Environmental Assessment & Public Notice for Public Comment

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

Environmental Assessment & Public Notice for Public Comment

NOTICE AREA

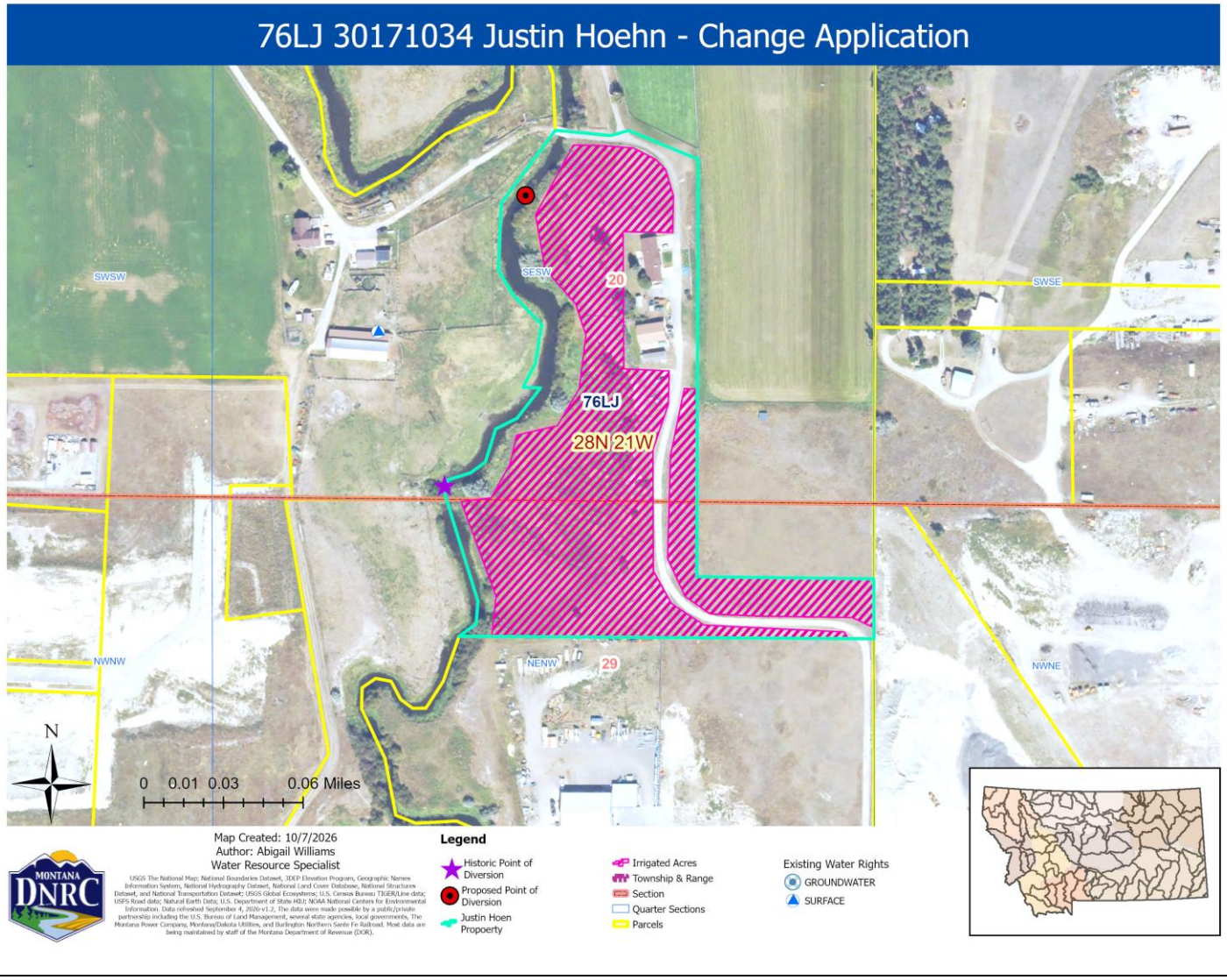
Application No. 76LJ 30171033 Regional Office # 08

Applicant's Name Justin Hoehn

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

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

Specialist Abigail Williams Date 10/8/2026



Water Right Owner	Water Right No. (Basin ID, and Number)
Applicant: Justin Hoehn	76LJ 30165010
Consultant: N/A	N/A
1CFC	KRO STANDARD NOTICE CONTACTS
1FWS	
1FWP	
1WQB	
1PPL	
1WWP	
1DSL	
2FWP	
2BIA	
8KAL	
1BRW	
8CON	
MARY J INMAN; PARKLAND MEADOWS PROPERTIES LLC; SCHOOL DISTRICT 5; STOLLER FAMILY TRUST; DAVID G WISE; HILDA M WISE; TIMOTHY D WISE	76LJ 19042 00
KALISPELL, CITY OF	76LJ 30163969
LARRY J HOEHN; MELISSA F HOEHN	76LJ 30165011
PUBLISHED: DAILY INTER LAKE Legal land description of notice area: SESW Sec 20 of T28N R21W Flathead County	

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

***Notice area: Water rights on Ashley Creek between the historic POD and the proposed POD.*

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:

JUSTIN HOEHN
PO BOX 277
KALISPELL MT 59903-0277

2. TYPE OF ACTION:

Application to Change Water Right No. 76LJ 30171034

3. WATER SOURCE NAME:

Ashley Creek

4. LOCATION AFFECTED BY PROJECT:

SESESW Section 20 and NENENW Section 29 of Township 28N, Range 21W Flathead County

5. NARRATIVE SUMMARY OF THE PROPOSED PROJECT, PURPOSE, ACTION TO BE TAKEN, AND BENEFITS:

The Applicant proposes to change the point of diversion (POD) for Statement of Claim 76LJ 30165010 by a by discontinuing their use of the historical POD and establishing a new POD on Ashley Creek. The historical POD will be retained for use by the other water right owners who historically shared that diversion. The proposed POD will be a pump in the SWSESW Section 20, Township 28N, Range 21W, Flathead County (Figure 1). No changes in purpose or place of use are proposed and there is no storage to this water right.

Table 2: Summary of Proposed use of 76LJ 30165010

Water Right Number	Purpose and Acres	Flow Rate (GPM)	Diverted Volume (AF)	Consumed Volume (AF)	Proposed Period of Use	Means of Diversion	Proposed Point(s) of Diversion	Place of Use
76LJ 30165010	Irrigation -- 10.00 acres	45.25	17.16	13.72	6/1-9/30	Pump	SWSESW Section 20, Township 28N, Range 21W, Flathead County	SESESW Section 20 Township 28N, Range 21W, Flathead County (6.20 acres) NENENW Section 29 Township 28N Range 21W, Flathead County (3.80 acres)

The project is in Water Right Basin 76LJ (Flathead River, to and including Flathead Lake) in an area that is not subject to water right basin closures or controlled groundwater area restrictions.

The DNRC shall authorize the requested water right change if the Applicant proves the criteria in 85-2-402 MCA are met.

6. AGENCIES CONSULTED DURING PREPARATION OF THE ENVIRONMENTAL ASSESSMENT:

- U.S. Fish and Wildlife Service (USFWS): National Wetlands Inventory Wetlands Mapper
- Montana Natural Heritage Program: Endangered, Threatened Species, and Species of Special Concern
- Montana Department of Fish Wildlife & Parks (DFWP): Dewatered Stream Information

- Montana Department of Environmental Quality (MDEQ): Clean Water Act Information Center
- U.S. Natural Resource Conservation Service (NRCS): Web Soil Survey

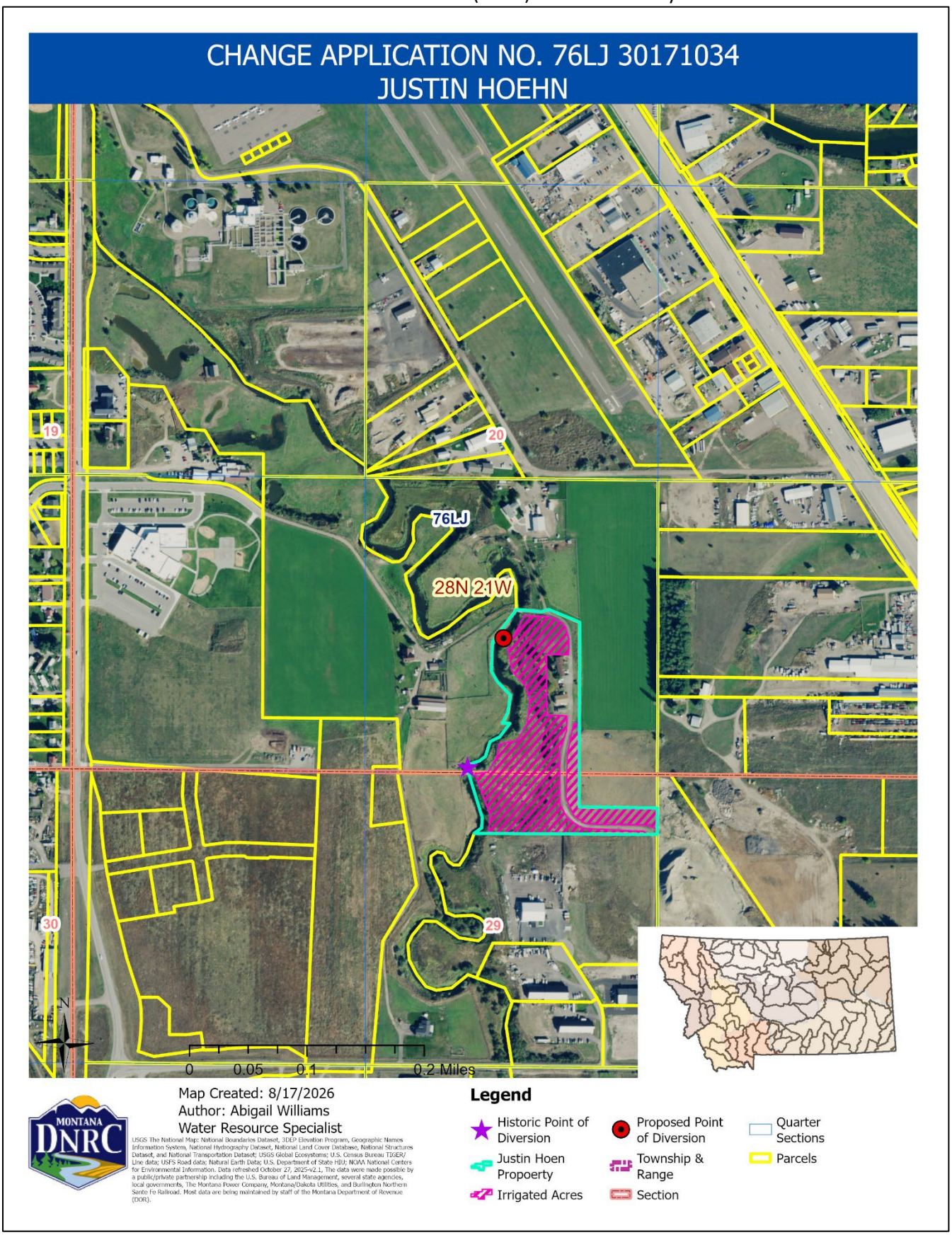


Figure 1. Map of the proposed place of use and points of diversion.

Part II. Environmental Review

1. ENVIRONMENTAL IMPACT CHECKLIST:

PHYSICAL ENVIRONMENT

1.1 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 Applicant proposes to add a new POD approximately 700 feet upstream from the existing/historical POD to divert water from Ashley Creek, which is on the DFWP list of periodic dewatered streams. The Applicant does not request any additional flow, volume, nor an expanded period of diversion. The Applicant will cease use of the existing/historical POD once the proposed POD is established. The Department determines that granting this water right change will not contribute to a worsening of the periodic dewatering of Ashley Creek.

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.*

Ashley Creek: MDEQ Clean Water Act Information Center's 2020 Water Quality Information report lists Ashley Creek as:

i. Water Quality Category 4A: All TMDLs needed to rectify all identified threats or impairments have been completed and approved.

ii. Use Class C-2: Water classified as suitable for bathing, swimming and recreation; growth and marginal propagation of salmonid fishes and associated aquatic life, waterfowl and furbearers; and agricultural and industrial water supply;

iii. Ashley Creek is assessed as "Fully Supporting" of Agriculture and "Not Fully Supporting" of Aquatic Life and Primary Contact Recreation. Impairments for Aquatic Life were identified for Dissolved Oxygen, Sedimentation/Siltation, Temperature, Nitrate/Nitrate, Nitrogen (Total), Phosphorus (Total), Chlorophyll-A, and Alteration in stream-side or littoral vegetative covers. Impairments for Primary Contact Recreation were identified for Nitrate/Nitrate, Nitrogen (Total), Phosphorus (Total), and Chlorophyll-A. TMDL's have been completed for all impairments except Alteration in stream-side or littoral vegetative covers and Chlorophyll-A.

Moving the POD 700 feet upstream from the existing POD is not expected to significantly affect the water quality on the source.

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.*

Determination: N/A, project does not involve groundwater.

1.2 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 Applicant proposes to establish a new POD on Ashley Creek approximately 700 feet upstream of the existing/historical POD. The proposed POD is located in the SWSESW Section 20 Township 28N, Range 21W, Flathead County.

The Applicant proposes using a Circor Series 3E 162 model, a centrifugal pump, running at 2900 RPMs. The selected pump will run at fixed RPMs to ensure the pump operates within the historical flow rate regardless of where on the property the Applicant conveys water. The allows the Applicant to irrigate the entire extent of the historically irrigated acres while ensuring the flow rate does not exceed what is historically apportioned to them.

The water will be conveyed to the place of use by 3-inch lay flat hoses with camlock connectors. The maximum distance from the POD water will need to be conveyed is 1,280 feet. The Applicant proposes to have; three 300-foot 3-inch hoses, two 200-foot 3-inch hoses and one 100-foot 3-inch hose. These hoses will be moved around the property as needed for irrigation, and the variable length hoses allow for increased flexibility. The Applicant will utilize the existing underground pipe, originally placed for use for the parent water right prior to the split, allowing them to irrigate the acreage in the NENENW Section 29, Township 28N, Range 21W that is separated by the road. The lay flat hose will connect to a Nelson Big Gun 75 Series Full Circle.

The installation of the pump and intake pipe is not anticipated to have lasting effects on the riparian area. The installation will not create any barriers or dams on Ashley Creek. The Applicant must have approval from all relevant agencies before disturbing the stream banks along with the riparian areas for installation of the diversion.

Determination: No significant impact.

1.3 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, 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, aquatic species, or any "species of special concern" in the project area that could be impacted by the proposed project. Twelve animal species (Table 1) were identified within the project area. Of these species, the Grizzly Bear (*Ursus arctos*) is listed as threatened by the USFWS. This area is already developed and has been historically irrigated. It is not anticipated that any species of concern will be impacted by the proposed POD changed. The project will not create any barriers to the migration of fish or wildlife.

Table 1. Species of Concern

Species Group	Common Name	Scientific Name
Mammals	Grizzly Bear.	*Ursus arctos*
Mammals	Long-eared Myotis	*Myotis evotis*
Mammals	Silver-haired Bat	*Lasionycteris noctivagans*
Birds	Brown Creeper	*Certhia americana*
Birds	Evening Grosbeak	*Coccothraustes vespertinus*
Birds	Great Blue Heron	*Ardea herodias*
Birds	Pileated Woodpecker	*Dryocopus pileatus*
Birds	Varied Thrush	*Ixoreus naevius*
Fish	Westslope Cutthroat Trout	*Oncorhynchus lewisi*
Invertebrates	Western Bumble Bee	*Bombus occidentalis*
Invertebrates	Hooked Snowfly	*Isocapnia crinita*
Invertebrates	Alberta Snowfly	*Isocapnia integra*

**Listed as "Threatened" by the USFWS.*

Determination: No significant impact.

Wetlands & Ponds - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted. For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

This area has been irrigated historically since 1919 and the Applicants plan to continue the historical purpose and management of this land. No further impact to the wetlands is expected as they lie within the historically irrigated land.

Determination: No significant impact.

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

The proposed POD change will not negatively impact the soil quality, stability, or moisture content in the project area. There are three soil types in the project area. The land is comprised of "Kingspoint gravelly loam, 12 to 40 percent slopes" and "Kalispell Loam, 0 to 3 percents" which came from alluvium deposits and has a moderately high to high ability to transmit water and a very slightly saline property; and "Alluvial land, poorly drained" that has a moderately high to high ability to transmit water and is nonsaline to very slightly saline.

Determination: No significant impact.

1.5 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.*

It is not anticipated that this project will impact the existing vegetative cover as the land was cleared historically when irrigation began. The land has been historically irrigated for crops, and the proposed change will continue that purpose. It is not anticipated that issuance of a water use permit will contribute to the establishment or spread of noxious weeds in the project area. Noxious weed prevention and control will be the responsibility of the landowners, who must follow local noxious weed regulations.

Determination: No significant impact.

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

There will be no impact to air quality associated with authorization of the proposed water right change.

Determination: No significant impact.

1.7 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.

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

All impacts to land, water, and energy have been identified and no further impacts are anticipated.

Determination: No significant impact.

HUMAN ENVIRONMENT

1.9 LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

The project is consistent with planned land uses.

Determination: No significant impact.

1.10 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 and diversion do not exist on land designated as wilderness.

Determination: No significant impact.

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

This proposed use will not adversely impact human health.

Determination: No impact.

1.12 PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights. If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights*.

No government regulatory impacts on private property rights.

Determination: No impact.

1.13 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:

The only alternative to the proposed action would be the no action alternative. The no action alternative would not authorize the proposed change of point of diversion of water from Ashley Creek at this location.

Part III. Conclusion

1. PREFFERED ALTERNATIVE:

Authorize a water right change if the Applicant proves the criteria in 85-2-402 MCA are met.

2. COMMENTS AND RESPONSES:

None.

3. FINDING:

Based on the significance criteria evaluated in this EA, is an EIS required? ___**Yes** _**X**_**No**

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

No significant impacts related to the proposed project have been identified.

4. NAME OF PERSON(S) RESPONSIBLE FOR PREPARATION OF EA:

Name: Abigail Williams

Title: Water Resource Specialist

Date: 8/31/26

Montana Fish, Wildlife & Parks

FWP DEWATERING CONCERN AREAS

Revised, May 2005

The following is a list of Montana streams that support important fisheries or contribute to important fisheries (i.e., provide spawning and rearing habitats) that are significantly dewatered. Dewatering refers to a reduction in streamflow below the point where stream habitat is adequate for fish.

This is the third revision of the Dewatered Streams List compiled by FWP dated January 24, 1991 and last updated in May 2003. List entries and updates were provided by FWP regional fisheries biologists from field observations. Further revisions may be necessary as water use patterns change, and additional or more detailed information becomes available.

This revised list includes a total of 323 stream reaches on 314 streams, which are chronically dewatered, and 113 stream reaches on 109 streams, which are periodically dewatered. The reaches do not overlap between categories.

The two categories of dewatering are:

1. **Chronic dewatering** -- streams where dewatering is a significant problem in virtually all years; and

2. **Periodic dewatering** -- streams where dewatering is a significant problem only in drought or water-short years.

Most man-made dewatering occurs during the irrigation season (July-September). Although most dewatering is caused by irrigation withdrawals, a few of the listed waters are dewatered through dam regulation for agricultural and power production purposes or by natural causes.

Each listed stream shows the length (in miles) of the dewatered reach. For larger/longer streams, the boundaries of the dewatered reach (Point A - Point B) are given. For streams that have no reach boundaries given, the miles shown as dewatered are from the mouth upstream. All mileages are approximate.

The dewatered reaches shown are typical for the stream. However, the number of miles dewatered may vary from year to year depending upon the amount of water available in the stream system.

CHRONIC DEWATERING

STREAM AND REACH	MILES DEWATERED
Beaverhead-Red Rock River Drainage	
Beaverhead River: West Side Canal – mouth	39
Big Sheep Creek: BLM Boundary - Red Rock River	3
Blacktail Deer Creek: Axes Canyon Rd - Beaverhead River	5.5
Horse Prairie Creek: Red Butte - Clark Canyon Reservoir	15
Junction Creek: I-15 - Red Rock River	4
Rattlesnake Creek: Dillon/Argenta Rd - mouth	7.5
Red Rock River: Dell-Briggs Ranch	6
Subtotal for Drainage	80.0
Big Hole River Drainage	
Alder Creek	0.1
Big Hole River:	
Big Lake Creek - Swamp Creek	9
Glen Bridges - mouth	24.4
Birch Creek: Beaverhead/Willow Ditch - mouth	9.8
Governor Creek	5
Wise River: Wise River Ditch - mouth	5
Subtotal for Drainage	53.3
Bitterroot River Drainage	
Baker Creek	1
Bass Creek	1
Bear Creek:	
North Channel	4
South Channel	4
Big Creek	3
Bitterroot River: Corvallis-Stevensville	17
Blodgett Creek	2
Burnt Fork Creek	5
Carlton Creek	5
Chaffin Creek	2
Eightmile Creek	3
Kootenai Creek	2
Lolo Creek	3
Lost Horse Creek	4
Mill Creek	3
Mill Creek (Trib. to Lolo Creek)	0.5
O'Brien Creek	1.5
Reimel Creek	1
Rock Creek	5
Skalkaho Creek	4
South Fork of Lolo Creek	0.5
Sweathouse Creek	2

Dearborn River Drainage

Dearborn River: Bean Lake Canal – mouth	44
Middle Fork Dearborn River	4
Subtotal for Drainage	48

Flathead River Drainage

Lost Creek: 4 miles Above Lore Lake - Stillwater River	7
Mount Creek: Welcome Springs - mouth	5
South Fork Flathead River: Hungry Horse Dam - mouth	5.3
Walker Creek: Entire Length	7
Subtotal for Drainage	24.3

Flint Creek Drainage (Clark Fork)

Cow Creek	3
Douglas Creek	2
Flint Creek: Georgetown Lake - mouth	42.4
Gird Creek	1
Henderson Creek: USFS Boundary - mouth	4
Lower Willow Creek: Reservoir - mouth	9.4
Marshall Creek: USFS Boundary - mouth	5
Subtotal for Drainage	66.8

Gallatin River Drainage

Baker Creek	10
Big Bear Creek	5
Bridger Creek	10
Gallatin River: Shedd's Bridge - Mouth	32.7
Hyalite (Middle) Creek	20
South Cottonwood Creek	6
Subtotal for Drainage	83.7

Jefferson River Drainage

Antelope Creek	7
Boulder River: Boulder - Cold Springs	36
Fish Creek	10
Jefferson River: Headwaters - mouth	84
Little Boulder River	10
North Willow Creek	9
Pipestone Creek	8
South Boulder River	10
South Willow Creek	8
Whitetail Creek	24
Subtotal for Drainage	206

Judith River Drainage

Cottonwood Creek: McMillan ditch to Big Spring Creek	17
Judith River: Ackley Lake diversion – Big Spring Creek	37
Ross Fork Creek	10
Subtotal for Drainage	64

PERIODIC DEWATERING

STREAM AND REACH	MILES DEWATERED
Beaverhead - Red Rock River Drainage	
Beaverhead River: Clark Canyon Dam - West Side Canal	21
Big Beaver Creek	0.7
Blacktail Deer Creek: West Fork - Axes Canyon Rd.	19.8
Bloody Dick Creek (Tributary to Horse Prairie Cr.)	10
Grasshopper Creek:	
Polaris - Bannock	14
Frency Place Placer - mouth	6
Jones Creek: BLM boundary - mouth	1.5
Little Sheep Creek: Road crossing - mouth	7.5
Medicine Lodge Creek (Tributary to Horse Prairie Cr.): Ayers Cyn - mouth	16.8
Peet Creek: Jones Diversion - mouth	1.7
Sage Creek: Rock Island Ranch - mouth	11
Trail Creek (Tributary to Horse Prairie Cr.): Source - mouth	7
Subtotal for Drainage	117.0
Big Hole River Drainage	
Big Hole River:	
Hamby Creek - Big Lake Creek	23.4
Swamp Creek - Glen Bridges	84.5
Big Lake Creek	7.5
Canyon Creek	6
Deep Creek	5.1
Divide Creek	9.5
Doolittle Creek	1.5
Fishtrap Creek	2.4
Francis Creek	7.7
Jerry Creek	3.1
Johnson Creek	3.7
Moose Creek	3.0
Mussigbrod Creek	9.4
North Fork Big Hole River	25
Pintlar Creek	10.8
Rock Creek	3
Rock Creek (Tributary to Big Lake Cr)	7
Ruby Creek	4.3
Sandhollow Creek	4.8
Steel Creek	8.6
Swamp Creek	17.4
Trapper Creek	6
Warm Springs Creek	9
Willow Creek	5.5
Subtotal for Drainage	268.2

Bitterroot River Drainage

Lolo Creek	1
Subtotal for Drainage	1

Blackfoot River Drainage

Arkansas Creek	2
Ashby Creek	2
Blackfoot River: Stream mile 84.9-54.1	30.8
Clearwater River	3.5
Elk Creek	3
Hoyt Creek	1
Nevada Creek: Stream mile 34.0-40.0	6
Shanley Creek	1.6
Subtotal for Drainage	49.9

Dearborn River Drainage

South Fork Dearborn River	10
Subtotal for Drainage	10

Flathead River Drainage

Ashley Creek: US Hwy. 2 Bridge – mouth	20
Blaine Creek: Above Lake Blaine - Lake Blaine	3
Bowser Spring Creek: Hwy 424 - Kalispell	8
Dayton Creek: Co. Line - mouth	10
Echo Creek: Sec. 27 - mouth	3
Evergreen Spring Creek	5
Garnier Creek: USFS - mouth	3
Lynch Creek: Sec. 12 - mouth	5
Meadow Creek (Big Fork): USFS - mouth	3
Ronan Creek: Lake Mary Ronan - mouth	5
Spring Creek: North of Kalispell	5
Trumbull Creek: USFS - Rose Crossing	20
Subtotal for Drainage	90

Gallatin River Drainage

Bozeman (Sourdough) Creek	8
Gallatin River: Gallatin Gateway - Shedd's Bridge	5.3
Subtotal for Drainage	13.3

Jefferson River Drainage

Hells Canyon Creek*	0.3
Willow Creek	10
Subtotal for Drainage	10.3

Judith River Drainage

Judith River: Utica to Ackley Lake diversion	5
Subtotal for Drainage	5

Assessment Record Summary

Reporting Cycle: 2020 **Assessment Record:** MT76O002_030 **Status:** Unassigned

WATER INFORMATION — Status: Unassigned

Reporting Cycle: 2020

Assessment Unit: MT76O002_030

Name: Ashley Creek

Location Description: ASHLEY CREEK, Kalispell airport road to mouth (Flathead River)

Water Type:	Size (Miles/Acres)	Use Class:
RIVER	13.17 MILES	C-2

Trophic Status:

Trophic Trend:

1 - Hydrologic Unit Code: 17010208

2 - HUC Name: Flathead Lake

3 - Watershed: Pend Oreille

4 - Basin: Columbia

5 - TMDL Planning Area: Flathead - Stillwater

6 - Ecoregion: Northern Rockies

7 - County: Flathead County

8 - LAT/LONG AU Upstream: Start: 48.175048 / -114.309558

9 - LAT/LONG AU Downstream: End: 48.159434 / -114.213983

Water Quality Category: 4A - All TMDLs needed to rectify all identified threats or impairments have been completed and approved.

Assessment Record Summary

Reporting Cycle: 2020 **Assessment Record:** MT76O002_030 **Status:** Unassigned

Beneficial Use Support Information

Use Name	Fully Supporting	Not Fully Supporting	Threatened	Insufficient Information	Not Assessed
Aquatic Life		X			
Agricultural	X				
Primary Contact Recreation		X			

Assessment Information

Use Name	Assessment Type	Assessment Confidence
NA		

Use Name	Assessment Methods
NA	

Impairment Information

Use Name	Probable Causes	Probable Sources	TMDL Completed
Aquatic Life	Alteration in stream-side or littoral vegetative covers	Crop Production (Irrigated)	N
	Chlorophyll-a	Crop Production (Irrigated)	N
		Municipal Point Source Discharges	
	Dissolved Oxygen	Discharges from Municipal Separate Storm Sewer Systems (MS4)	Y
		Municipal Point Source Discharges	
	Sedimentation/Siltation	Channelization	Y
		Crop Production (Irrigated)	
		Upstream Source	
	Temperature	Discharges from Municipal Separate Storm Sewer Systems (MS4)	Y
		Loss of Riparian Habitat	
		Upstream Source	
	Nitrate/Nitrite (Nitrite + Nitrate as N)	Crop Production (Irrigated)	Y
		Municipal Point Source Discharges	
		Upstream Source	
	Nitrogen, Total	Crop Production (Irrigated)	Y
		Municipal Point Source Discharges	
		Upstream Source	
	Phosphorus, Total	Crop Production (Irrigated)	Y
		Municipal Point Source Discharges	
		Upstream Source	
Primary Contact Recreation	Chlorophyll-a	Crop Production (Irrigated)	N
		Municipal Point Source Discharges	
	Nitrate/Nitrite (Nitrite + Nitrate as N)	Crop Production (Irrigated)	Y

Assessment Record Summary

Reporting Cycle: 2020 **Assessment Record:** MT76O002_030 **Status:** Unassigned

Primary Contact Recreation	Nitrate/Nitrite (Nitrite + Nitrate as N)	Municipal Point Source Discharges	
		Upstream Source	
	Nitrogen, Total	Crop Production (Irrigated)	Y
		Municipal Point Source Discharges	
		Upstream Source	
	Phosphorus, Total	Crop Production (Irrigated)	Y
		Municipal Point Source Discharges	
		Upstream Source	

Assessment Record Summary

Reporting Cycle: 2020 **Assessment Record:** MT76O002_030 **Status:** Unassigned

Use Name	Observed Effects
NA	

Delisting / Category Changes

Cause	Reason for Change	Change Date	Comments
Dissolved Oxygen	TMDL Approved or established by EPA (4A)	12/17/2014	Refer to the TMDL document (http://deq.mt.gov/wqinfo/TMDL/finalReports.mcpx) for more information and status of this waterbody segment.
Phosphorus, Total	TMDL Approved or established by EPA (4A)	12/17/2014	Refer to the TMDL document (http://deq.mt.gov/wqinfo/TMDL/finalReports.mcpx) for more information and status of this waterbody segment.
Nitrate/Nitrite (Nitrite + Nitrate as N)	TMDL Approved or established by EPA (4A)	12/17/2014	Refer to the TMDL document (http://deq.mt.gov/wqinfo/TMDL/finalReports.mcpx) for more information and status of this waterbody segment.
Temperature	TMDL Approved or established by EPA (4A)	12/17/2014	Refer to the TMDL document (http://deq.mt.gov/wqinfo/TMDL/finalReports.mcpx) for more information and status of this waterbody segment.
Nitrogen, Total	TMDL Approved or established by EPA (4A)	12/17/2014	Refer to the TMDL document (http://deq.mt.gov/wqinfo/TMDL/finalReports.mcpx) for more information and status of this waterbody segment.
Sedimentation/Siltation	TMDL Approved or established by EPA (4A)	12/17/2014	Refer to the TMDL document (http://deq.mt.gov/wqinfo/TMDL/finalReports.mcpx) for more information and status of this waterbody segment.
Excess Algal Growth	Data and/or information lacking to determine WQ status; original basis for listing was incorrect	02/08/2008	Delisting reason was corrected in 2014 as the Excessive Algal Growth was replaced with Chlorophyll a in 2008. WQS were not being met.
Total Kjehldahl Nitrogen (TKN)	Data and/or information lacking to determine WQ status; original basis for listing was incorrect	11/11/2011	TKN listing replaced by TN listing

MONTANA STATE LIBRARY
NATURAL HERITAGE PROGRAM
A program of the **Montana State Library's Natural Resource Information System.**

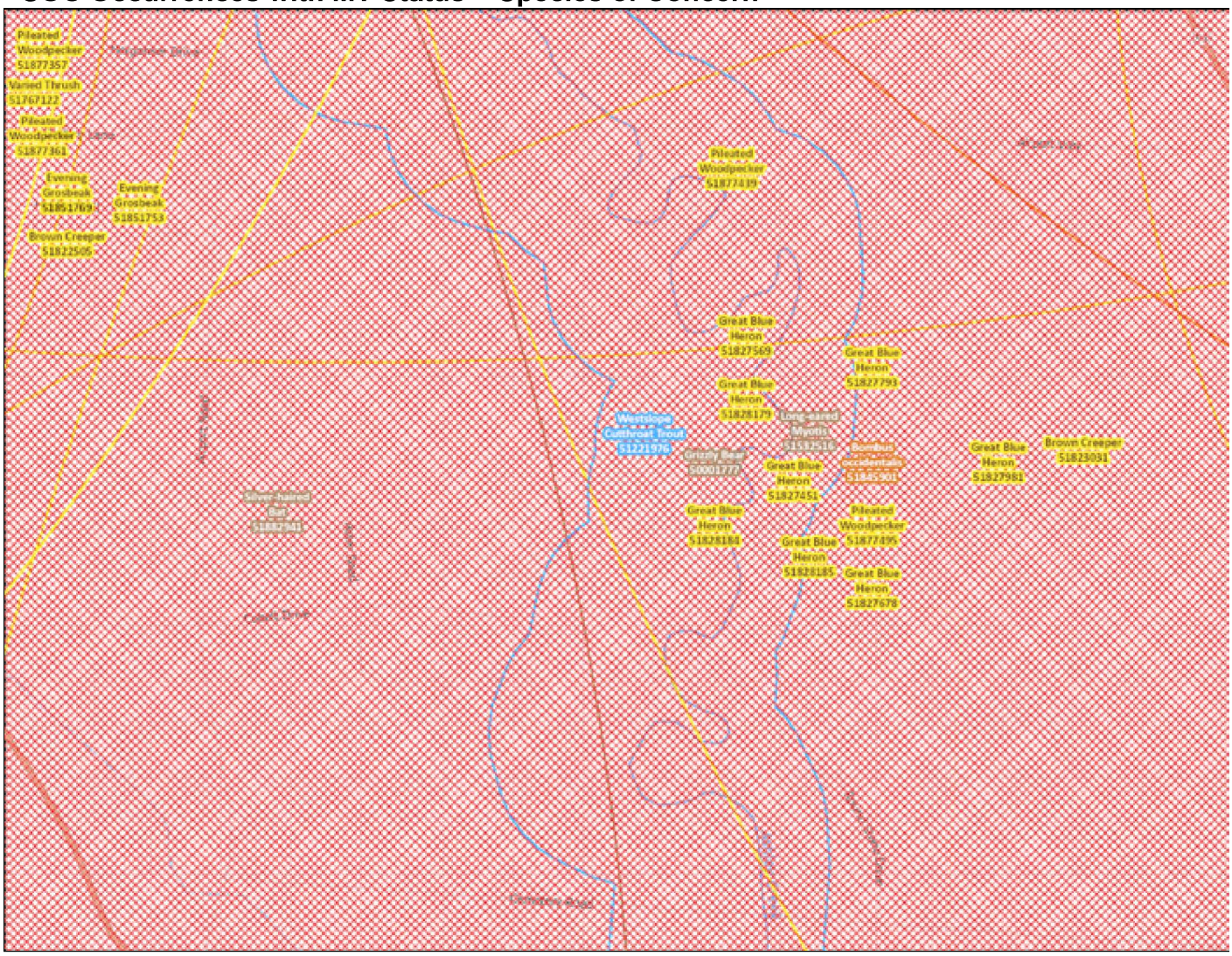
Latitude	Longitude
48.16366	-114.29061
48.17327	-114.31165



Montana SOC Occurrences Report

SOC Occurrences with MT Status = Species of Concern

Report generated 8/26/2026 7:56:52 AM



Mammals - Grizzly Bear *(Ursus arctos)*

SO Count: 1 **Obs Count**: 1554 **Earliest Obs**: 1895 **Recent Obs**: 2026

Mammals - Long-eared Myotis *(Myotis evotis)*

SO Count: 1 **Obs Count**: 1 **Earliest Obs**: 1964 **Recent Obs**: 1964

Mammals - Silver-haired Bat *(Lasionycteris noctivagans)*

SO Count: 2 **Obs Count**: 2 **Earliest Obs**: 2014 **Recent Obs**: 2024

Birds - Brown Creeper *(Certhia americana)*

SO Count: 2 **Obs Count**: 3 **Earliest Obs**: 2012 **Recent Obs**: 2023

Birds - Evening Grosbeak *(Coccothraustes vespertinus)*

SO Count: 2 **Obs Count**: 2 **Earliest Obs**: 2021 **Recent Obs**: 2022

Birds - Great Blue Heron *(Ardea herodias)*

	SO Count: 9	**Obs Count**: 16	**Earliest Obs**: 1974	**Recent Obs**: 2026
⊞ **Birds - Pileated Woodpecker** *(Dryocopus pileatus)*				
	SO Count: 5	**Obs Count**: 12	**Earliest Obs**: 2020	**Recent Obs**: 2024
⊞ **Birds - Varied Thrush** *(Ixoreus naevius)*				
	SO Count: 1	**Obs Count**: 1	**Earliest Obs**: 2019	**Recent Obs**: 2019
⊞ **Fish - Westslope Cutthroat Trout** *(Oncorhynchus lewisi)*				
	SO Count: 1	**Obs Count**: 342	**Earliest Obs**: 1980	**Recent Obs**: 2022
⊞ **Invertebrates -** ***Bombus occidentalis*** (Western Bumble Bee)				
	SO Count: 1	**Obs Count**: 1	**Earliest Obs**: 1982	**Recent Obs**: 1982
⊞ **Invertebrates -** ***Isocapnia crinita*** (Hooked Snowfly)				
	SO Count: 1	**Obs Count**: 5	**Earliest Obs**: 1969	**Recent Obs**: 1996
⊞ **Invertebrates -** ***Isocapnia integra*** (Alberta Snowfly)				
	SO Count: 1	**Obs Count**: 2	**Earliest Obs**: 1973	**Recent Obs**: 1974

Citation for this report:
Montana SOC Occurrences Report
SOC Occurrences with MT Status = Species of Concern
Within Lat/Long: (48.16366,-114.29061) to (48.17327,-114.31165)
Natural Heritage Map Viewer. Montana Natural Heritage Program.
Retrieved on August 26, 2026, from https://mtnhp.org/MapViewer/SOReport.aspx



Map Scale: 1:2,040 if printed on A portrait (8.5" x 11") sheet.

N

Meters: 0 30 60 120 180

Feet: 0 50 100 200 300

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

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

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

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

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

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

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

Soil Survey Area: Upper Flathead Valley Area, Montana
Survey Area Data: Version 22, Aug 30, 2025

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

Date(s) aerial images were photographed: Aug 31, 2021—Oct 12, 2021

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

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Aa	Alluvial land, poorly drained	6.3	71.1%
Kd	Kalispell gravelly loam, moderately deep over gravel, 12 to 40 percent slopes	2.1	24.1%
Ke	Kalispell loam, 0 to 3 percent slopes	0.4	4.8%
Totals for Area of Interest		**8.9**	**100.0%**

Upper Flathead Valley Area, Montana

Aa—Alluvial land, poorly drained

Map Unit Setting

National map unit symbol: 4vnl
Elevation: 2,000 to 4,800 feet
Mean annual precipitation: 16 to 19 inches
Mean annual air temperature: 37 to 45 degrees F
Frost-free period: 90 to 120 days
Farmland classification: Not prime farmland

Map Unit Composition

Alluvial land and similar soils: 75 percent
Minor components: 25 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Alluvial Land

Typical profile

H1 - 0 to 20 inches: silt loam
H2 - 20 to 50 inches: stratified gravelly sandy loam to silty clay loam
H3 - 50 to 60 inches: stratified gravelly loamy sand to coarse sandy loam

Properties and qualities

Slope: 0 to 4 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: About 18 to 36 inches
Frequency of flooding: Frequent
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 8.4 inches)

Interpretive groups

Land capability classification (irrigated): 5w
Land capability classification (nonirrigated): 5w
Hydrologic Soil Group: C
Ecological site: R044AP801MT - Bottomland Group
Hydric soil rating: No

Minor Components

Poorly drained soils

Percent of map unit: 25 percent

Landform: Flood plains
Down-slope shape: Linear
Across-slope shape: Linear
Hydric soil rating: Yes

Data Source Information

Soil Survey Area: Upper Flathead Valley Area, Montana
Survey Area Data: Version 22, Aug 30, 2025

Upper Flathead Valley Area, Montana

Kd—Kalispell gravelly loam, moderately deep over gravel, 12 to 40 percent slopes

Map Unit Setting

National map unit symbol: 4vqg
Elevation: 2,600 to 3,400 feet
Mean annual precipitation: 15 to 18 inches
Mean annual air temperature: 39 to 45 degrees F
Frost-free period: 105 to 125 days
Farmland classification: Not prime farmland

Map Unit Composition

Kalispell and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Kalispell

Setting

Landform: Terraces
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium

Typical profile

Ap - 0 to 8 inches: gravelly loam
Bw - 8 to 13 inches: gravelly loam
Bk - 13 to 30 inches: gravelly loam
C - 30 to 60 inches: stratified gravelly loamy fine sand to gravelly silt loam

Properties and qualities

Slope: 12 to 40 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Very slightly saline (2.0 to 3.0 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 7.1 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6e
Hydrologic Soil Group: B

Ecological site: R044AP808MT - Upland Grassland Group
Hydric soil rating: No

Minor Components

Nonhydric
Percent of map unit: 15 percent
Hydric soil rating: No

Data Source Information

Soil Survey Area: Upper Flathead Valley Area, Montana
Survey Area Data: Version 22, Aug 30, 2025

Upper Flathead Valley Area, Montana

Ke—Kalispell loam, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 4vqh
Elevation: 2,600 to 3,400 feet
Mean annual precipitation: 15 to 18 inches
Mean annual air temperature: 39 to 45 degrees F
Frost-free period: 105 to 125 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Kalispell and similar soils: 90 percent
Minor components: 10 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Kalispell

Setting

Landform: Terraces
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium

Typical profile

Ap - 0 to 8 inches: loam
Bw - 8 to 13 inches: silt loam
Bk - 13 to 30 inches: silt loam
C - 30 to 60 inches: stratified loamy fine sand to silt loam

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Very slightly saline (2.0 to 3.0 mmhos/cm)
Available water supply, 0 to 60 inches: High (about 10.3 inches)

Interpretive groups

Land capability classification (irrigated): 2e
Land capability classification (nonirrigated): 3e
Hydrologic Soil Group: B
Ecological site: R044AP808MT - Upland Grassland Group
Hydric soil rating: No

Minor Components

Nonhydric

Percent of map unit: 10 percent
Hydric soil rating: No

Data Source Information

Soil Survey Area: Upper Flathead Valley Area, Montana
Survey Area Data: Version 22, Aug 30, 2025

U.S. Fish and Wildlife Service
National Wetlands Inventory

Wetlands



August 26, 2026

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

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

Water Resources Division – Kalispell Regional Office
655 Timberwolf Pkwy, Ste. 4
Kalispell, MT 59901-1215
(406) 752-2288
DNRCKalispellWater@mt.gov

September 3, 2026

JUSTIN HOEHN
PO BOX 277
KALISPELL MT 59903-0277

Subject: Draft Preliminary Determination to Grant Water Right Change Application No. 76LJ 30171034

Dear Applicant,

The Department of Natural Resources and Conservation (Department) has completed a preliminary review of your application. This review consists of an evaluation of the criteria for issuance of a change found in §85-2-402, 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 for your application is attached.

You have the opportunity to request an extension of time to submit additional information for the Department to consider in the decision within 15 business days of the date of this letter. If no response is received by September 25, 2026, the Department will prepare a notice of opportunity to provide public comment per §85-2-307(4), MCA.

Please contact me at (406) 752-2735 or Abigail.Williams@mt.gov if you have any questions.

Sincerely,

Abigail Williams
Water Resource Specialist
Kalispell Regional Office

Encl.: Draft Preliminary Determination to Grant Water Right Change Application No. 76LJ 30171034

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

* * * * * * *

APPLICATION TO CHANGE WATER RIGHT NO. 76LJ 30171034 BY JUSTIN HOEHN	)))	**DRAFT PRELIMINARY DETERMINATION TO GRANT CHANGE**

* * * * * * *

On January 16, 2026, Justin Hoehn (Applicant) submitted Application to Change Water Right No. 76LJ 30171034 to change 76LJ 30165010 to the Kalispell Regional Office of the Department of Natural Resources and Conservation (Department or DNRC). The Department published receipt of the application on its website. The Department sent Applicant a deficiency letter under § 85-2-302, Montana Code Annotated (MCA), dated February 9, 2026. The Applicant responded with information dated June 9, 2026. A preapplication meeting was held between the Department and the Applicant on May 30, 2025, 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 June 4, 2025. The Department delivered the Department- completed technical analyses on July 25, 2025. The Application was determined to be correct and complete as of July 9, 2026. An Environmental Assessment for this application was completed on September 2, 2026.

INFORMATION

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

Application as filed:

- Application to Change a Water Right, Form 606
- Attachments:
    - Attachment A:
        - Historic photos
        - System Diagram

- Department- completed Technical Analyses Report based on information provided in the Preapplication Meeting Form, dated July 25, 2025

Information Received after Application Filed

- An email from the Applicant to the DNRC received June 9, 2026. This email was in response to the Departments February 9, 2026, deficiency letter.

Information within the Department's Possession/Knowledge

- Administrative record file for Statement of Claim No. 76LJ 19048-00
- Administrative record file for Statement of Claim No. 76LJ 30165010

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, part 4, MCA).

For the purposes of this document:

Department or **DNRC** means the Department of Natural Resources and Conservation	
NRCS means the Natural Resource Conservation Service	
USDA United States Department of Agriculture	
ARM means Administrative Rules of Montana	**AOPI** means Area of Potential Impact
FOF means finding(s) of fact	**CFS** means cubic feet per second
GPM means gallons per minute	**POD** means point of diversion
IWR means Irrigation Water Requirements	**AF** means acre-feet
MCA means Montana Code Annotated	**TDH** means total dynamic head
NIR means net irrigation requirement	**IL and ILs** means Irrecoverable Losses
HCV means historical consumed volume	

WATER RIGHTS TO BE CHANGED

FINDINGS OF FACT

1. The Applicant proposes to change Statement of Claim No. 76LJ 30165010. Statement of Claim No. 76LJ 30165010 is for irrigation of 10.00 acres from June 1st to September 30th, annually, at a flow rate of 45.25 GPM up to a total volume of 24.06 AF from Ashley Creek. The place of use for the 10.00 acres is described as 6.20 acres in the SESESW Section 20, Township 28N, Range 21W and 3.80 acres in the NENENW Section 29, Township 28N, Range 21W Flathead County. The point of diversion is located in the SWSESW Section 20, Township 28N,

Range 21W and water is conveyed to the place of use by a closed pipe system. Table 1 summarizes the details of Statement of Claim No. 76LJ 30165010.

Table 1: Water Right Proposed for Change								
Water Right Number	**Priority Date**	**Purpose**	**Flow Rate**	**Volume**	**Acres**	**Period of Use**	**Point of Diversion**	**Place of Use**
76LJ 30165010	9/30/1919	Irrigation	45.25	24.06	10.00	6/1 – 9/30	SWSESW Sec 20 Twp 28N, Rge 21W, Flathead County	SESESW Sec 20 Twp 28N, Rge 21W, Flathead County (6.20 acres) NENENW Sec 29 Twp 28N Rge 21W, Flathead County (3.80 acres)

2. There are no previous change authorizations for 76LJ 30165010. Water right 76LJ 30165010 was split from 76LJ 19042-00 on October 16, 2024. The water right was split proportionally between the buyer and seller based on the place of use described on the abstract. The flow rate and volume were assigned proportionally.

CHANGE PROPOSAL

FINDINGS OF FACT

3. The Applicant proposes to move the POD for Statement of Claim 76LJ 30165010 from a point on Ashley Creek in the SWSESW of Section 20, Township 28N, Range 21W, Flathead County upstream approximately 700 feet to a point in the SWSESW of Section 20, Township 28N, Range 21W, Flathead County (Figure 1). The proposed POD will be a pump that will serve as the sole POD for 76LJ 30165010 and will supply water to a handline sprinkler system for irrigation. The handline sprinklers will operate wholly within the historical place of use. The purpose and place of use will remain unchanged. The proposed change will establish a new point of diversion for the Applicant, while the existing POD will be retained for use by the other water rights associated with the historical point of diversion. After this change the Applicant will appropriate up to 17.16 AF at a flow rate of 45.25 GPM. Table 2 summarizes the proposed use and Figure 1 shows the elements of the proposed change.

Table 2: Summary of Proposed use of 76LJ 30165010								
Water Right Number	**Priority Date**	**Proposed Purpose**	**Proposed Flow Rate**	**Proposed Diverted Volume**	**Proposed Consumed Volume**	**Proposed Acres**	**Proposed Period of Use**	**Proposed Point(s) of Diversion**
76LJ 30165010	9/30/1919	Irrigation	45.25	17.16	13.72	10.00	6/1-9/30	**SWSESW*** Sec 20, Twp 28N, Rge 21W, Flathead County

**Bold underlined text indicates the water right element proposed for change.*

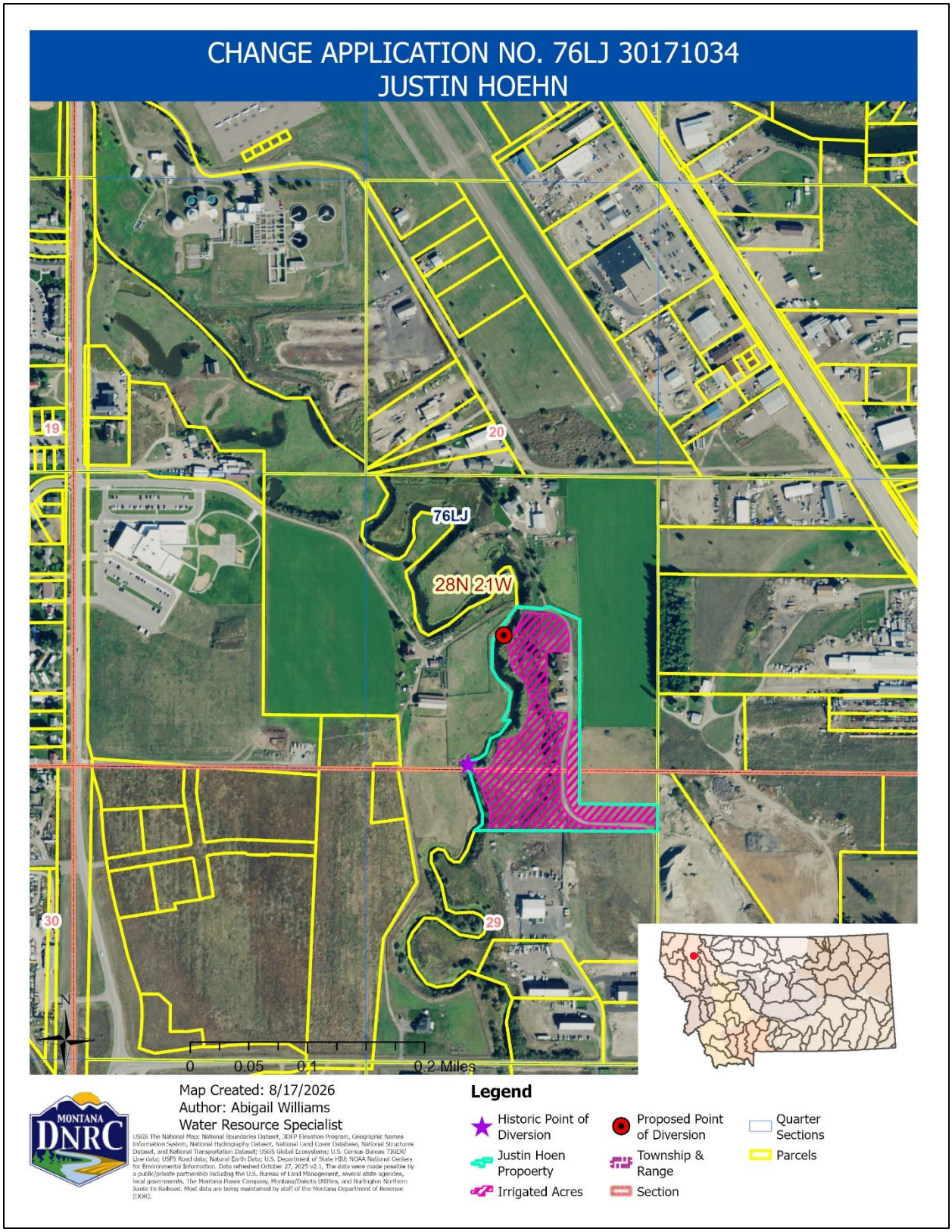


Figure 1. Map of place of use, existing point of diversion, and the proposed place of diversion.

WATER RIGHT CHANGE CRITERIA (§ 85-2-402, MCA)

4. The Department is authorized to approve a change if the Applicant meets its burden to prove the applicable § 85-2-402, MCA, criteria by a preponderance of the evidence. *Matter of Royston*, 249 Mont. 425, 429, 816 P.2d 1054, 1057 (1991); *Hohenlohe v. DNRC*, 2010 MT 203, ¶¶ 33, 35, and 75, 357 Mont. 438, 240 P.3d 628 (an Applicant's burden to prove change criteria by a preponderance of evidence is "more probable than not."); *Town of Manhattan v. DNRC*, 2012 MT 81, ¶ 8, 364 Mont. 450, 276 P.3d 920. Under this Preliminary Determination, the relevant change criteria in § 85-2-402(2), MCA, are:

> (2) Except as provided in subsections (4) through (6), and, if applicable, subject to subsections (1)(c) and (15), the department shall approve a change in appropriation right if the appropriator proves by a preponderance of evidence that the following criteria are met:
> (a) The proposed change in appropriation right will not adversely affect the use of the existing water rights of other persons or other perfected or planned uses or developments for which a permit or certificate has been issued or for which a state water reservation has been issued under part 3.
> (b) The proposed means of diversion, construction, and operation of the appropriation works are adequate, except for: (i) a change in appropriation right for instream flow pursuant to 85-2-320 or 85-2-436; (ii) a temporary change in appropriation right for instream flow pursuant to 85-2-408; or (iii) a change in appropriation right pursuant to 85-2-420 for mitigation or marketing for mitigation.
> (c) The proposed use of water is a beneficial use.
> (d) 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 change involves 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. This subsection (2)(d) does not apply to: (i) a change in appropriation right for instream flow pursuant to 85-2-320 or 85-2-436; (ii) a temporary change in appropriation right for instream flow pursuant to 85-2-408; or (iii) a change in appropriation right pursuant to 85-2-420 for mitigation or marketing for mitigation.

5. The evaluation of a proposed change in appropriation does not adjudicate the underlying right(s). The Department's change process only addresses the water right holder's ability to make a different use of that existing right. *E.g., Hohenlohe*, ¶¶ 29-31; *Town of Manhattan*, ¶ 8; *In the*

Matter of Application to Change Appropriation Water Right No.41F-31227 by T-L Irrigation Company (DNRC Final Order 1991).

HISTORICAL USE FOR ADVERSE EFFECT

FINDINGS OF FACT

6. The historical use of this water right was proven by the Applicant and calculated by the DNRC following the methods described in ARM 36.12.1902 Change Application – Historic Use. The Applicant has firsthand knowledge of the historical use of the water right which was used to irrigate various crops including alfalfa, canola, winter wheat, and potatoes. The land was historically flood irrigated before being converted to a pump and sprinkler system. The Applicant primarily uses handline to irrigate the place of use. This Statement of Claim does not involve storage.

Adjudication Status

7. The adjudication of basin 76LJ, including Statement of Claim No. 76LJ 30165010, is currently in process, with the Montana Water Court issuing a preliminary decree for basin 76LJ on February 21, 2025. The Department previously placed three issue remarks on parent water right Statement of Claim No. 76LJ 19042-00 related to the number of irrigated acres indicated by aerial imagery and the validity of the claimed priority date. These issue remarks have been carried over to child water right Statement of Claim No. 76LJ 30165010. The currently enforceable priority date of Statement of Claim No. 76LJ 30165010 is September 30, 1919.

Historical place of use and historically irrigated acres

8. Parent water right Statement of Claim No. 76LJ 19042-00 was examined by the DNRC on August 7, 2012, and 118.90 acres were found to be irrigated. Child water right Statement of Claim No. 76LJ 30165010 was split from parent water right, 76LJ 19042-00, on October 16, 2024. The maximum historical acres found for Statement of Claim No. 76LJ 30165010 was 10.00 acres. Table 3 summarizes the historical use of Statement of Claim 76LJ 30165010.

Table 3: Summary of historical use of Statement of Claim No. 76LJ 19042-00							
Water Right No.	**Historical Purpose**	**Maximum Historical Acres**	**Historical Place of Use**	**Historical Point of Diversion**	**Maximum Historical Flow Rate (GPM)**	**Historically Consumed Volume (AF)**	**Historically Diverted Volume (AF)**
76LJ 30165010	Irrigation	10.00	SESESW Sec 20 Twp 28N Rge 21W Flathead (6.20 acres) - NENENW Sec 29 Twp 28N Rge 21W Flathead (3.80 acres)	SWSESW Sec 20 Twp 28N Rge 21W Flathead	45.25	13.72	17.16

Historical period of diversion

9. The Applicant's property is located in USDA NRCS Climatic Area III – Moderate. The standard period of diversion and period of use for USDA NRC Climatic Area III per ARM 36.12.112 is April 15th to October 15th. The Applicant's claimed period of diversion from June 1st to September 30th falls within the standard. As such, the Department finds June 1st to September 30th to be the historic period of diversion.

Historical consumptive volume

10. The Department calculated the HCV using the Department's standard methodology, pursuant to ARM 36.12.1902. The consumed volume for irrigation was based on the NIR from USDA NRCS IWR at the Kalispell weather station. The IWR was multiplied by a county-wide management factor (from ARM 36.12.1902) to produce an adjusted IWR representative of actual crop yields in the vicinity of Kalispell, Montana. The Department determined crop consumption by multiplying the adjusted IWR by the number of acres of irrigation. Crop consumption was then divided by the field efficiency (70% for sprinkler irrigation per ARM 36.12.115(2)(e)) to calculate the field applied volume (Table 4, Column G). ILs are 10% of the field applied volume for sprinkler irrigation (Table 4, Column H). The total consumed volume for irrigation is the crop consumption plus ILs (Table 4, Column I) .

11. The HCV and field applied volume for the historical place of use were found using the following equations and information:

$$Crop\ Consumption = Kalispell\ * \frac{1-ft}{12-inches} * Flathead\ County\ Management\ Factor * Historical\ Acres$$

$$Historical\ Irrecoverable\ Losses = Field\ Applied * IL\%$$

$$HCV = \ Crop\ Consumption + Historical\ Irrecoverable\ Losses$$

$$Historical\ Field\ Applied\ Volume = \frac{Crop\ Consumption}{Sprinkler\ Efficency}$$

Crop Consumption

Kalispell Weather Station NIR for 76LJ 30165010: 16.45 in
Flathead County Management Factor (pre-July 1, 1973): 87.6%

$$Crop\ Consumption\ for\ 76LJ\ 30165010 = 16.45\ * \frac{1-ft}{12-inches} * 0.876 * 10.00 = \mathbf{12.01\ AF}$$

Irrecoverable Losses

Irrecoverable losses: 10% for sprinkler irrigation

$$Irrecoverable\ losses\ for\ 76LJ\ 30165010 = 17.16\ AF * 0.10 = \mathbf{1.72\ AF}$$

Historical consumed volume

$$HCV\ for\ 76LJ\ 30165010 = 12.01\ AF + 1.72\ AF = \mathbf{13.72\ AF}$$

Historical field applied

Sprinkler (Wheel line / Handline) Field Efficiency: 70%

$$Field\ Applied\ for\ 76LJ\ 30165010 = \ 12.01\ AF\ /\ 0.70\ = \mathbf{17.16\ AF}$$

Historical diverted volume

12. Per ARM 36.12.1902(10), the historically diverted volume is equal to the sum of the historical field application volume and historical conveyance loss volume. There is no conveyance loss considered as the historical means of diversion for 76LJ 30165010 is closed pipe, therefore, the historical diverted volume is equal to the historical field application volume (Table 5). Table 4 below summarizes the historical field applied and historical consumed loss volumes.

Table 4: Historical use.									
A	B	C	D	E	F	G	H	I	J
Irrigation Method	**Acres**	**IWR (in)1**	**Mgmt. Factor[2]**	**Field Efficiency**	**Crop Consumption (AF)**	**Field Applied Volume (AF)**	**IL (AF)**	**Total Irrigation Consumed Volume (AF)**	**Non-Consumed Volume (AF)**
Sprinkler (Wheel line)	10.00	16.45	0.876	0.70	12.01	17.16	1.72	13.72	3.43

[1] Kalispell IWR Weather Station

[2] Flathead County Historical Use Management Factor (1964-1973), from ARM 36.12.1902.

Table 5: Historic Diverted Volume of Statement of Claim No. 76LJ 30165010.			
Water Right No.	**Field Application Volume (AF)**	**Conveyance Loss Volume**	**Historical Diverted Volume**
76LJ 30165010	17.16	N/A	17.16

Historical Flow Rate

13. The Applicant is related to the original claimant, and his father has firsthand knowledge of the historical operation of their water right. The Applicant's father asserted that the historical pump was 30-40 horsepower and was selected to maximize efficiency of the historical irrigation system which consisted of a series of five wheel lines and various handline sprinklers. The Applicant's father recalls at least two of the wheel lines running simultaneously but the pipe and sprinkler nozzle specifications are unknown. The historical pump and sprinkler system has since been removed, with the Applicant's father being the last person with any knowledge of the historical irrigation system.

14. The Department examined the parent water right (Statement of Claim No. 76LJ 19042-00) on August 7, 2012 and noted that the claimed flow rate of 700 GPM resulted in a flow rate of 4.52 GPM per acre. This value is within the Department's examination flow rate guideline which states that irrigation historically required up to 17 GPM per acre depending on the type of diversion and conveyance system. The Applicant's historical system was a pump with closed pipe as the conveyance infrastructure, meaning that there would have been little if any conveyance loss and thus would not require a flow rate approaching the 17 GPM per acre guideline value.

15. The Department finds the following historical use, as shown in Table 6.

Table 6: Summary of historical use findings for 76LJ 30165010							
Water Right Number	**Historical Purpose**	**Historical Flow Rate**	**Historically Consumed Volume *(including IR)***	**Historically Diverted Volume**	**Historically Irrigated Acres**	**Historical Period of Use & Diversion**	**Historical Point(s) of Diversion**
76LJ 30165010	Irrigation	45.25 GPM	13.72 AF	17.16 AF	10.00	6/1-9/30	SWSESW Sec 20 Twp 28N Rge 21W Flathead

ADVERSE EFFECT

FINDINGS OF FACT

16. The Applicant proposes to move the POD for Statement of Claim No. 76LJ 30165010. The proposed POD is located approximately 700 feet upstream from the existing POD on Ashley Creek. The existing POD will no longer be used by the Applicant after establishment of the proposed POD. The existing POD will remain in place for the remaining water rights. The historical diverted and consumed volumes of 17.16 AF and 13.72 AF, respectively, were found for sprinkler irrigation of the 10.00 acre historical place of use.

17. This change proposes to establish a new POD on Ashley Creek approximately 700 feet upstream of the historical/existing POD with no changes in the place of use or purpose. The Department identified an AOPI for this application as being the reach of Ashley Creek between the proposed POD and the historical/existing POD. The water rights between the historical/existing POD and the proposed POD were considered for adverse effect. The Department queried all water rights between the proposed POD and the existing POD and found three water rights; (Table 7). All three water rights share the historical/existing POD as their point of diversion.

Table 7: Water rights considered for adverse effect (water rights between the proposed POD and the existing POD)		
Water Right Number	**Purpose / Means of Diversion**	**Flow Rate (CFS)**
76LJ 19042-00	IRRIGATION	1.15
76LJ 30165011	IRRIGATION	0.23
76LJ 30163969	IRRIGATION	0.13

18. This change will not increase the volume or flow of water diverted or consumed. The Department determined that the timing of and location of return flows will not change because no change in place of use is proposed.

19. The Department finds there is no increased access to water as a result of this change because;

a. The change will not increase the period of diversion, diverted volume, or diverted flow;

b. The Applicants have split their portion of the water right off;

c. There has not been a call on the creek in this area;

d. Ashley Creek conditions are largely unchanged between the historical POD and the proposed POD;

20. Since there will be no change in diverted flow or volume, no change of place of use or purpose, and since the only water rights in the reach that would potentially be adversely affected are all associated with the historical/existing POD, the Department finds no adverse effect to the existing water users within the area of potential impact will result from the proposed change.

BENEFICIAL USE

FINDINGS OF FACT

21. The Applicant proposes to discontinue their use of the historical/existing POD to establish their own new POD for Statement of Claim No. 76LJ 30165010. No change in place of use or purpose is proposed. The Applicant will divert water from Ashley Creek at the new POD for hand line irrigation of 10.00 acres wholly within the historical place of use. The historical and diverted irrigated volumes were quantified per ARM 36.12.1902 in the historical use sections above. The proposed irrigation will continue the historical beneficial use within the historical place of use.

22. The Applicant plans to use the full flow rate of 45.25 GPM which was apportioned to the Applicant when Statement of Claim 76LJ 30165010 was split from the parent water right. The Applicant has supplied proof that the selected pump for the new POD is capable of diverting

45.25 GPM and will not exceed the historical flow rate (detailed in the Adequacy of Diversion section below). The Applicant will fully discontinue their use of the historical/existing POD and will solely divert water under Statement of Claim No. 76LJ 30165010 using the proposed new POD. The Applicant has proven the new pump is capable of diverting the apportioned historic volume (detailed in the Adequacy of Diversion section below).

23. The Department finds the proposed change in POD supports the historically proven irrigation purpose which is a beneficial use of water.

ADEQUATE DIVERSION

FINDINGS OF FACT

24. The Applicant proposes to add a new POD to statement of Claim 76LJ 30165010. The new POD is located approximately 700 feet upstream of the historical/existing POD. The new POD is located in the SWSESW Section 20, Township 28N, Rage 21W, Flathead County. The new pump will serve handlines wholly within the historical place of use. The Applicant will fully discontinue their use of the historical/existing POD and will solely divert water under Statement of Claim No. 76LJ 30165010 using the proposed new POD.

25. The Applicant proposes using a Circor Series 3E 162 model, a centrifugal pump, running at 2900 RPMs. It is a fixed displacement pump meaning there is no flow change on pressures or head differences up to a maximum of 150 PSI. The selected pump will run at fixed RPMs to ensure the pump operates within the historical flow rate regardless of where on the property the Applicant conveys water.

26. The water will be conveyed to the place of use by 3-inch lay flat hoses with camlock connectors. The maximum distance from the POD water will need to be conveyed is 1,280 feet. The Applicant proposes to have; three 300-foot 3-inch hoses, two 200-foot 3-inch hoses and one 100-foot 3-inch hose. These hoses will be moved around the property as needed for irrigation, and the variable length hoses allow for increased flexibility. The Applicant will utilize the existing underground pipe, originally placed for use for the parent water right prior to the split, allowing them to irrigate the acreage in the NENENW Section 29, Township 28N, Range 21W that is separated by the road. The lay flat hose will connect to a Nelson Big Gun 75 Series

Full Circle. The Nelson Big Gun 75 Series is compatible with a flow rate range of 25 to 160 GPM. The Applicant's flow rate of 45.25 GPM falls within the operating range.

27. The Department finds that the new POD is capable of diverting and conveying the proposed flow rate of 45.25 GPM up to the historically proven annual volume of 17.16 AF.

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

HISTORICAL USE AND ADVERSE EFFECT

29. Montana's change statute codifies the fundamental principles of the Prior Appropriation Doctrine. Sections 85-2-401 and -402(1)(a), MCA, authorize changes to existing water rights, permits, and water reservations subject to the fundamental tenet of Montana water law that one may change only that to which he or she has the right based upon beneficial use. A change to an existing water right may not expand the consumptive use of the underlying right or remove the well-established limit of the appropriator's right to water actually taken and beneficially used. An increase in consumptive use constitutes a new appropriation and is subject to the new water use permit requirements of the MWUA. *McDonald v. State*, 220 Mont. 519, 530, 722 P.2d 598, 605 (1986) (beneficial use constitutes the basis, measure, and limit of a water right); *Featherman v. Hennessy*, 43 Mont. 310, 316-17, 115 P. 983, 986 (1911) (increased consumption associated with expanded use of underlying right amounted to new appropriation rather than change in use); *Quigley v. McIntosh*, 110 Mont. 495, 103 P.2d 1067, 1072-74 (1940) (appropriator may not expand a water right through the guise of a change – expanded use constitutes a new use with a new priority date junior to intervening water uses); *Allen v. Petrick*, 69 Mont. 373, 222 P. 451(1924) ("quantity of water which may be claimed lawfully under a prior appropriation is limited to that quantity within the amount claimed which the appropriator has needed, and which within a reasonable time he has actually and economically applied to a beneficial use. . . . it may be said that the principle of beneficial use is the one of paramount importance . . . The

appropriator does not own the water. He has a right of ownership in its use only"); *Town of Manhattan*, ¶ 10 (an appropriator's right only attaches to the amount of water actually taken and beneficially applied).[1]

30. Sections 85-2-401(1) and -402(2)(a), MCA, codify the prior appropriation principles that Montana appropriators have a vested right to maintain surface and ground water conditions substantially as they existed at the time of their appropriation; subsequent appropriators may insist that prior appropriators confine their use to what was actually appropriated or necessary for their originally intended purpose of use; and, an appropriator may not change or alter its use in a manner that adversely affects another water user. *Spokane Ranch & Water Co. v. Beatty*, 37 Mont. 342, 96 P. 727, 731 (1908); *Quigley*, 110 Mont. at 505-11,103 P.2d at 1072-74; *Matter of Royston*, 249 Mont. at 429, 816 P.2d at 1057; *Hohenlohe*, ¶¶ 43-45.[2]

31. The cornerstone of evaluating potential adverse effect to other appropriators is the determination of the "historic use" of the water right being changed. *Town of Manhattan*, ¶10 (recognizing that the Department's obligation to ensure that change will not adversely affect other water rights requires analysis of the actual historic amount, pattern, and means of water use). A change Applicant must prove the extent and pattern of use for the underlying right proposed for change through evidence of the historic diverted amount, consumed amount, place of use, pattern of use, and return flow because a statement of claim, permit, or decree may not include the beneficial use information necessary to evaluate the amount of water available for change or potential for adverse effect.[3] A comparative analysis of the historic use of the water right to the proposed change in use is necessary to prove the change will not result in expansion

[1] DNRC decisions are available at: https://dnrc.mt.gov/Directors-Office/HearingOrders

[2] *See also Holmstrom Land Co., Inc., v. Newlan Creek Water District*,185 Mont. 409, 605 P.2d 1060 (1979); *Lokowich v. Helena*, 46 Mont. 575, 129 P. 1063 (1913); *Thompson v. Harvey*, 164 Mont. 133, 519 P.2d 963 (1974) (plaintiff could not change his diversion to a point upstream of the defendants because of the injury resulting to the defendants); *McIntosh v. Graveley*, 159 Mont. 72, 495 P.2d 186 (1972) (appropriator was entitled to move his point of diversion downstream, so long as he installed measuring devices to ensure that he took no more than would have been available at his original point of diversion); *Head v. Hale*, 38 Mont. 302, 100 P. 222 (1909) (successors of the appropriator of water appropriated for placer mining purposes cannot so change its use as to deprive lower appropriators of their rights, already acquired, in the use of it for irrigating purposes); and, *Gassert v. Noyes*, 18 Mont. 216, 44 P. 959 (1896) (change in place of use was unlawful where reduced the amount of water in the source of supply available which was subject to plaintiff's subsequent right).

[3] A claim only constitutes *prima facie* evidence for the purposes of the adjudication under § 85-2-221, MCA. The claim does not constitute *prima facie* evidence of historical use in a change proceeding under § 85-2-402, MCA. For example, most water rights decreed for irrigation are not decreed with a volume and provide limited evidence of actual historic beneficial use. Section 85-2-234, MCA

of the original right, or adversely affect water users who are entitled to rely upon maintenance of conditions on the source of supply for their water rights. *Quigley*, 103 P.2d at 1072-75 (it is necessary to ascertain historic use of a decreed water right to determine whether a change in use expands the underlying right to the detriment of other water user because a decree only provides a limited description of the right); *Royston*, 249 Mont. at 431-32, 816 P.2d at 1059-60 (record could not sustain a conclusion of no adverse effect because the Applicant failed to provide the Department with evidence of the historic diverted volume, consumption, and return flow); *Hohenlohe*, ¶ 44-45; Town of Manhattan v. DNRC, Cause No. DV-09-872C, Montana Eighteenth Judicial District Court, *Order Re Petition for Judicial Review,* Pgs. 11-12 (proof of historic use is required even when the right has been decreed because the decreed flow rate or volume establishes the maximum appropriation that may be diverted, and may exceed the historical pattern of use, amount diverted or amount consumed through actual use); Matter of Application For Beneficial Water Use Permit By City of Bozeman, *Memorandum*, Pgs. 8-22 (Adopted by DNRC *Final Order* January 9,1985)(evidence of historic use must be compared to the proposed change in use to give effect to the implied limitations read into every decreed right that an appropriator has no right to expand his appropriation or change his use to the detriment of juniors).[4]

[4] Other western states likewise rely upon the doctrine of historic use as a critical component in evaluating changes in appropriation rights for expansion and adverse effect: Pueblo West Metropolitan District v. Southeastern Colorado Water Conservancy District, 717 P.2d 955, 959 (Colo. 1986)("[O]nce an appropriator exercises his or her privilege to change a water right … the appropriator runs a real risk of requantification of the water right based on actual historical consumptive use. In such a change proceeding a junior water right … which had been strictly administered throughout its existence would, in all probability, be reduced to a lesser quantity because of the relatively limited actual historic use of the right."); Santa Fe Trail Ranches Property Owners Ass'n v. Simpson, 990 P.2d 46, 55 -57 (Colo.,1999); Farmers Reservoir and Irr. Co. v. City of Golden, 44 P.3d 241, 245 (Colo. 2002)("We [Colorado Supreme Court] have stated time and again that the need for security and predictability in the prior appropriation system dictates that holders of vested water rights are entitled to the continuation of stream conditions as they existed at the time they first made their appropriation); Application for Water Rights in Rio Grande County, 53 P.3d 1165, 1170 (Colo. 2002); Wyo. Stat. § 41-3-104 (When an owner of a water right wishes to change a water right … he shall file a petition requesting permission to make such a change …. The change … may be allowed provided that the quantity of water transferred … shall not exceed the amount of water historically diverted under the existing use, nor increase the historic rate of diversion under the existing use, nor increase the historic amount consumptively used under the existing use, nor decrease the historic amount of return flow, nor in any manner injure other existing lawful appropriators.); Basin Elec. Power Co-op. v. State Bd. of Control, 578 P.2d 557, 564 -566 (Wyo,1978) (a water right holder may not effect a change of use transferring more water than he had historically consumptively used; regardless of the lack of injury to other appropriators, the amount of water historically diverted under the existing use, the historic rate of diversion under the existing use,

32. An Applicant must also analyze the extent to which a proposed change may alter historic return flows for purposes of establishing that the proposed change will not result in adverse effect. The requisite return flow analysis reflects the fundamental tenant of Montana water law that once water leaves the control of the original appropriator, the original appropriator has no right to its use and the water is subject to appropriation by others. *E.g., Hohenlohe*, ¶ 44; *Rock Creek Ditch & Flume Co. v. Miller*, 93 Mont. 248, 17 P.2d 1074, 1077 (1933); *Newton v. Weiler*, 87 Mont. 164, 286 P. 133 (1930); *Popham v. Holloron*, 84 Mont. 442, 275 P. 1099, 1102 (1929); *Galiger v. McNulty*, 80 Mont. 339, 260 P. 401 (1927); *Head v. Hale*, 38 Mont. 302, 100 P. 222 (1909); *Spokane Ranch & Water Co.*, 37 Mont. at 351-52, 96 P. at 731; *Hidden Hollow Ranch v. Fields*, 2004 MT 153, 321 Mont. 505, 92 P.3d 1185; ARM 36.12.101(56) (Return flow - that part of a diverted flow which is not consumed by the appropriator and returns underground to its original source or another source of water - is not part of a water right and is subject to appropriation by subsequent water users).[5]

33. Although the level of analysis may vary, analysis of the extent to which a proposed change may alter the amount, location, or timing return flows is critical in order to prove that the proposed change will not adversely affect other appropriators who rely on those return flows as part of the source of supply for their water rights. *Royston*, 249 Mont. at 431, 816 P.2d at 1059-60; *Hohenlohe*, at ¶¶ 45-46 and 55-6; *Spokane Ranch & Water Co.*, 37 Mont. at 351-52, 96 P. at 731.

34. In *Royston*, the Montana Supreme Court confirmed that an Applicant is required to prove lack of adverse effect through comparison of the proposed change to the historic use, historic consumption, and historic return flows of the original right. 249 Mont. at 431, 816 P.2d at 1059-60. More recently, the Montana Supreme Court explained the relationship between the fundamental principles of historic beneficial use, return flow, and the rights of subsequent

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the historic amount consumptively used under the existing use, and the historic amount of return flow must be considered.)

[5] The Montana Supreme Court recently recognized the fundamental nature of return flows to Montana's water sources in addressing whether the Mitchell Slough was a perennial flowing stream, given the large amount of irrigation return flow which feeds the stream. The Court acknowledged that the Mitchell's flows are fed by irrigation return flows available for appropriation. *Bitterroot River Protective Ass'n, Inc. v. Bitterroot Conservation Dist.*, 2008 MT 377, ¶¶ 22, 31, 43, 346 Mont. 508, 198 P.3d 219,(*citing Hidden Hollow Ranch v. Fields*, 2004 MT 153, 321 Mont. 505, 92 P.3d 1185).

appropriators as they relate to the adverse effect analysis in a change proceeding in the following manner:

> The question of adverse effect under §§ 85-2-402(2) and -408(3), MCA, implicates return flows. A change in the amount of return flow, or to the hydrogeologic pattern of return flow, has the potential to affect adversely downstream water rights. There consequently exists an inextricable link between the "amount historically consumed" and the water that re-enters the stream as return flow. . . .
>
> An appropriator historically has been entitled to the greatest quantity of water he can put to use. The requirement that the use be both beneficial and reasonable, however, proscribes this tenet. This limitation springs from a fundamental tenet of western water law-that an appropriator has a right only to that amount of water historically put to beneficial use-developed in concert with the rationale that each subsequent appropriator "is entitled to have the water flow in the same manner as when he located," and the appropriator may insist that prior appropriators do not affect adversely his rights.
>
> This fundamental rule of Montana water law has dictated the Department's determinations in numerous prior change proceedings. The Department claims that historic consumptive use, as quantified in part by return flow analysis, represents a key element of proving historic beneficial use.
>
> We do not dispute this interrelationship between historic consumptive use, return flow, and the amount of water to which an appropriator is entitled as limited by his past beneficial use.

Hohenlohe, at ¶¶ 42-45 (internal citations omitted).

35. The Department's rules reflect the above fundamental principles of Montana water law and are designed to itemize the type of evidence and analysis required for an Applicant to meet its burden of proof. ARM 36.12.1901 through 1903. These rules forth specific evidence and analysis required to establish the parameters of historic use of the water right being changed. ARM 36.12.1901 and 1902. The rules also outline the analysis required to establish a lack of adverse effect based upon a comparison of historic use of the water rights being changed to the proposed use under the changed conditions along with evaluation of the potential impacts of the change on other water users caused by changes in the amount, timing, or location of historic diversions and return flows. ARM 36.12.1901 and 1903.

36. Applicant seeks to change existing water rights represented by its Water Right Claims. The "existing water rights" in this case are those as they existed prior to July 1, 1973, because

with limited exception, no changes could have been made to those rights after that date without the Department's approval. Analysis of adverse effect in a change to an "existing water right" requires evaluation of what the water right looked like and how it was exercised prior to July 1, 1973. In *McDonald v. State*, the Montana Supreme Court explained:

> The foregoing cases and many others serve to illustrate that what is preserved to owners of appropriated or decreed water rights by the provision of the 1972 Constitution is what the law has always contemplated in this state as the extent of a water right: such amount of water as, by pattern of use and means of use, the owners or their predecessors put to beneficial use. . . . the Water Use Act contemplates that all water rights, regardless of prior statements or claims as to amount, must nevertheless, to be recognized, pass the test of historical, unabandoned beneficial use. . . . To that extent only the 1972 constitutional recognition of water rights is effective and will be sustained.

220 Mont. at 529, 722 P.2d at 604; *see also Matter of Clark Fork River Drainage Area*, 254 Mont. 11, 17, 833 P.2d 1120 (1992).

37. Water Resources Surveys were authorized by the 1939 legislature. 1939 Mont. Laws Ch. 185, § 5. Since their completion, Water Resources Surveys have been invaluable evidence in water right disputes and have long been relied on by Montana courts. *In re Adjudication of Existing Rights to Use of All Water in North End Subbasin of Bitterroot River Drainage Area in Ravalli and Missoula Counties*, 295 Mont. 447, 453, 984 P.2d 151, 155 (1999) (Water Resources Survey used as evidence in adjudicating of water rights); *Wareing v. Schreckendgust*, 280 Mont. 196, 213, 930 P.2d 37, 47 (1996) (Water Resources Survey used as evidence in a prescriptive ditch easement case); *Olsen v. McQueary*, 212 Mont. 173, 180, 687 P.2d 712, 716 (1984) (judicial notice taken of Water Resources Survey in water right dispute concerning branches of a creek).

38. While evidence may be provided that a particular parcel was irrigated, the actual amount of water historically diverted and consumed is critical. *E.g., In the Matter of Application to Change Water Right No. 41H 1223599 by MGRR #1, LLC.*, DNRC Proposal for Decision adopted by Final Order (2005). The Department cannot assume that a parcel received the full duty of water or that it received sufficient water to constitute full-service irrigation for optimum plant growth. Even when it seems clear that no other rights could be affected solely by a particular change in the location of diversion, it is essential that the change also not enlarge an existing right. *See*

MacDonald, 220 Mont. at 529, 722 P.2d at 604; *Featherman*, 43 Mont. at 316-17, 115 P. at 986; *Trail's End Ranch, L.L.C. v. Colorado Div. of Water Resources*, 91 P.3d 1058, 1063 (Colo., 2004).

39. The Department has adopted a rule providing for the calculation of historic consumptive use where the Applicant proves by a preponderance of the evidence that the acreage was historically irrigated. ARM 36.12.1902(16). In the alternative an Applicant may present its own evidence of historic beneficial use. In this case Applicant has elected to proceed under ARM 36.12.1902. (FOF No. 6).

40. If an Applicant seeks more than the historic consumptive use as calculated by ARM 36.12.1902(16), the Applicant bears the burden of proof to demonstrate the amount of historic consumptive use by a preponderance of the evidence. The actual historic use of water could be less than the optimum utilization represented by the calculated duty of water in any particular case. *E.g., Application for Water Rights in Rio Grande County*, 53 P.3d 1165 (Colo., 2002) (historical use must be quantified to ensure no enlargement); *In the Matter of Application to Change Water Right No. 41H 1223599 by MGRR #1, LLC.*; *Orr v. Arapahoe Water and Sanitation Dist*., 753 P.2d 1217, 1223-1224 (Colo., 1988) (historical use of a water right could very well be less than the duty of water); *Weibert v. Rothe Bros., Inc.,* 200 Colo. 310, 317, 618 P.2d 1367, 1371 - 1372 (Colo. 1980) (historical use could be less than the optimum utilization "duty of water").

41. Based upon the Applicant's evidence of historic use, the Applicant has proven by a preponderance of the evidence the historic use of 76LJ 30165010 including a diverted volume of 17.16 AF, a historically consumed volume of 13.72 AF, and flow rate of 45.25 GPM. *(*FOF Nos. 6-15)

42. Based upon the Applicant's comparative analysis of historic water use and return flows to water use and return flows under the proposed change, the Applicant has proven that the proposed change in appropriation right will not adversely affect the use of the existing water rights of other persons or other perfected or planned uses or developments for which a permit or certificate has been issued or for which a state water reservation has been issued. Section 85-2-402(2)(a), MCA. (FOF Nos. 16-20)

BENEFICIAL USE

43. A change Applicant must prove by a preponderance of the evidence the proposed use is a beneficial use. Sections 85-2-102(4) and -402(2)(c), MCA. Beneficial use is and has always been the hallmark of a valid Montana water right: "[T]he amount actually needed for beneficial use within the appropriation will be the basis, measure, and the limit of all water rights in Montana . . ." McDonald, 220 Mont. at 532, 722 P.2d at 606. The analysis of the beneficial use criterion is the same for change authorizations under § 85-2-402, MCA, and new beneficial permits under § 85-2-311, MCA. ARM 36.12.1801. The amount of water that may be authorized for change 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 (Mont. 1st Jud. Dist. Ct.) (2003) (*affirmed on other grounds*, 2005 MT 60, 326 Mont. 241, 108 P.3d 518); *Worden v. Alexander*, 108 Mont. 208, 90 P.2d 160 (1939); *Allen v. Petrick*, 69 Mont. 373, 222 P. 451(1924); *Sitz Ranch v. DNRC*, DV-10-13390,, *Order Affirming DNRC Decision*, Pg. 3 (Mont. 5th Jud. Dist. Ct.) (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); *Toohey v. Campbell*, 24 Mont. 13, 60 P. 396 (1900) ("The policy of the law is to prevent a person from acquiring exclusive control of a stream, or any part thereof, not for present and actual beneficial use, but for mere future speculative profit or advantage, without regard to existing or contemplated beneficial uses. He is restricted in the amount that he can appropriate to the quantity needed for such beneficial purposes."); § 85-2-312(1)(a), MCA (DNRC is statutorily prohibited from issuing a permit for more water than can be beneficially used).

44. Applicant proposes to use water for irrigation which is a recognized beneficial use. Section 85-2-102(5), MCA. Applicant has proven by a preponderance of the evidence irrigation is a beneficial use and that 17.16 AF of diverted volume and 45.25 GPM of water requested is the amount needed to sustain the beneficial use and is within the standards set by DNRC Rule/other standard. Section 85-2-402(2)(c), MCA (FOF Nos. 21-23).

ADEQUATE MEANS OF DIVERSION

45. Pursuant to § 85-2-402 (2)(b), MCA, the Applicant must prove by a preponderance of the evidence that the proposed means of diversion, construction, and operation of the appropriation

works are adequate. This codifies the prior appropriation principle that the means of diversion must be reasonably effective for the contemplated use and may not result in a waste of the resource. *Crowley v. 6th Judicial District Court*, 108 Mont. 89, 88 P.2d 23 (1939*); In the Matter of Application for Beneficial Water Use Permit No. 41C-11339900 by Three Creeks Ranch of Wyoming LLC* (DNRC Final Order 2002) (information needed to prove that proposed means of diversion, construction, and operation of the appropriation works are adequate varies based upon project complexity; design by licensed engineer adequate).

46. Pursuant to § 85-2-402 (2)(b), MCA, 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. (FOF Nos. 24—27)

POSSESSORY INTEREST

47. Pursuant to § 85-2-402(2)(d), MCA, the 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. See also ARM 36.12.1802.

48. 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. (FOF No. 28).

PRELIMINARY DETERMINATION

Subject to the terms and analysis in this Preliminary Determination Order, the Department preliminarily determines that this Application to Change Water Right No. 76LJ 30171034 should be GRANTED subject to the following.

The Department determines the Applicant may divert water from the Ashley Creek, by means of a pump, from June 1st to September 30th at 45.25 GPM up to 17.16 AF, from a point in the SWSESW Section 20, Township 28N, Range 21W, for irrigation of 10.00 acres from June 1st to September 30th. The place of use is located in the SESESW Section 20 Township 28N, Range 21W and the NENENW Section 29, Township 28N, Range 21W.

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 this3rd day of September, 2026, by first class United States mail.

JUSTIN HOEHN

PO BOX 277

KALISPELL MT 59903-0277

Kalispell Regional Office, (406) 752-2288

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, 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 3rd day of September, 2026.

James Ferch, Manager
Kalispell Regional Water Resources Office
Department of Natural Resources and Conservation

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

Water Resources Division – Kalispell Regional Office
655 Timberwolf Pkwy, Ste. 4
Kalispell, MT 59901-1215
(406) 752-2288
DNRCKalispellWater@mt.gov

7/9/2026

JUSTIN HOEHN
PO BOX 277
KALISPELL MT 59903-0277

Subject: Correct and Complete Application for Change No. 76LJ 30171034

Dear Applicant,

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

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

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

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

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

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

Abigail Williams
Water Resource Specialist
Kalispell Regional Office
Abigail.Williams@mt.gov

Williams, Abby

From: Williams, Abby
Sent: Monday, July 6, 2026 10:52 AM
To: 'Justin Hoehn'
Subject: RE: [EXTERNAL] Justin Hoehn Change Application No. 76LJ30171034

Thank you for the email Justin! That clears things up.
I will have the reply to the deficiency response sent over to you on 7/9/26.

Best,

Abigail Williams | Water Resource Specialist
Water Rights Bureau, New Appropriations, Kalispell Regional Office
Montana Department of Natural Resources and Conservation
655 Timberwolf Pkwy, Ste. 4, Kalispell, MT 59901
DESK: 406-752-2735 **EMAIL**: Abigail.Williams@MT.gov
Website | **Facebook** | **X (Twitter)** | **Instagram**
How did we do? Let us know here: Feedback Survey

From: Justin Hoehn <jthoehn@gmail.com>
Sent: Monday, July 6, 2026 10:46 AM
To: Williams, Abby <Abigail.Williams@mt.gov>
Subject: [EXTERNAL] Justin Hoehn Change Application No. 76LJ30171034

Abby,

Thank you for the call, I did review my response of Question 18 and I had a mistake carried over from my initial.

> Question 18:
>
> Please note Proposed POD ID is marked in Red and Labeled P 76LJ30171034. It is upstream of historical POD H 76LJ30165011. Primary Use of irrigation will be outlined in blue which will be fed ~~with 4" aluminum main line and 40' 3" aluminum hand move with a total of QTY (12) 9/64" nozzles~~. The intended area to be irrigated follows the historical, we are just utilizing a new POD to transport the water from since we've been cut off from the historical.

I have lined out the part that is inaccurate and should be the following which is pulled from Questions 32,33,34, and 36:

For my system, I'll create a visual of the path from the new POD (P76L J30171034) to the area shown in question 18 marked in blue. Because of the nature of the landscape and area being irrigated I'm baselining a flexible system that will work at the different elevations. For the pump site (marked in red) I will utilize a Circor Series 3E 162 pump, running at 2900 RPMs. It is a fixed displacement pump meaning there is no flow change on pressures or head differences up to a maximum of 150 PSI. I will use a safety relay in case of a plug or

pressure spike that will shut the system down and protect the equipment. Connected to it I will use a series of lay flat hoses with camlock connectors. The reason is it will allow me the flexibility to move my sprinkler around to different areas without a fixed geometry constraint of aluminum piping. The friction loss doesn't factor since it is a fixed flow. This will allow me to cover the entire area. Please note for coverage across the road I can utilize the original infrastructure marked in purple. I will have QTY (3) 300' 3" lay flats, QTY (2) 200' 3" lay flats, and QTY (1) 100' 3" lay flat that will allow me to move the sprinkler into any area shown in blue. Maximum total run to the south east corner from the new POD is approximately 1280' using the existing path under the road. Max run shown in yellow on image. For the sprinkler I will use a Nelson Big Gun 75 series Full Circle F75 which can operate within my fixed flow of 45 GPM.

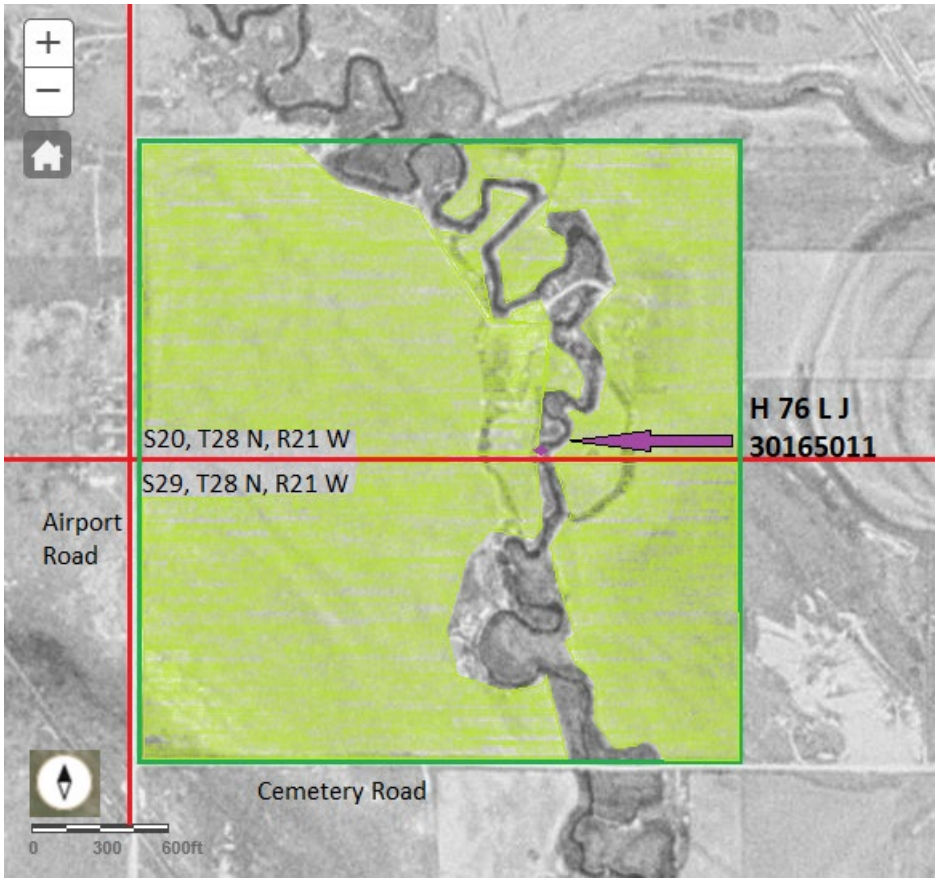
Thank you!

Justin

Justin Hoehn Deficiency Letter Response for Change Application No. 76LJ30171034

Question 17:

Please note the property (originally 160 acres) is outlined in green, and the historical irrigation areas is marked/filled in green. Please note the section corner, township and range aren't filled/covered but left open to remain legible those areas under the label were irrigated. Originally this farm was irrigated using flood irrigation methods and later converted to an electric pump.



The image in Question 18 helps illustrate and correlate current placement.

Question 18:

Please note Proposed POD ID is marked in Red and Labeled P 76LJ30171034. It is upstream of historical POD H 76LJ30165011. Primary Use of irrigation will be outlined in blue which will be fed with 4" aluminum main line and 40' 3" aluminum hand move with a total of QTY (12) 9/64" nozzles. The intended area to be irrigated follows the historical, we are just utilizing a new POD to transport the water from since we've been cut off from the historical.


P 76L J30171034
H 76L J 3016501
S20, T28 N, R21 W
S29, T28 N, R21 W
-114.302 48.169 Degrees
200 ft

Question 32, 33, 34, and 36: For my system, I'll create a visual of the path from the new POD (P76L J30171034) to the area shown in question 18 marked in blue. Because of the nature of the landscape and area being irrigated I'm baselining a flexible system that will work at the different elevations. For the pump site (marked in red) I will utilize a Circor Series 3E 162 pump, running at 2900 RPMs. It is a fixed displacement pump meaning there is no flow change on pressures or head differences up to a maximum of 150 PSI. I will use a safety relay in case of a plug or pressure spike that will shut the system down and protect the equipment.

Series 3E

Series 3E pumps are provided for differential pressures to 150 PSIG (10 Bar) and flow rates to 100 GPM (375 L/M). Mountings include foot or flange. Casing materials are either cast iron or steel. These three screw pumps are used for fuel oil transfer and burner services, machinery lubrication and other industrial pumping applications. Units without shaft seals can operate at very high speeds on lubrication services when drive by the machine being lubricated. 3E series pumps are also available in canned motor/pump configurations up to 6 HP (4.5 kW).

3E SERIES	Nominal flow rate, GPM/LPM, at 150 PSI (10 BAR), 200 SSU (43 CST)					
	SPEED RPM					
Size	3500	2900	1750	1450	1150	960
87P	6/22	5/17	2/8	1.5/6	-	-
87	8/29	6/23	3/12	2/9	1.5/6	1/4
95	10/37	8/30	4/15	3/12	2/8	1.5/5
118P	15/58	12/47	6/24	5/18	3/12	2/9
118	20/75	16/61	9/33	7/25	5/18	4/13
143J	27/102	22/82	12/45	9/35	7/25	5/19
143	36/137	29/111	16/61	13/48	9/35	7/27
162	53/200	43/163	24/91	19/72	14/53	11/41
187Y	59/224	48/182	27/101	21/80	16/60	12/46
187M	71/270	58/219	32/122	26/97	19/71	15/55
187	82/312	67/254	38/143	30/114	23/85	18/67
200	100/380	82/310	46/176	37/141	28/105	22/83

https://www.imo-pump.com/series3E.htm

Further information about fixed displacement pumps can be found here:

https://pumps.circor.com/products/three-screw-pumps

> Screw-Pumps in general are true all-rounders. They can handle a wide range of fluids, viscosities (0.3 to 100,000 cSt), gas contents (up to 100 %) and abrasive media. They are characterized by excellent controllability with nearly constant efficiency over a very wide operating range (flow and pressure). As with volumetric displacement pumps, the flow rate is determined by speed and is not dependent on pressure, density or viscosity.

Connected to it I will use a series of lay flat hoses with camlock connectors.

https://www.irrigationking.com/3-pvc-lay-flat-discharge-hose-300.html?gad_source=1&gad_campaignid=17893256780&gbraid=0AAAADR1yIrB6mOmBCg14Ze2PxtTTl4pC&gclid=CjwKCAjw857RBhAgEiwAI-1yKLQtJXtQkQrT0CQa5WDfH-jFgkAkLGq8jGlm_2kABsebaef9yCdtWxoCWJYQAvD_BwE

The reason is it will allow me the flexibility to move my sprinkler around to different areas without a fixed geometry constraint of aluminum piping. The friction loss doesn't factor since it is a fixed flow. This will allow me to cover the entire area. Please note for coverage across the road I can utilize the original infrastructure marked in purple. I will have QTY (3) 300' 3" lay flats, QTY (2) 200' 3" lay flats, and QTY (1) 100' 3" lay flat that will allow me to move the sprinkler into any area shown in blue. Maximum total run to the south east corner from the new POD is approximately 1280' using the existing path under the road. Max run shown in yellow on image.

For the sprinkler I will use a Nelson Big Gun 75 series Full Circle F75 which can operate within my fixed flow of 45 GPM

https://nelsonirrigation.com/products/big-gun/75-series


P 76L J30171034
H 76L J 3016501
S20, T28 N, R21 W
S29, T28 N, R21 W
-114.302 48.169 Degrees
200 ft

Question 40:

Response should have been marked Yes,

For question 40 a, the purposes for which the Department has a standard and the water use falls within the standard.

36.12.1902

Table 1 - Montana County Weather Station IWR Data for Seasonal Alfalfa Evapotranspiration and Montana County Management Factor.

County	Weather Station	Elevation	IWR Flood Irrigation, Wheeline & Handline Seasonal ET (inches)	IWR Center Pivot Irrigation Seasonal ET (inches)	Management Factor Percentage 1964 - 1973 (pre-July 1, 1973 HCU	Management Factor Percentage 1973 - 2006 (post-July 1, 1973 HCU)	Managemer Factor Percentage 1997 - 200 (proposed use)
Flathead	Creston	2949	14.97	17.81	87.60%	94.50%	**96.60**
	Hungry Horse Dam	3160	14.66	18.06			
	Kalispell	2972	16.45	19.03			

ARM 36.12.112

36.12.112 PERIOD OF DIVERSION AND PERIOD OF USE STANDARDS

(1) The department will use the following standards for period of diversion and use based on the purpose of beneficial water use:

(a) domesticJanuary 1 to December 31

(b) stockJanuary 1 to December 31

(c) irrigation based on the climatic area designated by the USDA Natural Resources and Conservation Service (NRCS) which is generally as follows:

(i) climatic area IMarch 15 to November 15

(ii) climatic area IIApril 1 to October 31

(iii) climatic area IIIApril 15 to October 15

(iv) climatic area IVApril 20 to October 10

(v) climatic area VApril 25 to October 5

(vi) climatic area VIApril 25 to October5

(2) Applications for diversions into a storage reservoir for later use must include the period of diversion for when water will be diverted into the reservoir and the period of use when water will be used from the reservoir.

(3) Period of usefor purposes other than domestic, stock, or irrigationmust be explained and documented based on the operation of the project.

(4) Deviations from the period of use standards listed in (1) must be explained and documented based on the operation of the project.

Authorizing statute(s): 85-2-113, MCA

Implementing statute(s): 85-2-301 through 85-2-319, 85-2-321 through 85-2-323, 85-2-329 through 85-2-331, 85-2-335 through 85-2-338, 85-2-340 through 85-2-344, 85-2-351, 85-2-401, 85-2-402, 85-2-407, 85-2-408, 85-2-410 through 85-2-413, 85-2-415 through 85-2-419, 85-2-436, 85-2-501 through 85-2-512, 85-2-601 through 85-2-606, 85-2-608, 85-2-804 through 85-2-806, MCA

Water Resources Division – Kalispell Regional Office
655 Timberwolf Pkwy, Ste. 4
Kalispell, MT 59901-1215
(406) 752-2288
DNRCKalispellWater@mt.gov

February 9, 2026

JUSTIN HOEHN
PO BOX 277
KALISPELL MT 59903

Subject: Deficiency Letter for Change Application No. 76LJ 30171034

Dear Justin,

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

All questions and responses listed below come from the submitted 606 application for the proposed change

- **Question 17 (ARM 36.12.111):** *Submit a historical use map created on an aerial photograph or topographic map that shows the following: section corners, township and range, scale bar, north arrow, all historical points of diversion (POD) labeled with a unique POD ID ("H" followed by a number), all historical places of use (POU), all historical conveyance structures, all historical places of storage, and historical place of use for all overlapping water rights. More than one map may be submitted, if necessary, to clearly convey all required information.*
    - Your Answer: The question was left unchecked and no map was provided

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

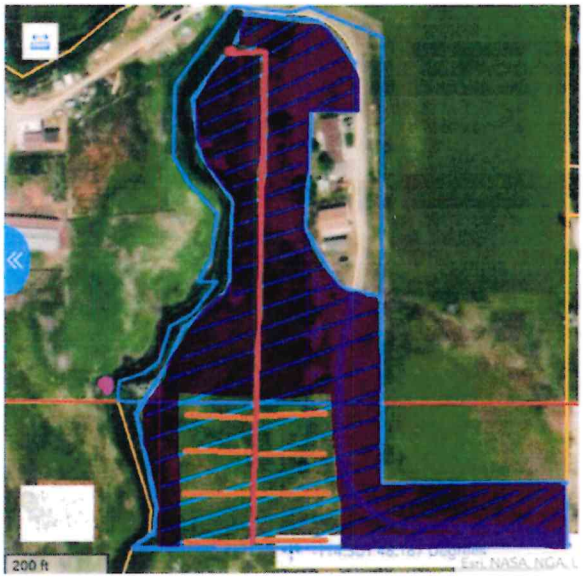
    - Deficiency: No map was supplied that met the criteria listed. Please submit a detailed map showing historical use for the property including all criteria listed in the question.

- **Question 18 (ARM 36.12.111):** *Submit a proposed use map created on an aerial photograph or topographic map that shows section corners, township and range, scale bar, north arrow, and the following elements: points of diversion labeled with a unique POD ID ("P" followed by a number), places of use, conveyance structures, places of storage, and place of use for all overlapping water rights. Include all elements that will be on the water rights after the proposed change, regardless of whether the element will be modified by the change. The map should fully depict the water rights, as proposed, after the change. More than one map may be submitted, if necessary, to clearly convey all required information.*
    - Your Answer: The question was left unchecked and no map was provided.

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

    - Deficiency: No map was supplied that met the criteria listed. Please submit a detailed map showing the proposed use on the property including all criteria listed in the question.
- **Question 32 (ARM 36.12.1707):** *Submit a diagram of how you will operate your system from all proposed points of diversion to all proposed places of use.*
    - Your Response: An aerial photograph with a red line denoting the mainline and orange lines branching off to indicate the irrigation lines was submitted.
    - Deficiency: The map supplied does not adequately show the system operation. Please provide an adequate map showing the conveyance of water from the proposed point of diversion, though the system that includes lengths of pipe, pipe size, wheel line direction and length, and sprinkler heads on the map to corroborate details written for questions 33, 34 and 36.
- **Question 33 (ARM 36.12.1707):** *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.*
    - Your Response: Reference Attachment A
    - Deficiency: Attachment A did not sufficiently describe the technical capabilities of the diversion and how the diversion is able to provide the water to the system. What is the make and model of the pump that will be used? What is the total dynamic head for this system? Please provide a pump curve for the selected pump that is clearly marked showing that at the total dynamic head calculated it can provide the flow rate needed for your system. Please include all components listed in question 33 as well as the questions above along with any additional information that can provide clarity.

- **Question 34 (ARM 36.12.1707):** *Describe the size, materials, capacity, and configuration of infrastructure to convey water from all proposed points of diversion to all proposed places of use.*
    - Your Response: Reference Attachment A
    - Deficiency: Attachment A does not have enough information to evaluate the infrastructure to convey water from the point of diversion to the application of the water upon the land. Please submit a cohesive plan detailing the entire system including the size, length, and materials for the diversion. This can include but is not limited to; the size and length of pipe, any connections, any 90 degree or varied fittings, wheel line size and length, and the type and number of irrigation nozzles. Currently the application has multiple options for system design, please submit the final version for evaluation.
- **Question 36 (ARM 36.12.1707):** *Describe your plan of operations, including specific information about how water is delivered within the place of use. This may include, where applicable, the range of flow rates needed for a pivot.*
    - Your Response: To irrigate Field(s)/pasture to assist the growing of crops and grasses.
    - Deficiencies:
        - Please provide an explanation of the operating plan explaining the movement of water though the system including how it can deliver the needed flow rate to the irrigation system for operation and the system utilized to disperse the water. How will the conveyance system adequately provide the flow rate needed for the irrigation system to function.
        - Please clarify the proposed irrigated area. Do you only intend on irrigating the area identified with orange lines on the map in Attachment A? Additionally, the road is under the blue hash marks signifying that it was historically irrigated, is this road newer or was it unintentionally left shaded? Will you be irrigating the areas highlighted in purple below or will those acres be retired? If you intend to irrigate the entirety of the blue hashed area on the map provided, please explain how water will be conveyed to each section and the specific plan of use.



- **Questions 40, 40.a and 40.b (ARM 36.12.112, 36.12.115, and 36.12.1902):**

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

  - Your Response: No was marked
  - Deficiency: The DNRC has standards. Please review the ARM sections listed in the question and the DNRC Water Calculation Guide and answer questions 40.a and 40.b

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

Please submit the information specified above to the Kalispell Regional Office by June 9, 2026. This is the only deficiency letter that will be sent. An application not corrected or completed within 120 days from the date of this letter is terminated per ARM 36.12.1501(2) and §85-2-302(6)(a), MCA.

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

Please contact me at (406) 752-2735 or Abigail.Williams@mt.gov if you have any questions.

Sincerely,

Abigail Williams
Water Resource Specialist
Kalispell Regional Office

Application Materials

- Application
- Any information submitted with Application including maps

Application Materials

APPLICATION TO CHANGE A WATER RIGHT

§ 85-2-302, MCA

Form No. 606 *(Revised 10/2025)*

For Department Use Only

RECEIVED
DNRC Water Resources

JAN 16 2026

Kalispell Unit

FILING FEE

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

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

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

INFORMATION

An application will be eligible for a filing fee reduction and expedited timelines if the applicant completes a preapplication meeting with the Department (ARM 36.12.1302(1)), which includes submitting any follow-up information identified by the Department (ARM 36.12.1302(3)(c)) and receiving either Department-completed technical analyses or Department review of applicant-submitted technical analyses (ARM 36.12.1302(4) and (5)). An application for the proposed project also must be submitted within 180 days of delivery of Department technical analyses or scientific credibility review and no element on the submitted application can be changed from the completed preapplication meeting form (ARM 36.12.1302(6)). If application is eligible for a filing fee reduction, $500 paid for Form 606P-B will be credited toward filing fees shown above.

Application # 30171034 Basin 76LJ

Priority Date 1/16/26 Time 15:09 AM/PM

Rec'd By AW

Fee Rec'd $ 1000.00 Check # 5722

Deposit Receipt # KW26141125-01

Payor Melissa & Larry Hoehn

Refund $ _____ Date _____

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

Applicant Name Justin Hoehn

Mailing Address PO Box 277 City Kalispell State MT Zip 59903

Phone Numbers: Home _____ Work _____ Cell 406-249-8436

Email Address justinhoehn@hotmail.com

Applicant Name _____

Mailing Address _____ City _____ State _____ Zip _____

Phone Numbers: Home _____ Work _____ Cell _____

Email Address _____

Applicant Name _____

Mailing Address _____ City _____ State _____ Zip _____

Phone Numbers: Home _____ Work _____ Cell _____

Email Address _____

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

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

Contact/Representative Name _____

Mailing Address _____ City _____ State _____ Zip _____

Phone Numbers: Home _____ Work _____ Cell _____

Email Address _____

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

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

PREAPPLICATION AND TECHNICAL ANALYSES INFORMATION

1. ☑ **Y** ☐ **N** Do you elect for Department technical analyses to be used for criteria assessment?

2. ☑ **Y** ☐ **N** Did you have a preapplication meeting AND complete a Change Preapplication Meeting Form Part A and Part B (Form 606P-A and 606P-B)?

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

2.a. ☐ **S** Submit the Technical Analyses Addendum (Form 606-TAA).

2.b. ☐ **S** ☐ **NA** Submit the technical analyses, if you elected in question 1 for Applicant technical analyses to be used for criteria assessment. Select "NA" if you elected for Departmental technical analyses.

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

2.c. ☐ **Y** ☑ **N** Has any element of the project described in this application changed from the mandatory elements of the project described in the completed Form 606P? **If yes,**

2.c.i. Please explain.

_____

_____

_____

_____

_____

_____

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

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

2.d.i. Please explain.

_____

_____

_____

_____

_____

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

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

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

APPLICATION ADDENDA AND REVIEW

3. ☐ **S** ☑ **NA** If the proposed change involves one or more places of storage, submit a Change Storage Addendum (Form 606-SA). This does not include reservoirs, pits, pit-dams, or ponds with a capacity less than 0.1 AF; water tanks; or cisterns (ARM 36.12.113(6)).

4. ☐ **S** ☑ **NA** If the project involves an appropriation that is greater than 5.5 CFS and 4,000 acre-feet, submit a Reasonable Use Addendum (Form 606-B).

5. ☐ **S** ☑ **NA** If the project involves out-of-state water use, submit an Out-of-State Use Addendum (Form 600/606-OSA).

6. ☐ **S** ☑ **NA** If the proposed purposes include marketing or selling water, submit a Water Marketing Purpose Addendum (Form 600/606-WMA). This doesn't include marketing for mitigation/aquifer recharge.

7. ☐ **S** ☑ **NA** If the proposed purpose includes instream flow, submit a Change to Instream Flow Addendum (Form 606-IFA).

8. ☐ **S** ☑ **NA** If the proposed purposes include mitigation, aquifer recharge, or marketing for mitigation/ aquifer recharge, submit a Mitigation Purpose Addendum (Form 606/606-MIT).

9. ☐ **S** ☑ **NA** If the project is in designated sage grouse habitat, submit a review letter from the Montana Sage Grouse Habitat Conservation Program.

10. ☐ **S** ☑ **NA** If you propose to add a point of diversion or place of use on State of Montana Trust Land, submit documentation of consent from DRNC Trust Lands Management Division. If you propose to add a place of use on Trust Land with all points of diversion on private land, then, at a minimum, that component of the change authorization will be temporary for the duration of the lease term (§ 85-2-441, MCA).

11. ☐ **Y** ☑ **NA** You must provide a written notice of the application to each owner of an appropriation right sharing a point of diversion or means of conveyance (e.g., canal, ditch, flume, pipeline, or constructed waterway) pursuant to § 85-2-302(4)(c), MCA. Submit a copy of this notice and the recipient list.

APPLICATION DETAILS

12. How many change applications will be needed for this project? Refer to ARM 36.12.1305 for more information. One

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

Water Right No.	**Current Authorized Flow Rate**			**Flow Rate Needed for Project**			**Means of Diversion**
	Flow	*GPM*	*CFS*	*Flow*	*GPM*	*CFS*	
76LJ3016501	45.25	☑	☐	45.25	☑	☐	Pump
		☐	☐		☐	☐	
		☐	☐		☐	☐	
		☐	☐		☐	☐	
		☐	☐		☐	☐	

14. Is the source surface water or groundwater? Surface Water

15. What is the source name? Ashley Creek

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

Water Right No.	76LJ306501				
Point of Diversion	☑	☐	☐	☐	☐
Place of Use	☐	☐	☐	☐	☐
Purpose of Use	☐	☐	☐	☐	☐
Place of Storage	☐	☐	☐	☐	☐

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

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

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

IF YES,

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

POD ID	¼	¼	¼	Sec.	Twp.	Rge.	County	Lot	Block	Tract	Subdivision	Gov. Lot	New or Unchanged
	sw	se	sw	20	28N	21W	Flathead						

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

POD ID	¼	¼	¼	Sec.	Twp.	Rge.	County	Lot	Block	Tract	Subdivision	Gov. Lot

19.c. What is the means of diversion for all *new* PODs? Means of diversion for surface water includes headgate, pump, dam, and others. Means of diversion for groundwater includes well, developed spring, pit pond, and others.

Pump Site within Creek

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

IF YES,

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

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

Acres	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County
	Total							

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

IF YES,

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

IF YES,

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

_____

_____

_____

_____

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

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

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

_____

_____

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

IF QUESTION 23 IS NO,

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

IF QUESTION 23.a IS NO,

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

_____

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

IF QUESTION 23.a.ii IS YES,

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

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

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

IF QUESTION 23.a.iii IS NO,

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

ADVERSE EFFECT

24. Explain how you can control your diversion in response to a call being made.

If a call is made I can shut down my pump/system either by cutting off fuel or electricity to the pump.

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

I will ensure existing water rights will be satisfied appropriately during times of water shortage based upon age of water rights and any calls made.

26. ☐ **Y** ☑ **N** Are you aware of any calls that have been made on the source of supply or, if groundwater, on nearby surface water sources?

26.a. If yes, explain.

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

The ability to make call will be unchanged, it will be easier for me since I will have direct control of the pump/site.

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

28.a. If yes, list the sources.

29. When was the last time each water right proposed for change was appropriated and used beneficially?
The water right(s) are used annually for irrigation.

IF THERE HAS BEEN A PERIOD OF NONUSE,

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

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

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

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

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

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

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

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

Upstream

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

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

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.

Reference Attachment A

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.

Reference Attachment A

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

35.a. If yes, explain.

36. Describe your plan of operations, including specific information about how water is delivered within the place of use. This may include, where applicable, the range of flow rates needed for a pivot.

To irrigate Field(s)/pasture to assist the growing of crops and grasses.

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

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

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

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

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

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

IF YES,

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

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

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

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

BENEFICIAL USE

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

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

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

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

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

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

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

POSSESSORY INTEREST

43. ☐ **Y** ☑ **N** Do you meet one of the exceptions to possessory interest requirements, pursuant to ARM 36.12.1802 and § 85-2-402(2)(d), MCA? Exceptions include cases where the application is for sale, rental, distribution, or is a municipal use, or in any other context in which water is being supplied to another and it is clear that the ultimate user will not accept the supply without consenting to the use of water on the user's place of use, and applications for the purposes of instream flow, mitigation, and marketing for mitigation.

43.a. If yes, explain.

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

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

PROPOSED COMPLETION PERIOD

45. How many years will be needed to complete this project and to submit to the DNRC a Project Completion Notice (Form 618)? 2-4

46. Describe why this amount of time is needed to complete this project.
I am also full time employed in Washington State, balancing continuation of this improvement/recovery to the family homestead while providing for my current family.

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 Justin Hoehn

Applicant Signature Justin Hoehn, 2380862 Digitally signed by Justin Hoehn, 2380862 Date: 2026.01.15 21:16:32 -08'00' Date: 1/15/2026

Printed Name _____

Applicant Signature _____ Date: _____

Printed Name _____

Applicant Signature _____ Date: _____

Attachment A:

Historical Photos:

1946, shows indications/signs of flood irrigation



1954

Taken in October, post any irrigation time

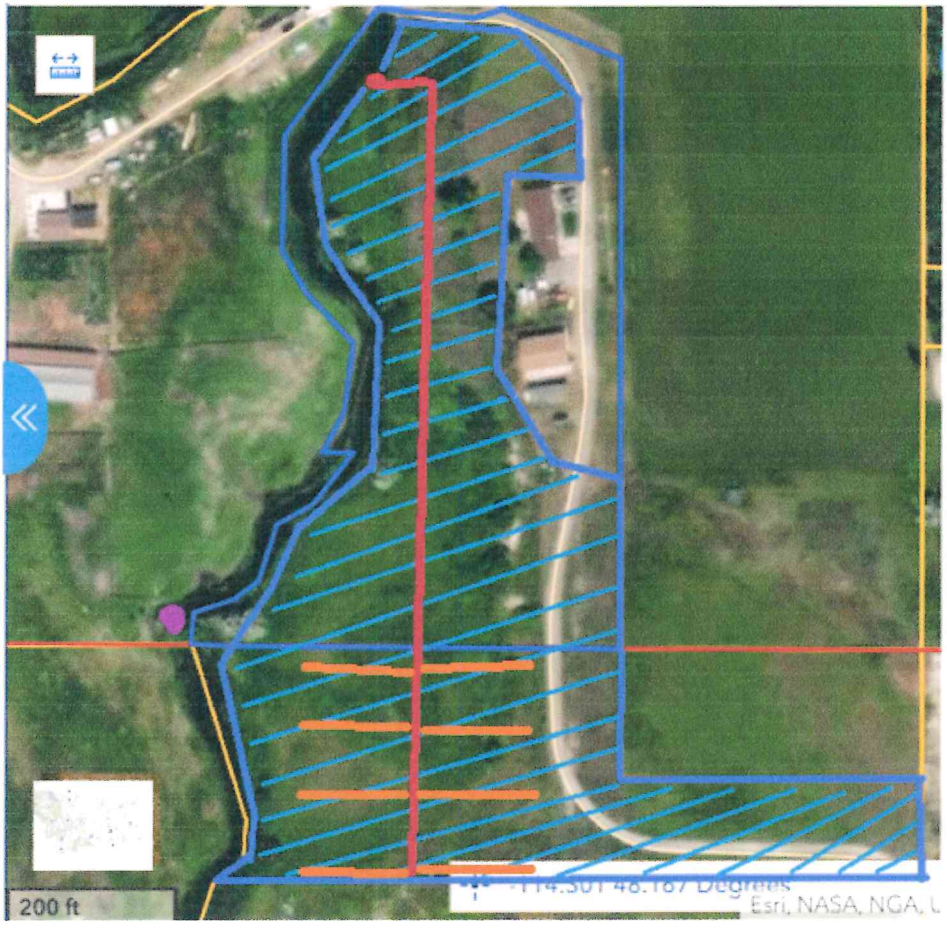


Purple Dot is original Point of Diversion

Red Dot is proposed new Point of Diversion,

Red Line is main line feeding the orange irrigation lines

Hashed blue lines are historical areas that we wish to continue irrigating utilizing the new Point of Diversion



Proposed System Description:

Pump, Positive Displacement at 45 GPM, ensures delivery does NOT exceed flow allowances.

Mainline will be between 3" and 4" aluminum main (goal is to share some standard hardware with Larry's system for ease of maintenance)

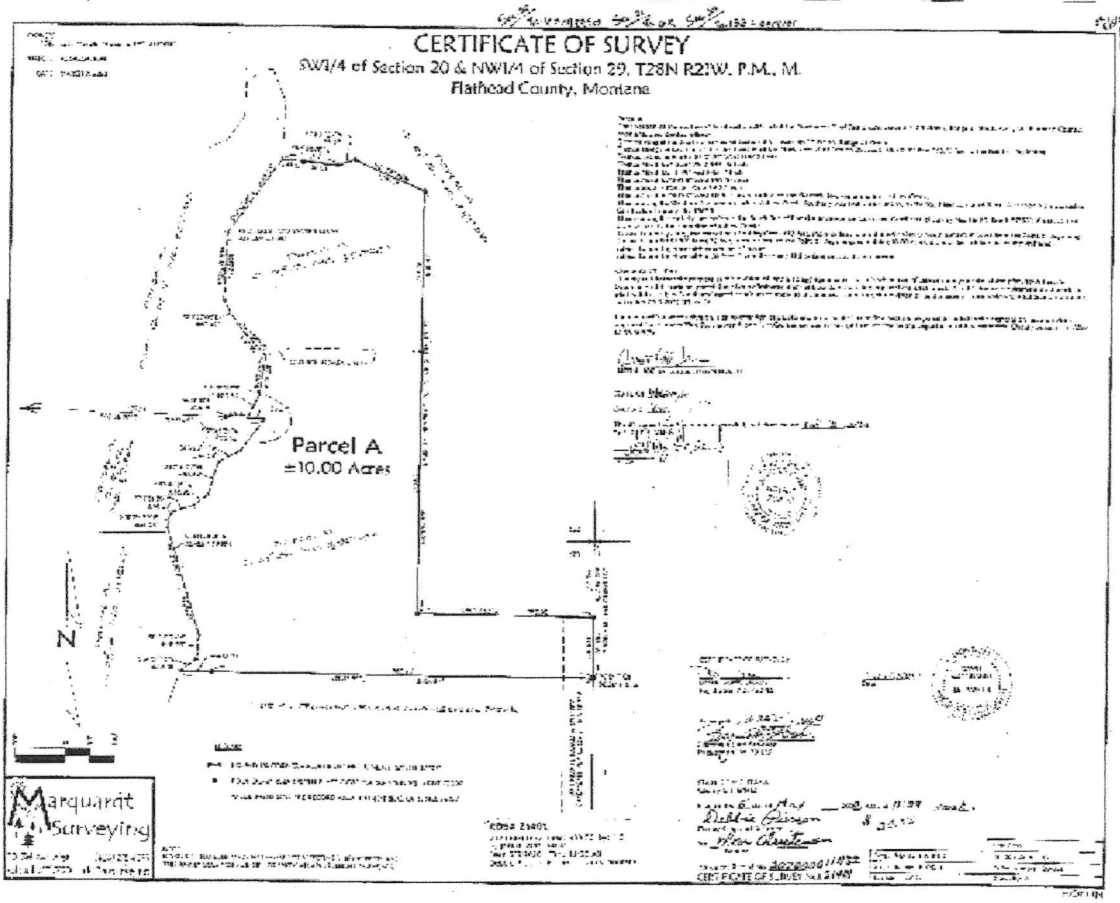
Irrigation pipes will be either 2" or 3" with 9/64" nozzles (again for standardization between systems)

Max number of Irrigation Pipes with 9/64" nozzles: 11 if at 45 PSI system, 12 if at 40 psi system. May consider Larger sprinkler but goal is for commonality.

Max Flow			**45.25**	**GPM**
Nozzle Flow Calculations (9/64")				
				# of nozzels at pressure
Qn	3.61	GPM for 40 psi		12.5
Qn	3.83	GPM for 45 psi		11.8

CERTIFICATE OF SURVEY

SW1/4 of Section 20 & NW1/4 of Section 29, T28N R21W, P.M., M.
Flathead 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

Water Resources Division – Kalispell Regional Office
655 Timberwolf Pkwy, Ste. 4
Kalispell, MT 59901-1215
(406) 752-2288
DNRCKalispellWater@mt.gov

July 25, 2025

JUSTIN HOEHN
PO BOX 277
KALISPELL MT 59903-0277

Subject: Completed Technical Analyses Report for Change Preapplication No. 76LJ 30171034

Dear Applicant,

As designated on the submitted Preapplication Meeting Form per §85-2-302(3)(b), MCA, the Department of Natural Resources and Conservation (Department) has completed the technical analyses for Change Preapplication No. 76LJ 30171034 based on the information provided in your Preapplication Meeting Form accepted by the Department on June 11, 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 §85-2-402, MCA if you submit a Form 606 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 in §85-2-402, MCA.

You have 180 days to submit the Water Right Change Application Form 606 considering the information provided in the technical analyses and Preapplication Meeting Form. If the Application Form is not submitted to the Kalispell Regional Office by January 21, 2026, a new preapplication meeting will be required to process the Application with expedited timelines (ARM 36.12.1302(6)(b)). If any details described in the submitted Application are changed from that of the submitted Preapplication Meeting Form, the discounted filing fee and expedited timelines will not apply (ARM 36.12.1302(6)(a)). Please note that the technical analyses will expire one year from the date of this letter (ARM 36.12.1302(8)).

Please contact me at (406) 752-2702 or Joseph.Howerton@mt.gov if you have any questions about the application process.

Sincerely,

Joseph Howerton
Water Resource Specialist
Kalispell Regional Office

Encl.: Surface Water Change Technical Analyses Report for Change Preapplication No. 76LJ 30171034

Surface Water Change Technical Analyses Report

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

Joey Howerton, Water Resources Specialist, Kalispell Regional Office

Application No.	76LJ 30171034	**Proposed Point of Diversion**	SWSESW SECTION 20, TOWNSHIP 28N, RANGE 21W
Applicant	JUSTIN HOEHN		

Overview

This report analyzes data submitted by the Applicant in support of the above-mentioned water right change application. This report provides technical analyses as required under the Administrative Rules of Montana (ARM) 36.12.1303 in support of the water rights criteria assessment as required in §85-2-402, Montana Code Annotated (MCA). This report was completed by regional office staff.

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

Overview 1
1.0 Application Details 2
2.0 Historical Use Technical Analysis 3
2.1 Historical Field Consumed and Applied Volumes 3
2.2 Historical Conveyance Losses 3
2.3 Historical Diverted Volume 3
2.4 Summary of Historical Use 4
3.0 Analysis of Impacted Surface Water Sources 4
3.1 Summary of Proposed Use 4
3.2 Area of Potential Adverse Effect 5
Review 5
References 5
Appendix A: Water Rights within the Area of Potential Adverse Effect 5

1.0 Application Details

The Applicant proposes to establish a new point of diversion (POD) for Statement of Claim No. 76LJ 30165010. Statement of Claim No. 76LJ 30165010 was created when it was split from its parent water right – Statement of Claim No. 76LJ 19042-00. The historical POD currently tied to Statement of Claim No. 76LJ 30165010 will remain in use by the owners of Statement of Claim No. 76LJ 19042-00. The Applicant seeks to establish their own new POD and discontinue using the historical (existing) POD. The place of use is located in the S2SESW of Section 20 and the NENENW of Section 29, Township 28N, Range 21W (Figure 1). The project is in Flathead County and the source is Ashley Creek, which is a tributary of the Flathead River. No changes in the place or purpose of use are proposed and this water right does not involve storage.

Table 1: Water Right Proposed for Change

Water Right Number	Flow Rate	Volume	Purpose	Period of Use	Place of Use	Point of Diversion	Priority Date
76LJ 30165010	45.25 GPM	24.06 AF	Irrigation	6/01-9/30	6.2 acres – SESESW 20 28N 21W Flathead 3.8 acres – NENENW 29 28N 21W Flathead	SWSESW 20 28N 21W Flathead	09/30/1919

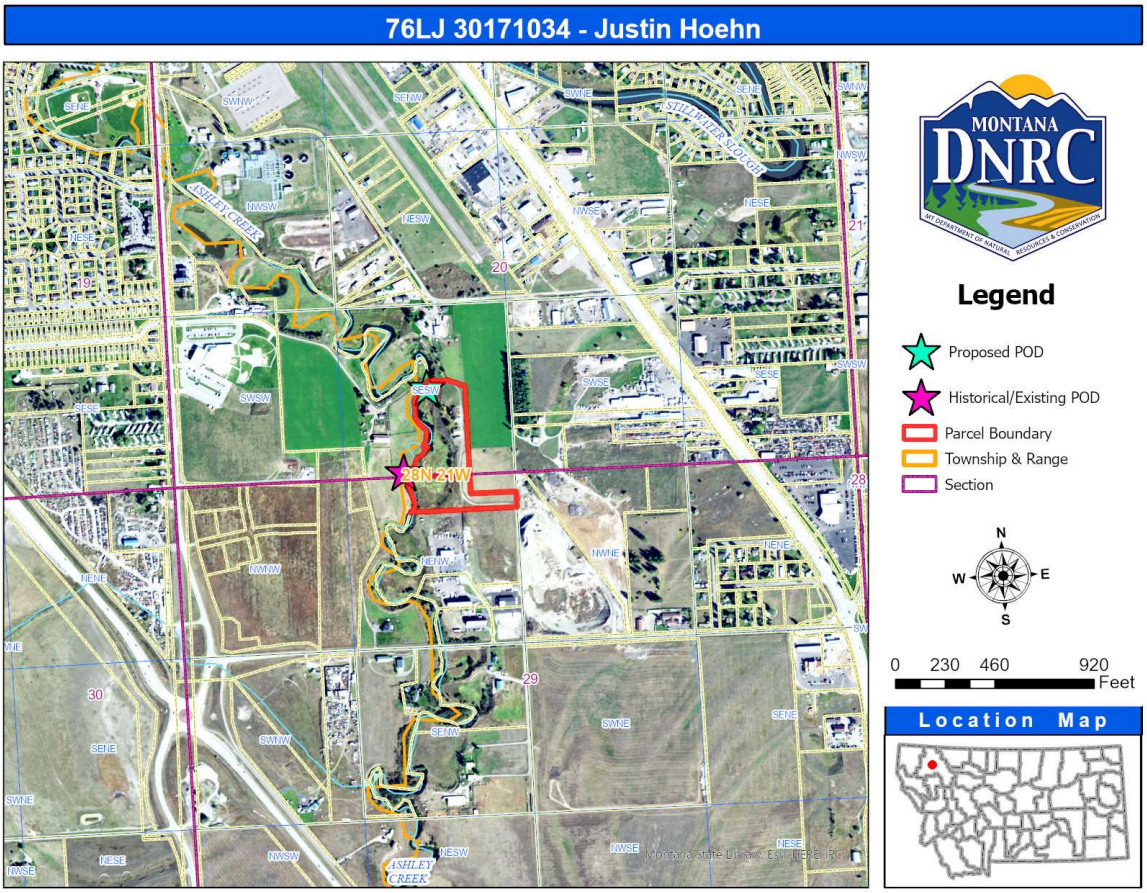


Figure 1: Map of the existing and proposed points of diversion on the source and the place of use.

2.0 Historical Use Technical Analysis

2.1 Historical Field Consumed and Applied Volumes

The consumed volume for irrigation is based on the net irrigation requirement (NIR) from USDA Natural Resources Conservation Service Irrigation Water Requirements (IWR) at a representative weather station. The NIR is multiplied by a county-wide management factor (from ARM 36.12.1902) to produce an adjusted NIR representative of actual crop yields in Montana. Crop consumption is determined by multiplying the adjusted NIR by the number of acres of irrigation.

Crop consumption is then divided by the field efficiency identified from the irrigation method and ARM 36.12.115. Irrecoverable losses (IL) are 5% of the field applied volume for flood irrigation or 10% for sprinkler irrigation. The total consumed volume for irrigation is the crop consumption plus irrecoverable losses. The total non-consumed volume is the field applied volume minus the total consumed volume.

Under Statement of Claim No. 76LJ 30165010, the Applicant historically irrigated 10.0 acres of rotating crops including alfalfa, canola, potatoes, and winter wheat. The most recent crop grown in the 2024 season was alfalfa. Of the irrigated acres, 6.2 are in Section 20, Township 28N, Range 21W and 3.8 are in Section 29, Township 28N, Range 21W. The Applicant primarily used wheel line sprinklers along with some hand line sprinklers to irrigate the place of use. This Statement of Claim does not involve storage.

The historical consumed and field applied volumes have been calculated with the inputs shown in **Table 2** following the methods described above and in ARM 36.12.1902.

Table 2: Historical use.

Irrigation Method	Acres	IWR (in)[1]	Mgmt. Factor[2]	Field Efficiency	Crop Consumption (AF)	Applied Volume (AF)	IL (AF)	Total Consumed Volume (AF)	Field Application Volume (AF)
Sprinkler (Wheel line)	10	16.45	0.88	0.70	12.01	17.16	1.72	13.72	17.16
Total	10	16.45	0.88	0.70	12.01	17.16	1.72	13.72	17.16

[1] Kalispell IWR Weather Station
[2] Flathead County Historical Use Management Factor (1964-1973)

2.2 Historical Conveyance Losses

There are no historical conveyance losses considered for the historical use of Statement of Claim No. 76LJ 30165010 because the historical means of conveyance is closed pipe.

2.3 Historical Diverted Volume

Per ARM 36.12.1902(10), the historically diverted volume is equal to the sum of the historical field application volume and historical conveyance loss volume. **Table 3** below summarizes the historical field applied and conveyance loss volumes.

Table 3: Historic Diverted Volume of Statement of Claim No. 76LJ 30165010				
Water Right No.	**Field Application Apportionment**	**Apportioned Field Application Volume (AF)**	**Apportioned Conveyance Loss Volume**	**Apportioned HDV**
76LJ 30165010	1.0	17.16	N/A (closed pipe, no conveyance losses)	17.16
Total	**1.0**	**17.16**	**N/A (closed pipe, no conveyance losses)**	**17.16**

2.4 Summary of Historical Use

The Department will consider the following values when evaluating the historical use of Statement of Claim No. 76LJ 30165010 for the adverse effect criterion:

Table 4: Summary of historical use of Statement of Claim No. 76LJ 30165010							
Water Right No.	**Historical Purpose**	**Maximum Historical Acres**	**Historical Place of Use**	**Historical Point of Diversion**	**Maximum Historical Flow Rate (GPM)**	**Historically Consumed Volume (AF)**	**Historically Diverted Volume (AF)**
76LJ 30165010	Irrigation	10.0	6.2 acres – S2SESW 20 28N 21W 3.8 acres – N2NENW 29 28N 21W	SWSESW Sec 20, Twp 28N, Rge 21W	45.25	13.72	17.16

3.0 Analysis of Impacted Surface Water Sources

3.1 Summary of Proposed Use

The Applicant proposes to use Statement of Claim No. 76LJ 30165010 as shown in **Table 5**.

Table 5: Summary of the proposed use of Statement of Claim No. 76LJ 147164-00. See below for an explanation of the proposed use.							
Water Right No.	**Proposed Purpose**	**Proposed Acres**	**Proposed Place of Use**	**Proposed Point of Diversion**	**Proposed Flow Rate (GPM)**	**Proposed Consumptive Volume (AF)**	**Proposed Diverted Volume (AF)**
76LJ 30165010	Irrigation	10.0	6.2 acres – S2SESW 20 28N 21W 3.8 acres – N2NENW 29 28N 21W	***SWSESW 20 28N 21W****	45.25	13.72	17.16

* Bold italicized text indicates the water right element proposed for change.
** The POD is being moved to a new location that remains within the historical 10-acre legal land description.

3.2 Area of Potential Adverse Effect

The Department has considered a potentially impacted reach on the source of supply. This reach was determined by accounting for the location of the proposed and historical (existing) point of diversion. This reach extends from the SWSESW of Section 20, Township 28N, Range 21W downstream to the location of the historical (existing) POD at SWSESW of Section 20, Township 28N, Range 21W. There are 3 water rights within the reach, as illustrated in Appendix A.

Review

This document has been reviewed by the Department on July 25, 2025.

References

Department Standard Practice for Determining Historical Use
Department Standard Practice for Analyzing Area of Potential Adverse Effect

Appendix A: Water Rights within the Area of Potential Adverse Effect

Appendix A: Water right within the AOPI		
Water Right Number	Purpose / Means of Diversion	Flow Rate (CFS)
76LJ 19042-00	IRRIGATION	1.15
76LJ 30165011	IRRIGATION	0.23
76LJ 30163969	IRRIGATION	0.13

Preapplication Materials

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

Preapplication Materials

June 11, 2025

Justin Hoehn
PO Box 277
Kalispell MT 59903

Subject: Complete Preapplication Form for Change Application No. 76LJ 30171034

Dear Applicant,

The Kalispell Regional Office of the Department of Natural Resources and Conservation (DNRC or Department) received your updated Preapplication Meeting Form and preapplication meeting fee on June 4, 2025, and the Department deems the submitted Preapplication Meeting Form to be successfully completed per ARM 36.12.1302 on June 11, 2025.

As designated on the submitted Preapplication Meeting Form per §85-2-302(3)(b), MCA, the Department will produce the technical analyses based on the parameters included in the Preapplication Meeting Form (ARM 36.12.1302(4)) within 45 days of June 11, 2025.

Let me know if you have any questions.

Best,

Joseph P. Howerton

Joseph Howerton
Water Resources Specialist
Kalispell Regional Office
655 Timberwolf Parkway, Suite 4
Kalispell, MT 59901

PREAPPLICATION MEETING FORM: PART B
CHANGE

§ 85-2-302(3)(b), MCA
Form No. 606P-B *(Revised 02/2025)*

For Department Use Only

Application # 30171034 Basin 76W
Form Received LP
Fee Rec'd $ 500.00 Check # 1413
Deposit Receipt # KLW2525332
Payor Hoehn, Justin T
Form Returned _____
Refund $ _____ Date _____

RECEIVED
DNRC Water Resources
JUN 04 2025
Kalispell Unit

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 Applicant is responsible for providing a "Follow-up Responses" document for all follow-up identified in Preapplication Meeting Form Part A (Form 606P-A). The Applicant may not alter Form 606P-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 606P-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 606P-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 606P-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 606P-A?

If yes,

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

3. ☑ **Y** ☐ **N** Are you submitting amended responses to any questions from Form 606P-A?

If yes,

a. ☑ **S** Submit "Amended Responses" document and record in the table below each question number with an amended response. The amended response will entirely replace the previous response; the amended response cannot build off the previous response.

Question No.	Question No.	Question No.	Question No.
8			
9			

FOLLOW-UP AND AMENDED RESPONSES AFFIDAVIT & CERTIFICATION

"I attest that this preapplication meeting form (Form 606P-A and Form 606P-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))."

Justin Hoehn, 2380862 Digitally signed by Justin Hoehn, 2380862
Date: 2025.06.03 14:23:36 -07'00'

Applicant Signature — Date: 6/3/2025

Applicant Signature — Date

"We confirm that the preapplication form (Form 606P-A and Form 606P-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))."

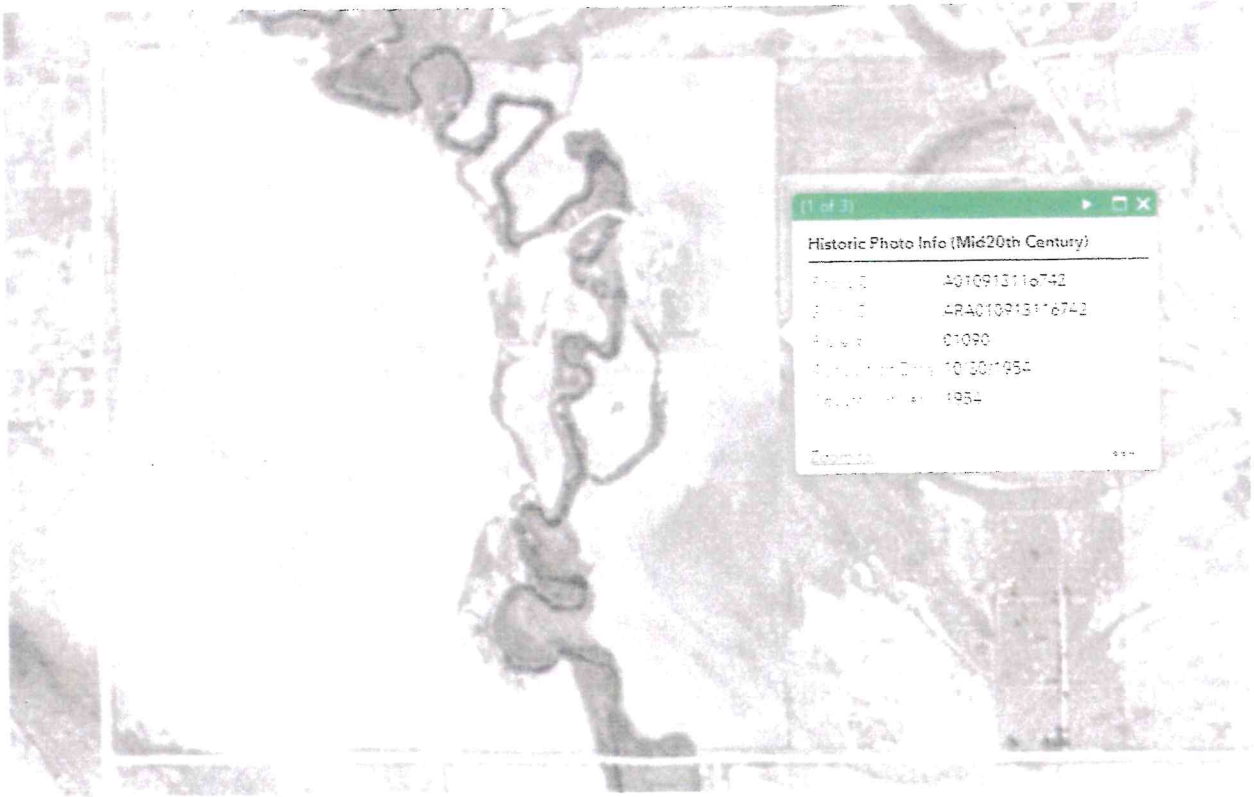
Joseph P. Howerton — Department Signature — Date: 6/04/2025

Department Signature — Date

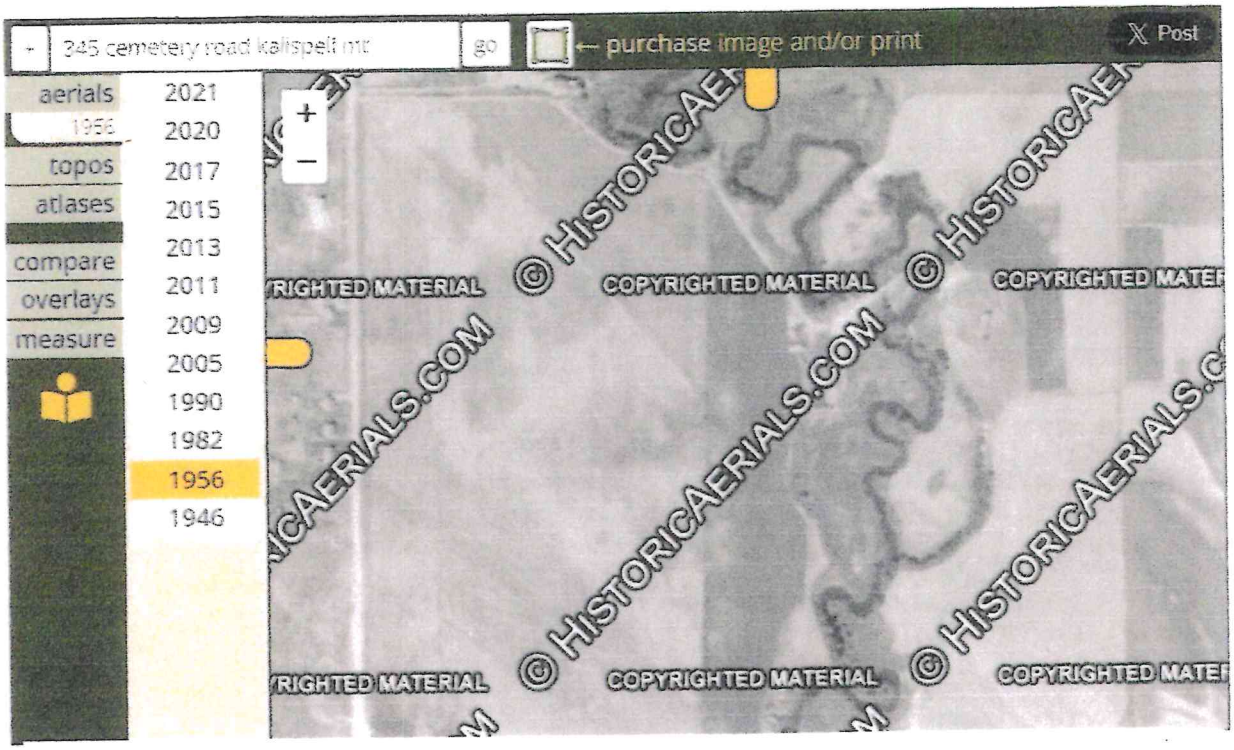
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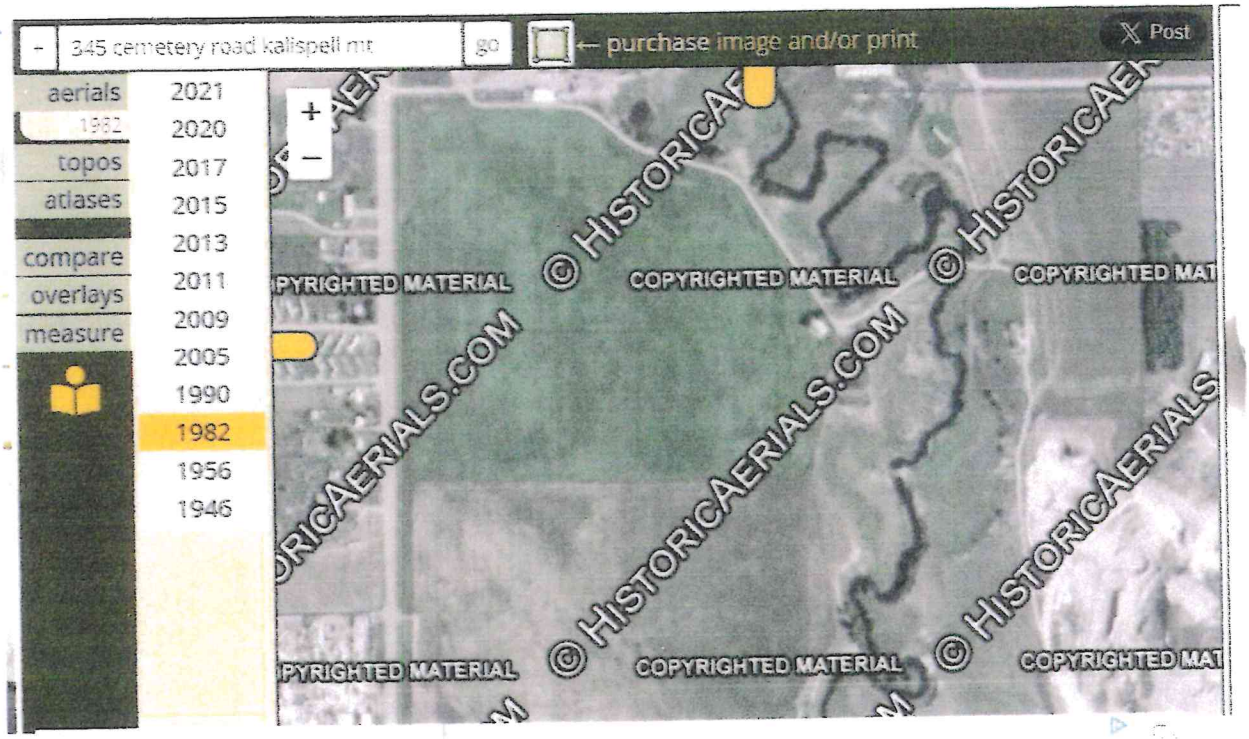
1954 3. add additional info (POD)



1956


345 cemetery road kalispell mt
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1982


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1956
1946
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Purple Dot is original Point of Diversion

Red Dot is proposed new Point of Diversion

Hashed blue lines are historical areas that we wish to continue irrigating utilizing the new Point of Diversion



PREAPPLICATION MEETING FORM: PART A

CHANGE

§ 85-2-302(3)(b)

Form No. 606P-A *(Revised 02/2025)*

For Department Use Only

Application # 30171034 Basin 76LJ

Meeting Date 05/30/2025 Time 14:00

Variance Request Deadline 10/15/2025

Completed Form Deadline 11/26/2025

RECEIVED
05/30/2025
DNRC
KALISPELL WATER RESOURCES

PREAPPLICATION MEETING FEE

$ 500

FILING FEE REDUCTION & EXPEDITED TIMELINE

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

The Department will fill out Form 606P-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 606P-B), including identified follow-up, any amended responses, and the Follow-up and Amended Responses Affidavit & Certification.

Applicant Information: *Add more as necessary.*

Applicant Name Hoehn, Justin
Mailing Address PO BOX 277 City Kalispell State MT Zip 59903
Phone Numbers: Home 406-246\9-8436 Work _____ Cell _____
Email Address JTHOEHN@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. If a contact person is identified as a consultant, employee, or lessee, the individual filing the water right form or objection form will receive all correspondence and a copy may be sent to the contact person. (ARM 36.12.122)*

Meeting Attendees: *Add more as necessary.*

Name	Organization	Position
Hoehn, Larry, Melissa, Justin	Applicants	Applicants
Jim Ferch	DNRC	Regional Manager
Travis Wilson	DNRC	Water Resource Specialist

Table of Contents

Application Details 4
Historical Use 10

Historical Use: Place of Use 14
Historical Use: Point of Diversion 16
Historical Use: Period of Diversion 18
Historical Use: Historical Diverted Volume 19
Historical Use: Historical Consumed Volume 21
Historical Use: Historical Places of Storage 25

Surface Water 25

Return Flow Analysis 25
Extended Return Flow Analysis 27

GROUNDWATER 28

Groundwater Analysis for Changes 28
Groundwater Analysis: Well/Pumping Pit 28
Groundwater Analysis: Developed Spring 30
Groundwater Analysis: Pond 31

Surface Water Depletion Analysis for Changes 32
Surface Water Depletion Analysis: Well/Pumping Pit 32
Surface Water Depletion Analysis: Developed Spring 33
Surface Water Depletion Analysis: Pond 34
Extended Surface Water Depletion Analysis 35

Return Flow Analysis 36
Extended Return Flow Analysis 38

Mandatory Project-Specific Questions 39

Temporary Change 39
Change in Purpose 40
Ditch-Specific Questions 41
Change in Place of Storage 46
Mitigation, Aquifer Recharge, and Marketing for Mitigation/Aquifer Recharge 47
Instream Flow 51
Salvage Water 52

Non-Mandatory Questions for Criteria Analysis 53

Adverse Effect 53
Adverse Effect: Evaluation of Impacts to Identified Surface Water Rights for Return Flow Analysis 55
Adverse Effect: Evaluation of Impacts to Identified Water Rights for Surface Water Depletion Analysis 60

Adequate Means of Diversion and Operation 66
Beneficial Use 67
Possessory Interest 68
Non-Mandatory Project-Specific Questions 68
Change in Place of Storage 68
Instream Flow Change 69
Mitigation, Aquifer Recharge, and Marketing for Mitigation 70
Water Marketing 70

FOLLOW-UP 72
PREAPPLICATION MEETING AFFIDAVIT & CERTIFICATION 74

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?	☑ Y ☐ N	☐ F
2. How many change applications will be needed for this project? Please refer to ARM 36.12.1305 for more information. One		☐ F
3. Which water right(s) are proposed for change?	☐ A	☐ F

Water Right No.	Current Authorized Flow Rate			Flow Rate Needed for Project			Means of Diversion
	Flow	*GPM*	*CFS*	*Flow*	*GPM*	*CFS*	
76LJ 30165010	45.25	☑	☐	45.25	☑	☐	Pump
		☐	☐		☐	☐	
		☐	☐		☐	☐	
		☐	☐		☐	☐	
		☐	☐		☐	☐	

4. Is the proposed change on a non-filed water project?	☐ Y ☑ N	☐ F
a. If yes, please submit a Non-Filed Water Project Addendum (Form 606/634-NFWPA). The project must meet the requirements of the addendum. The addendum is required before the Preapplication Meeting Form is completed.	☐ S	☐ F

5. Is the source surface water or groundwater? Surface water		
6. What is the source name? Ashley Creek		
7. Identify the water right elements proposed for change, with a checkmark, for each water right proposed for change.	☑ A	☐ F

Water Right #	76LJ 30165010					
Point of diversion	☑	☐	☐	☐	☐	☐
Place of use	☐	☐	☐	☐	☐	☐
Purpose of use	☐	☐	☐	☐	☐	☐
Place of storage	☐	☐	☐	☐	☐	☐

8. Submit a historical use map created on an aerial photograph or topographic map that shows the following: section corners, township and range, scale bar, north arrow, all historical points of diversion (POD) labeled with a unique POD ID ("H" followed by a number), all historical places of use (POU), all historical conveyance structures, all historical places of storage, and historical place of use for all overlapping water rights. More than one map may be submitted, if necessary to clearly convey all required information.	☐ S	☑ F
9. Submit a proposed use 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 ("P" followed by a number), all proposed places of use, all proposed conveyance structures, all proposed places of storage, and proposed place of use for all overlapping water rights. More than one map may be submitted, if necessary to clearly convey all required information.	☐ S	☑ F
10. Does the change involve a change in point of diversion?	☑ Y ☐ N	☐ F
a. If yes, describe the location for all *new* and *unchanged* points of diversion to the nearest 10 acres. Label POD ID with the POD ID assigned for the proposed use map (question 9).	☐ A	☐ F

POD ID	¼	¼	¼	Sec	Twp	Rge	County	Lot	Block	Tract	Subdivision	Gov. Lot	New or Unchanged
1P	SW	SE	SW	20	28N	21W	Flathead						New (& old)

11. Describe the location of all historical PODs you propose to *retire*. Label POD ID with the POD ID assigned for the historical use map (question 8). If none are proposed for retirement, write "N/A" here: NA	☐ A	☐ F

POD ID	¼	¼	¼	Sec.	Twp.	Rge	County	Lot	Block	Tract	Subdivision	Gov. Lot

12. What is the means of diversion for all *new* PODs? Means of diversion for surface water includes headgate, pump, dam, and others. Means of diversion for groundwater includes well, developed spring, pit pond, and others. Pump site within creek		☐ F
13. Does the change involve a change in place of use?	☐ Y ☑ N	☐ F
a. If yes,		
i. What are the geocodes of the proposed place of use?	☐ A	☐ F

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

Acres	Gov't Lot	¼	¼	¼	Sec	Twp	Rge	County
	Total							

iii. Do other water rights supplement or overlap the historical and/or proposed place of use?	☐ Y ☑ N	☐ F
1. If yes,		
a. How were the water rights operated to serve the historical purposes and how will they be operated to serve the proposed purposes? _____ _____ _____ _____	☐ A	☐ F
b. For each supplemental or overlapping water right, please list whether they contribute water for historical use, proposed use, or both; the average period of contribution (MM/DD-MM/DD); flow rate contributed (GPM or CFS); and, if known, the volume of water contributed (AF) contributed (otherwise write "unknown").	☐ A	☐ F

Water Right No.	**Contributions to Use**			**Average Period of Contribution**	**Flow Rate Contributed**			**Volume Contributed**
	Hist.	*Prop.*	*Both*	*MM/DD-MM/DD*	*Flow*	*GPM*	*CFS*	*AF*
	☐	☐	☐			☐	☐	
	☐	☐	☐			☐	☐	
	☐	☐	☐			☐	☐	

14. Does the proposed change include a change in purpose of use? If yes, answer questions 101 to 108 for change in purpose of use and question 13.a.iii for supplemental or overlapping water rights.	☐ Y ☑ N	☐ F
15. Are conveyance ditches used for historical or proposed uses? If yes, answer ditch-specific questions 109 to 115.	☐ Y ☑ N	☐ F
16. Do you propose to add or modify 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 mandatory questions 116 to 123. Additionally, you may choose to answer non-mandatory questions 175 to 179. A Change Storage Addendum (Form 606-SA) will be required at application submittal.	☐ Y ☑ N	☐ F
17. Is the proposed use temporary? If yes, answer questions 94 to 100 for temporary changes.	☐ Y ☑ N	☐ F
18. Are you filing on behalf of another entity? If yes, describe. _____ _____	☐ Y ☑ N	☐ F

19. Do you own the entire historical place of use for all water rights proposed for change?	☑ Y ☐ N	☐ F
a. If no, was the water historically used for sale, rental, distribution, municipal use, or any other context in which water is being supplied to another and it is clear that the ultimate user would not accept the supply without consenting to the use of water on the user's place of use?	☐ Y ☐ N	☑ F
i. If no,		
1. List the water rights for which you do not own the entire historical place of use. _____	☐ A	☐ F
2. Are the water rights listed in question 19.a.i.1 severed from the historical POU?	☐ Y ☐ N	☐ F
a. If yes, do you own the entirety of the severed water rights proposed for change?	☐ Y ☐ N	☐ F
i. If yes, skip to question 20. If no, answer question 19.a.i.3.		
b. If no, answer question 19.a.i.3.		
3. Are all owners of the historical place of use or, if applicable, owners of the severed water rights, willing to sign the application?	☐ Y ☐ N	☐ F
a. If no,		
i. A Form 641 or 642 to split the water rights being changed must be received and processed by the Department prior to application submittal.		
ii. Describe how the water rights will be split, and which part of the split water rights will be proposed for change. _____ _____ _____	☐ A	☐ F
20. Are you proposing to add a point of diversion or place of use on State of Montana Trust Land?	☐ Y ☑ N	☐ F
a. If yes,		
i. Documentation of consent from the DNRC Trust Lands Management Division will be required at application submittal.		
ii. Do you propose to add a place of use on Trust Land with all points of diversion on private land? If yes, the change authorization will be temporary for the duration of the lease term (§85-2-441, MCA); answer temporary change project-specific questions 94 to 100.	☐ Y ☐ N	☐ F

21. Will your system be designed to discharge water from the project?	☐ Y ☑ N	☐ F
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. _____ _____ _____	☐ A	☐ F
22. Is the application to change the purpose of use or place of use of an appropriation of 4,000 or more acre-feet (AF) of water a year and 5.5 or more cubic feet per second (CFS)? If yes, you must submit a Reasonable Use Addendum (Form 606-B) with the application. The reasonable use criteria are found in §85-2-402(4-5), MCA.	☐ Y ☑ N	☐ F
23. Will you be transporting water for use outside of Montana? If yes, you will need to submit an Out-of-State Use Addendum (Form 600/606-OSA) with the application. The out-of-state use criteria are outlined in §85-2-402(6), MCA.	☐ Y ☑ N	☐ F
24. 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.	☐ Y ☑ N	☐ F
25. Does the application include a mitigation, aquifer recharge, or marketing for mitigation/aquifer recharge purpose? If yes, answer mandatory questions 124 to 129. Additionally, you may choose to answer non-mandatory questions 185 to 190. A Mitigation Addendum (Form 600/606-MIT) will be required with application submittal.	☐ Y ☑ N	☐ F
26. Does the application include the water marketing purpose? This does not include marketing for mitigation/aquifer recharge. If yes, answer the following question. Additionally, you may choose to answer non-mandatory questions 191 to 195. A Water Marketing Purpose Addendum (Form 600/606-WMA) will be required with application submittal.	☐ Y ☑ N	☐ F
a. For what purposes will the marketed water be used? _____ _____ _____	☐ A	☐ F
27. Does the proposed purpose include instream flow? If yes, answer mandatory questions for instream flow changes 130 to 136. Additionally, you may choose to answer non-mandatory questions 180 to 184. A Change to Instream Flow Addendum (Form 606-IFA) will be required with application submittal.	☐ Y ☑ N	☐ F
28. Will the proposed use include water made available through creation of a "water saving method" (i.e., salvage water) as defined in ARM 36.12.101? If yes, answer questions 137 to 141 for Salvage Water.	☐ Y ☑ N	☐ F

Historical Use

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

Questions, Narrative Responses, and Tables	Check-boxes	Follow-Up
29. What is the water right type for each water right proposed for change? Answer question 30 for each Statement of Claim, question 31 for each Provisional Permit, and question 32 for water right that is not a Statement of Claim or Provisional Permit. Statement of Claim	☐ A	☐ F
30. In the table below, write the water right number for each Statement of Claim proposed for change in the "Statement of Claim Number" column. If there is one or more previous change authorizations, write the application numbers for the change authorizations in the "Previous Change Authorization Number" column. If there are no previous change authorizations, write "none" in the "Previous Change Authorization Number" column and "N/A" in all the remaining columns. Write the date of the Project Completion Notice for each previous change authorization in the "Project Completion Notice Date" column and if no Project Completion Notice has been submitted, write "none" instead. In the "Previous Historical Use Analysis Quality" column, describe the quality of the previous historical use analysis.	☐ A	☐ F

Statement of Claim Number	Previous Change Authorization Number	Project Completion Notice Date	Previous Historical Use Analysis Quality
76LJ 30165010	NA	NA	NA

31. In the table below, write the water right number for each Provisional Permit proposed for change in the "Provisional Permit Number" column. In the "Project Completion Notice Date" column, write the date of the Project Completion Notice and if no Project Completion Notice has been submitted, write "none" instead. Write the application number for each previous change authorization in the "Previous Change Authorization Number" column. If there are no previous change authorizations, write "none" in the "Previous Change Authorization Number" column and "N/A" in all the remaining columns. Write the date of the Project Completion Notice for each previous change authorization in the "Previous Change Project Completion Notice" column and if no Project Completion Notice has been submitted, write "none" instead. In the "Previous Change Historical Use Analysis Quality" column, describe the quality of the previous historical use analysis.	☐ A	☐ F

Provisional Permit Number	Project Completion Notice Date	Previous Change Authorization Number	Previous Change Project Completion Notice Date	Previous Historical Use Analysis Quality

32. In the table below, write the water right number for each water right proposed for change that is not a Statement of Claim or Provisional Permit, the type of water right, and the completion date. If a Groundwater Certificate, the completion date will be the date of filing. If an exempt or non-filed water right, the completion date will be July 1, 1973. If there are one or more previous change authorizations, write the application number for each change authorization in the "Previous Change Authorization Number" column. If there are no previous change authorizations, write "none" in the "Previous Change Authorization Number" column and "N/A" in all the remaining columns. Write the date of the Project Completion Notice for each previous change authorization in the "Previous Change Project Completion Notice Date" column and if the previous change authorization does not have a Project Completion Notice, write "none" instead. In the "Previous Historical Use Analysis Quality" column, describe the quality of the previous historical use analysis.	☐ A	☐ F

Water Right Number	Water Right Type	Completion Date	Previous Change Authorization Number	Previous Change Project Completion Notice Date	Previous Historical Use Analysis Quality

33. Are there previous Montana Water Court approved stipulations, Water Master reports, or prior Montana Water Court or Department decisions related to the water right(s) being changed?	☐ Y ☑ N	☐ F
a. If yes, explain. _____ _____ _____ _____ _____ _____	☐ A	☐ F
34. Fill in the table below based on ARM 36.12.1902(1) and the information provided in questions 29 to 33. In column "Water Right Number", list all water rights proposed for change. Select one of the three historical use analysis options and fill in the required information associated with that option. Select "Full Historical Use Analysis N/A" only if an unperfected Provisional Permit will be used to serve as historical use in lieu of analysis. If the "Existing Historical Use Analysis" or "Full Historical Use Analysis N/A" option is selected, skip to question 57 because this section is complete.	☐ A	☐ F

Water Right No. Proposed for Change	**Historical Use Analysis Options**
76LJ 30165010	☑ New Historical Use Analysis. Date for which historical use will be analyzed: Pre-1973
	☐ Existing Historical Use Analysis. Change authorization number with existing Historical Use Analysis: _____
	☐ Full Historical Use Analysis N/A. Water right number serving as historical use in lieu of analysis: _____

	☐ New Historical Use Analysis. Date for which historical use will be analyzed: _____
	☐ Existing Historical Use Analysis. Change authorization number with existing Historical Use Analysis: _____
	☐ Full Historical Use Analysis N/A. Water right number serving as historical use in lieu of analysis: _____
	☐ New Historical Use Analysis. Date for which historical use will be analyzed: _____
	☐ Existing Historical Use Analysis. Change authorization number with existing Historical Use Analysis: _____
	☐ Full Historical Use Analysis N/A. Water right number serving as historical use in lieu of analysis: _____

35. Do you have knowledge of historical use?	☑ Y ☐ N	☐ F
a. If yes,		
i. Is this firsthand knowledge?	☑ Y ☐ N	☐ F
ii. Who has this knowledge and what was their role? Hoehns, owners	☐ A	☐ F
b. If no, where will the historical use data be derived? _____ _____	☐ A	☐ F

*Fill out the remaining Historical Use questions (questions 37 to 56) **one time for each** water right proposed for change. Use the "Additional Water Right Historical Use (606P)" sheet for each additional water right. You may answer **one time for all** water rights proposed for change that have the same purposes, place of use, supplemental water rights, points of diversion, period of use, conveyance, diverted volume parameters, and consumptive volume parameters.*

36. What is the water right number for which questions 37 to 56 will be answered? 76LJ 30165010		☐ F

Historical Use: Place of Use

NA

37. The historical use map submitted for question 8 must clearly identify the entire place of use for each overlapping water right that intersects the historical place of use. Does your historical use map meet this requirement?	☐ Y ☐ N	☑ F
38. Are you proposing to change all water rights associated with the historical place of use?	☑ Y ☐ N	☐ F
a. If no, identify the water rights associated with the historical place of use that are not included in this application. Provide the priority date for each water right and explain why all overlapping water rights are not included in the application. Include water received via contract from a company, district, or water users' association.	☐ A	☐ F

Water Right No.	Priority Date	Reason Not Included in Change

39. Answer the section of this question relevant to the historical purpose. If there is more than one purpose, then answer all relevant parts of this question.		
a. All purposes		
i. Does the legal land description from the abstract encompass the actual location of the historical place of use?	☑ Y ☐ N	☐ F
1. If no, explain the discrepancy and submit historical aerial photographs and/or other data sources to corroborate the location of these historical places of use, and, if a Statement of Claim, submit documentation of a written request submitted to the Water Court for amendment of the Claim. _____ _____	☐ S	☐ F
b. Irrigation		
i. Is the water right being changed a Statement of Claim?	☑ Y ☐ N	☐ F
1. If yes, does the Water Resources Survey corroborate the acres irrigated listed on the abstract?	☑ Y ☐ N	☐ F
a. If no, submit evidence that can corroborate the historical place of use, including the number of irrigated acres. This includes, but is not limited to, aerial photographs, irrigation journals, or logs.	☐ S	☐ F
2. If no, submit one or more aerial photographs that can corroborate the historical place of use, including the number of irrigated acres.	☐ S	☐ F
c. Lawn and garden		
i. Submit aerial photographs that can corroborate the historical place of use, including the number of irrigated acres.	☐ S	☐ F
d. Stock		
i. Submit aerial photographs, grazing records, or other records to corroborate the historical place of use.	☐ S	☐ F
ii. Did the stock drink direct from source or direct from ditch?	☐ Y ☐ N	☐ F
1. If no, submit data sources that make clear the location of the stock watering infrastructure.	☐ S	☐ F
e. Multiple domestic, domestic, municipal, mining, commercial, and other purposes		
i. Submit aerial photographs, deeds, other recorded documents or records, affidavits, or other published documents, such as magazine articles, to corroborate the historical place of use.	☐ S	☐ F

Historical Use: Point of Diversion

Continue to answer questions for water right(s) identified in question 36. Applications corroborating historical flow rate with the Historical Use Addendum (Form 606-HUA) may be eligible to skip question 42; see the Form 606-HUA for more information.

40. For all historical points of diversion, identify the means, location (¼ ¼ ¼ section), and if they are proposed for change. Label using the same POD ID letter as for the Historical Use Map (question 8).	☐ A	☐ F

POD ID	Means	Location (¼ ¼ ¼ Section)	Proposed for Change?
1H	Pump	SWSESW Sec 20	☑ Y ☐ N
			☐ Y ☐ N
			☐ Y ☐ N
			☐ Y ☐ N

41. Do the legal land descriptions from the abstract encompass the actual locations of all historical points of diversion?	☑ Y ☐ N	☐ F
a. If no, explain the discrepancy and submit historical aerial photographs and/or other data sources to corroborate the location of these historical points of diversion, and, if a Statement of Claim, submit documentation of a written request submitted to the Water Court for amendment of the Claim. _____ _____	☐ S	☐ F
42. Answer questions below related to the diversion means for each of the historical points of diversion.		
a. Headgate		
i. For each headgate, provide dimensions in feet (FT), slope of the channel at the headgate (%), material of the headgate, estimated historical capacity in gallons per minute (GPM) or cubic feet per second (CFS) and the method used to estimate historical capacity. Label using the same POD ID letter as for the Historical Use Map (question 8).	☐ A	☐ F

POD ID	Dimensions	Slope	Material	Estimated Capacity			Method
	FT	*%*		*Cap.*	*GPM*	*CFS*	
					☐	☐	
					☐	☐	
					☐	☐	
					☐	☐	
					☐	☐	

b. Pump, dike, dam, or other surface water point of diversion		
i. For each pump, dike, dam, or other surface water point of diversion, provide an estimate of the historical capacity (GPM or CFS) and the method used to estimate the historical capacity. Label using the same POD ID letter as for the Historical Use Map (question 8).	☐ A	☐ F

POD ID	Estimated Capacity			Method
	Cap.	*GPM*	*CFS*	
1H	1.56	☐	☑	Pump & motor designed specs to maximize efficiency for authorized water right
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	

c. Well, pit, or other groundwater point of diversion		
i. For each well, pit, or other groundwater point of diversion, provide an estimate of the historical capacity (GPM or CFS) and the method used to estimate the historical capacity. Label using the same POD ID letter as for the Historical Use Map (question 8).	☐ A	☐ F

POD ID	Estimated Capacity			Method
	Cap.	*GPM*	*CFS*	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	

43. Do other water rights share any of the points of diversion?	☐ Y ☑ N	☐ F
a. If yes, list the water rights, their flow rates (GPM or CFS), and the nature of the relationship. Label using the same POD ID letter as for the Historical Use Map (question 8).	☐ A	☐ F

POD ID	Water Right No.	Flow Rate			Relationship
		Flow	*GPM*	*CFS*	
	76LJ 30165010		☐	☐	
			☐	☐	
			☐	☐	
			☐	☐	
			☐	☐	

Historical Use: Period of Diversion

(Continue to answer questions for water right(s) identified in question 36.)

44. Are the period of diversion and the period of use the same?	☑ Y ☐ N	☐ F
a. If no,		
i. Why are they different? _____ _____	☐ A	☐ F
ii. Is there a place of storage?	☐ Y ☐ N	☐ F
45. When was water diverted for the purposes of the water rights being changed?	☐ A	☐ F

Start Date (Month (MM)/Day (DD))	End Date (MM/DD)
06/30	09/30

46. Does the Department have a standard, found in ARM 36.12.112, for the period of diversion for all purposes for which water is used?	☑ Y ☐ N	☐ F
a. If yes, does the period of diversion for all purposes fall within Department standards?	☑ Y ☐ N	☐ F
b. If no, or if any period of diversion falls outside Department standards, explain how the period of diversion is reasonable for the purpose.	☐ A	☐ F

Historical Use: Historical Diverted Volume

Continue to answer questions for water right(s) identified in question 36. Applications corroborating historical diverted volume with the Historical Use Addendum (Form 606-HUA) may be eligible to skip question parts of question 47; see the Form 606-HUA for more information.

47. Answer all relevant sections of this question based on whether the historical purpose was irrigation, non-irrigation, or both.		
a. Irrigation		
i. Do you want ARM 36.12.1902(10) to be used to calculate historical diverted volume?	☑ Y ☐ N	☐ F
1. If no, submit a Historical Water Use Addendum (Form 606-HUA). Form 606-HUA must be submitted to the Department before the Preapplication Meeting Form is completed.	☐ S	☐ F
ii. What were the crop(s) grown? Alfalfa, canola, winter wheat, potatoes		☐ F
1. For hay, how many cuttings were there per season and how many days did cuttings last? Did irrigation cease throughout the place of use for cuttings? For other crops, explain whether irrigation regularly ceased within the irrigation season. For all crops, explain whether diversions ceased during times irrigation did not occur. Three cuttings, one day, no irrig during cutting/drying/baling (approx. 10 days), diversion did not change during non-irrigation.	☐ A	☐ F

b. Non-irrigation		
i. Explain your historical diversion schedule, with sufficient detail to estimate the volume of water historically diverted. This may include, but is not limited to, days per year water was historically diverted or the number of diversions per year and the duration of each diversion.	☐ A	☐ F
ii. Explain water diverted but not consumed by the non-irrigation purpose(s). This includes, but is not limited to, wastewater discharge and conveyance loss. Ditch-Specific Questions (questions 110 to 111) will gather information necessary for estimating losses from conveyance ditches.	☐ A	☐ F
iii. Did historical diversions serve more than one non-irrigation purpose?	☐ Y ☐ N	☐ F
1. If yes, how much of the diversions served each non-irrigation purpose and how did you determine this?	☐ A	☐ F
48. Did diversions ever regularly cease within the period of use due to insufficient water in source or calls based on priority date?	☐ Y ☑ N	☐ F
a. If yes, please explain.	☐ A	☐ F

Historical Use: Historical Consumed Volume

Continue to answer questions for water right(s) identified in question 36. Applications corroborating historical consumptive volume with the Historical Use Addendum (Form 606-HUA) may be eligible to skip parts of question 50; see the Form 606-HUA for more information.

49. What are the historical purposes? Mark each purpose and answer the applicable questions below. ☑ Irrigation. Answer question 50. ☐ Lawn and garden. Answer question 51. ☐ Stock. Answer question 52. ☐ Domestic and multiple domestic. Answer question 53. ☐ Municipal. Answer question 54. ☐ Other. Answer question 55.		

50. Irrigation		
a. Will you use Department standards for historical consumptive use as defined in ARM 36.12.1902?	☑ Y ☐ N	☐ F
i. If no,		
1. What method will you use to determine historical consumptive use?	☐ A	☐ F
2. Submit a Historical Water Use Addendum (Form 606-HUA) to the Department. Form 606-HUA must be submitted to the Department before the Preapplication Meeting Form is completed.	☐ S	☐ F
ii. If yes,		
1. What is the historical irrigation method type and subtype? Irrigation method types include flood and sprinkler. Flood irrigation subtypes include level border, graded border, furrow, contour ditch, or wild flood. Sprinkler subtypes include wheel line and center pivot. Hand & wheel line sprinklers	☐ A	☐ F
2. What was the slope (%) of the historical place of use? ~0 (flat)		☐ F

3. Are there any factors beyond irrigation method type/subtype and place of use slope that may influence percent efficiency of irrigation?	☐ Y ☑ N	☐ F
a. If yes, submit evidence to support the modified percent efficiency of irrigation in the Historical Water Use Addendum (Form 606-HUA). These factors may include infrastructure age, soil characteristics, or field improvements. Form 606-HUA must be submitted to the Department before the Preapplication Meeting Form is completed.	☐ S	☐ F
4. Based on answers to the above questions, what is the percent efficiency of irrigation? 70%		☐ F
5. What is the County Management Factor? 87.6%		☐ F
6. What is evapotranspiration (ET) based on the irrigation method and county? 16.45		☐ F
7. What percent of applied water are irrecoverable losses per ARM 36.12.1902(17)? 10%		☐ F

51. Lawn and garden		
a. Will you use a Department standard for historical consumptive use volume for lawn and garden? Department standards include 2.5 acre-feet per acre, or a calculated volume based on Irrigation Water Requirements for turf grass.	☐ Y ☐ N	☐ F
i. If yes, which standard? _____		☐ F
ii. If no, please provide an estimate of historical water use based on expert analysis and methods used to determine this estimate. _____ _____	☐ A	☐ F

52. Stock		
a. Which volume standard for animal units applies to historical use and why? The standards are either 15 gallons per animal unit per day for new appropriations or 30 gallons per animal unit per day for claims. _____	☐ A	☐ F
b. How many animal units were historically served? _____		☐ F
c. Did these animal units rely entirely on the water right(s) proposed for change for their full water demand?	☐ Y ☐ N	☐ F
i. If no, explain. _____ _____	☐ A	☐ F

53. Domestic and multiple domestic		
a. How many households were served? _____		☐ F
b. Will the Department standard of 1 acre-foot per household be used? The same standard shall be applied to historical and proposed uses.	☐ Y ☐ N	☐ F
i. If no, what standard will be used? _____		☐ F
c. Did the historical use include wastewater disposal and treatment?	☐ Y ☐ N	☐ F
i. If yes, which of the following best describes the wastewater disposal and treatment system? Individual drain fields, central treatment facility with minimal consumption, or evaporation basin or land application? _____	☐ A	☐ F

54. Municipal		
a. What is the volume of water (AF) historically consumed for municipal purposes? _____		☐ F
b. Submit evidence to support historical municipal use. The data sources may include records that tie water use to the U.S Census, estimates of historical system capacity and estimates of leakage.	☐ S	☐ F

55. Other		
a. Specify the other purposes. _____		☐ F
b. What is the volume of water (AF) historically consumed for other purposes? _____		☐ F
c. Submit evidence to support the volume of water historically consumed.	☐ S	☐ F

Historical Use: Historical Places of Storage

(Continue to answer questions for water right(s) identified in question 36.)

56. Did the historical use include 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)).	☐ Y ☑ N	☐ F
a. If yes, for each historical place of storage please provide the surface area in acres (AC), capacity (AF), annual net evaporation (FT/YR), and number of times per year the place of storage was filled.	☐ A	☐ F

ID	Surface Area (AC)	Capacity (AF)	Annual Net Evaporation (FT/YR)	# of Annual Fillings

Surface Water

☑ **Applicable**, move on to question 57. ☐ **Not Applicable**, skip to question 66.

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

Return Flow Analysis

Questions, Narrative Responses, and Tables	Check-boxes	Follow-Up
57. Do the purposes of the water rights proposed for change include irrigation?	☑ Y ☐ N	☐ F
a. If yes, does the proposed change include a change in place of use *and/or* a change in purpose? If you propose to retire acres in the historical place of use and/or add new acres outside the historical place of use, this constitutes a change in place of use.	☐ Y ☑ N	☐ F
i. If yes, a return flow analysis is required. Move on to answer question 58.		
ii. If no, this section is complete, and you may skip to question 94.		
58. Does the proposed change include a change in purpose?	☐ Y ☐ N	☐ F
a. If yes, consumptive use information is collected in the Change in Purpose section (questions 101 to 108), skip to question 59.		
b. If no, go to question 59.		
59. Does the proposed change include a change in place of use? If yes, move on to question 60. If no, skip to question 63.	☐ Y ☐ N	☐ F

60. Submit a map showing the new, unchanged historical, and retired historical places of use. Create map on an aerial photograph or topographic map that shows the following: section corners, township and range, scale bar, and north arrow. If you have shapefiles associated with this map, in addition to submitting an image of the map, please submit electronic copies of the shapefiles to the Department.	☐ S	☐ F
61. How many acres, if any, will be retired from the historical place of use? _____		☐ F
62. Are irrigated acres proposed that are outside the historical place of use?	☐ Y ☐ N	☐ F
a. If yes,		
i. How many acres? _____		☐ F
ii. What is the proposed irrigation method type (e.g., flood or sprinkler) and subtype (e.g., level border, graded border, furrow, contour ditch, wild flood, center pivot, or wheel line) for the new acres? _____		☐ F
iii. What is the slope (%) of the new place of use? _____		☐ F
iv. Based on 62.a.ii to 62.a.iii, what is the percent efficiency of irrigation for the new acres? _____		☐ F
v. What is the County Management Factor for the new acres? _____		☐ F
vi. What is the ET based on the irrigation method and county for the new acres? _____		☐ F
vii. What percent of applied water are irrecoverable losses for new acres? _____		☐ F
63. Do you have information for the Department to consider about the source and location where return flows historically accrued?	☐ Y ☐ N	☐ F
a. If yes, submit this information to the Department.	☐ S	☐ F

Extended Return Flow Analysis

64. Based on the preliminary data provided by the Department at this preapplication meeting, to what surface water sources do return flows accrue before and after the proposed change? **Return flow 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 return flow data changes during technical analyses, then the analysis of impacts to identified surface water rights 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).* _____ _____	☐ A	☐ F
65. If an extended return flow analysis is necessary to analyze impacts to identified surface water rights for the purpose of evaluating adverse effect, do you elect to answer non-mandatory questions 149 to 154 to provide information required for this extended analysis?	☐ Y ☐ N	☐ F
a. If yes, go to question 149. This information will be used if an extended return flow analysis is necessary to analyze impacts to identified surface water rights for the purpose of evaluating adverse effect.		
b. If no, did you elect in question 1 for the Department to conduct technical analyses?	☐ Y ☐ N	☐ F
i. If yes, do you elect for the Department to use publicly available water quantity data for the extended return flow analysis? If the extended return flow analysis is needed and sufficient publicly available water quantity data are not available, then the Department will not be able to conduct the extended analysis. You will still have to prove a lack of adverse effect from the proposed change.	☐ Y ☐ N	☐ F
ii. If no, you may still include the extended return flow analysis with your technical analyses. The Department will include the extended analysis in its scientific credibility review of your technical analyses. You will still need to prove a lack of adverse effect from the proposed change.		

GROUNDWATER

☐ **Applicable**, move on to question 66. ☐ **Not Applicable**, skip to question 94.

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

Groundwater Analysis for Changes

Questions, Narrative Responses, and Tables	Check-boxes	Follow-Up
66. Does the proposed change include a change in point of diversion?	☐ Y ☐ N	☐ F
a. If no, this section is complete; skip to question 77.		
b. If yes, a groundwater analysis for changes is required; answer questions specific to the groundwater diversion type.		
i. What is the groundwater diversion type? _____		☐ F

Well/Pumping Pit	Answer questions 67 to 72	**Developed Spring**	Answer question 73	**Pond**	Answer questions 74 to 76

Groundwater Analysis: Well/Pumping Pit

☐ Applicable ☐ Not Applicable

67. 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.	☐ Y ☐ N	☐ F
a. If yes, explain. The Department will let you know if the request is reasonable and identify additional data needs. _____ _____ _____ _____ _____	☐ A	☐ F

68. Submit Aquifer Test Data Form (Form 633) for each *new* well/pumping pit that will be constructed prior to technical analyses or *existing* well/pumping pit that is added by the change. If an aquifer test was already conducted for an *existing* well/pumping pit, and you would like to use that instead of conducting a new aquifer test, describe this in question 67.a. 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)).	☐ S	☐ F
69. 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)).	☐ S	☐ F
70. 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.	☐ Y ☐ N	☐ F
a. If yes, submit Form 653, Form 600/606-ATA, and Form 633 together on or before the Variance Request Deadline.	☐ S	☐ 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. 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)).		
71. Have all the wells/pumping pits been constructed?	☐ Y ☐ N	☐ F
a. If no,		
i. Submit a list of the POD IDs for all wells/pumping pits and mark whether they have or have not been constructed.	☐ S	☐ F
ii. When will the proposed wells/pumping pits be constructed? _____		☐ F

iii. Is the requested volume for each proposed well/pumping pit known?	☐ Y ☐ N	☐ F
1. If yes, list the flow rate and volume requested for each proposed well/pumping pit. Label with POD ID. _____ _____	☐ A	☐ F
2. If no, what is the total requested volume (AF) and the number of proposed PODs? _____		☐ F
72. What is the flow rate (GPM or CFS), volume (AF), and period of diversion (MM/DD-MM/DD) required at each new well/pumping pit ("*new*") or existing well/pumping pit that is added by the change ("*existing*")? If the well/pumping pit is not yet constructed, use the estimated volume based on question 71.a.iii.2. What is the well/pumping pit depth (FT), if available, or estimated well/pumping pit depth (FT)? Label using the same POD ID number as the Proposed Use Map (question 9) and, if available, GWIC ID. List whether the POD is *new* or an *existing* well added by the change.	☐ A	☐ F

POD ID	**GWIC ID**	**Flow Rate**			**Volume**	**Period of Diversion**	**Depth**	**Measured or Estimated**	**New or Existing**
	(if available)	*Flow*	*GPM*	*CFS*	*AF*	*MM/DD-MM/DD*	*FT*		
			☐	☐					
			☐	☐					
			☐	☐					
			☐	☐					
			☐	☐					

Groundwater Analysis: Developed Spring

☐ Applicable ☐ Not Applicable

73. Have you measured each *new* developed spring or *existing* developed spring that will be added by the change?	☐ Y ☐ N	☐ F
a. If yes, submit the measurements to the Department and answer the following questions:	☐ S	☐ F
i. Do you have flow rate (GPM or CFS) and volume measurements?	☐ Y ☐ N	☐ F
ii. With what method were measurements collected? _____ _____	☐ A	☐ F

iii. What is the interval of measurements? _____		☐ F
iv. Is the interval of measurements sufficient to comply with the Department standard of monthly flow measurements taken at regular intervals or at department-approved intervals during the proposed period of diversion?	☐ Y ☐ N	☐ F
b. If no, or if measurements do not comply with the Department standard, answer the following questions. The Department cannot deem the preapplication meeting form adequately completed until the Department receives measurements that meet the Department standard.		
i. When do you plan to measure? _____	☐ A	☐ F
ii. With what method and at what interval will measurements be collected? _____ _____	☐ A	☐ F

Groundwater Analysis: Pond

☐ Applicable ☐ Not Applicable

74. Submit Form 653 to apply for a variance from ARM 36.12.121 for the Aquifer Test on or before the Variance Request Deadline.	☐ S	☐ F
75. Submit bathymetry data, survey, or engineering plans for each *new* pond added or *existing* pond added or modified by the proposed change. Label using the same POD ID number as the Proposed Use Map (question 9). List whether the pond is *new* or an *existing* pond.	☐ S	☐ F
76. Are any of the *new* ponds, or *existing* ponds added or modified by the proposed change the pond, fed or drained by surface water in addition to groundwater?	☐ Y ☐ N	☐ F
a. If yes,		
i. Explain. _____ _____ _____	☐ A	☐ F
ii. Submit measurements of the connected surface water source. These may include inflow and outflow measurements.	☐ S	☐ F

Surface Water Depletion Analysis for Changes

77. Does the proposed change include any of the following scenarios that necessitate a surface water depletion analysis pursuant to ARM 36.12.1303(5)(c)? • Change in point of diversion • Change in place of use, purpose of use, or place of storage that result in a change in consumptive use or pumping schedule.	☐ Y ☐ N	☐ F
a. If no, this section is complete; skip to question 85.		
b. If yes, a surface water depletion analysis is required; answer questions specific to the groundwater diversion type.		
i. What is the groundwater diversion type? _____		☐ F

Well/Pumping Pit	Answer questions 78 to 79	**Developed Spring**	Answer question 80	**Pond**	Answer questions 81 to 82

Surface Water Depletion Analysis: Well/Pumping Pit

☐ Applicable ☐ Not Applicable

78. Provide the following information for each well/pumping pit on the current version of the water rights proposed for change that will either remain on the water rights after the change ("*unchanged*") or will be retired ("*retired*"): flow rate (GPM or CFS), volume (AF), period of diversion required (MM/DD-MM/DD), well/pumping pit depth (FT) (if available, otherwise or estimated well/pumping pit depth (FT)), and whether it is *unchanged* or *retired*. Please use the same POD ID as the Historical Use Map (question 8) and, if available, provide the GWIC ID number.	☐ A	☐ F

POD ID	**GWIC ID** *(if available)*	**Flow Rate** *Flow Rate*	*GPM*	*CFS*	**Volume** *AF*	**Period of Diversion** *MM/DD-MM/DD*	**Depth** *FT*	**Measured or Estimated**	**Unchanged or Retired**
			☐	☐					
			☐	☐					
			☐	☐					
			☐	☐					
			☐	☐					

79. Provide the pumping schedule for each well/pumping pit (*new*, *existing*, *unchanged*, or *retired*) for both *before* and *after* the proposed change. Use the same POD ID as the project maps. For *new* and *existing* wells/pumping pits, use the Proposed Use Map (question 9). For *unchanged* and *retired* wells/pumping pits use the Historical Use Map (question 8). Attach any additional pumping schedules using *"Additional Pumping Schedule (606P)" sheet*. For *retired* wells/pumping pits, mark "N/A" checkbox for after the change and for *new* wells/pumping pits, mark "N/A" checkbox for before the change. Mark the checkbox "Diverted volume/# of Days" if it is a year-round use and the pump schedule is an allocation of diverted volume by the number of days in the month. Mark the checkbox "80% dry year IWR" if it is an irrigation/lawn and garden use and the pump schedule is the 80% dry year net irrigation requirement (IWR, NRCS 2003).	☐ A	☐ F

(Before) POD ID				**(After) POD ID**			
☐ Diverted volume/# of Days ☐ 80% dry year IWR ☐ N/A				☐ Diverted volume/# of Days ☐ 80% dry year IWR ☐ N/A			
Month	**Volume (AF)**	**Month**	**Volume (AF)**	**Month**	**Voume (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 Depletion Analysis: Developed Spring

☐ Applicable ☐ Not Applicable

80. Is the type of groundwater diversion for your proposed project a developed spring? If yes, skip to question 85 because no surface water depletion analysis will be necessary.	☐ Y ☐ N	☐ F

Surface Water Depletion Analysis: Pond

☐ Applicable ☐ Not Applicable

81. Are there any ponds on the current version of the water rights proposed for change that will remain on the water rights unchanged ("*unchanged*") or will be retired ("*retired*")? If yes,	☐ Y ☐ N	☐ F
a. Did you skip questions 74 to 76 because there is no change in POD? If yes,	☐ Y ☐ N	☐ F
i. Submit Form 653 to apply for a variance from ARM 36.12.121 for the Aquifer Test on or before the Variance Request Deadline.	☐ S	☐ F
b. Submit bathymetry data, survey, or engineering plans for each *unchanged* pond or *retired* pond. Label the submittal with the POD ID and whether the pond is *unchanged* or *retired*.	☐ S	☐ F
c. Are any of the *unchanged* or *retired* ponds fed or drained by surface water, in addition to groundwater?	☐ Y ☐ N	☐ F
i. If yes,		
1. Explain. _____ _____ _____	☐ A	☐ F
2. Submit measurements of the connected surface water source. These may include inflow and outflow measurements.	☐ S	☐ F

82. Provide the schedule of diversions for out-of-pond use for each pond (*new*, *existing*, *unchanged*, or *retired*) for both *before* and *after* the proposed change. Use the same POD ID as the project maps. For *new* and *existing* ponds, use the Proposed Use Map (question 9). For *unchanged* and *retired* ponds use the Historical Use Map (question 8). Attach any additional diversion schedules using the same format as the table below. For *retired* ponds, mark "N/A" checkbox for after the change and for *new* ponds, mark "N/A" checkbox for before the change. Mark the checkbox "Diverted volume/# of Days" if it is a year-round use and the diversion schedule is an allocation of diverted volume by the number of days in the month. Mark the checkbox "80% dry year IWR" if it is an irrigation or lawn and garden use and the diversion schedule is the 80% dry year net irrigation requirement (IWR, NRCS 2003).	☐ A	☐ F

(Before) POD ID				**(After) POD ID**			
☐ Diverted volume/# of Days ☐ 80% dry year IWR ☐ N/A				☐ Diverted volume/# of Days ☐ 80% dry year IWR ☐ N/A			
Month	**Diversions for Out-of-Pond Use Volume (AF)**	**Month**	**Diversions for Out-of-Pond Use Volume (AF)**	**Month**	**Diversions for Out-of-Pond Use Volume (AF)**	**Month**	**Diversions for Out-of-Pond Use 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	

Extended Surface Water Depletion Analysis

83. Based on the preliminary net depletion data provided by the Department at this preapplication meeting, what are the hydraulically connected surface water sources before and after the proposed change? **Net depletion data provided by the Department at the preapplication meeting are preliminary and are subject to change during the technical analyses. If the source or location of net depletion data changes during the technical analyses, then the extended surface water depletion analysis 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).* _____ _____ _____	☐ A	☐ F

84. If an extended surface water depletion analysis is necessary to analyze impacts to identified surface water rights for the purpose of evaluating adverse effect, do you elect to answer non-mandatory questions 157 to 161 to provide information required for this extended surface water depletion analysis?	☐ Y ☐ N	☐ F
a. If yes, go to question 156. This information will be used if an extended surface water depletion analysis is necessary to analyze impacts to identified surface water rights for the purpose of evaluating adverse effect.		
b. If no, did you elect in question 1 for the Department to conduct technical analyses?	☐ Y ☐ N	☐ F
i. If yes, do you elect for the Department to use publicly available water quantity data for the extended surface water depletion analysis? If this extended surface water depletion analysis is needed and sufficient publicly available water quantity data are not available, then the Department will not be able to conduct the extended surface water depletion analysis. You will still need to prove a lack of adverse effect from the proposed change.	☐ Y ☐ N	☐ F
ii. If no, you may still include the extended surface water depletion analysis with your technical analyses. The Department will include the extended analysis in its scientific credibility review of your technical analyses. You will still need to prove a lack of adverse effect from the proposed change.		

Return Flow Analysis

85. Do the purposes of the water rights proposed for change include irrigation?	☐ Y ☐ N	☐ F
a. If yes, does the proposed change include a change in place of use *and/or* a change in purpose? If you propose to retire acres in the historical place of use and/or add new acres outside the historical place of use, this constitutes a change in place of use.	☐ Y ☐ N	☐ F
i. If yes, a return flow analysis is required. Move on to answer question 86.		
ii. If no, this section is complete, and you may skip to question 94.		
86. Does the proposed change include a change in purpose?	☐ Y ☐ N	☐ F
a. If yes, consumptive use information is collected in the Change in Purpose section (questions 101 to 108), skip to question 87.		
b. If no, skip to question 87.		
87. Does the proposed change include a change in place of use? If yes, move on to question 88. If no, skip to question 91.	☐ Y ☐ N	☐ F

88. Submit a map showing the new, unchanged historical, and retired historical places of use. Create map on an aerial photograph or topographic map that shows the following: section corners, township and range, scale bar, and north arrow. If you have shapefiles associated with this map, in addition to submitting an image of the map, please submit electronic copies of the shapefiles to the Department.	☐ S	☐ F
89. How many acres, if any, will be retired from the historical place of use? _____		☐ F
90. Are irrigated acres proposed that are outside the historical place of use?	☐ Y ☐ N	☐ F
a. If yes,		
i. How many acres? _____		☐ F
ii. What is the proposed irrigation method type (e.g., flood or sprinkler) and subtype (e.g., level border, graded border, furrow, contour ditch, wild flood, center pivot, or wheel line) for the new acres? _____	☐ A	☐ F
iii. What is the slope (%) of the new place of use? _____		☐ F
iv. Based on question 90.a.ii to 90.a.iii, what is the percent efficiency of irrigation for the new acres? _____		☐ F
v. What is the County Management Factor for the new acres? _____		☐ F
vi. What is the ET based on the irrigation method and county for the new acres? _____		☐ F
vii. What percent of applied water are irrecoverable losses for new acres? _____		☐ F
91. Do you have information for the Department to consider about the source and location where return flows historically accrued?	☐ Y ☐ N	☐ F
a. If yes, submit this information to the Department.	☐ S	☐ F

Extended Return Flow Analysis

92. Based on the preliminary data provided by the Department at this preapplication meeting, to what surface water sources do return flows accrue before and after the proposed change? **Return flow data provided by the Department at the preapplication meeting are preliminary and are subject to change during technical analyses. If the source or location of return flow data changes during technical analyses, then the analysis of impacts to identified surface water rights 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).* _____ _____	☐ A	☐ F
93. If an extended return flow analysis is necessary to analyze impacts to identified surface water rights for the purpose of evaluating adverse effect, do you elect to answer non-mandatory questions 149 to 155 to provide information required for this extended analysis?	☐ Y ☐ N	☐ F
a. If yes, go to question 149. This information will be used if an extended return flow analysis is necessary to analyze impacts to identified surface water rights for the purpose of evaluating adverse effect.		
b. If no, did you elect in question 1 for the Department to conduct technical analyses?	☐ Y ☐ N	☐ F
i. If yes, do you elect for the Department to use publicly available water quantity data for the extended return flow analysis? If the extended return flow analysis is needed and sufficient publicly available water quantity data are not available, then the Department will not be able to conduct the extended analysis. You will still have to prove a lack of adverse effect from the proposed change.	☐ Y ☐ N	☐ F
ii. If no, you may still include the extended return flow analysis with your technical analyses. The Department will include the extended analysis in its scientific credibility review of your technical analyses. You will still need to prove a lack of adverse effect from the proposed change.		

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.

Temporary Change

Questions, Narrative Responses, and Tables	Check-boxes	Follow-Up
94. Does the proposal include a temporary change? *This includes proposing to add a place of use on State of Montana Trust Land, with all points of diversion on private land, because the change authorization will be temporary for the duration of the lease term.* If yes, answer the questions in this section (questions 95 to 100). If no, this section is complete; skip to question 100.	☐ Y ☑ N	☐ F
95. What elements of the water rights are being temporarily changed? _____		☐ F
96. For what purpose will the water rights be temporarily used? _____		☐ F
97. For how many years will the water rights be temporarily changed? _____		☐ F
98. Will the temporary change be intermittent over the years?	☐ Y ☐ N	☐ F
a. If yes, explain. _____	☐ A	☐ F
99. Is the quantity of water subject to the temporary change being made available from the development of a new water conservation or storage project?	☐ Y ☐ N	☐ F
a. If yes, explain the water conservation or storage project. _____ _____ _____	☐ A	☐ F
100. If you are answering Project-Specific Questions as they are referenced in Application Details, return to question 17 if you are proposing to add a place of use on State of Montana Trust Land and question 20.a.ii if you are proposing a temporary change that does not involve State of Montana Trust Land. If you are answering in consecutive order, go to question 101.		

Change in Purpose

101. Does the project involve a change in purpose? If yes, answer the questions in this section (questions 102 to 108). If no, this section is complete; skip to question 108.	☐ Y ☑ N	☐ F
102. Identify the new and unchanged purposes, flow rate (GPM or CFS), volume (AF), period of diversion, and period of use (MM/DD-MM/DD) for each purpose.	☐ A	☐ F

Purpose	**New or Unchanged?**	**Period of Diversion** *(MM/DD-MM/DD)*	**Period of Use** *(MM/DD-MM/DD)*	**Flow Rate** *Flow Rate*	*GPM*	*CFS*	**Volume** *(AF)*
					☐	☐	
					☐	☐	
					☐	☐	
					☐	☐	
					☐	☐	
			Total		☐	☐	

103. Answer the questions specific to each new and unchanged purpose identified in question 102.		

Lawn and garden	Question 104	**Stock**	Question 105	**Domestic and multiple domestic**	Question 106	**Other purpose**	Question 107

104. Lawn and garden		
a. Will consumptive use be based on the standard of 2.5 acre-feet per acre or a calculated volume based on Irrigation Water Requirements for turf grass?	☐ Y ☐ N	☐ F
i. If yes, which standard? _____		☐ F
ii. If no, describe how consumptive use will be estimated. This must be based on expert analysis. _____ _____	☐ A	☐ F
105. Stock		
a. How many animal units will be served? _____		☐ F

106. Domestic and multiple domestic		
a. How many households will be served? _____		☐ F
b. Will the Department standard of 1 acre-foot per household be used to determine consumptive use?	☐ Y ☐ N	☐ F
i. If no, what standard will be used? _____	☐ A	☐ F
c. Will the proposed use include wastewater disposal and treatment?	☐ Y ☐ N	☐ F
i. If yes, which of the following best describes the wastewater disposal and treatment system? Individual drain fields, central treatment facility with minimal consumption, or evaporation basin or land application? _____		☐ F
107. Other purpose		
a. What is the other purpose (e.g., municipal, commercial)? _____		☐ F
b. What is the percentage of consumption for the proposed use? Please explain. _____ _____ _____	☐ A	☐ F
108. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 14 and if you are answering in consecutive order, go to question 109.		

Ditch-Specific Questions

Applications corroborating historical diverted volume with the Historical Use Addendum (Form 606-HUA) may be eligible to skip one or more questions in this section; see the Form 606-HUA for more information.

109. Does the historical use of water include at least one conveyance ditch? If yes, answer questions 110 to 111. If no, skip to question 112.	☐ Y ☐ N	☐ F
110. Submit a Historical Use Ditch Map that shows every ditch conveying water for the historical use of all water rights proposed for change. Label the ditch names, PODs, the POUs, and the ditch measurement locations (requested in question 111.d). The map should be created on a historical image or topographic map with the following: section corners, township and range, scale bar, and north arrow.	☐ S	☐ F

111. Answer question 111.a to 111.h one time for each historical conveyance ditch. If there is more than one historical conveyance ditch, use an "Additional Historical Ditch (606P)" sheet for each additional ditch.		
a. What is the ditch name? _____		☐ F
b. List the water rights proposed for change that were conveyed by the ditch. _____ _____		☐ F
c. What is the distance water was historically carried by the conveyance ditch? Only include segments between the POD and start of the POU; do not include segments within the POU. _____	☐ A	☐ F
d. Provide at least one set of ditch measurements, which include width (FT), depth (FT), and slope (%). Discuss ditch characteristics with DNRC to determine the minimum number of ditch measurements. Include the location of each measurement, labeled with the 2-digit measurement ID number, used on the map submitted for question 110.	☐ S	☐ F

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

e. What is a reasonable Manning's n value? List the factors used for estimation. If you do not know this value, please work through estimation with the Department. _____ _____	☐ A	☐ F
f. What type of soils compose the historical conveyance ditch? For lined ditches, write "lined" instead. _____ _____	☐ A	☐ F

g. Are other water rights conveyed by the historical conveyance ditch?	☐ Y ☐ N	☐ F
i. If yes,		
1. List the water right numbers and their flow rates. _____ _____ _____	☐ A	☐ F
2. What is the sum of the flow rates, including the water rights proposed for change? _____	☐ A	☐ F
3. Submit a map with your best estimate of the historical POUs for the other water rights conveyed by the historical conveyance ditch. Include only POUs between the historical POD and your historical POU. If you do not know this information, the Department can help you create the map. The map should be created on an aerial photograph or topographic map and show the following: section corners, township and range, scale bar, and north arrow.	☐ S	☐ F
h. Were any water rights proposed for change part of one historical water right that was split?	☐ Y ☐ N	☐ F
i. If yes, were all split water rights split in such a way to ensure each post-split water right could stand alone and not be reliant on the others for carriage water?	☐ Y ☐ N	☐ F
1. If no, do any of the water rights proposed for change have a carriage water requirement?	☐ Y ☐ N	☐ F
a. If yes,		
i. List the water rights with a carriage water requirement _____		☐ F
ii. Update your Historical Use Ditch Map (question 110) to label the ditch segments where a carriage water requirement exists for a water right proposed for change. Also, use your best estimate to label the POUs for all water rights included in the carriage water requirement. If you do not know this information, the Department can help you update the map.	☐ S	☐ F
112. Does the proposed use include at least one existing or new conveyance ditch? If yes, answer questions 113 to 114. If no, or if you answered these questions earlier in the preapplication meeting, this section is complete; skip to question 115.	☐ Y ☐ N	☐ F

113. Submit a Proposed Use Ditch Map that shows every ditch conveying the water rights proposed for change, including any unchanged portions. Label all unchanged and proposed PODs, all unchanged and proposed POUs, and additional ditch measurement locations (requested in question 114.e). The map should be created on an aerial photograph or topographic map with the following: section corners, township and range, scale bar, and north arrow.	☐ S	☐ F
114. Answer the questions 114.a to 114.i one time for each proposed use conveyance ditch. Use an "Additional Proposed Use Ditch (606P)" sheet for each additional ditch.		
a. What is the ditch name? _____		☐ F
b. Is this ditch a historical conveyance ditch detailed in questions 110 to 111?	☐ Y ☐ N	☐ F
i. If yes, have any of the following details changed, to the best of your knowledge, from historical conditions: ditch length, distance water conveyed, ditch lining, or water rights conveyed by the ditch?	☐ Y ☐ N	☐ F
1. If yes, answer questions 114.c to 114.i using current data.		
2. If no, do not answer questions 114.c to 114.i for this ditch because the information remains unchanged. Move on to the next proposed use conveyance ditch, or if none remain, skip to question 115.		
c. List the water rights proposed for change that are going to be conveyed by the ditch. _____		☐ F
d. What is the distance water will be carried by the conveyance ditch? Only include segments between the POD and start of the POU; do not include segments within the POU. _____ _____	☐ A	☐ F
e. Provide at least one set of ditch measurements, which include width (FT), depth (FT), and slope (%). Discuss ditch characteristics with DNRC to determine the minimum number of ditch measurements. Include the location of each measurement, labeled with the 2-digit measurement ID number, used on the map submitted for question 113.	☐ S	☐ F

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

f. What is a reasonable Manning's n value? List the factors used for estimation. If you do not know this value, please work through estimation with the Department. _____ _____	☐ A	☐ F
g. What type of soils compose the proposed conveyance ditch? For lined ditches, write "lined" instead. _____ _____	☐ A	☐ F
h. Are other water rights conveyed by the proposed conveyance ditch?	☐ Y ☐ N	☐ F
i. If yes,		
1. List the water right numbers and their flow rates. _____ _____ _____	☐ A	☐ F
2. What is the sum of the flow rates, including the water rights proposed for change? _____	☐ A	☐ F
3. Submit a map with your best estimate of the location of current POUs for the other water rights conveyed by the proposed conveyance ditch. Include only POUs between the POD and your proposed POU. If you do not know this information, the Department can help you create the map. The map should be created on an aerial photograph or topographic map and show the following: section corners, township and range, scale bar, and north arrow.	☐ S	☐ F
i. Were any water right(s) proposed for change identified as having a carriage water requirement in question 111.h.i.1.a.i?	☐ Y ☐ N	☐ F
i. If yes, update your Proposed Use Ditch Map (question 113) to label the ditch segments where a carriage water requirement exists for a water right proposed for change. Also, use your best estimate to label the POUs for all water rights included in the carriage water requirement. If you do not know this information, the Department can help you update the map.	☐ S	☐ F
115. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 15 and if you are answering in consecutive order, go to question 116.		

Change in Place of Storage

116. Does the project involve a change in place of storage? If yes, answer the questions in this section (questions 117 to 122) for each individual place of storage. Use an "Additional Place of Storage (606P)" sheet for additional places of storage. If no, this section is complete; skip to question 123.	☐ Y ☐ N	☐ F
117. Is this application to add a new place of storage or change an existing place of storage? _____		☐ F
a. If application is to change an existing place of storage, list the water rights that include the place of storage and a short description of the proposed change. _____ _____	☐ A	☐ F
118. Is the place of storage located on-stream?	☐ Y ☐ N	☐ F
a. If no, describe any losses related to conveyance that are not detailed in "Ditch-Specific Questions." _____ _____ _____	☐ A	
119. What is the proposed capacity of the place of storage? Use bathymetry data, survey, or engineering plans for capacity. Submit the data source used with this form. In lieu of these data sources, use the following equation: *Surface Acres x Maximum Depth (ft) x 0.5 = Capacity (AF)* _____	☐ S	☐ F
120. What is the proposed surface area of the place of storage? _____	☐ A	☐ F
121. 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. _____	☐ A	☐ F
122. Will the place of storage be lined?	☐ Y ☐ N	☐ F
123. If you are answering Project-Specific Questions as they are referenced in Application Details, return to question 16 and if you are answering in consecutive order, go to question 109.		

Mitigation, Aquifer Recharge, and Marketing for Mitigation/Aquifer Recharge

124. Does your application include one of the following purposes? If no, this section is complete; skip to question 129.	☐ Y ☐ N	☐ F
a. Mitigation water. If yes, answer question 125 and 126.	☐ Y ☐ N	☐ F
b. Aquifer recharge water. If yes, answer question 125 and 127.	☐ Y ☐ N	☐ F
c. Marketing for mitigation/aquifer recharge. If yes, answer question 128.	☐ Y ☐ N	☐ F
125. Mitigation Water and Aquifer Recharge Water		
a. Identify the water right(s) for which the mitigation/aquifer recharge water will be used. _____	☐ A	☐ F
b. Identify the application or preapplication number where these water rights were identified as needing mitigation or aquifer recharge to meet the adverse effect criterion. _____	☐ A	☐ F
c. What is the timing, flow rate, and volume of net depletions identified as needing mitigation or aquifer recharge to meet the adverse effect criterion?	☐ A	☐ F

Month	**Days**	**Flow Rate**			**Volume**	**Month**	**Days**	**Flow Rate**			**Volume**
		Flow	*GPM*	*CFS*	*AF*			*Flow*	*GPM*	*CFS*	*AF*
January			☐	☐		July			☐	☐	
February			☐	☐		August			☐	☐	
March			☐	☐		September			☐	☐	
April			☐	☐		October			☐	☐	
May			☐	☐		November			☐	☐	
June			☐	☐		December			☐	☐	

d. Will other water contribute to the need for mitigation or aquifer recharge water? This may include water rights with a mitigation or aquifer recharge purpose, marketing for mitigation contracts, or mitigation water secured via other types of contracts.	☐ Y ☐ N	☐ F
i. If yes, describe the origin of this water and in the table below, list how much it will contribute. _____	☐ A	☐ F

Month	**Days**	**Flow Rate**			**Volume**	**Month**	**Days**	**Flow Rate**			**Volume**
		Flow	*GPM*	*CFS*	*AF*			*Flow*	*GPM*	*CFS*	*AF*
January			☐	☐		July			☐	☐	
February			☐	☐		August			☐	☐	
March			☐	☐		September			☐	☐	
April			☐	☐		October			☐	☐	
May			☐	☐		November			☐	☐	
June			☐	☐		December			☐	☐	

126. Mitigation Water		
a. What is legal land description (¼ ¼ ¼ section of start and end) and length (ft) of the mitigation reach? _____	☐ A	☐ F
b. By what means will mitigation water be made available? You must submit a copy of all relevant discharge permits at application submittal (§85-2-364, MCA). _____ _____ _____	☐ A	☐ F
127. Aquifer Recharge Water		
a. What is the legal land description (¼ ¼ ¼ section) of the start of net depletions for which the aquifer recharge water will be used? _____	☐ A	☐ F

	b. What is the volume of net depletions that will be offset by the aquifer recharge water? *The volume of aquifer recharge water injected may not equal the volume of net depletions.*	☐ A	☐ F
	c. Describe the method of aquifer recharge. Include, if available, a preliminary design. You must submit a copy of all relevant discharge permits at application submittal (§85-2-364, MCA).	☐ A	☐ F
	d. Describe any constraints on the aquifer recharge schedule, such as priority date limitations.	☐ A	☐ F
	e. What is the proposed area or location of aquifer recharge? *The location is subject to refinement during technical analyses; this will not constitute a change of any element to the proposed application pursuant to ARM 36.12.1302(6)(a).*	☐ A	☐ F
128.	Marketing for Mitigation/Aquifer Recharge		
	a. What is the proposed location of the reach where water is to be marketed (¼ ¼ ¼ section of the start and the end of the reach)?	☐ A	☐ F
	b. Is this marketing for mitigation	☐ Y ☐ N	☐ F
	i. If yes, by what means will water be made available?	☐ A	☐ F

c. Is this marketing for aquifer recharge?	☐ Y ☐ N	☐ F
i. If yes,		
1. Describe the method of aquifer recharge. Include, if available, a preliminary design. You must submit a copy of all relevant discharge permits at application submittal (§85-2-364, MCA).	☐ A	☐ F
2. What is the volume of water that will be used for aquifer recharge?	☐ A	☐ F
3. Describe any constraints on the aquifer recharge schedule, such as priority date limitations.	☐ A	☐ F
4. What is the proposed area or location of aquifer recharge? *The location is subject to refinement during technical analyses; this will not constitute a change of any element to the proposed application pursuant to ARM 36.12.1302(6)(a).*	☐ A	☐ F
d. Describe your ability to measure and operate all existing diversions to adjust flow rate as water is sold or leased.	☐ A	☐ F

e. How will you cease diversions for the existing beneficial use as water is sold or leased? _____ _____ _____	☐ A	☐ F
129. If you are answering Project-Specific Questions as they are referenced in Application Details, return to question 25 and if you are answering in consecutive order, go to question 130.		

Instream Flow

130. Does the project involve an instream flow change? If yes, answer the questions in this section (questions 131 to 136). If no, this section is complete; skip to question 136.	☐ Y ☐ N	☐ F
131. What is the source name where streamflow will be maintained or enhanced? _____		☐ F
132. What is the location (¼ ¼ ¼ section of start and end of reach) and length (FT) of the protected reach? _____	☐ A	☐ F
133. Describe the way the streamflow is to be maintained or enhanced. _____ _____	☐ A	☐ F
134. Do you propose to retire all water use associated with the historical purposes throughout the entire period of use? This includes conveyance loss associated with historical ditches.	☐ Y ☐ N	☐ F
a. If no, describe the proposed change to existing purposes, including flow rate, volume, and, if applicable, acres. _____ _____ _____ _____	☐ A	☐ F
135. Do historical and proposed return flows accrete to the source of supply? The Department provides an initial estimate of the source(s) that historical and proposed returns flows accrete to at the preapplication meeting.	☐ Y ☐ N	☐ F

136. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 27 and if you are answering in consecutive order, go to question 137.		

Salvage Water

137. Does this project involve salvage water? Salvage water does not include destroying phreatophytes, removing vegetation, converting to a less consumptive crop, or converting to a partial irrigation schedule. If yes, answer the questions in this section (questions 138 to 141). If no, this section is complete; skip to question 141.	☐ Y ☐ N	☐ F
138. What water saving method was implemented? This may include lining an unlined ditch or canal, converting unlined ditch or canal to pipeline, converting high profile or high-pressure sprinklers to low pressure, and others. _____ _____	☐ A	☐ F
139. How much water was salvaged from implementation of the water saving method? Include flow rate (GPM or CFS) and volume (AF). _____		☐ F
140. How did you determine the amount of water salvaged? _____ _____ _____ _____	☐ A	☐ F
141. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 28 and if you are answering in consecutive order, go to question 142.		

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
142. Describe your plan to ensure that existing water rights will be satisfied during times of water shortage. If water is not available or call is made, we will shut off the pump.	☐ A
143. Explain how you can control your diversion in response to call being made. Electrical disconnect	☐ A
144. Are you aware of any calls that have been made on any source of supply or depleted surface water source?	☐ Y ☐ N
a. If yes, explain.	☐ A
145. Does a water commissioner distribute water or oversee water distribution on your proposed source or depleted surface water source?	☐ Y ☐ N
a. If yes, list the sources and explain.	☐ A
146. Describe how the change will or will not affect your ability to make call. No change	☐ A

147. When was the last time each water right proposed for change was appropriated and used beneficially? If there has been a period of nonuse, answer questions 147.a to 147.d. 2024 season growing alfalfa	
a. Why was the water right not used? Season not started yet for 2025	☐ A
b. Why will a resumption of use not adversely affect other water users?	☐ A
c. Is the period of nonuse greater than 10 years for any of the water rights proposed for change? If yes, list which water rights.	☐ Y ☐ N
d. Have water rights been authorized to use the source during the period of nonuse for any of the water rights proposed for change? If yes, explain.	☐ Y ☐ N
148. Is this a point of diversion change?	☐ Y ☐ N
a. If yes,	
i. Are the proposed points of diversion upstream or downstream of the historical points of diversion? Upstream (~200')	
ii. Are there intervening water users between the historical and proposed points of diversion?	☐ Y ☐ N
1. If yes, list the water rights.	☐ A

iii. Will any new points of diversion or conveyance infrastructure be shared with one or more existing water rights?	☐ Y ☑ N
1. If yes, describe how capacity of the new shared point of diversion and/or conveyance infrastructure is sufficient for all water rights. _____ _____ _____	☐ A

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

149. Respond to questions in this section if you elected in questions 65 or 93 to answer optional questions 150 to 154. Answer one time for each surface water source receiving return flows. Use "Additional Return Flow Source (606P)" sheet if there is more than one source. If you did not elect to answer these questions or answered these questions earlier in the preapplication meeting, this section is complete; skip to question 155.	
150. What is the surface water source for which you are answering questions 151 to 154? _____	
151. Are stream gage data available?	☐ Y ☐ N
a. If yes, answer question 152.	
b. If no, answer question 153.	
152. Stream gage data are available	
a. Is one stream gage located above, and one stream gage located below the location where return flows accrue?	☐ Y ☐ N
i. If no, is only one stream gage located near the location where return flows accrue?	☐ Y ☐ N
1. If yes, is the stream gage upstream or downstream? _____	
b. List the gage name(s). Write "N/A" for Gage 2 if one gage available. Gage 1: _____ Gage 2: _____	

c. What is the distance between the gage(s) and the location where return flows accrue? Write "N/A" for Gage 2 if one gage available. Gage 1: _____ Gage 2: _____	
d. Is there a limiting or controlling factor on the source between the stream gage(s) and the location where return flows accrue? This includes dams that control the flow and streams with large gaining and/or losing reaches.	☐ Y ☐ N
i. If yes, explain. _____ _____	☐ A
e. How long is the period of record? Write "N/A" for Gage 2 if one gage is available. Gage 1: _____ Gage 2: _____	
f. Who operates and maintains the gage(s)? Write "N/A" for Gage 2 if one gage is available. Gage 1: _____ Gage 2: _____	
g. Is each available stream gage operated and maintained by USGS or DNRC?	☐ Y ☐ N
i. If yes, skip to question 152.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: _____ Gage 2: _____	
2. If data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?	☐ Y ☐ N
a. Gage 1.	☐ Y ☐ N
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. _____	☐ Y ☐ N

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?	☐ Y ☐ N
a. Gage 1.	☐ Y ☐ N
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. _____	☐ Y ☐ N
4. Were there requirements for maintaining a permanent gage datum and meeting specified accuracy limits?	☐ Y ☐ N
a. Gage 1.	☐ Y ☐ N
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. _____	☐ Y ☐ N
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 when return flows accrue?	☐ Y ☐ N
i. If yes, record how many meet the standard, then skip to question 155 because this section is complete. _____	
ii. If no, answer question 153.	
153. 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 when return flows accrue, is the source otherwise measured?	☐ Y ☐ N
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 154.	
b. If yes,	
i. Submit measurements to the Department.	☐ S
ii. Who collected the measurements? _____	☐ A

iii. With what method were the data collected? _____ _____	☐ A
iv. What is the period of record? _____	
v. What is the frequency of measurement? _____	
vi. Are there gaps in the data?	☐ Y ☐ N
1. If yes, what is the nature of the gaps and how are gaps handled to ensure data quality? _____ _____	☐ A
vii. Is there a process for maintaining the data and meeting specified accuracy limits?	☐ Y ☐ N
1. If yes, explain. _____ _____	
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 when return flows accrue?	☐ Y ☐ N
1. If yes, this section is complete. Skip to question 155.	
2. If no, answer question 154.	
154. 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?	☐ Y ☐ N
a. If yes,	
i. Describe how the measurements are representative of high, moderate, and low flows. _____ _____ _____	☐ A

ii. Describe the estimation technique. _____ _____ _____ _____ _____	☐ A
b. If no, but a Department-accepted estimation technique will be appropriate for the source receiving return flows:	
i. Will measurements be collected prior to submission of a completed Form 606P-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?	☐ Y ☐ N
1. If yes,	
a. With what method will the data be collected? _____ _____	☐ A
b. What will be the interval of measurement? _____	
c. Describe the proposed estimation technique. _____ _____ _____ _____	☐A
2. If no, 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? Neither the Department's technical analyses nor scientific credibility review of your technical analyses can commence until the Department receives measurements that meet Department measurement standards, or in combination with an approved request for variance from these standards, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.	☐ Y ☐ N

c. If no, because no Department-accepted estimation technique will be appropriate for the source receiving return flows:	
i. Describe why no Department-accepted estimation technique is appropriate for the source characteristics. _____ _____ _____	☐ A
ii. Do the available measurement data, gage and/or otherwise measured, meet the Department's standard for monthly measurements throughout the months when return flows accrue?	☐ Y ☐ N
1. If no, will measurements be collected prior to submission of a completed Form 606P that meet the Department's standard of monthly measurements throughout the months when return flows accrue?	☐ Y ☐ N
a. If yes, with what method will the data be collected? _____ _____	☐ A
b. If no, do you plan on requesting a variance to deviate from the Department's standard for monthly measurements throughout the months when return flows accrue? 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 for a variance from these standards are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.	☐ Y ☐ N
155. If you went straight to this section when referenced, go back to question 65 for surface water changes and question 93 for groundwater changes. If you waited to answer in consecutive order and have completed all prior sections, move to question 156.	

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

156. Respond to questions in this section if you elected in question 84 to answer optional questions 157 to 161. Answer one time for each hydraulically connected source. Use "Additional Hydraulically Connected Source (606P)" sheet if there is more than one source. If you did not elect to answer these questions or answered these questions earlier in the preapplication meeting, this section is complete; skip to question 162.	

157. What is the surface water source for which you are answering questions 158 to 161? _____	
158. Are stream gage data available?	☐ Y ☐ N
a. If yes, answer question 159.	
b. If no, answer question 160.	
159. Stream gage data are available	
a. Is one stream gage located above and one stream gage located below the point of net depletion accumulation?	☐ Y ☐ N
i. If no, is only one stream gage located near the point of net depletion accumulation?	☐ Y ☐ N
1. If yes, is the stream gage upstream or downstream? _____	
b. List the gage name(s). Write "N/A" for Gage 2 if one gage available. Gage 1: _____ Gage 2: _____	
c. What is the distance between the gage(s) and the point of net depletion accumulation? Write "N/A" for Gage 2 if one gage available. Gage 1: _____ Gage 2: _____	
d. Is there a limiting or controlling factor on the source between the stream gage(s) and the point where net depletions accrue? This includes dams that control the flow and streams with large gaining and/or losing reaches.	☐ Y ☐ N
i. If yes, explain. _____ _____	☐ A
e. How long is the period of record? Write "N/A" for Gage 2 if one gage is available. Gage 1: _____ Gage 2: _____	

f. Who operates and maintains the gage(s)? Write "N/A" for Gage 2 if one gage is available. Gage 1: _____ Gage 2: _____	
g. Is each available stream gage operated and maintained by USGS or DNRC?	☐ Y ☐ N
i. If yes, skip to question 159.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: _____ Gage 2: _____	
2. If data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?	☐ Y ☐ N
a. Gage 1.	☐ Y ☐ N
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. _____	☐ Y ☐ N
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?	☐ Y ☐ N
a. Gage 1.	☐ Y ☐ N
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. _____	☐ Y ☐ N
4. Were there requirements for maintaining a permanent gage datum and meeting specified accuracy limits?	☐ Y ☐ N
a. Gage 1.	☐ Y ☐ N
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. _____	☐ Y ☐ N

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?	☐ Y ☐ N
i. If yes, record how many meet the standard, then skip to question 162 because this section is complete. _____	
ii. If no, answer question 160.	
160. 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?	☐ Y ☐ N
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 161.	
b. If yes,	
i. Submit measurements to the Department.	☐ S
ii. Who collected the measurements? _____	☐ A
iii. With what method were the data collected? _____ _____	☐ A
iv. What is the period of record? _____	
v. What is the frequency of measurement? _____	
vi. Are there gaps in the data?	☐ Y ☐ N
1. If yes, what is the nature of the gaps and how are gaps handled to ensure data quality? _____ _____	☐ A

vii. Is there a process for maintaining the data and meeting specified accuracy limits?	☐ Y ☐ N
1. If yes, explain. _____ _____	
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?	☐ Y ☐ N
1. If yes, this section is complete. Skip to question 162.	
2. If no, answer question 161.	
161. 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?	☐ Y ☐ N
a. If yes,	
i. Describe how the measurements are representative of high, moderate, and low flows. _____ _____ _____	☐ A
ii. Describe the estimation technique. _____ _____ _____ _____ _____	☐ A
b. If no, but a Department-accepted estimation technique will be appropriate for the hydraulically connected source:	
i. Will measurements be collected prior to submission of a completed Form 606P-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?	☐ Y ☐ N
1. If yes,	
a. With what method will the data be collected? _____ _____	☐ A

b. What will be the interval of measurement? _____	
c. Describe the proposed estimation technique. _____ _____ _____ _____	☐ A
2. If no, 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.	☐ Y ☐ N
c. If no, because no Department-accepted estimation technique will be appropriate for the hydraulically connected source:	
i. Describe why no Department-accepted estimation technique is appropriate for the source characteristics. _____ _____ _____	☐ A
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?	☐ Y ☐ N
1. If no, will measurements be collected prior to submission of a completed Form 606P that meet the Department's standard of monthly measurements throughout the months with net depletions?	☐ Y ☐ N
a. If yes, with what method will the data be collected? _____ _____	☐ A

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 to deviate, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.	☐ Y ☐ N
162. If you went straight to this section when referenced, go back to question 84. If you waited to answer in consecutive order and have completed all prior sections, move to question 163.	

Adequate Means of Diversion and Operation

163. Submit a diagram of how you will operate your system from the point of diversion to the place of use.	☐ S
164. 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. Will submit	☐ A
165. Describe the size, materials, capacity, and configuration of infrastructure to convey water from point of diversion to place of use. Will submit	☐ A
166. Does the proposed conveyance require easements?	☐ Y ☑ N
a. If yes, explain.	☐ A
167. Do you propose to add a point of diversion?	☑ Y ☐ N
a. If yes, do you own the land where all proposed points of diversion are located?	☑ Y ☐ N
i. 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.	

168. Describe your plan of operations, including specific information about how water is delivered within the place of use. This may include, where applicable, the range of flow rates needed for a pivot. Will submit	☐ A
169. Do you have any plans to measure your diversion and use?	☑ Y ☐ N
a. If yes, describe the plan and the type of measurements you will take. Pressure checks	☐ A

Beneficial Use

170. 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.	☑ Y ☐ N
a. If yes, list the purposes for which the Department has a standard and note whether the water use falls within or outside the standard. Irrigation - falls within standard	
171. If no 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.	☐ A
172. Will your proposed project be subject to DEQ requirements for a public water supply (PWS) system or Certificate of Subdivision Approval (COSA)?	☐ Y ☑ N
a. If yes, have you researched or consulted with DEQ regarding those requirements?	☐ Y ☐ N
173. Are you proposing to use surface water for in-house domestic use?	☐ Y ☑ N
a. If yes, does a COSA exist for the proposed place of use?	☐ Y ☐ N
i. If yes, please submit the COSA.	☐ S
ii. If no, have you researched or consulted with DEQ regarding their requirements?	☐ Y ☐ N

Possessory Interest

174. 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.	☐ Y ☑ N
a. If yes, explain. _____ _____ _____ _____	☐ A
b. If no, do you own all proposed places of use?	☑ Y ☐ N
i. If no, 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. _____ _____ _____	☐ A

Non-Mandatory Project-Specific Questions

Change in Place of Storage

175. Does the project include one or more places of storage? If yes, answer questions 176 to 178 for each individual place of storage (use "Additional Place of Storage (606P)" sheet for additional places of storage). A Change Storage Addendum (606-SA) will be required at application submittal. If no, this section is complete; skip to question 179.	
176. Are preliminary designs available? Preliminary designs will be required at application submittal.	☐ Y ☐ N
a. If yes, submit preliminary designs.	☐ S
177. Will a drainage device be installed?	☐ Y ☐ N
178. Is the place of storage capacity calculated to be greater than 50 acre-feet?	☐ Y ☐ 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?	☐ Y ☐ N

179. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 16 and if you are answering in consecutive order, go to question 180.	

Instream Flow Change

180. You may respond to the questions in this section if the project involves an instream flow purpose and you choose to answer the non-mandatory questions. Otherwise, this section is complete, skip to question 184.	
181. Does the protected reach begin at the existing point of diversion?	☐ Y ☐ N
a. If no, does the protected reach begin upstream of or downstream from the existing point of diversion? _____	
182. Provide initial details about a streamflow measuring plan, which include the points where measurements occur, the interval of measurement, and the methods and equipment used. A complete streamflow measuring plan will be required for the application. _____ _____ _____ _____ _____ _____	☐ A
183. Provide initial details about an operation plan, which may include the proposed protected flow rate (GPM or CFS), proposed protected volume (AF), and the proposed protected period. If you propose a trigger flow, please explain. A complete operation plan, based on the technical analyses, will be required for the application. _____ _____ _____ _____	☐ A
184. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 27 and if you are answering in consecutive order, go to question 185.	

Mitigation, Aquifer Recharge, and Marketing for Mitigation

185. You may respond to the questions in this section if the project involves mitigation, aquifer recharge, or marketing for mitigation, and you choose to answer the non-mandatory questions. Otherwise, this section is complete, skip to question 190. For mitigation water, answer questions 186, 187, and 188. For aquifer recharge water, answer questions 187 and 188. For marketing for mitigation/aquifer recharge, answer question 189.	
186. Do the water rights proposed for change to mitigation water have a period of use that is greater than or equal to the period when mitigation is necessary?	☐ Y ☐ N
a. If no, how will mitigation water be made available during the entire period when mitigation is necessary? _____ _____ _____	☐ A
187. How do the priority dates of the water rights proposed for change compare to other water rights on the source? _____ _____	☐ A
188. Do you have measurement records or Water Commissioner records that show the reliability of the water rights proposed for change to a mitigation water or aquifer recharge purpose?	☐ Y ☐ N
a. If yes, submit them to the Department.	☐ S
189. Describe the need for marketing for mitigation/aquifer recharge. _____ _____ _____ _____	☐ A
190. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 25 and if you are answering in consecutive order, go to question 191.	

Water Marketing

191. You may respond to the questions in this section if the project includes the water marketing purpose, and you choose to answer the non-mandatory questions. This does not include marketing for mitigation. Otherwise, this section is complete, skip to question 195.	☐ Y ☐ N

192. How will you control or limit access to the water? _____ _____	☐ A
193. Do you have contracts for the entire volume and flow rate sought?	☐ Y ☐ N
194. Submit 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.	☐ S
195. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 26 and if you are answering in consecutive order, go to Follow-Up section.	

FOLLOW-UP

The table below will identify all questions marked for follow-up. Applicant follow-up will be submitted with the completed Preapplication Meeting Form: Part B (Form 606P-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 606P-A) signed at the Preapplication Meeting**. Instead, the Applicant must use the Amended Responses procedure defined in Form 606P-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 606P-B.*

QUESTION #	NOTES
8	Historical Use Map
9	Proposed Use Map
	System diagrams etc. (not required for this form to be complete)

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: 5/30/25

Applicant Signature — Date

Department Signature — Date: 5/30/25