICATION

We, Richard K. Hickey and Jane C. Hickey, husband and wife, and Richard K. Hickey, Attorney-in-Fact for T. P. Cannon and Mae Cannon, husband and wife, do hereby certify that we have caused to be surveyed and platted into tracts as shown on the accompanying plat and certificate of plat hereunto annexed to be known as "Diamond Bar L-Ranch, Lakeshore Tracts (Third)" and described as follows: A tract of land situated on the East Shore of Lindbergh Lake in the NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Sec. 23, T. 19 N., R. 17 W., NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>Sec. 23, T. 19 N., R. 17 W., thence in a southerly direction along the mean shoreline of Lindbergh Lake to a point that is S. 44° 9' 16" W. and 2336.23' distant, and the SW corner of Lot 80, thence S. 48° 15' E - 200', thence N. 42° 46' E - 95', thence N. 43° 30' E - 76', thence N. 34° 20' E - 105', thence N. 44° 0' E - 115', thence N. 44° 0' E - 77', thence N. 58° 0' E - 71', thence N. 60° 25' E - 86', thence N. 66° 0' E - 97', thence N. 62° 30' E - 108', thence N. 63° 30' E - 91', thence N. 64° 0' E - 128', thence N. 49° 30' E - 121', thence N. 49° 0' E - 100', thence N. 46° 0' E - 108', thence N. 45° 0' E - 120', thence N. 34° 0' E - 122', thence N. 34° 30' E - 96', thence N. 30° 30' E - 64', thence N. 57° 30' E - 58', thence N. 56° 30' E - 138', thence N. 34° 30' E - 172', thence N. 15° 0' E - 96', thence N. 35° 18' E - 104', thence N. 17° 15' E - 183', the SE corner of Lot 54, thence West 200' to the place of beginning. Said tract of land containing 12.0 acres, more or less. Further that the tract to be known as Diamond Bar L-Ranch, Lakeshore Tracts (Third) on Lindbergh Lake, Missoula County, Montana.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 14th day of Sept, 1958.  
 Richard K. Hickey  
 Jane C. Hickey  
 Richard K. Hickey  
 ATTORNEY-IN-FACT FOR T. P. CANNON AND MAE CANNON

### ACKNOWLEDGMENT

On this 14th day of Sept, 1958, before me Harold J. Hale, a notary public for the State of Montana, residing at Missoula, Montana, personally appeared Richard K. Hickey and Jane C. Hickey, his wife, and Richard K. Hickey, Attorney-in-Fact for T. P. Cannon and Mae Cannon, his wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year first above written.  
 Harold J. Hale  
 Notary Public for the State of Montana  
 My Commission Expires July 21 - 22 - 1960

### SURVEYOR'S CERTIFICATE

I, R. J. Hale being duly sworn deposes and says on his oath that he is a Registered Civil Engineer in the State of Montana (Reg No. 2025) and that the annexed plat is a correct representation and diagram and that the plat is laid out according to law. He further certifies that the lines, dimensions and corners of the tract and lots as herein shown are a true representation and that monuments were set as indicated.  
 date Sept 14 - 1958  
 R. J. Hale (REG NO. 2025)

Approved this 14th day of Sept, 1958, and it having been made to appear that "Diamond Bar L-Ranch Lakeshore Tracts (Third)", Missoula County, Montana, being the platted area herein contained and it so appearing to the Board of County Commissioners of Missoula County, Montana that it is in the public interest that no park or playground be dedicated within said tract, therefore it is hereby ordered that the order be incorporated into the proceedings of this Board and a copy thereof be endorsed and certified on the said Addition on this date.

### EXAMINED AND APPROVED

DATE 9-16-58  
 Harmon R. Blum  
 COUNTY CLERK  
 MISSOULA COUNTY, MONTANA

### EXAMINED AND APPROVED

DATE Sept 16 - 1958  
 R. J. Hale  
 CHAIRMAN  
 H. J. H. H. H.  
 SECRETARY  
 BOARD OF COUNTY COMMISSIONERS IN AND FOR MISSOULA COUNTY, MONTANA

### EXAMINED AND APPROVED

Abstract for this tract of land examined and approved.  
 DATE September 16, 1958  
 COUNTY CLERK  
 MISSOULA COUNTY, MONTANA

### ATTEST

DATE September 16, 1958  
 Rose Adams  
 COUNTY CLERK AND RECORDER  
 MISSOULA COUNTY, MONTANA

155088  
 I received and filed this government survey plat with the County Clerk of Missoula County, Montana, on this 16th day of Sept, 1958, at 11:00 A.M. in payment of the fee of 10.00 dollars.  
 W. J. H. H. H.  
 County Recorder  
 MISSOULA COUNTY, MONTANA



## **Technical Analyses Report/ Scientific Credibility Review**

- Departmental Technical Analyses Report/ Scientific Credibility Review
- Any correspondence relating to the Technical Analyses Report

## **Technical Analyses Report / Scientific Credibility Review**



Missoula Water Resources Regional Office  
PO Box 5004  
2705 Spurgin Road, Bldg. C  
Missoula, MT 59806-5004  
(406) 721-4284

January 30, 2026

R&E Associates of Montana LLC

1631 W 1<sup>st</sup> Avenue

Spokane, WA 99201-6010

Subject: Completed Technical Analysis Report for Beneficial Water Use Permit Preapplication  
No. 76K 30172668

Dear Applicant,

As designated on the submitted Preapplication Meeting Form per §85-2-302(3)(b), MCA, the Department of Natural Resources and Conservation (DNRC or Department) has completed the technical analyses for Beneficial Water Use Permit Preapplication No. 30172668 based on the information provided in your Preapplication Meeting Form accepted by the Department on December 23, 2025. The technical analyses can be found in the attached report.

This Technical Analyses Report IS: A collection of facts that the DNRC has gathered, including content provided in the Preapplication Meeting Form materials. The Department will use these data to analyze the criteria in §85-2-311, MCA if you submit an application for the project described in the completed Preapplication Meeting Form.

This Technical Analyses Report IS NOT: An analysis or discussion of whether the Preapplication Meeting Form as filed meets the criteria (§85-2-311, MCA).

You have 180 days to submit the Beneficial Water Use Permit Application Form 600 considering the information provided in the technical analyses and Preapplication Meeting Form. If the



Application Form is not submitted to the Missoula Regional Office by July 29, 2026, a new preapplication meeting will be required to process the Application with expedited timelines (ARM 36.12.1302(6)(b)). If any details described in the submitted Application are changed from that of the submitted Preapplication Meeting Form, the discounted filing fee and expedited timelines will not apply (ARM 36.12.1302(6)(a)). Please note that the technical analyses will expire one year from the date of this letter (ARM 36.12.1302(8)).

Sincerely,



Benjamin Thomas

Water Conservation Specialist II

Missoula Regional Office

benjamin.thomas@mt.gov | (406) 542-5883





**Surface Water Permit Technical Analyses Report**  
**Department of Natural Resources and Conservation (DNRC or Department)**  
**Water Resources Division**

Benjamin Thomas, Water Conservation Specialist II, Missoula Regional Office

Applicant	R & E Associates of Montana LLC
Application No.	76K 30172668
Proposed Point of Diversion	N2SESW Section 23, T19N, R17W, Missoula County

**Overview**

This report analyzes data submitted by the Applicant in support of the above-mentioned water right application. This report provides technical analyses as required under the Administrative Rules of Montana (ARM) 36.12.1303 in support of the water rights criteria assessment as required in § 85-2-311, Montana Code Annotated (MCA).

This Surface Water Permit Technical Analyses Report contains the following sections:

Overview ..... 1

1.0 Application Details ..... 2

2.0 Surface Water Analysis ..... 3

    2.1 Source Description ..... 3

    2.2 Method of Estimation ..... 3

    2.3 Monthly Flow Rate and Volume ..... 5

3.0 Area of Potential Impact Analysis ..... 7

Review ..... 8

References ..... 8

Appendix A: Water Rights within the Area of Potential Impact ..... 10



### 1.0 Application Details

The Applicant proposes to divert water from January 1 to December 31 from Lindbergh Lake at a rate of 12 GPM by means of a pump. A volume of 0.51 AF of water would be used between January 1 and December 31 for domestic use and 0.08 AF would be used between April 15 and October 15 for lawn & garden irrigation on 0.03 acres. The place of use would be located in the N2SESW Section 23, T12N, R17W, Missoula County.

Table 1. Summary of the proposed use.

Source	Flow Rate	Diverted Volume	Purpose	Period of Use	Place of Use	Point of Diversion	Period of Diversion
Lindbergh Lake	12 GPM	0.59 AF	Domestic	Jan 1 – Dec 31	N2SESW Sec. 23, T19N, R17W	N2SESW Sec. 23, T19N, R17W	Jan 1 – Dec 31
			Lawn & Garden	Apr 15 – Oct 15			

Permit Application 76K 30172668 - R&E Associates of Montana LLC



Figure 1: Map of the Applicant’s proposed POD on the source and proposed place of use.



## 2.0 Surface Water Analysis

### 2.1 Source Description

**Proposed Source of Water:** Lindbergh Lake

**Proposed Source Type:** Lake

**Proposed Point of Diversion:** N2SESW Section 23, Township 19N, Range 17W, Missoula County

### 2.2 Method of Estimation

#### Lake Volume Estimation

**Method of Estimation:** Calculation from hydrologic map

The Department relied on a report titled *Water Quality Evaluations of Lindbergh Lake* conducted for the Lindbergh Lake Homeowners Association in 1994 by environmental consultant Ken Knudson to ascertain the volume of water in Lindbergh Lake. Volume was calculated by first determining the area of the lake within each 20-ft depth interval on a hydrologic map produced by the Montana Department of Fish, Wildlife and Parks. The volume within each stratum was then calculated using the formula

$$V = \frac{h}{3} (A + B + \sqrt{AB})$$

where h is the vertical distance between contours, A is the area of the upper surface, B is the area of the lower surface of the stratum whose volume (V) is to be determined.<sup>1</sup>

**Why this method is considered appropriate:** The hydrologic map which provided the basis for Mr. Knudson’s report was produced by the Department of Fish, Wildlife and Parks, and is therefore considered to be trustworthy. The calculations performed on this data in Mr. Knudson’s report are straightforward, and the Department has a longstanding practice of relying on the values contained in this report.

#### Streamflow Estimation

In addition to determining the volume of Lindbergh Lake, it is also necessary to estimate the volume and flow rate of water exiting Lindbergh Lake via the Swan River. The Department used stream gage data to perform its computations.

**Gage Name:** Swan River near Condon, MT

**Gage Number:** 12369200

**Period of Record:** Measurements from October 1972 to September 1992, extended by modelling to November 2023

<sup>1</sup> This is the equation for calculating a frustum. The scan of Mr. Knudson's report that the Department has on file shows a slightly altered formula, lacking the square root. However, checking the source data and numerical results included in the report confirms that Mr. Knudson did use the correct equation.



**Why this gage is considered an appropriate data source:** The requested point of diversion is located on Lindbergh Lake, whose outlet is located approximately 4.5 miles upstream of the United States Geological Survey's (USGS) Condon gage station. Data from the Condon station captured outflow from Lindbergh and Cygnet lakes during the historical period of record. Per DNRC standards, stream gages being used to estimate median of the mean monthly flow must have record completeness with a minimum of 10 years of continuous data, discharge measurements and rating curves, and quality and accuracy of gage height data. USGS Gage No. 12369200 has 20 years of continuous data and automatically meets the other parameters because it is a USGS gage.

**Method of Estimation Used:** United States Geological Survey (USGS) Streamflow Record Extension Facilitator (SREF)

In the past, the Department has utilized the 20 years of record (1972-1992) for USGS Gage No. 12369200 near Condon when assessing physical and legal availability for water right permits on Lindbergh Lake, Cygnet Lake, and the upper Swan River. Due to the 31-year gap in data from the date that the station was taken out of service (9/30/1992) to the present and the potential for changes in timing of precipitation and runoff events, the Department utilized the Streamflow Record Extension Facilitator to extend the Condon gage record.

USGS Gage No. 12370000 lies downstream of the Condon gage near Bigfork and has been in continuous operation since 1922. Using measurements from this gage concurrent with those recorded at Condon, a regression model can be constructed that correlates the flows at the two locations. This model can then be used to estimate flows at Condon based on the data recorded at Bigfork.

The USGS programs KTRLine version 1.0 and SREF version 1.0 were used to create the regression model and extended record. The SREF Program was last run in early 2024 using the following parameters:

- Begin Date: 10/01/1972
- End Date: 11/30/2023
- 2-segment Kendall-Theil Robust Line Equations
- BCF Applied

Using an input file generated by the SREF program, the KTRLine program was run to calculate regression line equations. The following parameters were used:

- $\log_{10}$  of Bigfork gage flow measurements plotted on the x-axis
- $\log_{10}$  of Condon gage flow measurements plotted on the y-axis
- 2-segment model
- Break point entered at  $x = 3.08$



The median deviation (error) for the model was -0.00697, and the Root Mean Square Error was 0.102, indicating a high degree of correlation between the two gages.

**Why this method is considered appropriate:** Stream gage records are the Department's preferred data for quantifying physical availability; wherever gage data is available, the Department will utilize this rather than an estimation technique (Technical Memorandum: Physical Availability of Surface Water With Gage Data). The Department will only utilize an estimation technique if gage data is unavailable (Technical Memorandum: Physical Availability of Surface Water Without Gage Data). The Department treats SREF extrapolation of flow rates as gage data since the program's calculations are based on direct physical measurements from two or more gages.

### 2.3 Monthly Flow Rate and Volume

**Methodology:** Physical availability of Lindbergh Lake water at the POD was quantified monthly. The nearest gaging station, USGS Gage #12369200, is downstream of the proposed POD. Department practice for analyzing physical availability when the gage used is downstream of the POD is to add the monthly flow rates of existing water rights between the gage and the POD to the median of the monthly flows (MMM) at the gage. The Department then converts flow rates to volumes, as explained below.

An adjustment to the standard practice must be made since some of the gage data is modeled. The SREF model only accounts for water rights that existed prior to October 1992, and cannot adjust for water rights which came into effect after the end of the measured record at Condon. As a result, only water rights with priority dates before October 1992 should be added to the MMM. Additionally, water rights above the POD with priority dates from October 1992 onwards must be subtracted from the MMM.

**The DNRC used the method below to quantify physically available monthly flows and volumes at the POD during the proposed period of diversion:**

1. The extended gage record for USGS Gage #12369200 was used to calculate average (mean) flow rates for each month from October 1972 to November 2023. The median mean monthly flow rate for a given month of the year was used as the typical flow rate (Table 1, column B). Monthly flows were converted to monthly volumes (Table 2, column B) using the following equation generated from the DNRC Water Calculation Guide (Formerly Form 615):
2. The monthly flow rates and volumes appropriated by water rights in the area of potential impact were calculated by:
  - i. Generating a list of active water rights from the Lindbergh Lake inlet to the confluence of Swan River and Glacier Creek (Appendix A);
  - ii. Assuming that period of use for each water right purpose is identical to period of diversion for that purpose;



- iii. Assuming that the full flow rate of each water right is utilized during each month of the period of diversion;
iv. Assuming that the full volume of each water right is used each year, consumed at a constant rate over the period of diversion.

These assumptions are necessary due to the difficulty of differentiating the distribution of appropriated volume over the period of diversion. This leads to an overestimation of existing uses from the source. The Department finds this an appropriate measure of assessing existing rights as it protects existing water users.

3. The starting point for the physical availability calculation was the median mean monthly flow rate at the Condon Gage (Table 1, Column B). The flow rates of water rights between the POD and the gage with priority dates before October 1992 (Table 1, Column C) were added to this value, while the flow rate demands of water rights upstream of the POD with priority dates from October 1992 onwards (Table 1, Column D) were subtracted. This resulted in physical availability at the POD (Table 1, Column E). Similar steps were conducted for volume (Table 2).

Table 1: Physical Availability (CFS) at POD Using Condon Gage #12369200 Extended Record
Table with 5 columns: A (Month), B (Median of the Mean Flow (CFS)), C (Pre-1992 Demands Between POD and Gage (CFS)), D (Post-1992 Demands Above POD (CFS)), E (Physical Availability (CFS)). Rows include months from January to December with corresponding CFS values.



**Table 2: Physical Availability (AF) at POD Using Condon Gage #12369200 Extended Record**

A	B	C	D	E
Month	Median of the Mean Volume (AF)	Pre-1992 Demands Between POD and Gage (AF)	Post-1992 Demands Above POD (AF)	Physical Availability (AF)
January	2790.08	0.82	1.74	2789.16
February	2349.86	0.82	1.74	2348.93
March	4523.22	0.92	1.74	4522.40
April	12256.92	1.27	3.31	12254.89
May	23542.18	1.83	3.31	23540.70
June	27880.98	1.83	3.56	27879.25
July	13089.78	1.83	3.56	13088.05
August	4666.00	1.83	3.56	4664.27
September	2944.76	1.83	3.56	2943.03
October	3128.18	1.73	3.56	3126.35
November	3590.22	0.92	1.83	3589.31
December	2940.79	0.92	1.74	2939.97

### 3.0 Area of Potential Impact Analysis

**The Area of Potential Impact for this application is:** The area of potential impact for this application is the Swan River from the inflow of Lindbergh Lake to the outflow of Cygnet Lake. A total of 87 surface water rights exist within this area, which in total amount to a legal demand of 4.08 CFS and 160.34 AF.

**Why this is an appropriate Area of Potential Impact:** Per the Department standard practice for area of potential impact analysis for surface water permits, downstream reservoirs and lakes are typically appropriate limits to the area of potential impact.

**Methodology:** Lindbergh Lake is a large natural lake in the headwaters of the Swan River, and Cygnet Lake is a smaller body of water separated from Lindbergh Lake by less than 1000 ft. These two bodies can reasonably be regarded as a single system. Most of the water rights on the upper Swan River are for domestic and lawn & garden use on these two lakes, and this region is not one which experiences water shortages or disputes.



## Review

This document has been reviewed by the Department on January 30, 2026.

## References

Department Standard Practice for Determining Physical Availability of Surface Water

Department Standard Practice for Area of Potential Impact Analysis

Technical Memorandum: Physical Availability of Surface Water With Gage Data

Technical Memorandum: Physical Availability of Surface Water Without Gage Data





## **Appendix A: Water Rights within the Area of Potential Impact**



Water Right #	Flow Rate (CFS)	Volume (AF)	Water Right #	Flow Rate (CFS)	Volume (AF)
76K 376 00	0.02	1.5	76K 94320 00	0.03	1.63
76K 840 00	0.02	1.5	76K 94968 00	0.02	1.63
76K 3026 00	0.04	1.5	76K 98855 00	0.09	3
76K 5617 00	0.04	1.5	76K 98858 00	0.06	1.5
76K 5765 00	0.04	1.5	76K 98917 00	0.09	1.5
76K 5847 00	0.07	1.5	76K 99150 00	0.04	2
76K 5849 00	0.04	1.5	76K 99169 00	0.06	1.5
76K 6053 00	0.04	1.5	76K 99647 00	0.01	2.25
76K 6223 00	0.04	1.5	76K 100128 00	0.06	2.5
76K 6460 00	0.06	8	76K 103846 00	0.06	1.5
76K 6797 00	0.03	1.5	76K 105114 00	0.04	1.5
76K 21215 00	0.03	1.5	76K 105583 00	0.05	2.5
76K 21216 00	0.03	1.5	76K 107360 00	0.07	2
76K 22979 00	0.07	1.5	76K 107803 00	0.07	1.5
76K 28553 00	0.03	1.5	76K 115188 00	0.01	5
76K 28856 00	0.03	2	76K 130080 00	0.03	1.5
76K 29127 00	0.03	1.5	76K 131013 00	0.04	1.5
76K 29742 00	0.03	1.5	76K 131044 00	0.09	2
76K 31056 00	0.04	1.5	76K 131055 00	0.08	1.5
76K 32059 00	0.04	1	76K 131066 00	0.04	1.5
76K 33290 00	0.03	1	76K 142972 00	0.16	1.5
76K 36692 00	0.03	0.75	76K 147375 00	0.04	3
76K 37653 00	0.03	1.5	76K 147485 00	0.07	1.5
76K 38511 00	0.02	1.5	76K 149255 00	0.07	1.5
76K 38765 00	0.03	1	76K 149341 00	0.01	1.5
76K 40934 00	0.03	1	76K 150399 00	0.09	2.5
76K 47643 00	0.03	0.5	76K 215858 00	0.04	5.54
76K 49192 00	0.10	2	76K 30003325	0.03	0.7
76K 49192 01	0.02	0.47	76K 30005618	0.18	10.5
76K 51692 00	0.06	1.5	76K 30024711	0.03	1.5
76K 75192 00	0.04	2.09	76K 30029677	0.07	1.5
76K 83705 00	0.02	3.5	76K 30029678	0.07	1.5
76K 87115 00	0.02	1.63	76K 30042646	0.02	1
76K 87704 00	0.02	1	76K 30043145	0.07	1.5
76K 87753 00	0.02	1.63	76K 30043702	0.02	1.75
76K 88530 00	0.02	1.63	76K 30043703	0.02	1
76K 92178 00	0.02	1	76K 30045597	0.03	1.5



---

Water Right #	Flow Rate (CFS)	Volume (AF)	Water Right #	Flow Rate (CFS)	Volume (AF)
76K 30046073	0.07	1.5	76K 30119252	0.03	1.75
76K 30046196	0.03	1	76K 30127441	0.02	1
76K 30049898	0.07	1.5	76K 30133835	0.04	1
76K 30064355	0.07	2.25	76K 30134215	0.03	1.75
76K 30103481	0.07	2.25	76K 30158059	0.08	2.25
76K 30103655	0.03	1	76K 30161713	0.03	0.91
76K 30118147	0.02	1	76K 30163120	0.07	1.98

## **Preapplication Materials**

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

# **Preapplication Materials**



Missoula Water Resources Regional Office  
PO Box 5004  
2705 Spurgin Road, Bldg. C  
Missoula, MT 59806-5004  
(406) 721-4284

December 23, 2025

R&E Associates of Montana  
1636 W 1st Ave  
Spokane, WA 99201-6010

Subject: Complete Preapplication Form for Beneficial Water Use Permit Application No. 76K 30172668

Dear Applicant,

The Missoula Regional Office of the Department of Natural Resources and Conservation (DNRC or Department) received your Preapplication Meeting Form and preapplication meeting fee on December 23, 2025, and the Department deemed the submitted Preapplication Meeting Form to be successfully completed per ARM 36.12.1302 on December 23, 2025.

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

Please let me know if you have any questions.

Best,

A handwritten signature in blue ink that reads "Benjamin Thomas". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Benjamin Thomas  
Water Conservation Specialist II  
Missoula Regional Office  
benjamin.thomas@mt.gov | (406) 542-5883





**PREAPPLICATION MEETING  
FORM: PART B  
PERMIT**  
§ 85-2-302, MCA  
Form No. 600P-B (Revised 02/2025)

For Department Use Only

Application # 30172668 Basin 76K  
Form Received 12-23-2025 3:40 PM  
Fee Rec'd \$ 500.00 Check # 7754  
Deposit Receipt # MSS2612054  
Payor Junkermier, William & Eliz.  
Form Returned \_\_\_\_\_  
Refund \$ \_\_\_\_\_ Date \_\_\_\_\_

**PREAPPLICATION MEETING FEE**

\$ 500

**FILING FEE REDUCTION & EXPEDITED TIMELINE**

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

**RECEIVED**

**DEC 23 2025**

**MONTANA D.N.R.C  
MISSOULA REGIONAL OFFICE**

The Applicant is responsible for providing a "Follow-up Responses" document for all follow-up identified in Preapplication Meeting Form Part A (Form 600P-A). The Applicant may not alter Form 600P-A. If a response has changed to a question answered at the preapplication meeting, the Applicant can provide a new response in a separate document entitled "Amended Responses" with the question number labeled.

The following guidelines are applicable to both the "Follow-up Responses" and "Amended Responses" documents. Clearly label all question numbers. Answer questions in the same format as Form 600P-A. For responses in the form of checkboxes, write "Y", "N", or "S". Constrain narrative responses to the specific question as is asked on the form; do not respond to multiple questions in one narrative. Label units in narrative responses and tables. Tables must have the exact headings found on the form. Questions that require items to be submitted to the Department may be marked "S" when the required item is included with the document.

1.  Y  N Are you submitting this form in response to a determination by the Department that a previously submitted Form 600P-B was inadequately completed?

If yes,

- a. Date form was returned ("Form Returned" date found in "For Department Use Only" box on the previously submitted Form 600P-B): \_\_\_\_\_
- b. If a "Follow-up Responses" or "Amended Responses" document is required by questions 2 or 3, submit complete updated documents with responses that stand-alone. The Department will only use the most recently submitted "Follow-up Responses" and "Amended Responses" documents for departmental technical analyses or scientific credibility review; the Department will not use multiple versions of a document.

2.  Y  N Were any questions identified as requiring follow-up on Form 600P-A?

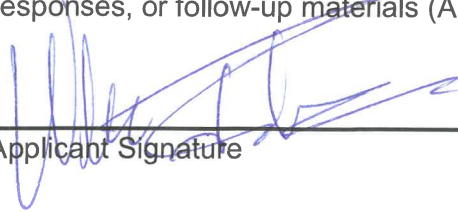
If yes,

- a.  S Submit "Follow-up Responses" document for all questions requiring follow-up.



**FOLLOW-UP AND AMENDED RESPONSES AFFIDAVIT & CERTIFICATION**

"I attest that this preapplication meeting form (Form 600P-A and Form 600P-B), follow-up, and amended responses accurately portray the proposed project. I am aware that my application for this project will not qualify for a discounted filing fee and expedited timelines if, upon submittal of the application to the department, I change any element of the proposed application from the preapplication meeting form, amended responses, or follow-up materials (ARM 36.12.1302(6)(a))."

  
Applicant Signature

12/23/25  
Date

Applicant Signature

Date

"We confirm that the preapplication form (Form 600P-A and Form 600P-B), amended responses, and follow-up information are adequate for the Department to proceed with technical analyses in ARM 36.12.1303. Or, if the Applicant has elected to complete technical analyses, we confirm they have submitted each required element of technical analysis based on the proposed project and the Department is able to proceed with the scientific credibility review (ARM 36.12.1303(8))."

  
Department Signature

12-23-2025  
Date

Department Signature

Date







**PREAPPLICATION MEETING  
FORM: PART A  
PERMIT**  
§ 85-2-302, MCA  
Form No. 600P-A (Revised 10/2025)

**For Department Use Only**

Application # 30172668 Basin # 76K  
 Meeting Date 12/12/2025 Time 13:30  
 Variance Request Deadline April 19, 2026  
 Completed Form Deadline June 10, 2026

**PREAPPLICATION MEETING FEE**

\$ 500

**FILING FEE REDUCTION & EXPEDITED TIMELINE**

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

*The Department will fill out Permit Preapplication Meeting Form Part A (Form 600P-A) and will identify items for follow-up during the preapplication meeting. The Department and Applicant will sign the Preapplication Meeting Affidavit and Certification within 10 business days. Within 180 days of the preapplication meeting, the Applicant will complete Preapplication Meeting Form Part B (Form 600P-B), including identified follow-up, any amended responses, and Follow-up and Amended Responses Affidavit & Certification. Variance requests must be submitted on Form 653 to the Department on or before the Variance Request Deadline, which is day 138 of the 180 day-deadline for a completed preapplication meeting form. Form 653 may be submitted earlier than the Variance Request Deadline. The Department has 30 business days to process the Form 653.*

**Applicant Information: Add more as necessary.**

Applicant Name R&E Associates of Montana  
 Mailing Address 1636 W 1st Ave City Spokane State WA Zip 99201  
 Phone Numbers: Home (509) 499-5368 Work \_\_\_\_\_ Cell \_\_\_\_\_  
 Email Address reassociates01@gmail.com

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

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

Contact/Representative is:  Applicant  Consultant  Attorney  Other (describe) \_\_\_\_\_  
 Contact/Representative Name \_\_\_\_\_  
 Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Phone Numbers: Home \_\_\_\_\_ Work \_\_\_\_\_ Cell \_\_\_\_\_  
 Email Address \_\_\_\_\_

*NOTE: If a contact person is identified as an attorney, all communication will be sent only to the attorney unless the attorney provides written instruction to the contrary (ARM 36.12.122(2)). If a contact person is identified as a consultant, employee, or lessee, the applicant will receive all correspondences, and a copy may be sent to the contact person (ARM 36.12.122(3)).*

**Meeting Attendees: Add more as necessary.**

Name	Role	Name	Role
Jim Nave	DNRC Regional Manager		
Benjamin Thomas	DNRC Water Specialist		
Alex Dalgleish	DNRC Water Specialist		
William Junkermier	R&E Associates		



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## APPLICATION DETAILS

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

**S = Submitted.** Use when required item is included with form.

**A = See attachment.** Use when additional space is needed to answer a question.

**F = Follow-up.** Use when follow-up is necessary.

Questions, Narrative Responses, and Tables	Check-boxes	Follow-up
1. Do you elect to have DNRC conduct Technical Analyses?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
2. Provide a map created on an aerial photograph or topographic map that shows the following: section corners, township and range, scale bar, north arrow, all proposed points of diversion labeled with a unique POD ID number (include GWIC ID, if available, for wells), all proposed places of use, all proposed conveyance structures (including ditches and pipelines), all proposed places of storage, and places of use for all overlapping water rights. More than one map may be submitted, if necessary to clearly convey all required information.	<input type="checkbox"/> S	<input checked="" type="checkbox"/> F
3. Is the project located in a Controlled Groundwater Area or Basin Closure Area? If yes, immediately go to Mandatory Project-Specific questions 54 to 56 because Form 600 may be the incorrect form, or this project may not meet the requirements for the Department to accept a Form 600.	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<input type="checkbox"/> F
4. Is the proposed use temporary?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<input type="checkbox"/> F
a. If yes, when will the appropriation cease? _____	<input type="checkbox"/> A	<input type="checkbox"/> F



5. Describe the proposed purpose information, including period of diversion (MM/DD-MM/DD), period of use (MM/DD-MM/DD), flow rate (GPM or CFS) and volume (AF).  A  F

Purpose	Period of Diversion	Period of Use	Flow Rate			Volume
	(MM/DD-MM/DD)	(MM/DD-MM/DD)	Flow Rate	GPM	CFS	(AF)
Domestic	1/1-12/31	1/1-12/31	12	<input checked="" type="checkbox"/>	<input type="checkbox"/>	0.51
Lawn & Garden	4/15-10/15	4/15-10/15	12	<input checked="" type="checkbox"/>	<input type="checkbox"/>	.08
				<input type="checkbox"/>	<input type="checkbox"/>	
				<input type="checkbox"/>	<input type="checkbox"/>	
				<input type="checkbox"/>	<input type="checkbox"/>	
<b>Total</b>			12	<input checked="" type="checkbox"/>	<input type="checkbox"/>	0.59

6. Does the proposed use include one or more of the following purposes: domestic, multiple domestic, stock, or irrigation? If yes, fill out the following table, where applicable.  Y  N  F

Purpose	Requested Information	Response
Domestic or multiple domestic	Number of households and bedrooms served per household	1 household, 6 bedrooms
Stock	Number of animal units	
Irrigation	Method of irrigation type (sprinkler or flood) and subtype (if flood: level border, graded border, furrow, contour ditch, or other; if sprinkler: center pivot, wheel line, or other)	
Irrigation (flood only)	Design slope	

7. Describe the proposed location of the point(s) diversion to the nearest 10 acres, if source is groundwater (GW) or surface water (SW), source name, and means of diversion (e.g., pump, headgate, well). Label each POD with the POD # used for the project map (question 2).  A  F

POD #	¼	¼	¼	Sec	Twp	Rge	County	Lot	Block	Tract	Subdivision	Gov Lot	SW or GW	Source Name	Means
1	N2	SE	SW	23	19N	17W	Missoula	79			Diamond L Bar	6	SW	Lindbergh Lake	Pump

8. What are the geocodes of the place of use?	<input type="checkbox"/> A	<input type="checkbox"/> F
04-2872-23-1-07-05-0000		

9. Describe the legal land description for the proposed place of use and, if an irrigation or lawn and garden purpose, list the number of irrigated acres.	<input type="checkbox"/> A	<input type="checkbox"/> F
--	----------------------------	----------------------------

Acres	Gov't Lot	Block	¼	¼	¼	Sec	Twp	Rge	County
0.03	6		N2	SE	SW	23	19N	17W	Missoula
0.03	<b>Total</b>								

10. Will other water rights supplement or overlap the place of use to contribute to the purpose(s)?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<input type="checkbox"/> F
a. If yes, summarize how the water rights will be operated as a whole to serve the purpose(s). <hr/> <hr/> <hr/> <hr/> <hr/>	<input type="checkbox"/> A	<input type="checkbox"/> F

11. For each supplemental or overlapping water right, please list the water right number, purpose, typical period of diversion and use (MM/DD-MM/DD), flow rate (GPM or CFS), and the volume of water (AF) contributed.  A  F

Water Right No.	Avg. Period of Diversion	Avg. Period of Use	Flow Rate			Volume Contributed
	MM/DD-MM/DD	MM/DD-MM/DD	Flow Rate	GPM	CFS	AF
				<input checked="" type="checkbox"/>	<input type="checkbox"/>	
				<input type="checkbox"/>	<input type="checkbox"/>	
				<input type="checkbox"/>	<input type="checkbox"/>	
				<input type="checkbox"/>	<input type="checkbox"/>	
				<input type="checkbox"/>	<input type="checkbox"/>	

12. Will this application supplement contract water from a Federal Project, ditch company, or other source?  Y  N  F

a. If yes, explain.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

A  F

13. Does the project involve one or more places of storage? This does not include reservoirs, pits, pit-dams, or ponds with a capacity less than 0.1 AF; water tanks; or cisterns (ARM 36.12.113(6)). If yes, answer the following questions once for each place of storage. Use an "Additional Place of Storage (600P)" sheet if more than one. Additionally, you may choose to answer non-mandatory questions 76 to 80 for place of storage.  Y  N  F

a. Is this application to enlarge an existing reservoir? If yes, list the water right numbers for the existing reservoir. \_\_\_\_\_

Y  N  F

b. Is the place of storage located on-stream?  Y  N  F

Y  N  F

c. What is the capacity of the proposed place of storage or the existing place of storage after it is enlarged? Use bathymetry data, survey, or engineering plans for capacity. Submit the data source used with this form. In lieu of these data sources, use the following equation:

$$\text{Surface Acres} \times \text{Maximum Depth (FT)} \times 0.5 = \text{Capacity (AF)}$$

\_\_\_\_\_

A  F



<p>d. What is the surface area of the place of storage?</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> A	<input type="checkbox"/> F
<p>14. Will your system be designed to discharge water from the project?</p>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
<p>a. If yes, explain the wastewater disposal method. A discharge permit may be required to comply with §§ 75-5-410 and 85-2-364, MCA. On-site septic system (10%)</p> <p>_____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> A	<input type="checkbox"/> F
<p>15. Does the project involve an appropriation that is greater than 5.5 CFS and 4,000 AF? If yes, you must submit a Criteria Addendum Application for Beneficial Water Use Permit for Appropriations Greater than 5.5 CFS and 4,000 AF (Form 600-B) with application submittal. The criteria are found in §85-2-311(3), MCA.</p>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<input type="checkbox"/> F
<p>16. Will you be transporting water for use outside of Montana? If yes, you must submit an Out-of-State Use Addendum (Form 600/606-OSA) with the application. The out-of-state use criteria are outlined in §85-2-402(6), MCA.</p>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<input type="checkbox"/> F
<p>17. Does the project include the water marketing purpose? If yes, you may choose to answer non-mandatory questions 81 to 85 for water marketing. A Water Marketing Purpose Addendum (Form 600/606-WMA) will be required with application submittal.</p>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<input type="checkbox"/> F
<p>18. Are you proposing a point of diversion and/or place of use on State of Montana Trust Land? If yes, documentation of consent from the DNRC Trust Lands Management Division will be required at application submittal.</p>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<input type="checkbox"/> F
<p>19. Is the project located in designated sage grouse habitat? If yes, a review letter from the Montana Sage Grouse Habitat Conservation Program will be required at application submittal.</p>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<input type="checkbox"/> F



## SURFACE WATER

**Applicable**, move on to question 20.  **Not Applicable**, skip to question 30.

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

### Surface Water Analysis

Questions, Narrative Responses, and Tables	Check-boxes	Follow-up
20. What is the flow rate (GPM or CFS), volume (AF), period of diversion start date and end date (MM/DD-MM/DD), and source type (e.g., perennial, ephemeral) at each point of diversion? Use the same POD # as the project map (question 2) to label each point of diversion.	<input type="checkbox"/> A	<input type="checkbox"/> F

POD #	Flow Rate			Volume	Period Start	Period End
	Flow Rate	GPM	CFS	AF	MM/DD	MM/DD
1	12	<input checked="" type="checkbox"/>	<input type="checkbox"/>	0.59	01/01	12/31
		<input type="checkbox"/>	<input type="checkbox"/>			
		<input type="checkbox"/>	<input type="checkbox"/>			
		<input type="checkbox"/>	<input type="checkbox"/>			
		<input type="checkbox"/>	<input type="checkbox"/>			

21. Is the source type of the diversion perennial or intermittent, ephemeral, lake, or other? Perennial Lake	<input type="checkbox"/> A	<input type="checkbox"/> F
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Perennial or intermittent	Answer questions 22 to 25	Ephemeral	Answer question 26	Lake	Answer question 27	Other	Answer questions 28 to 29

### *Surface Water Analysis: Perennial or Intermittent*

**Applicable**  **Not Applicable**

22. Are stream gage data available?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
a. If yes, answer question 23.		
b. If no, answer question 24.		





g. Is each available stream gage operated and maintained by USGS or DNRC?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<input type="checkbox"/> F
i. If yes, skip to question 23.h.		
ii. If no, answer the following questions for each gage not operated and maintained by USGS or DNRC.		
1. How frequently are stage data recorded? Write "N/A" for Gage 2 if only one gage is not operated or maintained by USGS. Gage 1: <u>Daily in the past, discontinued since 1992</u> Gage 2: _____		<input type="checkbox"/> F
2. If data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?		
a. Gage 1. <u>Estimated using USGS SREF Program</u>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. <u>N/A</u>	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
3. Was the rating curve established and maintained throughout the duration of the period of record using measurements taken near the reference gage and stage recorder according to USGS protocols?		
a. Gage 1. <u>Yes</u>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. <u>N/A</u>	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
4. Were requirements established and followed for maintaining a permanent gage datum and meeting specified accuracy limits?		
a. Gage 1. <u>Yes</u>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. <u>N/A</u>	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F



h. Do the data for one or more available stream gages meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
i. If yes, record how many meet the standard, then skip to question 54 because this section is complete. <u>1</u>		<input type="checkbox"/> F
ii. If no, answer question 24.		
24. If no gage data are available or if available gage data do not meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion, is the source otherwise measured?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
a. If no, measurements may be necessary. The Department cannot deem the preapplication meeting form adequately completed until the Department receives gage data and/or measurements that meet the requirements of ARM 36.12.1702 or, in combination with an approved variance request, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria. Skip to question 25.		
b. If yes,		
i. Submit available measurements to the Department.	<input type="checkbox"/> S	<input type="checkbox"/> F
ii. Who collected the measurements? _____	<input type="checkbox"/> A	<input type="checkbox"/> F
iii. With what method were the data collected? _____ _____	<input type="checkbox"/> A	<input type="checkbox"/> F
iv. What is the period of record? _____		<input type="checkbox"/> F
v. What is the frequency of measurement? _____		<input type="checkbox"/> F
vi. Are there gaps in the data?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F



<p>1. If yes, what is the nature of the gaps and how are gaps handled to ensure data quality?</p> <p>_____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> A	<input type="checkbox"/> F
<p>vii. Is there a process for maintaining the data and meeting specified accuracy limits?</p>	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
<p>1. If yes, explain.</p> <p>_____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> A	<input type="checkbox"/> F
<p>viii. Do available measurement data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion?</p>	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
<p>1. If yes, this section is complete. Skip to question 54.</p>		
<p>2. If no, answer question 25.</p>		
<p>25. Do the available measurement data, gage and/or otherwise measured, meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for validation of a Department-accepted estimation technique?</p>	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
<p>a. If yes,</p>		
<p>i. Describe how the measurements are representative of high, moderate, and low flows.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> A	<input type="checkbox"/> F
<p>ii. Describe the estimation technique.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> A	<input type="checkbox"/> F
<p>b. If no, but a Department-accepted estimation technique will be appropriate for the source:</p>		

<p>i. Will measurements be collected prior to submission of Form 600P-B that meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for calibration of a Department-accepted estimation technique?</p>	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
<p>1. If yes,</p>		
<p>a. With what method will the data be collected?</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> A	<input type="checkbox"/> F
<p>b. What will be the interval of measurement?</p> <p>_____</p>		<input type="checkbox"/> F
<p>c. Describe the proposed estimation technique.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> A	<input type="checkbox"/> F
<p>2. If no, do you plan on requesting a variance from measurement requirements pursuant to ARM 36.12.1702(1)(b)? If you plan to request a variance, you must submit Form 653 on or before the Variance Request Deadline. The Department cannot deem the preapplication meeting form adequately completed until the Department receives measurements that meet the requirements of ARM 36.12.1702(1)(b) or, in combination with an approved variance request, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.</p>	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
<p>c. If no, because no Department-accepted estimation technique will be appropriate for the source:</p>		
<p>i. Describe why no Department-accepted estimation technique is appropriate for the source characteristics.</p> <p>_____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> A	<input type="checkbox"/> F
<p>ii. Do the available measurement data, gage and/or otherwise measured, meet the Department's standard for monthly measurements throughout the proposed period of diversion pursuant to ARM 36.12.1702(4)?</p>	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F



1. If no, will measurements be collected prior to submission of a completed Form 600P that meet the Department's standard of monthly measurements throughout the proposed period of diversion?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
a. If yes, with what method will the data be collected? _____ _____	<input type="checkbox"/> A	<input type="checkbox"/> F
b. If no, do you plan on requesting a variance from measurement requirements pursuant to ARM 36.12.1702(4)? If you plan to request a variance, you must submit Form 653 on or before the Variance Request Deadline. The Department cannot deem the preapplication meeting form adequately completed until the Department receives measurements that meet the requirements of ARM 36.12.1702(4) or, in combination with an approved variance request, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F

*Surface Water Analysis: Ephemeral*

**Applicable**  **Not Applicable**

26. Did you elect for the Department to conduct the Technical Analyses?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
a. If yes, do you have climate or drainage area data you would like the Department to consider during Technical Analyses?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
i. If yes, submit this information to the Department.	<input type="checkbox"/> S	<input type="checkbox"/> F
b. If no,		
i. Describe the estimation technique you propose to use to estimate physical availability at the point of diversion. _____ _____ _____	<input type="checkbox"/> A	<input type="checkbox"/> F
ii. What is the net annual precipitation? Include the source of this information. _____ _____	<input type="checkbox"/> A	<input type="checkbox"/> F



iii. What is the drainage area upstream of the point of diversion and how was this figure calculated? _____ _____ _____	<input type="checkbox"/> A	<input type="checkbox"/> F
--	----------------------------	----------------------------

*Surface Water Analysis: Lakes*

**Applicable**  **Not Applicable**

27. Has the lake volume been quantified by a qualified entity based on bathymetric data?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
a. If yes, provide this information to DNRC.	<input type="checkbox"/> S	<input checked="" type="checkbox"/> F
b. If no, answer the following questions,		
i. When do you plan to collect this information? _____		<input type="checkbox"/> F
ii. What data collection method will you use? _____ _____	<input type="checkbox"/> A	<input type="checkbox"/> F

*Surface Water Analysis: Other*

**Applicable**  **Not Applicable**

28. Explain why the source type is "other". _____ _____	<input type="checkbox"/> A	<input type="checkbox"/> F
29. Have you measured the source?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
a. If yes, answer the following questions,		
i. With what method was the measurement data collected? _____ _____	<input type="checkbox"/> A	<input type="checkbox"/> F



ii. What is the measurement interval? _____		<input type="checkbox"/> F
1. Does the interval meet the Department's standard for monthly measurements throughout the proposed period of diversion pursuant to ARM 36.12.1702(4)?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
a. If no, do you plan on requesting a variance from measurement requirements pursuant to ARM 36.12.1702(4)? If you plan to request a variance, you must submit Form 653 on or before the Variance Request Deadline.	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
b. If no,		
i. When do you plan to measure? _____		<input type="checkbox"/> F
ii. What data collection method will be used? _____ _____ _____	<input type="checkbox"/> A	<input type="checkbox"/> F
iii. Do you plan on requesting a variance from measurement requirements pursuant to ARM 36.12.1702(4)? If you plan to request a variance, you must submit Form 653 on or before the Variance Request Deadline. The Department cannot deem the preapplication meeting form adequately completed until the Department receives measurements that meet the requirements of ARM 36.12.1702(4) or, in combination with an approved variance request, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F

**Area of Potential Impact Analysis**

No additional information needed for Technical Analyses.



## GROUNDWATER

**Applicable**, move on to question 30.  **Not Applicable**, skip to question 54.

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

### Groundwater Analysis for Permits

Questions, Narrative Responses, and Tables				Check-boxes	Follow-up
30. What is the type of groundwater diversion? _____				<input type="checkbox"/> A	<input type="checkbox"/> F
<b>Well/Pumping Pit</b>	Answer questions 31 to 35	<b>Developed Spring</b>	Answer question 36	<b>Pond</b>	Answer questions 37 to 39

#### *Groundwater Analysis for Permits: Well/Pumping Pit*

Applicable  Not Applicable

31. Per ARM 36.12.121 a 24- or 72-hour aquifer test is required; do you propose not to conduct the test? An 8-hour test will be required, if no aquifer test is completed.		<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
a. If yes, explain. The Department will let you know if the request is reasonable and identify additional data needs. _____ _____ _____ _____ _____		<input type="checkbox"/> A	<input type="checkbox"/> F



32. Submit Aquifer Test Data Form (Form 633). If a variance is requested, Form 633 must be submitted on or before the Variance Request Deadline. If no variance is requested, Form 633 is due by the time the preapplication meeting form is complete but may be submitted earlier. However, if the Department determines a variance is needed and the Variance Request Deadline has passed, to submit the Form 653 you must reschedule the preapplication meeting or submit the application without expedited fees and timelines (ARM 36.12.1302(6)).	<input type="checkbox"/> S	<input type="checkbox"/> F
33. Submit the Aquifer Testing Addendum (Form 600/606-ATA) and associated materials (e.g., well logs). If you request a variance, Form 600/606-ATA must be submitted on or before the Variance Request Deadline. If no variance is requested, Form 600/606-ATA is due by the time the preapplication meeting form is complete but may be submitted earlier. However, if the Department determines a variance is needed and the Variance Request Deadline has passed, to submit the Form 653 you must reschedule the preapplication meeting or submit the application without expedited fees and timelines (ARM 36.12.1302(6)).	<input type="checkbox"/> S	<input type="checkbox"/> F
34. Are you requesting a variance from ARM 36.12.121? If you are unsure if a variance request will be needed, mark follow-up and answer this question once Form 600/606-ATA and Form 633 are complete. A variance must be requested by the Variance Request Deadline.	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
a. If yes, submit Form 653, Form 600/606-ATA, and Form 633 together on or before the Variance Request Deadline.	<input type="checkbox"/> S	<input type="checkbox"/> F
b. If no, you may choose to submit Form 600/606-ATA and Form 633 before the Variance Request Deadline, and the Department will review these two forms. However, if the Department determines a variance is needed after the Variance Request Deadline, to submit the Form 653 you must reschedule the preapplication meeting or submit the application without expedited fees and timelines (ARM 36.12.1302(6)).		
35. Have all proposed wells/pumping pits been constructed?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
a. If no, answer the following questions:		
i. Submit a list of the POD IDs for all wells/pumping pits and mark whether they have or have not been constructed.	<input type="checkbox"/> S	<input type="checkbox"/> F
ii. When will all proposed wells/pumping pits be constructed? _____		<input type="checkbox"/> F
iii. Is the requested volume for each proposed well/pumping pit known?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
1. If yes, list the flow rate and volume requested for each proposed well/pumping pit. Label with POD ID. _____ _____ _____	<input type="checkbox"/> A	<input type="checkbox"/> F



2. If no, what is the total requested volume (AF) and the number of proposed PODs? _____		<input type="checkbox"/> F
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*Groundwater Analysis for Permits: Developed Spring*

Applicable  Not Applicable

36. Have you measured the source?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
a. If yes, submit the measurements and answer the following questions,	<input type="checkbox"/> S	<input type="checkbox"/> F
i. Do you have flow rate (GPM or CFS) and volume measurements?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
ii. With what method were measurements collected? _____ _____	<input type="checkbox"/> A	<input type="checkbox"/> F
iii. What is the interval of measurements? _____		<input type="checkbox"/> F
iv. Is the interval of measurements sufficient to comply with ARM 36.12.1703(1)?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
b. If no, or if measurements do not comply with ARM 36.12.1703(1), answer the following questions. The Department cannot deem the preapplication meeting form adequately completed until the Department receives measurements that meet the requirements of ARM 36.12.1703(1). Variances from ARM 36.12.1703(1) are not allowed.		
i. When do you plan to measure? _____		<input type="checkbox"/> F
ii. With what method and at what interval will measurements be collected? _____ _____	<input type="checkbox"/> A	<input type="checkbox"/> F



*Groundwater Analysis for Permits: Pond*

Applicable  Not Applicable

37. Submit Form 653 to apply for a variance from ARM 36.12.121 for the Aquifer Test on or before the Variance Request Deadline.	<input type="checkbox"/> S	<input type="checkbox"/> F
38. Submit pond bathymetry data, survey, or engineering plans to the Department.	<input type="checkbox"/> S	<input type="checkbox"/> F
39. Is the pond fed or drained by surface water?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
a. If yes,		
i. Explain.  _____ _____ _____	<input type="checkbox"/> A	<input type="checkbox"/> F
ii. Submit measurements of the connected surface water source. These may include inflow and outflow measurements.	<input type="checkbox"/> S	<input type="checkbox"/> F

**Surface Water Depletion Analysis**

40. Is the type of groundwater diversion for your proposed project a developed spring? If yes, skip to question 45 because this section is complete. If no, move onto question 41.	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
41. Is the type of groundwater diversion for your proposed project a pond? If yes, answer question 41.a, then skip to question 45 because this section is complete. If no, move onto question 42.	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
a. Will any of the ponds have diversions for out-of-pond use that differ from, if year-round use, an allocation of diverted volume by the number of days in the month, or, if irrigation/lawn and garden use, the 80% dry year net irrigation requirement (IWR, NRCS 2003)?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
i. If yes, provide a schedule of the diversions for out-of-pond use in the table below. Use the same POD # as the project map (question 2). Attach any additional schedules with POD # labeled.	<input type="checkbox"/> A	<input type="checkbox"/> F

POD #			
Month	Diversions for Out-of-Pond Use Volume (AF)	Month	Diversions for Out-of-Pond Use Volume (AF)
January		July	
February		August	
March		September	
April		October	
May		November	
June		December	



42. What is the flow rate (GPM or CFS), volume (AF), and period of diversion required (MM/DD-MM/DD) at each well/pumping pit? What is the well/pumping pit depth (FT), if available, or estimated well/pumping pit depth (FT). Please use the same POD # as the project map (question 2) to match this information with the location information.

A       F

POD #	Flow Rate			Volume	Period of Diversion	Depth	Measured or Estimated
	Flow Rate	GPM	CFS	AF	MM/DD-MM/DD	FT	
		<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>				

43. Will any of the *new* wells/pumping pits have a monthly pumping schedule that differs from, if year-round use, an allocation of diverted volume by the number of days in the month, or, if irrigation/lawn and garden use, the 80% dry year net irrigation requirement (IWR, NRCS 2003)?

Y  N       F

a. If yes, provide the alternative pumping schedule(s) in the table below. Use the same POD # as the project map (question 2). Attach any additional pumping schedules with POD # labeled.

A       F

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

44. Will one or more <i>existing</i> wells/pumping pits be used for the proposed project?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
a. If yes, will any of the <i>existing</i> wells/pumping pits have a monthly pumping schedule, before or after the proposed project, that differs from an allocation of diverted volume by the number of days in the month (if year-round use) or the 80% dry year net irrigation requirement (if irrigation/lawn and garden use) (IWR, NRCS 2003)?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
i. If yes, provide the pumping schedules before and after the proposed project in the table below. Use the same POD # as the project map (question 2). Attach any additional pumping schedules with POD # and before/after proposed project labeled.	<input type="checkbox"/> A	<input type="checkbox"/> F

Before proposed project: POD #				After proposed project: POD #			
Month	Volume (AF)	Month	Volume (AF)	Month	Volume (AF)	Month	Volume (AF)
January		July		January		July	
February		August		February		August	
March		September		March		September	
April		October		April		October	
May		November		May		November	
June		December		June		December	

### Surface Water Analysis of Depleted Surface Water

45. Based on the preliminary net depletion data provided by the Department at this preapplication meeting, what are the hydraulically connected surface water source(s)? <i>*Net depletion data provided by the Department at the preapplication meeting is preliminary and is subject to change during Technical Analyses. If the source or location of net depletion data changes during Technical Analyses, then surface water analysis of depleted surface water source(s) will reflect the Technical Analyses; this will not constitute a change of any element to the proposed application pursuant to ARM 36.12.1302(6)(a).</i> If the type of groundwater diversion for your proposed project is a developed spring, write "NA" and skip to question 51 because this section is complete.	<input type="checkbox"/> A	<input type="checkbox"/> F
46. Answer the questions in this section one time for each hydraulically connected source. Use the "Additional Hydraulically Connected Source (600P)" sheet, as necessary. For which hydraulically connected source are you answering questions 47 to 50? _____		<input type="checkbox"/> F
47. Are stream gage data available?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
a. If yes, answer question 48.		
b. If no, answer question 49.		



48. Stream gage data are available		
a. Is one stream gage located above and one stream gage located below the start of the depleted reach?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
i. If no, is only one stream gage located near the start of the depleted reach?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
1. If yes, is the stream gage upstream or downstream? _____		<input type="checkbox"/> F
b. List the gage name(s). Write "N/A" for Gage 2 if one gage available. Gage 1: _____ Gage 2: _____		<input type="checkbox"/> F
c. What is the distance between the gage(s) and the start of the depleted reach? Write "N/A" for Gage 2 if one gage available. Gage 1: _____ Gage 2: _____		<input type="checkbox"/> F
d. Is there a limiting or controlling factor on the source between the stream gage(s) and the start of the depleted reach? This includes dams that control the flow and streams with large gaining and/or losing reaches. If you have questions about this, the Regional Office may provide assistance.	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
i. If yes, explain. _____ _____ _____	<input type="checkbox"/> A	<input type="checkbox"/> F
e. How long is the period of record? Write "N/A" for Gage 2 if one gage is available. Gage 1: _____ Gage 2: _____		<input type="checkbox"/> F
f. Who operates and maintains the gage(s)? Write "N/A" for Gage 2 if one gage is available. Gage 1: _____ Gage 2: _____		<input type="checkbox"/> F
g. Is each available stream gage operated and maintained by USGS or DNRC?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
i. If yes, skip to question 48.h.		
ii. If no, answer the following questions for each gage not operated and maintained by USGS or DNRC.		



1. How frequently is stage data recorded? Write "N/A" for Gage 2 if only one gage is not operated or maintained by USGS. Gage 1: _____ Gage 2: _____		<input type="checkbox"/> F
2. If data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
a. Gage 1. _____	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
3. Was the rating curve established and maintained throughout the duration of the period of record using measurements taken near the reference gage and stage recorder according to USGS protocols?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
a. Gage 1. _____	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
4. Were there requirements for maintaining a permanent gage datum and meeting specified accuracy limits?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
a. Gage 1. _____	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
h. Do the data for one or more available stream gages meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the months with net depletions?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
i. If yes, record how many meet the standard, then skip to question 54 because this section is complete. _____		
ii. If no, answer question 49.		
49. If no gage data are available or if available gage data do not meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the months with net depletions, is the source otherwise measured?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F



a. If no, measurements may be necessary. The Department cannot deem the preapplication meeting form adequately completed until the Department receives gage data and/or measurements that meet the Department's measurement standards or, in combination with an approved request to deviate from the Department's standards, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria. Skip to question 50.		
b. If yes,		
i. Submit measurements to the Department.	<input type="checkbox"/> S	<input type="checkbox"/> F
ii. Who collected the measurements? _____	<input type="checkbox"/> A	<input type="checkbox"/> F
iii. With what method was the data collected? _____ _____	<input type="checkbox"/> A	<input type="checkbox"/> F
iv. What is the period of record? _____		<input type="checkbox"/> F
v. What is the frequency of measurement? _____		<input type="checkbox"/> F
vi. Are there gaps in the data?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
1. If yes, what is the nature of the gaps and how are gaps handled to ensure data quality? _____ _____ _____	<input type="checkbox"/> A	<input type="checkbox"/> F
vii. Is there a process for maintaining the data and meeting specified accuracy limits?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
1. If yes, explain. _____ _____ _____	<input type="checkbox"/> A	<input type="checkbox"/> F
viii. Do available measurement data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the months with net depletions?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
1. If yes, this section is complete. Skip to question 54.		
2. If no, answer question 50.		



50. Do the available measurement data, gage and/or otherwise measured, meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for calibration of a Department-accepted estimation technique?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
a. If yes,		
i. Describe how the measurements are representative of high, moderate, and low flows. _____ _____ _____	<input type="checkbox"/> A	<input type="checkbox"/> F
ii. Describe the estimation technique. _____ _____ _____ _____ _____	<input type="checkbox"/> A	<input type="checkbox"/> F
b. If no, but a Department-accepted estimation technique will be appropriate for the hydraulically connected surface water source:		
i. Will measurements be collected prior to submission of a completed Form 600P-B that meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for calibration of a Department-accepted estimation technique?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
1. If yes,		
a. With what method will the data be collected? _____ _____	<input type="checkbox"/> A	<input type="checkbox"/> F
b. What will be the interval of measurement? _____		<input type="checkbox"/> F



<p>c. Describe the proposed estimation technique.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> A	<input type="checkbox"/> F
<p>2. If no, do you plan on requesting to deviate from the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for calibration of a Department-accepted estimation technique? The Department's technical analyses or scientific credibility review of your technical analyses cannot commence until the Department receives measurements that meet Department measurement standards, or in combination with a request to deviate, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.</p>	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
<p>c. If no, because no Department-accepted estimation technique will be appropriate for the hydraulically connected surface water source:</p>		
<p>i. Describe why no Department-accepted estimation technique is appropriate for the source characteristics.</p> <p>_____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> A	<input type="checkbox"/> F
<p>ii. Do the available measurement data, gage and/or otherwise measured, meet the Department's standard for monthly measurements throughout the months with net depletions?</p>	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
<p>1. If no, will measurements be collected prior to submission of a completed Form 600P that meet the Department's standard of monthly measurements throughout the months with net depletions?</p>	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
<p>a. If yes, with what method will the data be collected?</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> A	<input type="checkbox"/> F



<p>b. If no, do you plan on requesting to deviate from the Department’s standard for monthly measurements throughout the months with net depletions? The Department’s technical analyses or scientific credibility review of your technical analyses cannot commence until the Department receives measurements that meet Department measurement standards, or in combination with a request to deviate, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.</p>	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
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**Area of Potential Impact Analysis of Depleted Surface Water**

All information for area of potential impact of depleted surface water was collected in previous questions.

**Hydrogeologic Report**

<p>51. Does your project include one or more wells, pumping pits, or ponds that are in a basin closure area? If yes, fill out questions 52 to 53. Your project must have a Hydrogeologic Report that conforms with § 85-2-361 to comply with the requirements of § 85-2-360, MCA. A Hydrogeologic Report Addendum (Form 600-HRA) or Department Technical Analyses may be used to meet these requirements.</p>	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
<p>52. Did you elect in question 1 for the Department to conduct the Technical Analyses?</p>	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
<p>a. If yes, the Basin Closure Area Addendum (Form 600-BCA), Form 600-HRA, and Hydrogeologic Report are not required at this time. The Department’s Technical Analyses will meet requirements of §85-2-360, MCA for a Hydrogeologic Report and Form 600-HRA. Form 600-BCA will be required with application submittal.</p>		
<p>b. If no, submit the Basin Closure Area Addendum (Form 600-BCA) and Hydrogeologic Report Addendum (600-HRA) with your Technical Analyses.</p>	<input type="checkbox"/> S	<input type="checkbox"/> F
<p>53. If the Hydrogeologic Report indicates that the proposed groundwater use will impact a surface water source, identify and explain which of the following three options best describes your plan to mitigate depletions of hydraulically connected surface water and respond to the relevant questions below.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Application to Change a Water Right to mitigate the adverse effects created</li> <li><input type="checkbox"/> Alternative mitigation plan</li> <li><input type="checkbox"/> Documentation to show a mitigation plan is not required</li> </ul>		
<p>a. Application to Change a Water Right to mitigate the adverse effects created: Submit a summary of your initial proposal. <i>A separate Preapplication Meeting will be required for each Application to Change a Water right to a mitigation or aquifer recharge purpose to qualify for expedited timelines and reduced filing fees for the project per ARM 36.12.1302(7)(a).</i></p>	<input type="checkbox"/> S	<input type="checkbox"/> F
<p>b. Alternative mitigation plan: Submit a summary of your initial proposal.</p>	<input type="checkbox"/> S	<input type="checkbox"/> F



i. Do you propose to use water with a marketing for mitigation/aquifer recharge purpose?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
1. If yes,		
a. List the change authorization number(s) for all water rights proposed for use. _____	<input type="checkbox"/> A	<input type="checkbox"/> F
b. What is the area defined for marketing for all water rights proposed for use? _____	<input type="checkbox"/> A	<input type="checkbox"/> F
c. If Marketing for aquifer recharge, submit the analysis of the monthly accretions to hydraulically connected surface water(s); otherwise write "NA". _____	<input type="checkbox"/> S	<input type="checkbox"/> F
c. Documentation to show a mitigation plan is not required: Submit all documentation.	<input type="checkbox"/> S	<input type="checkbox"/> F



## MANDATORY PROJECT-SPECIFIC QUESTIONS

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

### Project-Specific Questions: Controlled Groundwater Areas and Basin Closures

Questions, Narrative Responses, and Tables	Check-boxes	Follow-up
54. Does the project include one or more groundwater points of diversion located in the East Valley Controlled Groundwater Area (EVCGWA)?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<input type="checkbox"/> F
a. If yes, is the use over 35 GPM or 10 AF/YR?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
i. If no, this is the incorrect form. Use instead Form 600-EVCGWA: East Valley Controlled Groundwater Area Permit Application.		
ii. If yes, how does this project meet the specific requirements of the East Valley Controlled Groundwater Area? Include any relevant documentation.  _____	<input type="checkbox"/> A	<input type="checkbox"/> F
b. If no, skip to question 55.		
55. Does the project include one or more groundwater points of diversion located in the Yellowstone Controlled Groundwater Area?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<input type="checkbox"/> F
a. If yes, is the proposed flow rate and volume over 35 GPM or 10 AF/YR?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
i. If no, this is the incorrect form. Use instead Form 600-YCGA: Yellowstone Controlled Groundwater Area Permit Application.		
ii. If yes, answer the remaining parts of question 55 and submit <i>Form 600 YCGA: A Yellowstone Controlled Groundwater Area Addendum Over 35 gallons per minute</i> with the application.		
1. Does the proposed use require a point of diversion with water temperature of 60 degrees Fahrenheit or more?	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
2. If an application is in a basin tributary to a category 3 or 4 stream (generally in or upstream of Yellowstone National Park), submit with the application a report prepared by a qualified professional verifying that the appropriation is not hydrologically connected to surface flow that is tributary to the reserved portion of category 3 or 4 streams.		
b. If no, skip to question 56.		



<p>56. Is the project for surface water or groundwater and subject to one or more of the Controlled Groundwater Areas; administrative, Department ordered, or legislative basin closures; or compact closures listed on the Department's website (<a href="https://dnrc.mt.gov/Water-Resources/Water-Rights/Basin-Closures-Stream-Depletion-Controlled-Ground-Water-Areas">https://dnrc.mt.gov/Water-Resources/Water-Rights/Basin-Closures-Stream-Depletion-Controlled-Ground-Water-Areas</a>) not covered in questions 54 to 55?</p>	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> F
<p>a. If yes, identify each area and describe how the proposed project meets its requirements. An application must meet the specific requirements of the Controlled Groundwater Area or closure to be accepted by the Department.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> A	<input type="checkbox"/> F



## NON-MANDATORY QUESTIONS FOR CRITERIA ANALYSIS

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

### Adverse Effect

Questions, Narrative Responses, and Tables	Check-boxes
<p>57. Describe your plan to ensure that existing water rights will be satisfied during times of water shortage.            In times of water shortage, lawn and garden irrigation will be discontinued first. If a legitimate call for water is made, the diversion consists of an electric pump which can be shut off, and diversions from the lake for domestic water will cease. In this instance, domestic potable water will be purchased and hauled to the site.</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	<input type="checkbox"/> A
<p>58. Explain how you can control your diversion in response to call being made.            Diversion is an electric pump which can be shut off.</p> <hr/> <hr/> <hr/>	<input type="checkbox"/> A
<p>59. Are you aware of any calls that have been made on the source of supply or depleted surface water source?</p>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
<p>a. If yes, explain.</p> <hr/> <hr/> <hr/>	<input type="checkbox"/> A
<p>60. Does a water commissioner distribute water or oversee water distribution on your proposed source or depleted surface water source?</p>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N



61. Will the point of diversion or conveyance infrastructure be shared with one or more existing water rights?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
<p>a. If yes, explain how capacity of the shared point of diversion and/or conveyance infrastructure is sufficient for all water rights.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> A

**Adequate Diversion Means and Operation**

62. Submit a diagram of how you will operate your system from the point of diversion to the place of use.	<input type="checkbox"/> S
<p>63. Describe specific information about the capacity of the diversionary structure(s). This may include, where applicable: pump curves and total dynamic head calculations, headgate design specifications, and dike or dam height and length.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> A



64. Describe the size, materials, capacity, and configuration of infrastructure to convey water from point of diversion to place of use. This may include but is not limited to, pipelines and ditches. Include a description of any losses related to the proposed conveyance. Ditch conveyance losses may be estimated numerous ways, which include a ditch loss rate or Department standard methods. You may work with the Department to estimate ditch conveyance losses but will need to provide sufficient baseline information; which includes ditch slope, dimensions, length, lining material, soil type, and location.

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65. Describe how the proposed diversion and conveyance infrastructure can provide the required flow and volume, for the purposes plus any conveyance losses and storage, throughout the proposed period of diversion.

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66. Provide a plan of operations, which includes specific information about how water is delivered within the place of use. This may include, where applicable, the range of flow rates needed for a pivot.

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67. Does the proposed conveyance require easements?	<input type="checkbox"/> Y <input type="checkbox"/> N
a. If yes, explain. _____ _____ _____	<input type="checkbox"/> A
68. Do you own the land where all proposed points of diversion are located?	<input type="checkbox"/> Y <input type="checkbox"/> N
a. If no, documentation to show you have the right to use all points of diversion located on each property you do not own will be required upon application submittal. This may include, but is not limited to, a well agreement, an easement, or permission of the party that owns the property where the proposed point(s) of diversion are located.	
69. Describe any places of storage, including whether drainage devices will be installed, and provide preliminary designs, if available. Preliminary designs will be required at application submittal. _____ _____ _____ _____	<input type="checkbox"/> A
70. Do you have any plans to measure your diversion and use?	<input type="checkbox"/> Y <input type="checkbox"/> N
a. If yes, describe the plan and the type of measurements you will take. _____ _____ _____	<input type="checkbox"/> A

**Beneficial Use**

71. Does the Department have a standard for any of the purposes for which water is used? Department standards can be found in ARM 36.12.112 and ARM 36.12.115.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
a. If yes, list the purposes for which the Department has a standard and note whether the proposed use falls within or outside the standard. Domestic and Lawn and Garden standards followed for volume and period of use. _____ _____	



<p>72. If no Departmental standard exists for any proposed purpose, or if any proposed purpose falls outside of Department standards, explain how the use is reasonable for that purpose.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> A
<p>73. Will your proposed project be subject to DEQ requirements for a public water supply (PWS) system or Certificate of Subdivision Approval (COSA)?</p>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
<p>a. If yes,</p> <p>i. Have you researched or consulted with DEQ regarding those requirements?</p>	<input type="checkbox"/> Y <input type="checkbox"/> N
<p>74. Are you proposing to use surface water for in-house domestic use?</p>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
<p>a. If yes, does a COSA exist for the proposed place of use?</p>	<input type="checkbox"/> Y <input type="checkbox"/> N
<p>i. If yes, please submit the COSA.</p>	<input type="checkbox"/> S
<p>ii. If no, have you researched or consulted with DEQ regarding their requirements?</p>	<input type="checkbox"/> Y <input type="checkbox"/> N

**Possessory Interest**

<p>75. Do you meet one of the exceptions to possessory interest requirements, pursuant to ARM 36.12.1802? Exceptions include cases where the application is for sale, rental, distribution, or is a municipal use, or in any other context in which water is being supplied to another and it is clear that the ultimate user will not accept the supply without consenting to the use of water on the user's place of use.</p>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
<p>a. If yes, explain.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> A



b. If no,	
i. Do you own all proposed places of use?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
1. If no,	
a. Explain. Documentation that shows you either have possessory interest or written permission of the parties with possessory interest of the place of use will be required at application submittal.  _____  _____  _____	<input type="checkbox"/> A
b. Would you like the water right to be appurtenant to the land? Please note that if your water right is not appurtenant to land it will not transfer by default with the conveyance of the property, pursuant to § 85-2-403.	<input type="checkbox"/> Y <input type="checkbox"/> N
i. If no, explain.  _____  _____	<input type="checkbox"/> A

**Non-Mandatory Project Specific Questions**

*Place of Storage*

76. Does the proposal include at least one place of storage? If yes, answer questions 77 to 80 for each individual place of storage (use "Additional Place of Storage (600P)" sheet for additional places of storage). A Permit Storage Addendum (Form 600-SA) will be required at application submittal. If no, this section is complete, and you can skip to question 81.	<input type="checkbox"/> Y <input type="checkbox"/> N
77. Are preliminary designs available? Preliminary designs will be required at application submittal.	<input type="checkbox"/> S
a. If yes, submit preliminary designs.	<input type="checkbox"/> Y <input type="checkbox"/> N
78. Will the place of storage be lined?	<input type="checkbox"/> Y <input type="checkbox"/> N
79. What is the annual net evaporation of water from the place of storage, based on the Department's gridded net evaporation layer? If you propose a different method, attach an explanation and justification of the method.  _____	<input type="checkbox"/> A



80. Is the place of storage capacity calculated to be greater than 50 AF?	<input type="checkbox"/> Y <input type="checkbox"/> N
a. If yes, have you made an application to the DNRC Water Operations Bureau for a determination of whether the dam or reservoir is a high-hazard dam? This will be required by application submittal.	<input type="checkbox"/> Y <input type="checkbox"/> N

*Project-Specific Questions: Water Marketing*

81. Does the proposal include water marketing? If yes, please answer the questions in this section (questions 82 to 85). A Water Marketing Addendum Purpose Addendum (600/606-WMA) will be required at application submittal. If no, this section is complete.	<input type="checkbox"/> Y <input type="checkbox"/> N
82. For what purpose(s) will the marketed water be used? _____ _____ _____	<input type="checkbox"/> A
83. How will you control or limit access to the water? _____ _____ _____	<input type="checkbox"/> A
84. Do you have contracts for the entire volume and flow rate sought?	<input type="checkbox"/> Y <input type="checkbox"/> N
85. Provide a service area map. Create map on an aerial photograph or topographic map and show the following: general service area boundary, section corners, township and range, scale bar, and north arrow.	<input type="checkbox"/> S



## FOLLOW-UP

The tables below will identify all questions marked for follow-up. Applicant follow-up will be submitted with the completed Preapplication Meeting Form: Part B (Form 600P-B). Applicant will provide all responses to questions marked for follow-up on a separate document entitled "Follow-up Responses." At the preapplication meeting, the Department may offer to provide the Applicant with information pertinent to identified follow-up. In this case, record in the notes column what information the Department will provide and the date by which the Department will email this information to the Applicant. This information will supplement but not replace Applicant follow-up. It is the responsibility of the Applicant to provide all follow-up, including questions supplemented by Department information, in the "Follow-up Responses" document.

The "Follow-up Responses" document must conform to the following standards. Label all responses with the question number. Answer questions in the same format as the form. For responses in the form of checkboxes, write "Y", "N", "S". Constrain narrative responses to the specific question as is asked on the form; do not respond to multiple questions in one narrative. Label units in narrative responses and tables. Tables must have the exact headings found on the form. Questions that require items to be submitted to the Department may be marked "S" when the required item is attached to the Preapplication Meeting Form. Label all submitted items with the question number for which they were submitted.

**The Applicant may not alter the Preapplication Meeting Form: Part A (Form 600P-A) signed at the Preapplication Meeting. Instead, the Applicant must use the Amended Responses procedure defined in Form 600P-B. Do not include additional information for questions that were not marked for follow-up on this table; instead include any additional information pursuant to the process for amending responses defined in Form 600P-B.**

QUESTION #	NOTES
2	Submit a map meeting the requirements listed in Question 2
27a	DNRC possesses the bathymetric report for Lindbergh Lake; it is not necessary for the Applicant to submit this data.





## PREAPPLICATION MEETING AFFIDAVIT & CERTIFICATION

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

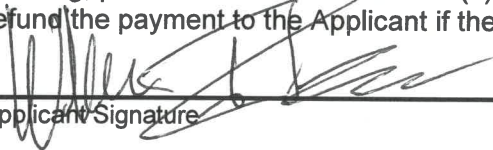
"Applicant acknowledges that any information provided by the Department during the preapplication meeting is preliminary and subject to change."

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

Upon Department receipt of the completed form (within 180 days following the meeting), the Department reserves five business days to return the form to the applicant if:

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

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

Applicant Signature 

Date 12/12/25

Applicant Signature

Date

Department Signature 

Date 12-12-2025

