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 – PUBLIC COMMENT

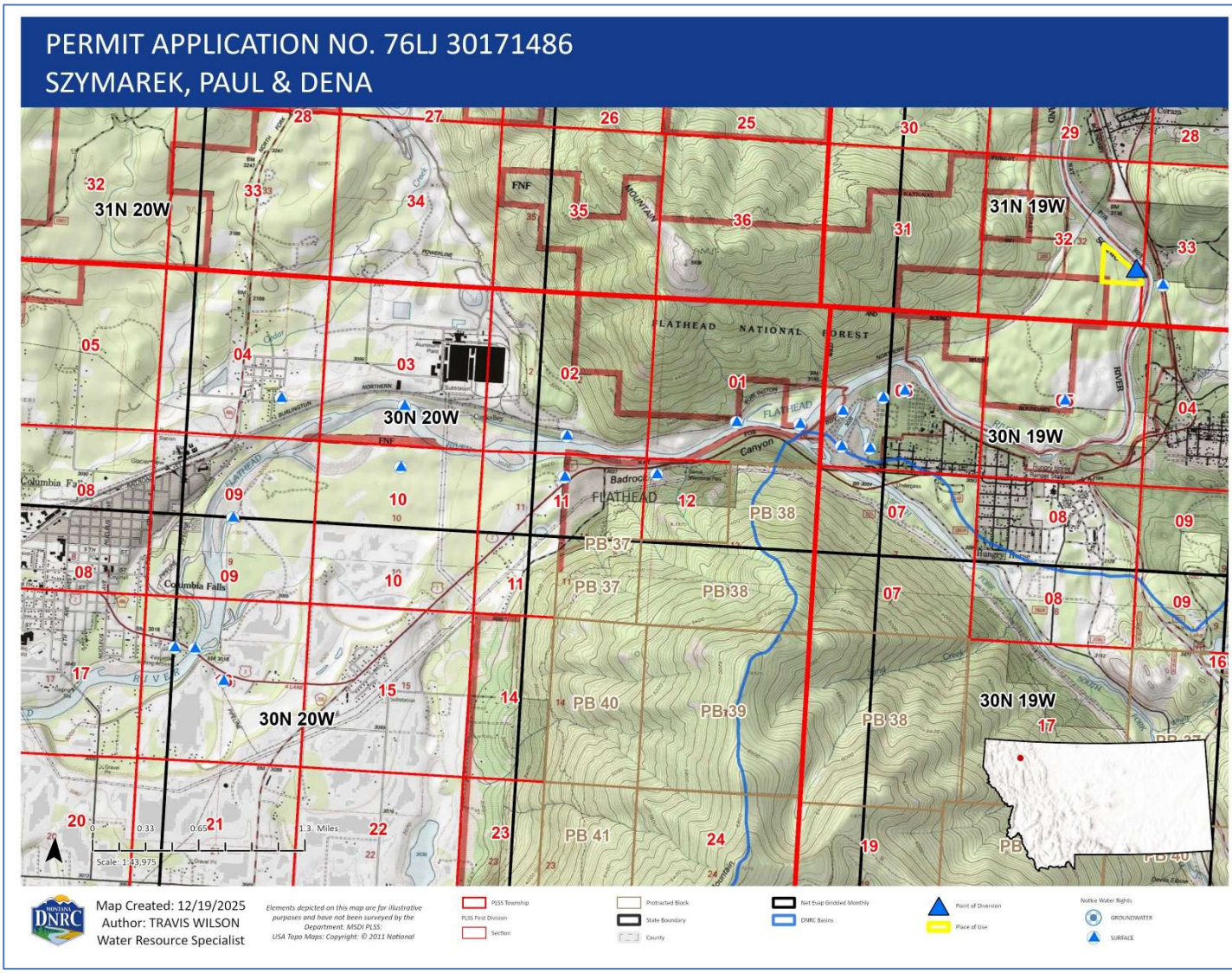
Application No. 76LJ 30171486 Regional Office # 08

Applicant's Name SZYMAREK, PAUL AND DENA

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

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

Specialist TRAVIS WILSON Date 12/19/2025



Water Right Owner(s)*	Water Right No. (Basin ID, and Number)
Applicant: SZYMAREK, PAUL AND DENA	76LJ 30171486
Consultant: CLINTON POST, ALTO WELL & PUMP	
1CFC	KRO STANDARD NOTICE CONTACTS
1FWS	
1FWP	
1WQB	
1PPL	
1WWP	
1DSL	
2FWP	
2BIA	
8KAL	
1BRW	
MONTANA DEPT OF FISH WILDLIFE & PARKS	76LJ 147034 00
MONTANA DEPT OF FISH WILDLIFE & PARKS	76LJ 147031 00
BIGELOW MONTANA CO	76LJ 148779 00
MONTANA DEPT OF FISH WILDLIFE & PARKS	76LJ 147032 00
BIGELOW MONTANA CO	76LJ 148778 00
MONTANA DEPT OF FISH WILDLIFE & PARKS	76LJ 147033 00
MONTANA DEPT OF FISH WILDLIFE & PARKS	76LJ 147029 00
MONTANA DEPT OF FISH WILDLIFE & PARKS	76LJ 147036 00
MONTANA DEPT OF FISH WILDLIFE & PARKS	76LJ 147039 00
MONTANA DEPT OF FISH WILDLIFE & PARKS	76LJ 147030 00
MONTANA DEPT OF FISH WILDLIFE & PARKS	76LJ 147038 00
FLATHEAD COUNTY ROAD & BRIDGE DEPT	76LJ 30002541
MONTANA DEPT OF FISH WILDLIFE & PARKS	76LJ 147037 00
MONTANA STATE BOARD OF LAND COMMISSIONERS	76LJ 30104140
PUBLISHED: DAILY INTER LAKE Legal land description of notice area: Sec 33 of T31N R19W; Sec 5 and 6 of T30N R19W; Sec 1, 2, 3, 4, 9, 10, 11, 12, and 16 of T30N R20W Flathead County**	

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

***Notice area: Notice sent to all active and severed water rights on the Flathead River from the proposed point of diversion downstream to USGS Gaging Station No. 12363000 Flathead River at Columbia Falls, MT.*

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:

PAUL AND DENA SZYMAREK
184 STONES THROW LN
COLUMBIA FALLS MT 59912-8677

2. TYPE OF ACTION:

Surface Water Application for Beneficial Water Use Permit No. 76LJ 30171486

3. WATER SOURCE NAME:

Flathead River

4. LOCATION AFFECTED BY PROJECT:

Government Lot 6 in the SENESE of Section 32, Township 31N, Range 19W, Flathead County, Montana.

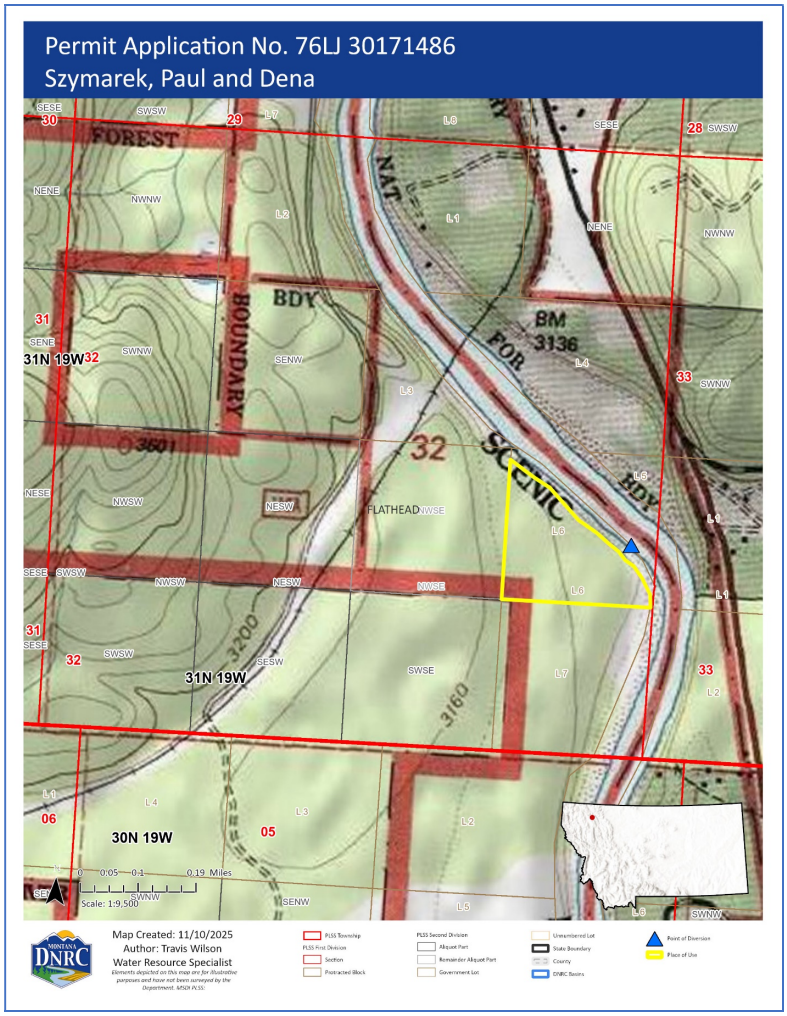


Figure 1. Map of the proposed place of use and point of diversion.

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

The Applicant proposes to divert Flathead River water by means of a pump at 30.0 GPM up to 0.45 AF/year for domestic use from January 1 – December 31 and 0.63 AF/year for irrigation of 0.25 acres of lawn and garden from April 25 – October 5 (1.08 AF/year total).

The proposed POD is in the SENESE of Section 32, Township 31N, Range 19W, Flathead County, Montana (Figure 1). The proposed place of use is in Government Lot 6 in the SENESE of Section 32, Township 31N, Range 19W, Flathead County, Montana (Figure 1).

The POD 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 issue a water use permit if the applicant proves the criteria in 85-2-311 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

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 Flathead River is not listed as chronically or periodically dewatered on the Montana DFWP list of dewatering concern areas.

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.*

Flathead River: MDEQ Clean Water Act Information Center's 2024 Water Quality Information report lists the Flathead River as:

i. Water Quality Category 3: Waters for which there is insufficient data to assess the use support of any applicable beneficial use, so no use support determinations have been made;

ii. Use Class B-1: Waters classified as suitable for drinking, culinary, and food processing purposes after conventional treatment; bathing, swimming and recreation; growth and propagation of salmonid fishes and associated aquatic life, waterfowl and furbearers; and agricultural and industrial water supply; and,

iii. "Not assessed" for aquatic life, agricultural, drinking water, and primary contact recreation uses.

The diversion of water for domestic and lawn and garden irrigation uses is not anticipated to significantly affect water quality in this 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 divert Flathead River water at 30.0 GPM up to 0.45 AF/year for domestic use and up to 0.63 AF/year for irrigation of 0.25 acres of lawn and garden area (1.08 AF/year total) using a Franklin Electric model MF5060 submersible pump with a 3.0-horsepower motor. A pump housing cylinder comprised of a 10-foot-length of six-inch steel pipe with a capped bottom will be buried vertically to 8-feet below ground surface 20 feet from the river's edge in which the submersible pump will be installed.

A foot valve-equipped buried two-inch poly pipe connected at the base of the pump housing cylinder will extend into Flathead River below the frost line. Water will be drawn by the pump into the pump housing cylinder through the intake line. The pump will be installed on a pitless adapter below the frost line and will convey water through a 2-inch poly main supply line 495-feet from the pump housing cylinder to a buried 3,700-gallon storage tank. The pump will be controlled by a float switch in the storage tank. There will be two curb-stop shut off valves installed in the system, one between the intake and the pump housing cylinder and one between the pump housing cylinder and the storage tank. A Dole Valve will be installed in the main line prior to the storage tank to limit the flow to the requested 30.0 GPM flow rate. A flow meter will be installed between the Dole Valve and the storage tank. Water will be pumped from the storage tank to the domestic fixtures and hose-bib connections through a one-inch pipe by a Dab Diver variable frequency drive cistern pump.

The Applicant calculated a maximum TDH for their system of 330.65 feet based on:

i. An elevation head of 55 feet;

ii. An outlet pressure set at 60 PSI, which is equivalent to 138.6-feet of head; and,

iii. Friction and fitting losses associated with the 495-feet of two-inch poly pipe, elbows, adapters, the flow meter, Dole Valve, etc. These head losses sum to 137.05 feet.

The Applicant provided the pump performance curve. At the maximum TDH of 330.65-feet, the pump performance curve demonstrates that the pump is capable of producing the requested 30.0 GPM

The installation of the pump housing cylinder and intake pipe is not anticipated to have any long-lasting channel or riparian impacts, nor will it create barriers or dams on the Flathead River. The Applicant must obtain all required permits from all relevant agencies prior to disturbing the streambed/bank and adjacent riparian areas for installation of the diversion and conveyance works.

Determination: Minimal impact; additional permits (such as a 310 permit) are likely required.

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. Nine animal and four plant species of concern (Table 1) were identified in the general vicinity of the project area. Of these species, the Grizzly Bear and the Bull Trout are listed as threatened by the USFWS. It is not anticipated that any species of concern will be further impacted by the proposed project. This project will not create any barriers to the migration or movement of fish or wildlife.

Table 1. Species of Concern		
Species Group	**Common Name**	**Scientific Name**
Mammals	Fisher	*Pekania pennanti*
Mammals	Grizzly Bear	*Ursus arctos*
Mammals	Townsend's Big-eared Bat	*Corynorhinus townsendii*
Mammals	Western Pygmy Shrew	*Sorex eximius*
Birds	Pacific Wren	*Troglodytes pacificus*
Birds	Pileated Woodpecker	*Dryocopus pileatus*
Fish	Bull Trout	*Salvelinus confluentus*
Fish	Westslope Cutthroat Trout	*Oncorhynchus lewisi*
Invertebrates	Suckley's Cuckoo Bumble Bee	*Bombus suckleyi*
Vascular Plants	Sparrow's-egg Lady's-slipper	*Cypripedium passerinum*
Vascular Plants	English Sundew	*Drosera anglica*
Vascular Plants	Slender Cottongrass	*Eriophorum gracile*
Bryophytes	Meesia Moss	*Meesia uliginosa*

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

Determination: No significant impact.

Wetlands and 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.*

There are no ponds or wetlands within the proposed place of use. The point of diversion is within a riverine habitat directly adjacent to an area of forested/shrub wetland. It is not anticipated that the proposed pumping of water at this location will have significant impacts on the wetland resource.

The installation of the pump housing cylinder and intake pipe is not anticipated to have any long-lasting wetland impacts. The Applicant must obtain all required permits from all relevant agencies prior to disturbing the streambed/bank and adjacent riparian or wetland areas for installation of the diversion and conveyance works.

Determination: Minimal impact; additional permits (such as a 310 permit) are likely required.

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 domestic and lawn and garden uses are not anticipated to negatively impact the soil quality, stability, or moisture content. The soil type in the project area is Dystric Eutrochrepts, till substratum, formed from till parent material. This soil has a high capacity to transmit water. Soils in this general area are not typically saline and thus are not anticipated to be susceptible to saline seep.

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.*

The development of the project site is already underway. Any existing native vegetation has likely already been disturbed. 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 landowner, 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 issuance of the proposed permit for beneficial use of surface water.

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.*

This 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 significant 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*.

There are 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 diversion of surface water at this location.

Part III. Conclusion

1. PREFFERED ALTERNATIVE:

Issue a water use permit if the Applicant proves the criteria in 85-2-311 MCA are met.

2. COMMENTS AND RESPONSES:

None.

3. FINDING:

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: Travis Wilson

Title: Water Resource Specialist

Date: November 26, 2025

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: 2024 **Assessment Record:** MT76O001_010 **Status:** Unassigned

WATER INFORMATION — Status: Unassigned

Reporting Cycle: 2024

Assessment Unit: MT76O001_010

Name: Flathead River

Location Description: FLATHEAD RIVER, headwaters to Flathead Lake

Water Type:	Size (Miles/Acres)	Use Class:
RIVER	53.71 MILES	B-1

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

6 - Ecoregion: Canadian Rockies

7 - County: Flathead County

8 - LAT/LONG AU Upstream: Start: 48.467256 / -114.071261

9 - LAT/LONG AU Downstream: End: 48.060975 / -114.128357

Water Quality Category: 3 - Waters for which there is insufficient data to assess the use support of any applicable beneficial use, so no use support determinations have been made.

Assessment Record Summary

Reporting Cycle: 2024 **Assessment Record:** MT76O001_010 **Status:** Unassigned

Beneficial Use Support Information

Use Name	Fully Supporting	Not Fully Supporting	Threatened	Insufficient Information	Not Assessed
Aquatic Life					X
Agricultural					X
Drinking Water					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
NA			

Assessment Record Summary

Reporting Cycle: 2024 **Assessment Record:** MT76O001_010 **Status:** Unassigned

Use Name	Observed Effects
NA	

Delisting / Category Changes

Cause	Reason for Change	Change Date	Comments
NA			

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

Latitude	Longitude
48.39969	-114.03628
48.40981	-114.06252

Montana SOC Occurrences Report

SOC Occurrences with MT Status = Species of Concern

Report generated 11/26/2025 1:09:21 PM

⊞ **Mammals - Fisher** *(Pekania pennanti)*	**SO Count**: 1	**Obs Count**: 215	**Earliest Obs**: 1947	**Recent Obs**: 2023
⊞ **Mammals - Grizzly Bear** *(Ursus arctos)*	**SO Count**: 1	**Obs Count**: 1493	**Earliest Obs**: 1895	**Recent Obs**: 2025
⊞ **Mammals - Townsend's Big-eared Bat** *(Corynorhinus townsendii)*	**SO Count**: 1	**Obs Count**: 4	**Earliest Obs**: 2012	**Recent Obs**: 2014
⊞ **Mammals - Western Pygmy Shrew** *(Sorex eximius)*	**SO Count**: 1	**Obs Count**: 1	**Earliest Obs**: 1976	**Recent Obs**: 1976

⊞ **Birds - Pacific Wren** *(Troglodytes pacificus)*	**SO Count**: 1	**Obs Count**: 1	**Earliest Obs**: 2022	**Recent Obs**: 2022
⊞ **Birds - Pileated Woodpecker** *(Dryocopus pileatus)*	**SO Count**: 4	**Obs Count**: 5	**Earliest Obs**: 2020	**Recent Obs**: 2022
⊞ **Fish - Bull Trout** *(Salvelinus confluentus)*	**SO Count**: 1	**Obs Count**: 341	**Earliest Obs**: 1938	**Recent Obs**: 2022
⊞ **Fish - Westslope Cutthroat Trout** *(Oncorhynchus lewisi)*	**SO Count**: 1	**Obs Count**: 342	**Earliest Obs**: 1980	**Recent Obs**: 2022
⊞ **Invertebrates -** ***Bombus suckleyi*** (Suckley's Cuckoo Bumble Bee)	**SO Count**: 1	**Obs Count**: 1	**Earliest Obs**: 1988	**Recent Obs**: 1988
⊞ **Vascular Plants -** ***Cypripedium passerinum*** (Sparrow's-egg Lady's-slipper)	**SO Count**: 1	**Obs Count**: 1	**Earliest Obs**: 1894	**Recent Obs**: 1894
⊞ **Vascular Plants -** ***Drosera anglica*** (English Sundew)	**SO Count**: 1	**Obs Count**: 1	**Earliest Obs**: 2005	**Recent Obs**: 2005
⊞ **Vascular Plants -** ***Eriophorum gracile*** (Slender Cottongrass)	**SO Count**: 1	**Obs Count**: 1	**Earliest Obs**: 1892	**Recent Obs**: 1892
⊞ **Bryophytes -** ***Meesia uliginosa*** (Meesia Moss)	**SO Count**: 2	**Obs Count**: 2	**Earliest Obs**: 1894	**Recent Obs**: 1894

Citation for this report:
Montana SOC Occurrences Report
SOC Occurrences with MT Status = Species of Concern
Within Lat/Long: (48.39969,-114.03628) to (48.40981,-114.06252)
Natural Heritage Map Viewer. Montana Natural Heritage Program.
Retrieved on November 26, 2025, from https://mtnhp.org/MapViewer/SOReport.aspx

Soil Map—Flathead National Forest Area, Montana

Map Scale: 1:3,210 if printed on A landscape (11" x 8.5") sheet.

N

Meters: 0 45 90 180 270

Feet: 0 150 300 600 900

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 1:24,000.

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

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

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

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

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

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

Soil Survey Area: Flathead National Forest 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
27-7	Dystric Eutrochrepts, till substratum	22.8	100.0%
Totals for Area of Interest		**22.8**	**100.0%**

Flathead National Forest Area, Montana

27-7—Dystric Eutrochrepts, till substratum

Map Unit Setting

National map unit symbol: nq3n
Elevation: 3,000 to 4,100 feet
Mean annual precipitation: 20 to 40 inches
Mean annual air temperature: 39 to 43 degrees F
Frost-free period: 70 to 105 days
Farmland classification: Not prime farmland

Map Unit Composition

Dystric eutrochrepts and similar soils: 90 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Dystric Eutrochrepts

Setting

Landform: Kames, kettles, terraces
Parent material: Till

Typical profile

Oi - 0 to 3 inches: slightly decomposed plant material
Bs - 3 to 9 inches: very gravelly silt loam
2Bw1 - 9 to 18 inches: extremely cobbly sandy loam
2Bw2 - 18 to 31 inches: extremely cobbly sandy loam
2C - 31 to 60 inches: very cobbly loamy sand

Properties and qualities

Slope: 10 to 20 percent
Depth to restrictive feature: More than 80 inches
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Very low (about 2.7 inches)

Interpretive groups

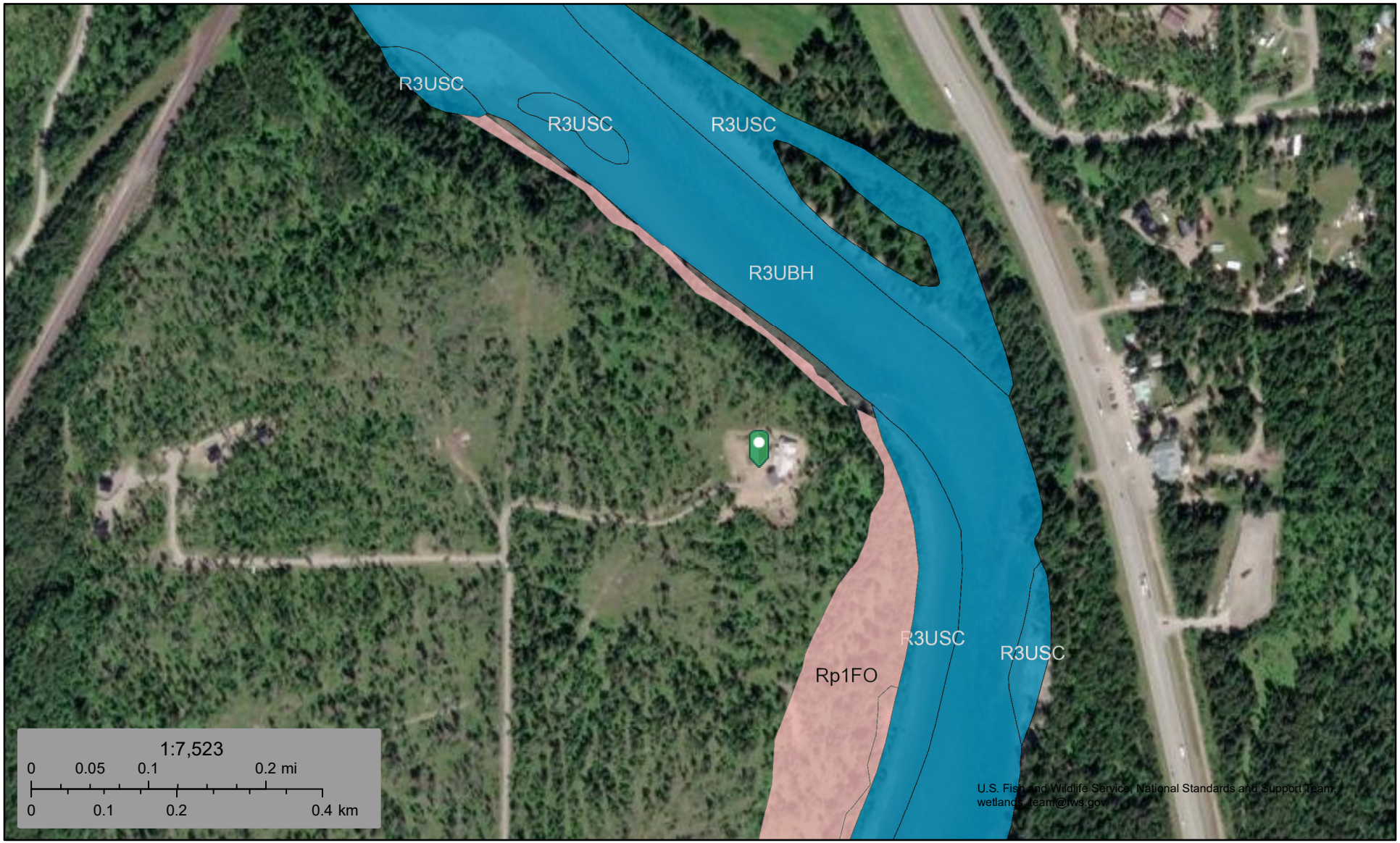
Land capability classification (irrigated): None specified
Hydrologic Soil Group: A
Ecological site: F043AP909MT - Upland Cool Woodland Group
Other vegetative classification: Douglas-fir/dwarf huckleberry (PK250), subalpine fir/dwarf huckleberry (PK640)

Data Source Information

Soil Survey Area: Flathead National Forest Area, Montana
Survey Area Data: Version 22, Aug 30, 2025

U.S. Fish and Wildlife Service
National Wetlands Inventory

76LJ 30171486 - Wetlands



November 26, 2025

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

November 26, 2025

PAUL AND DENA SZYMAREK
184 STONES THROW LN
COLUMBIA FALLS MT 59912-8677

Subject: Draft Preliminary Determination to Grant Beneficial Water Use Permit Application No. 76LJ 30171486

Dear Applicants,

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

You have the opportunity to request an extension of time to submit additional information for the Department to consider in the decision within 15 business days of the date of this letter. If no response is received by December 18, 2025, the Department will prepare a notice of opportunity to provide public comment per §85-2-307(4), MCA.

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

Please contact me at (406) 752-2746 or Travis.Wilson@mt.gov if you have any questions.

Sincerely,

Travis Wilson
Water Resource Specialist
Kalispell Regional Office

Encl.: Draft Preliminary Determination to Grant Water Right Permit Application No. 76LJ 30171486

Cc via email: Clinton Post, Alto Well & Pump

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

* * * * * * *

APPLICATION FOR BENEFICIAL WATER USE PERMIT NO. 76LJ 30171486 BY PAUL AND DENA SZYMAREK	)))	**DRAFT PRELIMINARY DETERMINATION TO GRANT PERMIT**

* * * * * * *

Paul and Dena Szymarek (Applicant) submitted Application for Beneficial Water Use Permit No. 76LJ 30171486 to the Kalispell Water Resources Office of the Department of Natural Resources and Conservation on September 16, 2025. The Applicant proposes diverting up to 1.08 acre-feet of volume annually at a flow rate of 30.0 gallons per minute from the Flathead River for domestic use and lawn and garden irrigation. The Department published receipt of the Application on its website on September 22, 2025. A preapplication meeting was held between the Department, the Applicant, and their consultant, Clinton Post, on July 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 August 8, 2025. The Department delivered the completed Technical Analyses Report on September 12, 2025. The application was determined to be correct and complete as of October 7, 2025. An Environmental Assessment for this application was completed on November 26, 2025.

INFORMATION

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

Application as filed:

- Application for Beneficial Water Use Permit, Form 600.
- Attachments:
  - "POD – Size and Configuration of Infrastructure"
  - "POD – Pump System Details"

- "POD – Friction Loss Charts"

- Maps/Figures:
  - "POD – 1"
    - Project vicinity map
    - Detail project map
  - "POD – Operation Diagram"

Information within the Department's Possession/Knowledge

- Mean monthly stream flow data from USGS Gaging Station No. 12363000 Flathead River at Columbia Falls, MT. Period of record: October 1951 – November 2024.
- Mean monthly stream flow data from USGS Gaging Station No. 12362500 South Fork Flathead River near Columbia Falls, MT. Period of record: February 1911 – August 2024.
- List of existing surface water rights on the Flathead River from the proposed point of diversion (POD) down to USGS Gaging Station No. 12363000 Flathead River at Columbia Falls, MT.
  - This list is further divided into two reaches:
    - The reach from the proposed POD down to the confluence of the South Fork Flathead River with the Flathead River; and,
    - The reach from the confluence of the South Fork Flathead River down to USGS Gaging Station No. 12363000 Flathead River at Columbia Falls, MT.

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

For the purposes of this document:

Department or **DNRC** means the Montana Department of Natural Resources and Conservation	
FWP means the Montana Department of Fish, Wildlife, and Parks	
AF means acre-feet	**AOPI** means the Area of Potential Impact
CFS means cubic feet per second	**DEQ** means the Department of Environmental Quality
GPD means gallons per day	**GPM** means gallons per minute
HDPE means high density polyethylene	**POD** means point of diversion
PSI means pounds per square inch	**TDH** means total dynamic head

PROPOSED APPROPRIATION

FINDINGS OF FACT

1. The Applicant proposes to divert Flathead River water by means of a pump at 30.0 GPM up to 0.45 AF/year for domestic use from January 1 – December 31 and 0.63 AF/year for irrigation of 0.25 acres of lawn and garden from April 25 – October 5 (1.08 AF/year total). The proposed POD is in the SENESE of Section 32, Township 31N, Range 19W, Flathead County, Montana (Figure 1). The proposed place of use is in Government Lot 6 in the SENESE of Section 32, Township 31N, Range 19W, Flathead County, Montana (Figure 1). The POD 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.

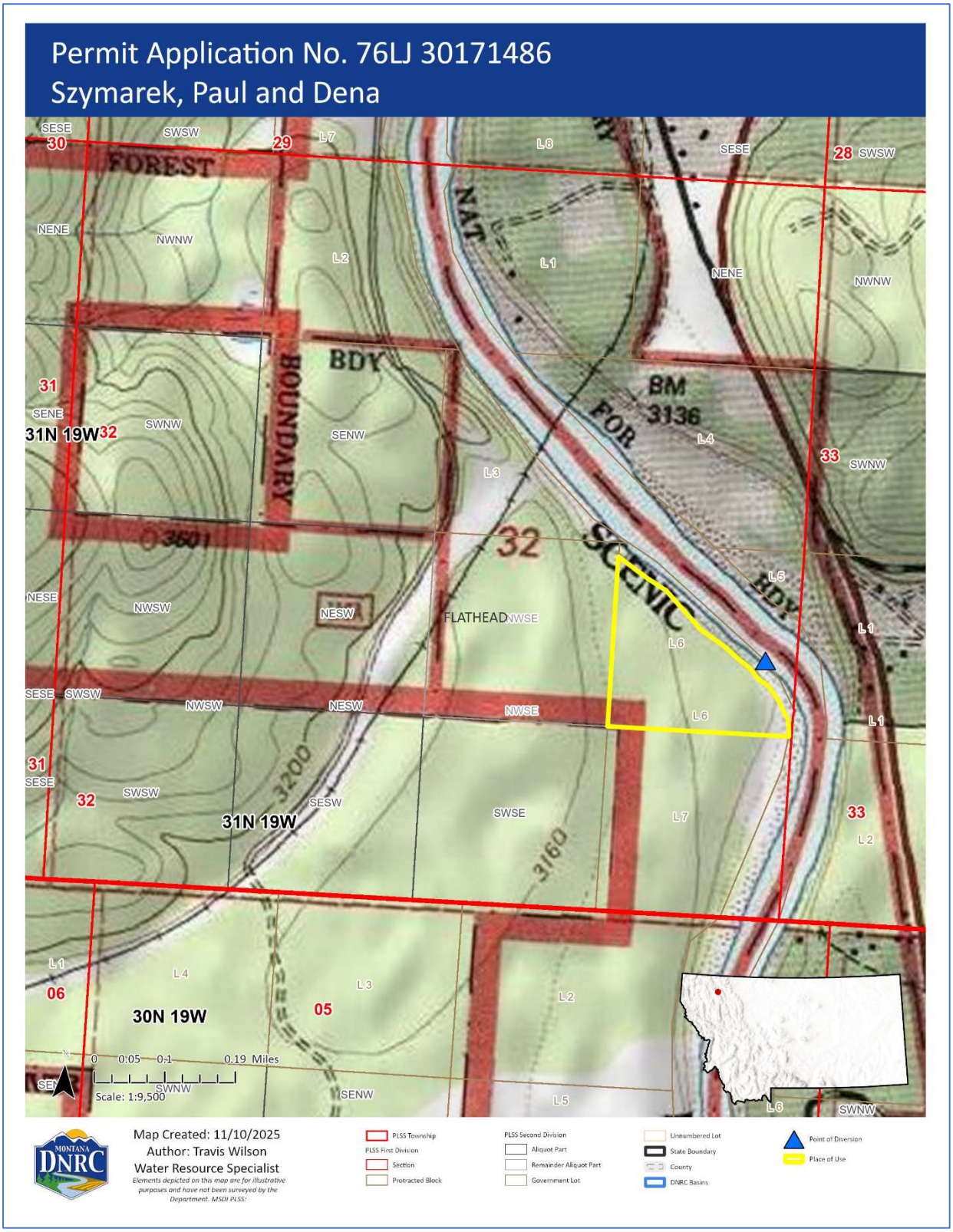


Figure 1: Map of the proposed place of use and point of diversion.

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

GENERAL CONCLUSIONS OF LAW

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

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

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

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

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

… the department shall issue a permit if the applicant proves by a preponderance of evidence that the following criteria are met:

(a) (i) there is water physically available at the proposed point of diversion in the amount that the applicant seeks to appropriate; and

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

(A) identification of physical water availability;

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

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

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

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

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

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

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

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

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

(2) The applicant is required to prove that the criteria in subsections (1)(f) through (1)(h) have been met only if a valid objection is filed. A valid objection must contain substantial credible information establishing to the satisfaction of the department that the criteria in subsection (1)(f), (1)(g), or (1)(h), as applicable, may not be met. For the criteria set forth in subsection (1)(g), only the department of environmental

> quality or a local water quality district established under Title 7, chapter 13, part 45, may file a valid objection.

To meet the preponderance of evidence standard, "the Applicant, in addition to other evidence demonstrating that the criteria of subsection (1) have been met, shall submit hydrologic or other evidence, including but not limited to water supply data, field reports, and other information developed by the Applicant, the department, the U.S. geological survey, or the U.S. natural resources conservation service and other specific field studies." § 85-2-311(5), MCA (emphasis added). The determination of whether an application has satisfied the § 85-2-311, MCA criteria is committed to the discretion of the Department. *Bostwick Properties, Inc. v. Montana Dept. of Natural Resources and Conservation*, 2009 MT 181, ¶ 21. The Department is required grant a permit only if the § 85-2-311, MCA, criteria are proven by the Applicant by a preponderance of the evidence. Id. A preponderance of evidence is "more probably than not." *Hohenlohe v. DNRC*, 2010 MT 203, ¶¶ 33, 35, 357 Mont. 438, 240 P.3d 628.

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

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

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

No. 42M-80600 and Application for Change of Appropriation Water Right No. 42M-036242 by Donald H. Wyrick (DNRC Final Order 1994); Admin. R. Mont. (ARM) 36.12.207.

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

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

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

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

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

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

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

PHYSICAL AVAILABILITY

FINDINGS OF FACT

8. The Applicant proposes to divert Flathead River water at 30.0 GPM up to 0.45 AF/year for domestic use and up to 0.63 AF/year for irrigation of 0.25 acres of lawn and garden area (1.08 AF/year total). The Department used the Flathead River at Columbia Falls, MT USGS Gaging Station No. 12363000 (period of record: October 1951 – November 2024) and the South Fork Flathead River near Columbia Falls, MT USGS Gaging Station No. 12362500 (period of record: February 1911 – August 2024) to quantify the physically available monthly flow rates and volumes at the POD during the period of diversion and use (January 1 – December 31). USGS Gaging Station No. 12363000 is approximately 9.1 miles downstream of the proposed POD and is the nearest gaging station to the proposed POD on the Flathead River. The date range used includes the entire period of record for this gage. The South Fork Flathead River contributes flow and volume to the Flathead River between the proposed POD and USGS Gaging Station No. 12363000. The South Fork Flathead River flows into the Flathead River approximately 3.4 miles downstream of the proposed POD and 5.7 miles upstream of USGS Gaging Station No. 12363000. USGS Gaging Station No. 12362500 is the nearest gaging station on the South Fork Flathead River to its confluence with the Flathead River and is located approximately 3.6 miles upstream of this confluence. The date range used includes the entire period of record for this gage.

9. The Department calculated median of the mean monthly flow rates in CFS for the Flathead and the South Fork Flathead Rivers using records from USGS Gaging Station Nos. 12363000 and 12362500, respectively, for each month of the proposed period of diversion (Table 1, columns B and D, respectively). Those flows were converted to monthly volumes in AF (Table 1, columns C and E, respectively) using the following equation found in the DNRC Water Calculation Guide: median of the mean monthly flow (CFS) × 1.98 (AF/day/1 CFS) × days per month = AF/month. There are no existing water rights filed on the South Fork Flathead River between USGS Gaging Station No. 12362500 and the confluence with the Flathead River, so the monthly flows and volumes at the gaging station are representative of the monthly flows and volumes contributed to the Flathead River by the South Fork Flathead River (Table 1, columns D-E).

10. The Department calculated the monthly flows appropriated by existing users on the Flathead River between the proposed POD and USGS Gaging Station No. 12363000 (Table 1, column F) by:

i. Generating a list of existing surface water rights (legal demands) from the proposed POD down to USGS Gaging Station No. 12363000 (Tables 2.1 and 2.2);

ii. Designating uses as occurring during their claimed/permitted periods of diversion;

iii. Differentiating between diversionary uses and non-diversionary instream uses; and,

iv. Assuming that the flow rate of each existing right is continuously diverted throughout each month of its period of diversion. This assumption is necessary due to the difficulty of differentiating the distribution of appropriated volume over the period of diversion. This leads to an overestimation of legal demands on the physical volume of water. The Department finds this an appropriate measure of assessing existing rights as it protects existing water users.

11. Since USGS Gaging Station No. 12363000 is downstream of the proposed POD, any diversions of water from the Flathead River between the proposed POD and USGS Gaging Station No. 12363000 must be added to the monthly gaging station values, while any additions of water between the proposed POD and USGS Gaging Station No. 12363000 must be subtracted from the monthly gaging station values in order to calculate the water physically available at the proposed POD. Since instream flow water rights are not diverted from the physical volume of water, they are not considered the calculations for physical availability.

12. The Department subtracted out the monthly flows of the South Fork Flathead River (Table 1, column D) from the monthly flows of the Flathead River at USGS Gaging Station No. 12363000 (Table 1, column B) and added in the monthly flows and volumes of the existing diverted water rights between the proposed POD and USGS Gaging Station No. 12363000 (Table 1, column F) to determine the physically available monthly flows at the proposed POD (Table 1, column G). Physically available monthly flows were then converted to monthly volumes (Table 1, column H).

Table 1: Physical Availability Analysis of the Flathead River at the Proposed POD							
A	B	C	D	E	F	G	H
	Flathead River		South Fork Flathead River				
Month	Median of the Mean Monthly Flow at USGS Gage No. 12363000 (CFS)	Median of the Mean Monthly Volume at USGS Gage No. 12363000 (AF)	Median of the Mean Monthly Flow at USGS Gage No. 12362500 (CFS)	Median of the Mean Monthly Volume at USGS Gage No. 12362500 (AF)	Existing Diverted Legal Demands between the Proposed POD and USGS Gage No. 12363000 (CFS)	Physically Available Water at the POD (CFS)	Physically Available Water at the POD (AF)
January	5,111.5	313,743.9	2,742.5	168,334.7	0.0	2,369.0	145,409.2
February	4,800.5	266,139.7	2,545.0	141,094.8	0.0	2,255.5	125,044.9
March	4,772.0	292,905.4	2,184.0	134,053.9	0.7	2,588.7	158,892.0
April	10,535.0	625,779.0	4,079.0	242,292.6	0.7	6,456.7	383,525.6
May	22,645.0	1,389,950.1	4,468.0	274,245.8	1.6	18,178.6	1,115,799.4
June	24,615.0	1,462,131.0	5,097.0	302,761.8	1.6	19,519.6	1,159,461.3
July	11,280.0	692,366.4	3,150.5	193,377.7	1.6	8,131.1	499,083.8
August	5,403.5	331,666.8	1,660.5	101,921.5	1.6	3,744.6	229,840.5
September	4,423.5	262,755.9	2,065.0	122,661.0	1.6	2,360.1	140,187.0
October	4,903.0	300,946.1	2,030.5	124,632.1	0.0	2,872.5	176,314.1
November	4,527.0	268,903.8	1,912.0	113,572.8	0.0	2,615.0	155,331.0
December	5,498.5	337,497.9	2,444.0	150,012.7	0.0	3,054.5	187,485.2

Table 2.1: Water rights between the proposed POD and the confluence of the South Fork Flathead River			
Water Right Number	Purpose	Flow Rate (CFS)	Period of Diversion
76LJ 147029 00*	FISH AND WILDLIFE	1,950.0	10/01 to 03/31
76LJ 147030 00*	FISH AND WILDLIFE	2,100.0	08/01 to 09/30
76LJ 147031 00*	FISH AND WILDLIFE	5,000.0	05/01 to 07/15
76LJ 147032 00*	FISH AND WILDLIFE	3,597.0	04/16 to 04/30
76LJ 147033 00*	FISH AND WILDLIFE	3,945.0	07/16 to 07/31
76LJ 147034 00*	FISH AND WILDLIFE	2,100.0	04/01 to 04/15
76LJ 148778 00**	FISH AND WILDLIFE	<Null>	01/01 to 12/31
76LJ 148779 00**	FISH AND WILDLIFE	<Null>	01/01 to 12/31

** State of Montana Department of Fish, Wildlife, and Parks instream flow water rights.*

***These water rights' flow rates/volumes will be excluded from calculations of physical/legal availability because no quantified flow rate was claimed, and the claimed volume cannot currently be confirmed due to lack of data. These issues will need to be resolved by the Water Court during the Basin 76LJ decree process. Until that time, the DNRC does not have enough information to include these water rights in the physical/legal availability analysis calculations.*

Table 2.2: Water rights between the confluence of the South Fork Flathead River and USGS Gaging Station No. 12363000			
Water Right Number	**Purpose**	**Flow Rate (CFS)**	**Period of Diversion**
76LJ 147036 00*	FISH AND WILDLIFE	6,650.0	04/16 to 04/30
76LJ 147037 00*	FISH AND WILDLIFE	3,500.0	08/01 to 04/15
76LJ 147038 00*	FISH AND WILDLIFE	5,402.0	07/16 to 07/31
76LJ 147039 00*	FISH AND WILDLIFE	8,125.0	05/01 to 07/15
76LJ 30104140	OTHER PURPOSE	0.7	03/01 to 09/30
76LJ 30002541	INDUSTRIAL	0.9	05/01 to 10/01

** State of Montana Department of Fish, Wildlife, and Parks instream flow water rights.*

13. The stream flow data analysis of the Flathead River shows physically available monthly flow rates and volumes in the source exceeding the flow rate and volume of the proposed appropriation (Table 1, columns G-H). The Department finds that the amount of water the Applicant seeks to appropriate, 30.0 GPM (0.07 CFS) up to 1.08 AF, is physically available in the Flathead River at the POD.

LEGAL AVAILABILITY

FINDINGS OF FACT

14. The Applicant proposes to divert Flathead River water at 30.0 GPM up to 0.45 AF/year for domestic use and up to 0.63 AF/year for irrigation of 0.25 acres of lawn and garden area (1.08 AF/year total). The AOPI for this application is the Flathead River from the Applicant's proposed POD downstream to USGS Gaging Station No. 12363000 Flathead River at Columbia Falls, MT.

15. The AOPI was determined to be appropriate because diversion of water at the proposed POD on the Flathead River would reduce the flow and volume of water in the Flathead River downstream of the POD. The Department recently analyzed the legal availability of water in the reach of the Flathead River downstream of USGS Gaging Station No. 12363000 in permit application no. 76LJ 30161301 (issued December 23, 2024). In that analysis, the Department found legally available monthly flows and volumes in the reach of the Flathead River downstream of USGS Gaging Station No. 12363000 multiple orders of magnitude in excess of this proposed appropriation. For this reason, the Department did not extend the AOPI into the reach of the

Flathead River downstream of USGS Gaging Station No. 12363000 Flathead River at Columbia Falls, MT.

16. The overall AOPI was divided into two distinct reaches at the South Fork Flathead River confluence because the flows associated with instream flow fish and wildlife water rights held by Montana FWP change at this point due to the large inflow of water from the South Fork Flathead River:

i. Reach 1: from the proposed POD to the confluence of the South Fork Flathead River; and,
ii. Reach 2: from the confluence of the South Fork Flathead River to USGS Gaging Station No. 12363000 Flathead River at Columbia Falls, MT.

A total of 14 surface water rights exist within the AOPI, 10 of which are instream flow fish and wildlife water rights owned by Montana FWP. Of those 10 instream flow water rights, six have their place of use in Reach 1 and four have their place of use in Reach 2.

17. To quantify the legal availability of Flathead River water within AOPI Reach 1, the Department first quantified physically available monthly flows and volumes (**Table 3**, columns B-C) for the Flathead River at the proposed POD. The Department then calculated the monthly flows appropriated by existing users (legal demands) on the source within AOPI Reach 1 (**Table 3**, column D) by:

i. Generating a list of existing surface water rights within AOPI Reach 1 (**Table 2.1**);
ii. Designating uses as occurring during their claimed/permitted periods of diversion; and,
iii. Assuming that the flow rate of each existing right is continuously diverted throughout each month of its period of diversion. This assumption is necessary due to the difficulty of differentiating the distribution of appropriated volume over the period of diversion. This leads to an overestimation of legal demands on the physical volume of water. The Department finds this an appropriate measure of assessing existing rights as it protects existing water users.

18. The Department subtracted out the flow rates of the existing legal demands (**Table 3**, column D) within AOPI Reach 1 from the physically available water (**Table 3**, column B) to

determine legally available monthly flows at the POD (**Table 3**, column E). Legally available monthly flows were then converted to monthly volumes (**Table 3**, column F).

Table 3: Legal Availability Analysis of AOPI Reach 1

A	B	C	D	E	F
Month	Physically Available Water at the POD (CFS)	Physically Available Water at the POD (AF)	Existing Legal Demands within AOPI Reach 1 (CFS)	Legally Available Water at the POD (CFS)	Legally Available Water at the POD (AF)
January	2,369.0	145,409.2	1,950.0	419.0	25,718.2
February	2,255.5	125,044.9	1,950.0	305.5	16,936.9
March	2,588.7	158,892.0	1,950.0	638.7	39,201.0
April 1-15	6,456.7	383,525.6	2,100.0	4,356.7	258,785.6
April 16-30	6,456.7	383,525.6	3,597.0	2,859.7	169,863.8
May	18,178.6	1,115,799.4	5,000.0	13,178.6	808,899.4
June	19,519.6	1,159,461.3	5,000.0	14,519.6	862,461.3
July 1-15	8,131.1	499,083.8	5,000.0	3,131.1	192,183.8
July 16-31	8,131.1	499,083.8	3,945.0	4,186.1	256,939.7
August	3,744.6	229,840.5	2,100.0	1,644.6	100,942.5
September	2,360.1	140,187.0	2,100.0	260.1	15,447.0
October	2,872.5	176,314.1	1,950.0	922.5	56,623.1
November	2,615.0	155,331.0	1,950.0	665.0	39,501.0
December	3,054.5	187,485.2	1,950.0	1,104.5	67,794.2

19. To quantify the legal availability of Flathead River water within AOPI Reach 2, the Department quantified physically available monthly flows and volumes (**Table 4**, columns B-C) for the Flathead River at the proposed POD, and the monthly flows and volumes contributed to the Flathead River by the South Fork Flathead River (**Table 4**, columns D-E). The Department then calculated the monthly flows appropriated by existing users (legal demands) on the source within AOPI Reach 2 (**Table 4**, column F) by:

i. Generating a list of existing surface water rights within AOPI Reach 2 (**Table 2.2**);

ii. Designating uses as occurring during their claimed/permitted periods of diversion; and,

iii. Assuming that the flow rate of each existing right is continuously diverted throughout each month of its period of diversion. This assumption is necessary due to the difficulty of differentiating the distribution of appropriated volume over the period of diversion. This leads to an overestimation of legal demands on the physical volume of water. The

Department finds this an appropriate measure of assessing existing rights as it protects existing water users.

20. The Department added in the flow rates of the monthly flows contributed to the Flathead River by the South Fork Flathead River (**Table 4**, column D) and subtracted out the flow rates of the existing legal demands (**Table 4**, column F) within AOPI Reach 2 from the physically available water (**Table 4**, column B) to determine legally available monthly flows at the POD (**Table 4**, column G). Legally available monthly flows were then converted to monthly volumes (**Table 4**, column H).

Table 4: Legal Availability Analysis of AOPI Reach 2

A	B	C	D	E	F	G	H
	Flathead River		South Fork Flathead River				
Month	Physically Available Water at the POD (CFS)	Physically Available Water at the POD (AF)	Flow contributed to the Flathead River by the South Fork Flathead River) (CFS)	Volume contributed to the Flathead River by the South Fork Flathead River) (AF)	Existing Legal Demands within AOPI Reach 2 (CFS)	Legally Available Water at the POD (CFS)	Legally Available Water at the POD (AF)
January	2,369.0	145,409.2	2,742.5	168,334.7	3,500.0	1,611.5	98,913.9
February	2,255.5	125,044.9	2,545.0	141,094.8	3,500.0	1,300.5	72,099.7
March	2,588.7	158,892.0	2,184.0	134,053.9	3,500.7	1,272.0	78,075.4
April 1-15	6,456.7	383,525.6	4,079.0	242,292.6	3,500.7	7,035.0	417,879.0
April 16-30	6,456.7	383,525.6	4,079.0	242,292.6	6,650.7	3,885.0	230,769.0
May	18,178.6	1,115,799.4	4,468.0	274,245.8	8,126.6	14,520.0	891,237.6
June	19,519.6	1,159,461.3	5,097.0	302,761.8	8,126.6	16,490.0	979,506.0
July 1-15	8,131.1	499,083.8	3,150.5	193,377.7	8,126.6	3,155.0	193,653.9
July 16-31	8,131.1	499,083.8	3,150.5	193,377.7	5,403.6	5,878.0	360,791.6
August	3,744.6	229,840.5	1,660.5	101,921.5	3,501.6	1,903.5	116,836.8
September	2,360.1	140,187.0	2,065.0	122,661.0	3,501.6	923.5	54,855.9
October	2,872.5	176,314.1	2,030.5	124,632.1	3,500.0	1,403.0	86,116.1
November	2,615.0	155,331.0	1,912.0	113,572.8	3,500.0	1,027.0	61,003.8
December	3,054.5	187,485.2	2,444.0	150,012.7	3,500.0	1,998.5	122,667.9

21. The Department's comparison of the median of the mean monthly flows and volumes of water to existing legal demands within the AOPI on the source of supply demonstrates that the

proposed appropriation of 30.0 GPM (0.07 CFS) up to an annual volume of 1.08 AF is legally available during the proposed period of diversion.

ADVERSE EFFECT

FINDINGS OF FACT

22. The Applicant proposes to divert Flathead River water at 30.0 GPM up to 0.45 AF/year for domestic use and up to 0.63 AF/year for irrigation of 0.25 acres of lawn and garden area (1.08 AF/year total). The Applicant provided a plan showing they can regulate their water use to satisfy the water rights of senior appropriators during times of water shortage. In response to a call being made, the Applicant has the ability to turn off their pump.

23. The Applicant has proven both the physical and legal availability of Flathead River water at the POD. Enough water remains in the source to meet existing legal demands and the requested 30.0 GPM (0.07 CFS) up to an annual volume of 1.08 AF. The Applicant has demonstrated that they can regulate their water use and that they have a plan to protect senior water users during times of water shortage. The Department finds that the proposed water use will not adversely affect senior water users.

ADEQUATE MEANS OF DIVERSION

FINDINGS OF FACT

24. The Applicant proposes to divert Flathead River water at 30.0 GPM up to 0.45 AF/year for domestic use and up to 0.63 AF/year for irrigation of 0.25 acres of lawn and garden area (1.08 AF/year total) using a Franklin Electric model MF5060 submersible pump with a 3.0-horsepower motor. A pump housing cylinder comprised of a 10-foot-length of six-inch steel pipe with a capped bottom will be buried vertically to 8-feet below ground surface 20 feet from the river's edge in which the submersible pump will be installed.

25. A foot valve-equipped buried two-inch poly pipe connected at the base of the pump housing cylinder will extend into Flathead River below the frost line. Water will be drawn by the pump into the pump housing cylinder through the intake line. The pump will be installed on a

pitless adapter below the frost line and will convey water through a 2-inch poly main supply line 495-feet from the pump housing cylinder to a buried 3,700-gallon storage tank. The pump will be controlled by a float switch in the storage tank. There will be two curb-stop shut off valves installed in the system, one between the intake and the pump housing cylinder and one between the pump housing cylinder and the storage tank. A Dole Valve will be installed in the main line prior to the storage tank to limit the flow to the requested 30.0 GPM flow rate. A flow meter will be installed between the Dole Valve and the storage tank. Water will be pumped from the storage tank to the domestic fixtures and hose-bib connections through a one-inch pipe by a Dab Diver variable frequency drive cistern pump.

26. The Applicant calculated a maximum TDH for their system of 330.65 feet based on:

i. An elevation head of 55 feet;

ii. An outlet pressure set at 60 PSI, which is equivalent to 138.6-feet of head; and,

iii. Friction and fitting losses associated with the 495-feet of two-inch poly pipe, elbows, adapters, the flow meter, Dole Valve, etc. These head losses sum to 137.05 feet.

The Applicant provided the pump performance curve. At the maximum TDH of 330.65-feet, the pump performance curve demonstrates that the pump is capable of producing the requested 30.0 GPM.

27. Based on the system design and specifications, the Department finds that the diversion and conveyance system is adequate to supply the requested flow rate of 30.0 GPM (0.07 CFS) up to an annual volume of 1.08 AF.

BENEFICIAL USE

FINDINGS OF FACT

28. The Applicant proposes to divert Flathead River water at 30.0 GPM up to 0.45 AF/year for domestic use and up to 0.63 AF/year for irrigation of 0.25 acres of lawn and garden area (1.08 AF/year total). The Applicant's request of 0.45 AF for their domestic water needs was calculated using an estimated demand 400.0 GPD, which is congruous with Montana DEQ wastewater design flow rate standards. At 400.0 GPD, the annual domestic demand for a single family

residence is 0.45 AF (400.0 GPD x 365 days/year ÷ 325,851 gallons/AF = 0.45 AF/year). The Applicant's property is not subject to a Certificate of Subdivision Approval and there are no restrictions limiting the use of surface water for in-house domestic use. The Applicant's request of 0.63 AF for irrigation of 0.25 acres of lawn and garden area is based on the Department's lawn and garden standard of 2.5 AF/acre per year (2.5 AF/acre/year x 0.25 acres = 0.63 AF). The requested flow rate of 30.0 GPM can divert 48.39 AF over the requested year-round period of diversion (30.0 GPM x 1,440 minutes/day x 365 days ÷ 325,851 gallons/AF = 48.39 AF); therefore, the requested flow rate is adequate to satisfy the requested volume of 1.08 AF/year.

29. The Department finds that the proposed water use is beneficial, and that the requested flow rate of 30.0 GPM (0.07 CFS) up to an annual volume of 1.08 AF are reasonably justified per ARM 36.12.1801(3).

POSSESSORY INTEREST

FINDINGS OF FACT

30. The Applicant signed the application form affirming they have possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use.

CONCLUSIONS OF LAW

PHYSICAL AVAILABILITY

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

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

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

34. The Applicant has proven that water is physically available at the proposed point of diversion in the amount Applicant seeks to appropriate. § 85-2-311(1)(a)(i), MCA. (FOF 8-13)

LEGAL AVAILABILITY

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

> (ii) water can reasonably be considered legally available during the period in which the Applicant seeks to appropriate, in the amount requested, based on the records of the department and other evidence provided to the department. Legal availability is determined using an analysis involving the following factors:
> (A) identification of physical water availability;
> (B) identification of existing legal demands on the source of supply throughout the area of potential impact by the proposed use; and
> (C) analysis of the evidence on physical water availability and the existing legal demands, including but not limited to a comparison of the physical water supply at the proposed point of diversion with the existing legal demands on the supply of water.

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

36. It is the Applicant's burden to present evidence to prove water can be reasonably considered legally available. *Sitz Ranch v. DNRC*, DV-10-13390, Fifth Judicial District Court, *Order Affirming DNRC Decision*, (2011) Pg. 7 (the legislature set out the criteria (§ 85-2-311, MCA) and placed the burden of proof squarely on the Applicant. The Supreme Court has instructed that those burdens are exacting.); *see also Matter of Application for Change of Appropriation Water Rights Nos. 101960-41S and 101967-41S by Royston* (1991), 249 Mont. 425, 816 P.2d 1054

(burden of proof on Applicant in a change proceeding to prove required criteria); *In the Matter of Application to Change Water Right No. 41H 1223599 by MGRR #1, LLC.*, (DNRC Final Order 2005))(it is the Applicant's burden to produce the required evidence.); *In the Matter of Application for Beneficial Water Use Permit No. 41H 30023457 by Utility Solutions, LLC* (DNRC Final Order 2007) (permit denied for failure to prove legal availability); *see also* ARM 36.12.1705.

37. Applicant has proven by a preponderance of the evidence that water can reasonably be considered legally available during the period in which the Applicant seeks to appropriate, in the amount requested, based on the records of the Department and other evidence provided to the Department. § 85-2-311(1)(a)(ii), MCA. (FOF 14-21)

ADVERSE EFFECT

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

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

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

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

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

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

44. The Applicant has proven by a preponderance of the evidence that the water rights of a prior appropriator under an existing water right, a certificate, a permit, or a state water reservation will not be adversely affected. § 85-2-311(1)(b), MCA. (FOF 22-23)

ADEQUATE DIVERSION

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

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

47. 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. § 85-2-311(1)(c), MCA (FOF 24-27)

BENEFICIAL USE

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

49. An appropriator may appropriate water only for a beneficial use. See also, § 85-2-301 MCA. It is a fundamental premise of Montana water law that beneficial use is the basis, measure, and limit of the use. *E.g.*, *McDonald*; *Toohey v. Campbell* (1900), 24 Mont. 13, 60 P. 396. The amount of water under a water right is limited to the amount of water necessary to sustain the beneficial use. *E.g.*, *Bitterroot River Protective Association v. Siebel, Order on Petition for Judicial Review*, Cause No. BDV-2002-519, Montana First Judicial District Court, Lewis and Clark County (2003), *affirmed on other grounds*, 2005 MT 60, 326 Mont. 241, 108 P.3d 518; *In The Matter Of Application For Beneficial Water Use Permit No. 43C 30007297 by Dee Deaterly* (DNRC Final Order), *affirmed other grounds*, *Dee Deaterly v. DNRC* , Cause No. 2007-186, Montana First Judicial District, *Order Nunc Pro Tunc on Petition for Judicial Review* (2009); *Worden v. Alexander* (1939), 108 Mont. 208, 90 P.2d 160; *Allen v. Petrick* (1924), 69 Mont. 373, 222 P. 451; *In the Matter of Application for Beneficial Water Use Permit No. 41S-105823 by French* (DNRC Final Order 2000).

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

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

52. The Applicant proposes to use water for domestic use (which includes garden and landscaping irrigation, also commonly referred to as 'lawn and garden irrigation') which is a recognized beneficial use. § 85-2-102(5), MCA. "Domestic use" by DNRC rule means those water uses common to a household including: … (g) garden and landscaping irrigation up to five acres." ARM 36.12.101(20). Applicant has proven by a preponderance of the evidence that domestic use and lawn and garden irrigation are beneficial uses and that 1.08 AF of volume diverted at 30.0 GPM is the amount needed to sustain the beneficial use. § 85-2-311(1)(d), MCA. (FOF 28-29)

POSSESSORY INTEREST

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

54. Pursuant to ARM 36.12.1802:

> (1) An Applicant or a representative shall sign the application affidavit to affirm the following:
> (a) the statements on the application and all information submitted with the application are true and correct and
> (b) except in cases of an instream flow application, or where the application is for sale, rental, distribution, or is a municipal use, or in any other context in which water is being supplied to another and it is clear that the ultimate user will not accept the supply without consenting to the use of water on the user's place of use, the Applicant has possessory interest in the property where the water is to be put to beneficial use or has the written consent of the person having the possessory interest.
> (2) If a representative of the Applicant signs the application form affidavit, the representative shall state the relationship of the representative to the Applicant on the form, such as president of the corporation, and provide documentation that establishes the authority of the representative to sign the application, such as a copy of a power of attorney.

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

55. 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. § 85-2-311(1)(e), MCA. (FOF 30)

PRELIMINARY DETERMINATION

Subject to the terms, analysis, and conditions in this DRAFT Preliminary Determination Order, the Department preliminarily determines that this Application for Beneficial Water Use Permit No. 76LJ 30171486 should be GRANTED.

The Department determines the Applicant may divert Flathead River water by means of a pump at 30.0 GPM up to 0.45 AF/year for domestic use from January 1 – December 31 and 0.63 AF/year for irrigation of 0.25 acres of lawn and garden from April 25 – October 5 (1.08 AF/year total). The point of diversion is in the SENESE of Section 32, Township 31N, Range 19W, Flathead County, Montana. The places of use is in Government Lot 6 in the SENESE of Section 32, Township 31N, Range 19W, Flathead County, Montana.

NOTICE

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

DATED this 26th day of November, 2025.

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

CERTIFICATE OF SERVICE

This certifies that a true and correct copy of the DRAFT PRELIMINARY DETERMINATION TO GRANT was served upon all parties listed below on this 26th day of November, 2025, by first class United States mail.

PAUL AND DENA SZYMAREK
184 STONES THROW LN
COLUMBIA FALLS MT 59912-8677

****

Via email:

CLINTON POST
ALTO WELL & PUMP

TRAVIS WILSON
Kalispell Regional Office, (406) 752-2288

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

10/07/2025

DENA & PAUL SZYMAREK
184 STONES THROW LN
COLUMBIA FALLS, MT 59912-8677

Subject: Correct and Complete Application for Beneficial Water Use Permit No. 76LJ 30171486

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,

Joseph P. Howerton

Joseph Howerton
Water Resource Specialist
Kalispell Regional Office
406-752-2702; Joseph.Howerton@mt.gov

COPY

PURPOSE AND DIVERSION INFORMATION

14. ☐ Y ☑ N Is the proposed use temporary?

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

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

16. What is the source name? Flathead River

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

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

Purpose	Means of Diversion	Acres Irrigated (if appl.)	Period of Diversion (Month/Day - Month/Day)	Period of Use (Month/Day - Month/Day)	Flow Rate ☑ GPM ☐ CFS	Volume (Acre-Feet)
Domestic	Pump		01/01 - 12/31	01/01 - 12/31	30	1.08 ~~1.08~~ 0.45
Lawn & Garden	Pump	0.25	04/15 - 10/15	04/15 - 10/15	30	0.63
			Total Flow Rate and Volume Required		30	1.08

TW 10/7/25

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

Purpose	Requested Information	Response
Domestic or multiple domestic	Number of dwellings	1 Dwelling
Stock	Number of animal units	NA
Irrigation	Method of irrigation type (sprinkler or flood) and subtype (if flood: level border, graded border, furrow, contour ditch, or other; if sprinkler: center pivot, wheel line, or other)	Lawn & Garden Irrigation Sprinkler. < ~~10gpm~~ 30gpm pump
Irrigation (flood only)	Design slope	NA

JPH 10/07/2025

COPY

POINT(S) OF DIVERSION

20. Describe the proposed location of the point(s) diversion to the nearest ¼ ¼ ¼ Section. Label each POD with the POD ID number used for the project map (question 17).

JPH 10/07/2025

POD #	¼	¼	¼	Sec.	Twp.	Rge.	County	Lot	Block	Tract	Subdivision	Gov. Lot
1	SE	NE	SE	32	31N	19W	FLATHEAD			4C		6

PLACE OF USE

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

07-4295-32-4-01-20-0000	

22. Describe the legal land description for the proposed place of use and, if applying for an irrigation or lawn and garden purpose, list the number of irrigated acres.

JPH 10/07/2025

Acres	Gov. Lot	Block	¼	¼	¼	Sec.	Twp.	Rge.	County
0.25	6		SE	NE	SE	32	31N	19W	FLATHEAD

COPY

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.

See the following attachments:
~~POD - Size and Configuration of Infrastructure~~
~~POD - Pump System Details~~
POD - Friction Loss Charts
POD - Operation Diagram

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

See the following attachments:
~~POD - Size and Configuration of Infrastructure~~
~~POD - Pump System Details~~
POD - Friction Loss Charts
POD - Operation Diagram

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

Based on stream gage data, the water is physically and legally available in the amount ~~required. See: USGS Gaging Station No. 12363000 Flathead River at Columbia Falls, MT.~~ ~~The system is completely contained. Losses are negligible from the buried storage tank.~~ Float switches will prevent overflow.
See: Q72 - Water Availability
Adequately explained in POD-Size and Configuration of Infrastructure attachment
JPH 10/07/2025

Application Materials

- Application
- Any information submitted with Application including maps

Application Materials

APPLICATION FOR BENEFICIAL WATER USE PERMIT

§ 85-2-302, MCA

Form No. 600 *(02/2025)*

RECEIVED
DNRC Water Resources
SEP 16 2025
Kalispell Unit

For Department Use Only
RECEIVED
DNRC Water Resources
OCT 15 2025
Kalispell Unit
TW 10/23

FILING FEE

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

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

INFORMATION

An application will be eligible for a filing fee reduction and expedited timelines if the applicant completes a preapplication meeting with the Department (ARM 36.12.1302(1)), which includes submitting any follow-up information identified by the Department (ARM 36.12.1302(3)(c)) and receiving either Department-completed technical analyses or Department review of applicant-submitted technical analyses (ARM 36.12.1302(4) and (5)). An application for the proposed project also must be submitted within 180 days of delivery of Department technical analyses or scientific credibility review and no element on the submitted application can be changed from the completed preapplication meeting form (ARM 36.12.1302(6)). If application is eligible for a filing fee reduction, $500 paid for Form 600P-B will be credited toward filing fees shown above.

Application # 30171486 Basin 76LJ
Priority Date 09/16/2025 Time 12:00 AM/PM
Rec'd By Joseph Howerton
Fee Rec'd $ 700.00 Check # 104
Deposit Receipt # KLU 2604756
Payor Paul Szymarek
Refund $ ~~0.00~~ JPH Date ~~09/16/2025~~ JPH

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

Applicant Name Paul & Dena Szymarek
Mailing Address 215 W. Bandera Rd. City Boerne State TX Zip 78006
Phone Numbers: Home 210-835-6239 Work _____ Cell _____
Email Address psboerne@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 Clinton Post (Pump Technician)
Mailing Address 37 Starlight Dr. City Kalispell State MT Zip 59901
Phone Numbers: Home 406-800-1081 Work 406-800-1175 Cell _____
Email Address ateam@altowellandpump.com

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

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

PREAPPLICATION AND TECHNICAL ANALYSES INFORMATION

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

2. ☑ **Y** ☐ **N** Did you have a preapplication meeting AND complete a Permit Preapplication Meeting Form Part A and Part B (Form 600P-A and 600P-B)?

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

2.a. ☐ **S** Submit the Technical Analyses Addendum (Form 600-TAA).

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

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

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

_____
_____
_____
_____
_____
_____

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

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

_____
_____
_____
_____
_____

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

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

APPLICATION ADDENDA AND REVIEW

3. ☐ **S** ☑ **NA** If your application is for groundwater, not surface water, and one or more of your points of diversion are in a Basin Closure Area, then submit the Basin Closure Area Addendum (Form 600-BCA).

4. ☐ **S** ☑ **NA** If your application is for groundwater and one or more points of diversion are in a Basin Closure Area, then your project must have a Hydrogeologic Report that conforms with MCA 85-2-361 to comply with the requirements of § 85-2-360, MCA. A Hydrogeologic Report Addendum (Form 600-HRA) or Department Technical Analyses may be used to meet these requirements. Please mark the box below that best applies, then select "S" if submitting a Hydrogeologic Report or "NA" if one is not required. This question does not apply to surface water points of diversion in a Basin Closure Area.

- ☐ If you elected to conduct Technical Analyses, you must submit the Hydrogeologic Report Addendum (Form 600-HRA).
- ☐ If you elected for DNRC to conduct Technical Analyses but did not have a preapplication meeting AND complete a Form 600P Permit Preapplication Meeting Form (or changes have occurred since the completed Form 600P), you must submit the Hydrogeologic Report Addendum (Form 600-HRA).
- ☐ If you elected for DNRC to conduct Technical Analyses, had a preapplication meeting, completed a Form 600P, and the Technical Analyses remain unchanged since the preapplication meeting, you do not need to submit Form 600-HRA because the Department's Technical Analyses meet the report requirements of § 85-2-360 and § 85-2-361, MCA.

5. ☐ **S** ☑ **NA** If the project is for one or more groundwater points of diversion located in a Controlled Groundwater Area, then submit the Controlled Groundwater Area Addendum (Form 600-CGWA).

6. ☐ **S** ☑ **NA** If the project involves an appropriation that is greater than 5.5 CFS and 4,000 acre-feet, then submit a Criteria Addendum Application for Beneficial Water Use Permit for Appropriations Greater than 5.5 CFS and 4,000 AC-FT (Form 600-B).

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

8. ☐ **S** ☑ **NA** If you require mitigation water to meet the criteria of issuance, then submit a Mitigation Purpose Addendum (Form 600/606-MIT).

9. ☐ **S** ☑ **NA** If the proposed purposes include marketing or selling water, (not marketing for mitigation/ aquifer recharge), then submit the Marketing Purpose Addendum (Form 600/606-WMA).

10. ☐ **S** ☑ **NA** If the project involves one or more places of storage, then submit a Permit Storage Addendum (Form 600-SA). This does not include reservoirs, pits, pit-dams, or ponds with a capacity less than 0.1 AF; water tanks; or cisterns (ARM 36.12.113(6)).

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

12. ☐ **S** ☑ **NA** If the project includes a point of diversion and/or place of use on State of Montana Trust Land, submit documentation of consent from the DNRC Trust Lands Management Division.

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

PURPOSE AND DIVERSION INFORMATION

14. ☐ **Y** ☑ **N** Is the proposed use temporary?

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

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

16. What is the source name? Flathead River

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

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

Purpose	**Means of Diversion**	**Acres Irrigated** (if appl.)	**Period of Diversion** *(Month/Day - Month/Day)*	**Period of Use** *(Month/Day - Month/Day)*	**Flow Rate** ☑ *GPM* ☐ *CFS*	**Volume** *(Acre-Feet)*
Domestic	Pump		01/01 - 12/31	01/01 - 12/31	30	1.08
				Total Flow Rate and Volume Required	30	1.08

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

Purpose	**Requested Information**	**Response**
Domestic or multiple domestic	Number of dwellings	1 Dwelling
Stock	Number of animal units	NA
Irrigation	Method of irrigation type (sprinkler or flood) and subtype (if flood: level border, graded border, furrow, contour ditch, or other; if sprinkler: center pivot, wheel line, or other)	Sprinkler. < 10gpm
Irrigation (flood only)	Design slope	NA

POINT(S) OF DIVERSION

20. Describe the proposed location of the point(s) diversion to the nearest ¼ ¼ ¼ Section. Label each POD with the POD ID number used for the project map (question 17).

POD #	¼	¼	¼	Sec.	Twp.	Rge.	County	Lot	Block	Tract	Subdivision	Gov. Lot
1	SE	NE	SE	32	31N	19W	FLATHEAD					

PLACE OF USE

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

07-4295-32-4-01-20-0000	

22. Describe the legal land description for the proposed place of use and, if applying for an irrigation or lawn and garden purpose, list the number of irrigated acres.

Acres	Gov. Lot	Block	¼	¼	¼	Sec.	Twp.	Rge.	County
0.25	6		SE	N	SE	32	31N	19W	FLATHEAD

SUPPLEMENTAL AND OVERLAPPING WATER RIGHTS

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

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

Existing well supplies domestic use at a low flow rate. Applicant will apply for groundwater certificate water right. River water right being sought as alternate source.

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

Water Right #	Average Period of Diversion	Average Period of Use	Flow Rate	Volume Contributed
Not filed yet				

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

25.a. If yes, explain.

ADVERSE EFFECT

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

Curb stop shut off at POD, pump deactivation with controller and breaker. Reliance on storage usage and active monitoring and responsiveness to diversion system.

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

Prioritize existing rights, reduction or cessation of diversion in shortage events, utilize back up storage, monitor/control flow rate & volume, and coordinate with authorities to comply with any temporary restrictions.

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

28.a. If yes, explain.

29. ☐ **Y** ☑ **N** Does a water commissioner distribute water or oversee water distribution on your proposed source?

29.a. If yes, list the source(s).

30. ☐ **Y** ☑ **N** Do other water rights share any of the proposed points of diversion?

30.a. If yes, describe how the proposed project will not adversely affect these water rights.

31. ☐ **Y** ☑ **N** Do other water rights share any conveyance infrastructure associated with the proposed project?

31.a. If yes, describe how the proposed project will not adversely affect these water rights.

ADEQUATE MEANS OF DIVERSION AND OPERATION

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

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

See the following attachments:
~~POD - Size and Configuration of Infrastructure~~
~~POD - Pump System Details~~
POD - Friction Loss Charts
POD - Operation Diagram

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

See the following attachments:
~~POD - Size and Configuration of Infrastructure~~
~~POD - Pump System Details~~
POD - Friction Loss Charts
POD - Operation Diagram

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

Based on stream gage data, the water is physically and legally available in the amount ~~required. See: USGS Gaging Station No. 12363000 Flathead River at Columbia Falls, MT.~~
~~The system is completely contained. Losses are negligible from the buried storage tank.~~
Float switches will prevent overflow.
See: Q72 - Water Availability

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

See the following attachments:
~~POD - Size and Configuration of Infrastructure~~
~~POD - Pump System Details~~
~~POD - Friction Loss Charts~~
POD- Operation Diagram

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

37.a. If yes, explain.

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

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

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

IF YES,

39.a. Explain the wastewater disposal method.

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

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

40.a. If yes, describe the plan and the type of measurements you will take.

Using an in-line water in between the POD and cistern. A secondary monitor is available ~~with the cistern pump's vfd control which monitors GPM and total gallons pumped.~~

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

IF YES,

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

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

_____

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

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

BENEFICIAL USE

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

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

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

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

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

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

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

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

POSSESSORY INTEREST

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

45.a. If yes, explain.

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

IF NO,

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

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

46.b.i. If no, explain.

PROPOSED COMPLETION PERIOD

47. How much time will be needed to complete this project and to submit to the DNRC a Project Completion Notice (Form 617)? 1-year or less

48. Please describe why this amount of time is needed to complete this project.
The time needed to complete and be granted the requested water right and the time to complet the construction of the corresponding water system.

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 Paul Szymarek

Applicant Signature _____ Date: 9-16-25

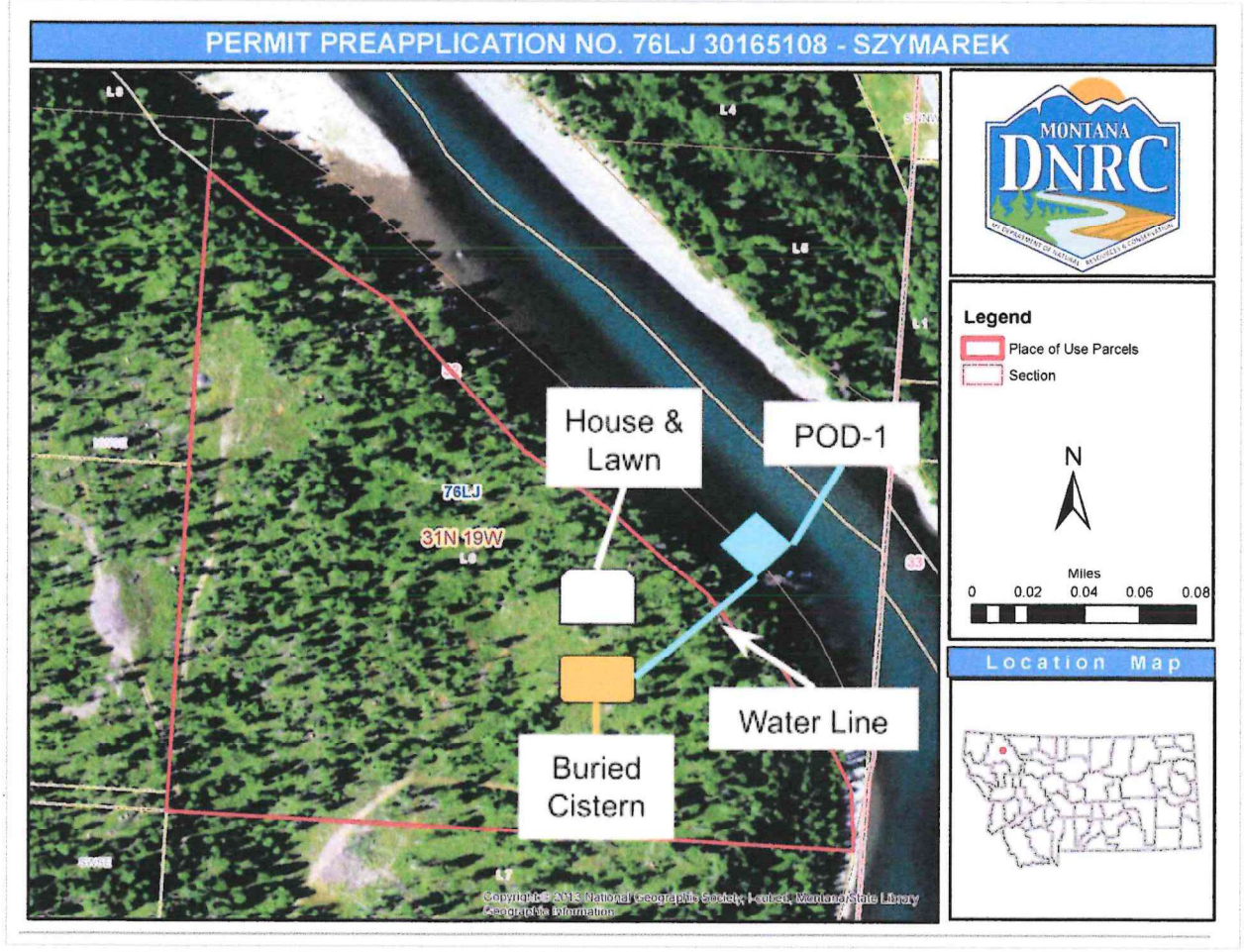
Printed Name Dena Szymarek

Applicant Signature _____ Date: 9-16-25

Printed Name _____

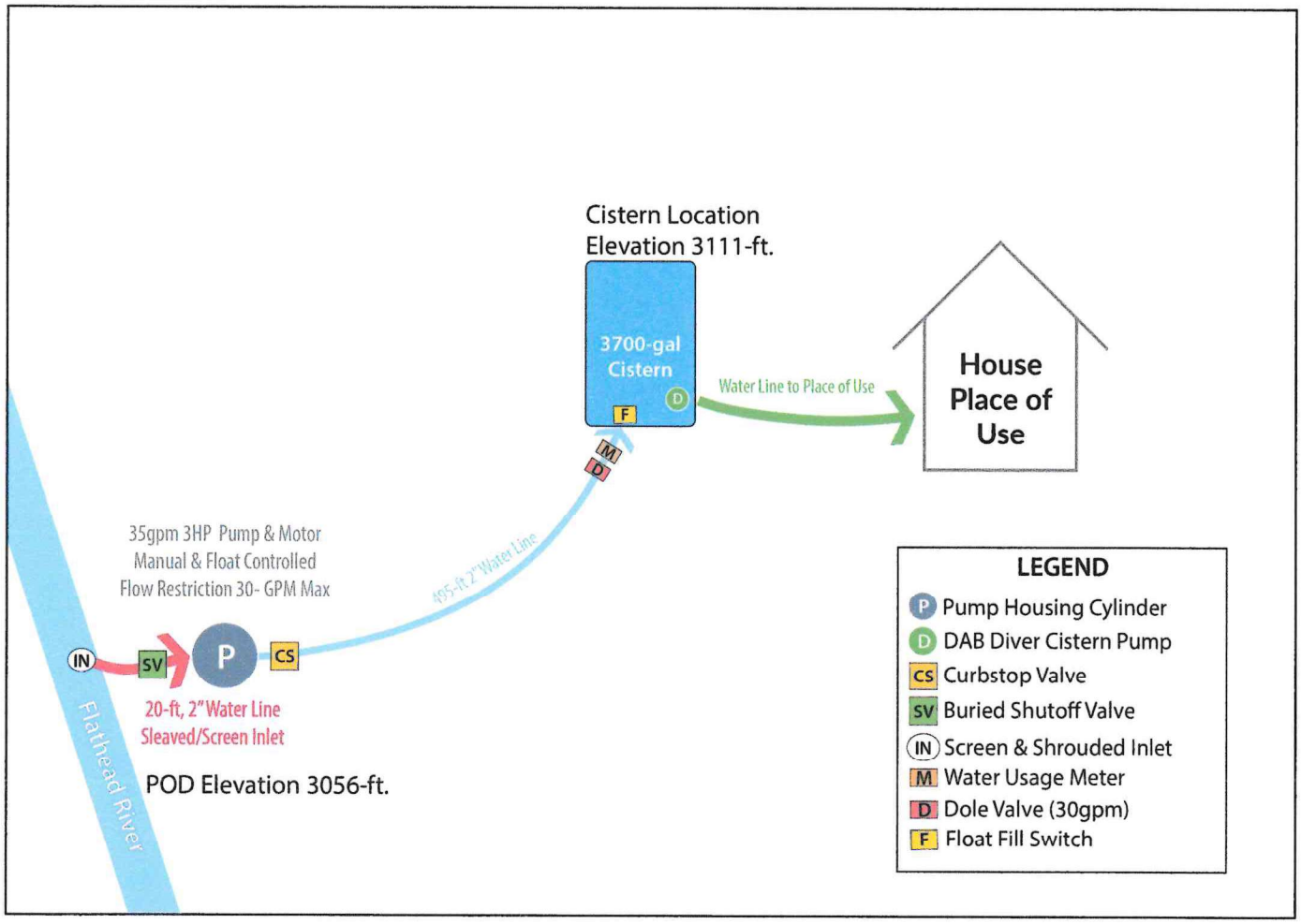
Applicant Signature _____ Date: _____

POD - 1



GEO Code: 07-4295-32-4-01-20-0000 | SE NE SE Sec. 32, Twp 31N, Rge 19W | Flathead River

POD - Operation Diagram



POD - Size and Configuration of Infrastructure

Point of Diversion (POD): A 2" poly pipe is buried below the frost line (20 feet from the river edge) to draw water from the Flathead River. The pipe is equipped with a foot valve to screen out debris and to protect aquatic life.

Pump Housing Cylinder: The 2" poly pipe connects to a 10-foot-tall, 6-inch quarter-wall steel pipe with a welded steel cap on the bottom and a sealed vented cap on the top. It is buried 8 feet in the ground. The top of the housing will be 2 feet above the surface for installing and servicing a submersible water pump. A curb stop valve is installed between the pump housing cylinder and the river to control water flow and shut off diversion when necessary manually. The pump will be placed on a pitless adapter below the frost line. This setup ensures efficient water conveyance and protection from freezing conditions.

Storage Tank: The submersible pump conveys water through a 2" poly pipe from the pump housing cylinder to the storage tank with an aerated discharge at the top of the tank. A pump-up float switch activates and deactivates the submersible pump in addition to a manual override switch. A 3700-gallon buried storage tank with a float switch will be used to regulate the water level in the tank and prevent over-pumping. The maximum tank storage capacity is 3700 gallons (0.01135489 AF). The tank provides water for domestic use in the household, as well as for some basic lawn and garden needs.

Electricity: The electrical wire will be heavy-duty, submersible, flat-jacketed wire installed inside electrical conduit. The size of the submersible wire is #10AWG. The max distance that a 3-hp three-phase motor can run on a #10AWG wire is 620 ft. The estimated distance from the breaker to the pump is 520 ft, falling within the acceptable length.

Distribution: Water flows from POD to the storage tank. From the storage tank, water flows through a 1-inch pipeline to the household and hose bib connections for lawn and garden. Water from the storage tank is pumped with a Dab Diver VFD cistern pump.

Total Dynamic Head (TDH): The calculated TDH is 330.65 ft of head. TDH is the total amount of pressure (expressed in feet of water or PSI) that a pump must overcome to move water from the source to the point of use. TDH takes into account the total vertical push in feet, the maximum head pressure, and friction loss from the fittings and materials that are in line between the pump and the cistern. The following formula is used to calculate TDH: totalTDH = PumpDepth (elevation difference from POD to cistern) + (outletPressure * 2.31) + Friction Loss + Water Meter PSI.

The estimated elevation difference from the POD (3056 ft) to the cistern storage tank (3111 ft) is 55' of lift or head. The potential build-up or outlet pressure is set at 60 psi or 138.6 ft of head. The length of 2" poly pipe from the POD to the storage cistern is 495'. Friction loss in 495' of 2" poly pipe adds an approximate 10.33' of head. The 2" fittings (elbows, adapters, etc.) add approximately 5' of head. The water usage meter adds 0.7 psi or 1.6' of head. The dole valve restricts the maximum flow capacity of the pump, creating back pressure that can reach as high as 52 psi or 120.12' of added head pressure.

Note: The calculated suction velocity in feet per second in a 2" poly pipe at 30 gpm is 3.49 fps. Per the Franklyn Electric Submersible Pump manual, Suction Velocities should not exceed 8 feet per second. See POD - Friction Loss Charts for more information.

Pump System Sizing: A Franklyn Electric 35 gpm 3 hp pump and motor is capable of pumping the maximum controlled flow rate of 30 gpm with a TDH of 330.65 feet. The pump is capable of producing up to 37 gpm at 330.65 ft of TDH; therefore, an inline 30 gpm max discharge dole valve will be used to ensure compliance with the max gpm granted in the water right. The pump is capable of lifting water as high as 400 ft. All the fittings and materials are rated above the pump system's maximum capable pressure of 173 psi, also known as dead head or shut off pressure. See POD - Pump System Details for more information.

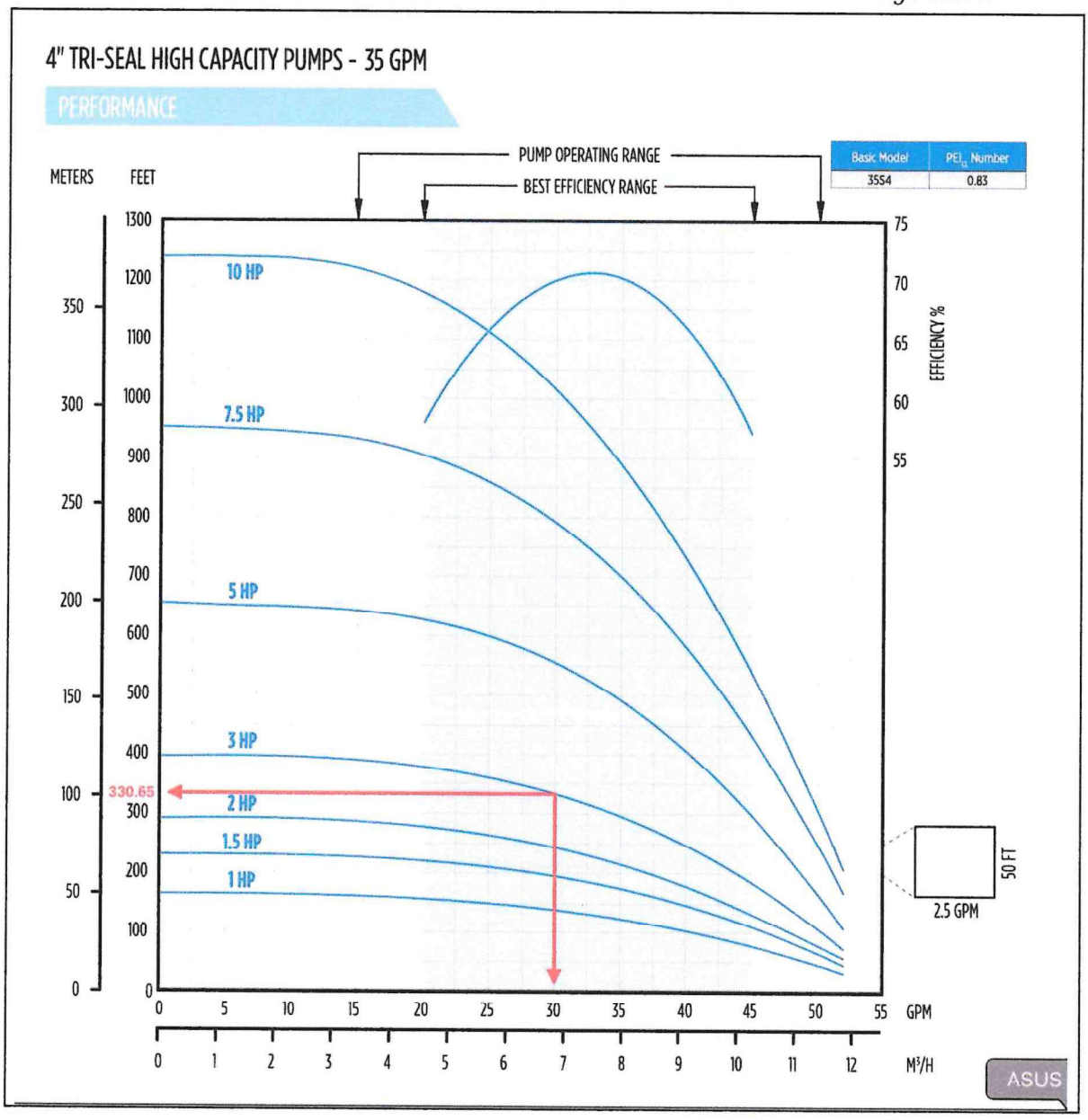
Reference: Franklin Electric, FPS Residential Submersible Catalog, MF5060, Franklin Electric Co., Inc., Available at: https://fele.widen.net/content/wipbvw6caq/pdf/MF5060_FPS_Residential_Submersible_Catalog.pdf

POD - Pump System Details

Pump Max Lift: 400 ft. **GPM Optimal Range: 20-45 gpm**

Pump Model: 35 gpm 3HP Pump **Flow Capacity: 30 gpm***

**Note: Max Flow Rate will be controlled with an inline dole valve and discharge valve.*



Reference: Franklin Electric, FPS Residential Submersible Catalog, MF5060, Franklin Electric Co., Inc., Available at:
https://fele.widen.net/content/wipbvw6caq/pdf/MF5060_FPS_Residential_Submersible_Catalog.pdf

POD - Friction Loss Charts

Max Lift: 100 ft
Friction Loss: 4.62 ft
Head Pressure: 60 psi (138.6 ft)
Dole Valve Pressure: 52 psi (120.12 ft)

REFERENCES - FRICTION LOSS

PVC SCHEDULE 80 IPS PLASTIC IN 100' OF PIPE

Pipe Size	1/2"		3/4"		1"		1-1/4"		1-1/2"		2"		2-1/2"		3"		4"	
GPM	Head Loss	Vel (ft/s)	Head Loss	Vel (ft/s)	Head Loss	Vel (ft/s)	Head Loss	Vel (ft/s)	Head Loss	Vel (ft/s)	Head Loss	Vel (ft/s)	Head Loss	Vel (ft/s)	Head Loss	Vel (ft/s)	Head Loss	Vel (ft/s)
1	1.87	1.37	0.42	0.74	0.12	0.45	0.03	0.25	0.01	0.18								
2	6.74	2.74	1.52	1.48	0.44	0.89	0.11	0.50	0.05	0.36	0.01	0.22						
3	14.29	4.11	3.21	2.23	0.93	1.34	0.23	0.75	0.10	0.54	0.03	0.33	0.01	0.23				
4	24.34	5.48	5.47	2.97	1.59	1.78	0.39	1.00	0.18	0.73	0.05	0.43	0.02	0.30				
26					50.81	11.60	12.44	6.50	5.71	4.72	1.64	2.83	0.68	1.97	0.23	1.26	0.06	0.73
28					58.29	12.49	14.27	7.00	6.55	5.08	1.88	3.04	0.78	2.12	0.26	1.36	0.07	0.78
30					66.23	13.38	16.21	7.50	7.44	5.45	2.13	3.26	0.89	2.27	0.30	1.46	0.08	0.84
35							21.57	8.75	9.89	6.35	2.84	3.80	1.18	2.65	0.40	1.70	0.10	0.98
40							27.62	10.00	12.67	7.26	3.63	4.35	1.51	3.03	0.51	1.94	0.13	1.12

NOTES: Suction Velocities should not exceed 8 feet per second. Calculated using Williams and Hazen formula using C = 150.

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REFERENCES - PRESSURE LOSS

WATER METERS AWWA STANDARD

Flow GPM	Pressure Loss (Normal Size)						
	5/8"	3/4"	1"	1-1/2"	2"	3"	4"
1	0.2	0.1					
2	0.3	0.2					
24		9.5	3.4	1.2			
26		11.2	4.0	1.4			
28		13.0	4.6	1.6			
30		15.0	5.3	1.8	0.7		
32			6.0	2.1	0.8		
34			6.9	2.4	0.9		
120					11.3	3.4	1.2
130					13.0	3.9	1.4
140					15.1	4.5	1.6
150					17.3	5.1	1.8

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Reference: Franklin Electric, FPS Residential Submersible Catalog, MF5060, Franklin Electric Co., Inc., Available at: https://fele.widen.net/content/wipbvw6caq/pdf/MF5060_FPS_Residential_Submersible_Catalog.pdf

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

09/12/2025

DENA & PAUL SZYMAREK
184 STONES THROW LN
KALISPELL, MT
59912-8677

Subject: Complete Technical Analysis Report for Beneficial Water Use Permit Preapplication No. 76LJ 30171486

Dear Applicant,

As designated on the submitted Preapplication Meeting Form per §85-2-302(3)(b), MCA, the Department of Natural Resources and Conservation (DNRC or Department) has completed the technical analyses for Beneficial Water Use Permit Preapplication No. 76LJ 30171486 based on the information provided in your Preapplication Meeting Form accepted by the Department on August 8, 2025. The technical analyses can be found in the attached report. Please note this Beneficial Water Use Permit Preapplication Technical Analyses Report is a two-part publication, comprised of a Part A completed by Water Sciences Bureau staff, and a Part B completed by Kalispell Regional Office staff.

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

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

You have 180 days to submit the Beneficial Water Use Permit Application Form 600 considering the information provided in the technical analysis and Preapplication Meeting Form. If the Application Form is not submitted to the Kalispell Regional Office by March 11, 2026, a new preapplication meeting will be required to process the Application with expedited timelines (ARM 36.12.1302(6)(b)). If any elements described in the submitted Application are changed from that of the submitted Preapplication Meeting Form, the discounted filing fee and expedited timelines will not apply (ARM 36.12.1302(6)(a)). Please note that the technical analyses will expire one year from the date of this letter (ARM 36.12.1302(8)).

Please let me know if you have any questions.

Best,

Joseph P. Howerton

Joseph Howerton
Water Resources Specialist
Kalispell Regional Office
Joseph.Howerton@mt.gov
406-752-2702

CC:

Clinton Post
37 Star Light Dr
Kalispell, MT 59901

Surface Water Permit Technical Analyses Report

Department of Natural Resources and Conservation (DNRC or Department)
Water Resources Division
Travis Wilson, Water Resource Specialist, Kalispell Regional Office

Application No.	76LJ 30171486	**Proposed Point of Diversion**	SENESE S32 T31N R19W FLATHEAD
Applicant	SZYMAREK, PAUL S & DENA M		

Overview

This report analyzes data submitted by the Applicant in support of Application No. 76LJ 30171486. This report provides technical analyses as required under the Administrative Rules of Montana (ARM) 36.12.1303 in support of the water rights criteria assessment as required in §85-2-311, Montana Code Annotated (MCA).

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

Variances

No variances were requested.

1.0 Application Details

The Applicant proposes to divert water from the Flathead River at a point in the SENESE of Section 32, Township 31N, Range 19W, Flathead County, Montana for domestic and lawn and garden uses. Diversion will occur at a flow rate of 30.0 gallons per minute (GPM) from January 1 to December 31

for the domestic use and from April 25 to October 5 for the lawn and garden use. The Applicant requests 1.08 acre-feet (AF) of volume total: 0.45 AF for domestic use and 0.63 AF for 0.25 acres of lawn and garden irrigation in the SENESE of Section 32, Township 31N, Range 19W, Flathead County, Montana.

2.0 Surface Water Analysis

2.1 Source Description

Proposed Source of Water: Flathead River

Proposed Source Type: Perennial

Proposed Point of Diversion (POD): SENESE of Section 32, Township 31N, Range 19W, Flathead County

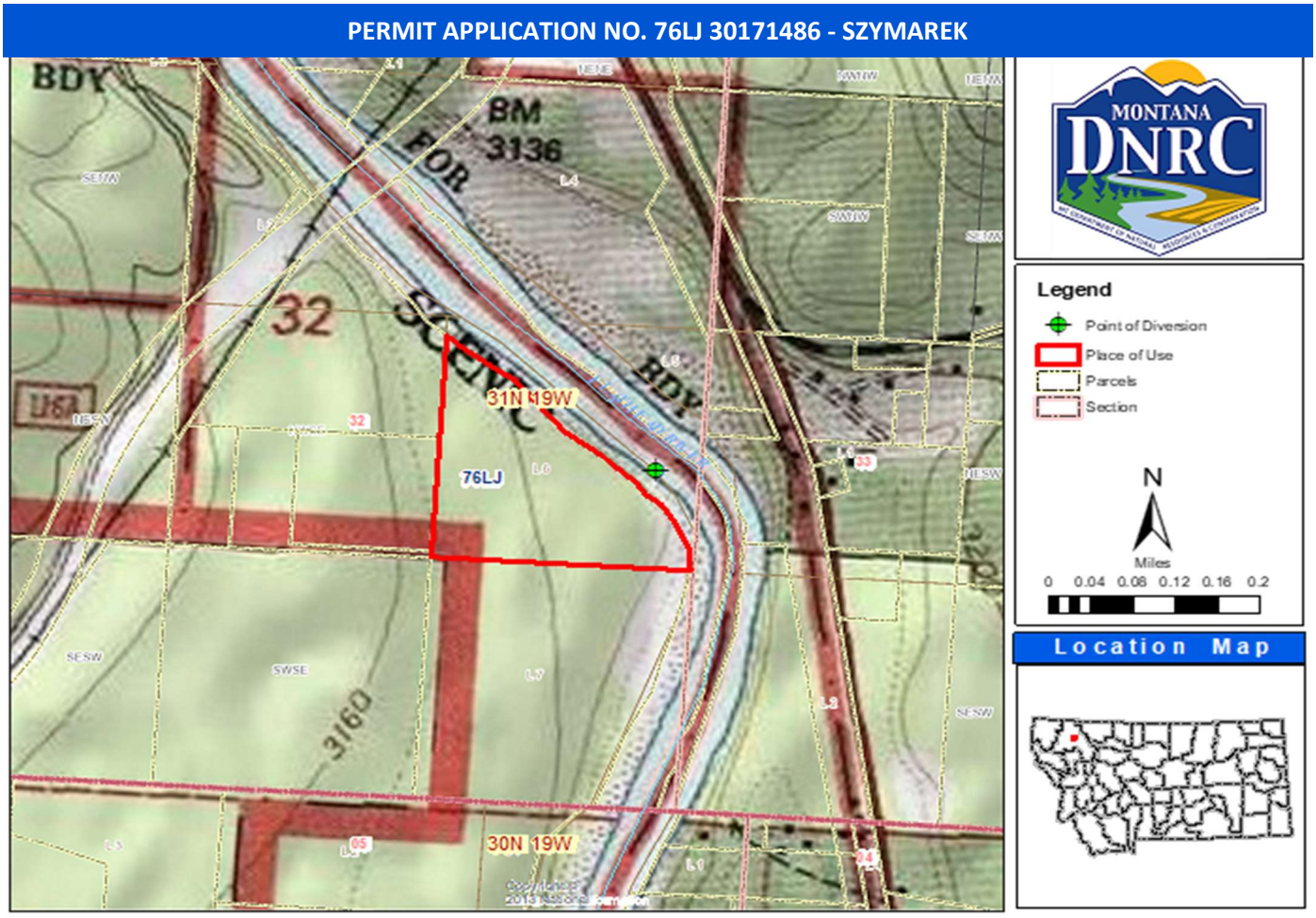


Figure 1: Proposed point of diversion and place of use.

2.2 Method of Estimation

United States Geological Survey (USGS) Gaging Station Numbers/Names/Periods of Record:

- No. 12363000 Flathead River at Columbia Falls, MT
  - Period of record: October 1951 – November 2024
- No. 12362500 South Fork Flathead River near Columbia Falls, MT
  - Period of record: February 1911 – August 2024

Why these gages and date ranges are appropriate:

USGS Gaging Station No. 12363000 is the nearest gaging station to the proposed POD on the Flathead River. The proposed POD for this application is approximately 9.1 miles upstream of this gaging station. The date range used includes the entire period of record for this gage.

The South Fork Flathead River contributes flow and volume to the Flathead River between the proposed POD and USGS Gaging Station No. 12363000. The South Fork Flathead River flows into the Flathead River approximately 3.4 miles downstream of the proposed POD and 5.7 miles upstream of USGS Gaging Station No. 12363000. USGS Gaging Station No. 12362500 is the nearest gaging station on the South Fork Flathead River to its confluence with the Flathead River and is located approximately 3.6 miles upstream of this confluence. The date range used includes the entire period of record for this gage.

2.3 Monthly Flow Rate and Volume

Methodology:

The Department calculated median of the mean monthly flow rates in cubic feet per second (CFS) for the Flathead River and the South Fork Flathead River using records from USGS Gaging Station Nos. 12363000 and 12362500, respectively, for each month of the proposed period of diversion (Table 1, columns B and D, respectively). Those flows were converted to monthly volumes in AF (Table 1, columns C and E, respectively) using the following equation found in the DNRC Water Calculation Guide: median of the mean monthly flow (CFS) × 1.98 (AF/day/1 CFS) × days per month = AF/month.

There are no existing water rights filed on the South Fork Flathead River between USGS Gaging Station No. 12362500 and the confluence with the Flathead River, so the monthly flows and volumes at the gaging station are representative of the monthly flows and volumes contributed to the Flathead River by the South Fork Flathead River (Table 1, columns D-E).

The Department calculated the monthly flows appropriated by existing users on the Flathead River between the proposed POD and USGS Gaging Station No. 12363000 (Table 1, column F) by:

i. Generating a list of existing surface water rights (legal demands) from the proposed POD down to USGS Gaging Station No. 12363000 (Appendix A);

ii. Designating uses as occurring during their claimed/permitted periods of diversion; and,

iii. Assuming that the flow rate of each existing right is continuously diverted throughout each month of its period of diversion. This assumption is necessary due to the difficulty of differentiating the distribution of appropriated volume over the period of diversion. This

leads to an overestimation of legal demands on the physical volume of water. The Department finds this an appropriate measure of assessing existing rights as it protects existing water users.

Since USGS Gaging Station No. 12363000 is downstream of the proposed POD, any diversions of water from the Flathead River between the proposed POD and USGS Gaging Station No. 12363000 must be added to the monthly gaging station values, while any additions of water between the proposed POD and USGS Gaging Station No. 12363000 must be subtracted from the monthly gaging station values in order to calculate the water physically available at the proposed POD. Since instream flow water rights are neither diverted from nor added to the physical volume of water, they are not used in the calculations for physical availability.

The Department subtracted out the monthly flows of the South Fork Flathead River (Table 1, columns D) from the monthly flows of the Flathead River at USGS Gaging Station No. 12363000 (Table 1, columns B) and added in the monthly flows and volumes of the existing diverted water rights between the proposed POD and USGS Gaging Station No. 12363000 (Table 1, column F) to determine the physically available monthly flows at the proposed POD (Table 1, column G). Physically available monthly flows were then converted to monthly volumes (Table 1, column H).

Table 1: Physical Availability Analysis of the Flathead River at the Proposed POD

A	B	C	D	E	F	G	H
	Flathead River		South Fork Flathead River				
Month	Median of the Mean Monthly Flow at USGS Gage No. 12363000 (CFS)	Median of the Mean Monthly Volume at USGS Gage No. 12363000 (AF)	Median of the Mean Monthly Flow at USGS Gage No. 12362500 (CFS)	Median of the Mean Monthly Volume at USGS Gage No. 12362500 (AF)	Existing Diverted Legal Demands between the Proposed POD and USGS Gage No. 12363000 (CFS)	Physically Available Water at the POD (CFS)	Physically Available Water at the POD (AF)
January	5,111.5	313,743.9	2,742.5	168,334.7	0.0	2,369.0	145,409.2
February	4,800.5	266,139.7	2,545.0	141,094.8	0.0	2,255.5	125,044.9
March	4,772.0	292,905.4	2,184.0	134,053.9	0.7	2,588.7	158,892.0
April	10,535.0	625,779.0	4,079.0	242,292.6	0.7	6,456.7	383,525.6
May	22,645.0	1,389,950.1	4,468.0	274,245.8	1.6	18,178.6	1,115,799.4
June	24,615.0	1,462,131.0	5,097.0	302,761.8	1.6	19,519.6	1,159,461.3
July	11,280.0	692,366.4	3,150.5	193,377.7	1.6	8,131.1	499,083.8
August	5,403.5	331,666.8	1,660.5	101,921.5	1.6	3,744.6	229,840.5
September	4,423.5	262,755.9	2,065.0	122,661.0	1.6	2,360.1	140,187.0
October	4,903.0	300,946.1	2,030.5	124,632.1	0.0	2,872.5	176,314.1
November	4,527.0	268,903.8	1,912.0	113,572.8	0.0	2,615.0	155,331.0
December	5,498.5	337,497.9	2,444.0	150,012.7	0.0	3,054.5	187,485.2

3.0 Area of Potential Impact (AOPI) Analysis

The Area of Potential Impact for this application is:

The Flathead River from the Applicant's proposed POD downstream to USGS Gaging Station No. 12363000 Flathead River at Columbia Falls, MT.

To accurately analyze legal availability, the AOPI will be further divided into two reaches:

- Reach 1: the proposed POD to the confluence of the South Fork Flathead River.
- Reach 2: the confluence of the South Fork Flathead River to USGS Gaging Station No. 12363000 Flathead River at Columbia Falls, MT.

The AOPI must be divided into two reaches at the South Fork Flathead River confluence because the instream fish and wildlife water rights held by the State of Montana Department of Fish, Wildlife, and Parks change at this point due to the inflow of water from the South Fork Flathead River.

Why this is an appropriate Area of Potential Impact:

Diversion of water at the proposed POD on the Flathead River would reduce the flow and volume of water in the Flathead River downstream of the POD. The Department recently analyzed the legal availability of water in the reach of the Flathead River downstream of USGS Gaging Station No. 12363000 in permit application no. 76LJ 30161301 (issued December 23, 2024). In that analysis, the Department found legally available monthly flows and volumes in the reach of the Flathead River downstream of USGS Gaging Station No. 12363000 multiple orders of magnitude in excess of this proposed appropriation (Table 2). For this reason, the Department did not extend the AOPI into the reach of the Flathead River downstream of USGS Gaging Station No. 12363000 Flathead River at Columbia Falls, MT.

Table 2: Legal Availability Analysis of the Flathead River from USGS Gaging Station No. 12363000 down to the Flathead Lake Inlet (Findings from Water Right Permit Application No. 76LJ 30161301)

Month	Legally Available Flow: Physically Available Water Minus Existing Legal Demands (CFS)	Legally Available Volume: Physically Available Water Minus Existing Legal Demands (AF)
January	1,603.20	98,403.20
February	1,292.20	71,638.50
March	1,263.70	77,564.70
April	3,865.90	229,637.00
May	14,370.90	882,088.50
June	16,390.90	973,622.00
July	5,833.90	358,087.40
August	1,741.90	106,920.50
September	681.9	40,507.40
October	1,264.90	77,642.20
November	1,037.70	61,638.20
December	1,990.20	122,157.20

Methodology:

To determine the appropriate downstream terminus of the AOPI, the Department considered the characteristics of the source downstream of the proposed appropriation and used its knowledge gained from the recent physical and legal availability analysis of the reach of the Flathead River downstream of USGS Gaging Station No. 12363000.

Review

This document was reviewed by the Department on September 12, 2025.

References

Department Standard Practice for Determining Physical Availability of Surface Water.

- DNRC Technical Memorandum: Physical Availability of Surface Water with Gage Data (2019).

Department Standard Practice for Determining Area of Potential Impact.

Appendix A: Water Rights within the Area of Potential Impact

AOPI Reach 1: Water rights between the proposed POD and the confluence of the South Fork Flathead River			
Water Right Number	Purpose	Flow Rate (CFS)	Period of Diversion
76LJ 147029 00*	FISH AND WILDLIFE	1,950.0	10/01 to 03/31
76LJ 147030 00*	FISH AND WILDLIFE	2,100.0	08/01 to 09/30
76LJ 147031 00*	FISH AND WILDLIFE	5,000.0	05/01 to 07/15
76LJ 147032 00*	FISH AND WILDLIFE	3,597.0	04/16 to 04/30
76LJ 147033 00*	FISH AND WILDLIFE	3,945.0	07/16 to 07/31
76LJ 147034 00*	FISH AND WILDLIFE	2,100.0	04/01 to 04/15
76LJ 148778 00**	FISH AND WILDLIFE	<Null>	01/01 to 12/31
76LJ 148779 00**	FISH AND WILDLIFE	<Null>	01/01 to 12/31

** State of Montana Department of Fish, Wildlife, and Parks instream flow water rights.*

***These water rights' flow rates/volumes will be excluded from calculations of physical/legal availability because no quantified flow rate was claimed, and the claimed volume cannot currently be confirmed due to lack of data. These issues will need to be resolved by the Water Court during the Basin 76LJ decree process. Until that time, the DNRC does not have enough information to include these water rights in the physical/legal availability analysis calculations.*

AOPI Reach 2: Water rights between the confluence of the South Fork Flathead River and USGS Gaging Station No. 12363000			
Water Right Number	Purpose	Flow Rate (CFS)	Period of Diversion
76LJ 147036 00*	FISH AND WILDLIFE	6,650.0	04/16 to 04/30
76LJ 147037 00*	FISH AND WILDLIFE	3,500.0	08/01 to 04/15
76LJ 147038 00*	FISH AND WILDLIFE	5,402.0	07/16 to 07/31
76LJ 147039 00*	FISH AND WILDLIFE	8,125.0	05/01 to 07/15
76LJ 30104140	OTHER PURPOSE	0.7	03/01 to 09/30
76LJ 30002541	INDUSTRIAL	0.9	05/01 to 10/01

** State of Montana Department of Fish, Wildlife, and Parks instream flow water rights.*

Preapplication Materials

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

Preapplication Materials

PREAPPLICATION MEETING FORM: PART B
PERMIT

§ 85-2-302, MCA

Form No. 600P-B *(Revised 02/2025)*

RECEIVED
DNRC Water Resources
AUG 08 2025
Kalispell Unit

For Department Use Only

Application # 30171486 Basin 76LJ
Form Received SPH
Fee Rec'd $ Waived Check # —
Deposit Receipt # —
Payor Paul Szymanek
Form Returned —
Refund $ — Date ~~08/01/2025~~ 08/08/2025 TW 10/23

RECEIVED TW 10/23
DNRC Water Resources
AUG 01 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 600P-A). The Applicant may not alter Form 600P-A. If a response has changed to a question answered at the preapplication meeting, the Applicant can provide a new response in a separate document entitled "Amended Responses" with the question number labeled.

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

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

   If yes,

   a. Date form was returned ("Form Returned" date found in "For Department Use Only" box on the previously submitted Form 600P-B): _____

   b. If a "Follow-up Responses" or "Amended Responses" document is required by questions 2 or 3, submit complete updated documents with responses that stand-alone. The Department will only use the most recently submitted "Follow-up Responses" and "Amended Responses" documents for departmental technical analyses or scientific credibility review; the Department will not use multiple versions of a document.

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

   If yes,

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

3. ☐ Y ☒ N Are you submitting amended responses to any questions from Form 600P-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.

FOLLOW-UP AND AMENDED RESPONSES AFFIDAVIT & CERTIFICATION

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

Applicant Signature — Date: 8-1-25

Applicant Signature — Date

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

Joseph P. Houseton — Department Signature — Date: 08-02-2025

Department Signature — Date

PREAPPLICATION MEETING FORM: PART A
PERMIT

§ 85-2-302, MCA
Form No. 600P-A *(Revised 03/2025)*

For Department Use Only

Application # 30171486 Basin # 76LJ

Meeting Date 07/30/2025 Time 9:00

Variance Request Deadline 12/15/2025

Completed Form Deadline 01/26/2026

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

Applicant Information: *Add more as necessary.*

Applicant Name Paul & Dena Szymarek
Mailing Address 215 W Bandera Rd Ste 114 City Boerne State TX Zip 78006
Phone Numbers: Home (210) 835-6239 Work _____ Cell _____
Email Address psboerne@hotmail.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) Pump Tech
Contact/Representative Name Clinton Post
Mailing Address 37 Star Light Dr City Kalispell State MT Zip 59901
Phone Numbers: Home (406) 800-1081 Work _____ Cell _____
Email Address ateam@altowellandpump.com

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

Meeting Attendees: *Add more as necessary.*

Name	Role	Name	Role
Paul Szymarek	Applicant		
Clinton Post	Consultant / Pump Tech		
Jim Ferch	KRO Manager		
Travis Wilson	Water Resources Specialist		
Joseph Howerton	Water Resources Specialist		

Table of Contents

APPLICATION DETAILS

The following questions are mandatory and must be filled out before the Preapplication Meeting Form is determined to be complete. Narrative responses that are larger than the space provided can be answered in an attachment. If an attachment is used, mark the see attachment ("A") checkbox on this form and label the attachment with the question number. Constrain narrative responses to the specific question as is asked on the form; do not respond to multiple questions in one narrative. 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. Provide a map created on an aerial photograph or topographic map that shows the following: section corners, township and range, scale bar, north arrow, all proposed points of diversion labeled with a unique POD ID number (include GWIC ID, if available, for wells), all proposed places of use, all proposed conveyance structures (including ditches and pipelines), all proposed places of storage, and places of use for all overlapping water rights. More than one map may be submitted, if necessary to clearly convey all required information.	☒ S	☐ F
3. Is the project located in a Controlled Groundwater Area or Basin Closure Area? If yes, immediately go to Mandatory Project-Specific questions 54 to 56 because Form 600 may be the incorrect form, or this project may not meet the requirements for the Department to accept a Form 600.	☐ Y ☐ N	☐ F
4. Is the proposed use temporary?	☐ Y ☐ N	☐ F
a. If yes, when will the appropriation cease? _____	☐ A	☐ F

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

Purpose	Period of Diversion	Period of Use	Flow Rate			Volume
	(MM/DD-MM/DD)	*(MM/DD-MM/DD)*	*Flow Rate*	*GPM*	*CFS*	*(AF)*
Domestic	1/01-12/31	1/01-12/31	30	☑	☐	0.45
Lawn & Garden	04/25-10/05	04/25-10/05	30	☑	☐	0.63
				☐	☐	
				☐	☐	
				☐	☐	
		Total	30	☐	☐	1.08

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

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

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

POD #	¼	¼	¼	Sec	Twp	Rge	County	Lot	Block	Tract	Subdivision	Gov Lot	SW or GW	Source Name	Means
1	SE	NE	SE	32	31N	19W	Flathead			4C		6	sw	MF Flathead R	Pump

8. What are the geocodes of the place of use?	☐ A	☐ F

07-4295-32-4-01-20-0000	

9. Describe the legal land description for the proposed place of use and, if an irrigation or lawn and garden purpose, list the number of irrigated acres.	☐ A	☐ F

Acres	Gov't Lot	Block	¼	¼	¼	Sec	Twp	Rge	County
0.25	6		SE	NE	SE	32	31N	19W	Flathead
	Total								

10. Will other water rights supplement or overlap the place of use to contribute to the purpose(s)?	☒ Y ☒ N	☐ F
a. If yes, summarize how the water rights will be operated as a whole to serve the purpose(s). Existing well supplies domestic use at a low flow rate. Applicant will apply for groundwater certificate water right. River water right being sought as an alternate source.	☐ A	☐ F

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

Water Right No.	**Avg. Period of Diversion**	**Avg. Period of Use**	**Flow Rate**			**Volume Contributed**
	MM/DD-MM/DD	*MM/DD-MM/DD*	*Flow Rate*	*GPM*	*CFS*	*AF*
Not filed yet				☑	☐	
				☐	☐	
				☐	☐	
				☐	☐	
				☐	☐	

12. Will this application supplement contract water from a Federal Project, ditch company, or other source?	☐ Y ☒ N	☐ F
a. If yes, explain. _____ _____ _____	☐ A	☐ F
13. Does the project involve one or more places of storage? This does not include reservoirs, pits, pit-dams, or ponds with a capacity less than 0.1 AF; water tanks; or cisterns (ARM 36.12.113(6)). If yes, answer the following questions once for each place of storage. Use an "Additional Place of Storage (600P)" sheet if more than one. Additionally, you may choose to answer non-mandatory questions 76 to 80 for place of storage.	☐ Y ☒ N	☐ F
a. Is this application to enlarge an existing reservoir? If yes, list the water right numbers for the existing reservoir. _____	☐ Y ☐ N	☐ F
b. Is the place of storage located on-stream?	☐ Y ☐ N	☐ F
c. What is the capacity of the proposed place of storage or the existing place of storage after it is enlarged? Use bathymetry data, survey, or engineering plans for capacity. Submit the data source used with this form. In lieu of these data sources, use the following equation: *Surface Acres x Maximum Depth (FT) x 0.5 = Capacity (AF)* _____	☐ A	☐ F

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

SURFACE WATER

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

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

Surface Water Analysis

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

POD #	**Flow Rate**			**Volume**	**Period Start**	**Period End**
	Flow Rate	*GPM*	*CFS*	*AF*	*MM/DD*	*MM/DD*
1	30	☑	☐	1.08	01/01	12/31
		☐	☐			
		☐	☐			
		☐	☐			
		☐	☐			

21. Is the source type of the diversion perennial or intermittent, ephemeral, lake, or other? Perennial	☐ A	☐ F

Perennial or intermittent	Answer questions 22 to 25	**Ephemeral**	Answer question 26	**Lake**	Answer question 27	**Other**	Answer questions 28 to 29

Surface Water Analysis: Perennial or Intermittent

■ **Applicable** ☐ **Not Applicable**

22. Are stream gage data available?	▣ Y ☐ N	☐ F
a. If yes, answer question 23.		
b. If no, answer question 24.		

23. Stream gage data are available.		
a. Is one stream gage located above the most upstream POD and one stream gage located below the most upstream POD?	■ Y ☐ N	☐ F
i. If no, is only one stream gage located near the most upstream POD?	☐ Y ☐ N	☐ F
1. If yes, is the stream gage located upstream or downstream? _____		☐ F
b. List the gage name(s). Write "N/A" for Gage 2 if one gage is available. Gage 1: USGS No. 12363000 Flathead River at Columbia Falls, MT Gage 2: USGS No. 12362500 South Fork Flathead River near Columbia Falls, MT		☐ F
c. What is the distance between the gage(s) and the most upstream POD? Write "N/A" for Gage 2 if one gage is available. Gage 1: 9.1 miles Gage 2: 7.0 miles		☐ F
d. Is there a limiting or controlling factor on the source between the stream gage(s) and the most upstream POD? This includes dams that control the flow and streams with large gaining and/or losing reaches. If you have questions about this, the Regional Office may provide assistance.	☐ Y ■ N	☐ F
i. If yes, explain. _____ _____ _____	☐ A	☐ F
e. How long is the period of record? Write "N/A" for Gage 2 if one gage is available. Gage 1: October 1951 - November 2024 Gage 2: February 1911 - August 2024		☐ F
f. Who operates and maintains the gage(s)? Write "N/A" for Gage 2 if one gage is available. Gage 1: USGS Gage 2: USGS		☐ F

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

h. Do the data for one or more available stream gages meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion?	■ Y ☐ N	☐ F
i. If yes, record how many meet the standard, then skip to question 54 because this section is complete. 2		☐ F
ii. If no, answer question 24.		
24. If no gage data are available or if available gage data do not meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion, is the source otherwise measured?	☐ Y ☐ N	☐ F
a. If no, measurements may be necessary. The Department cannot deem the preapplication meeting form adequately completed until the Department receives gage data and/or measurements that meet the requirements of ARM 36.12.1702 or, in combination with an approved variance request, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria. Skip to question 25.		
b. If yes,		
i. Submit available measurements to the Department.	☐ S	☐ F
ii. Who collected the measurements?	☐ A	☐ F
iii. With what method were the data collected?	☐ A	☐ F
iv. What is the period of record?		☐ F
v. What is the frequency of measurement?		☐ F
vi. Are there gaps in the data?	☐ Y ☐ N	☐ F

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

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

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

Surface Water Analysis: Ephemeral

☐ **Applicable** ☒ **Not Applicable**

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

iii. What is the drainage area upstream of the point of diversion and how was this figure calculated? _____ _____ _____	☐ A	☐ F

Surface Water Analysis: Lakes

☐ **Applicable** ■ **Not Applicable**

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

Surface Water Analysis: Other

☐ **Applicable** ■ **Not Applicable**

28. Explain why the source type is “other”. _____ _____	☐ A	☐ F
29. Have you measured the source?	☐ Y ☐ N	☐ F
a. If yes, answer the following questions,		
i. With what method was the measurement data collected? _____ _____	☐ A	☐ F

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

Area of Potential Impact Analysis

No additional information needed for Technical Analyses.

GROUNDWATER

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

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

Groundwater Analysis for Permits

Questions, Narrative Responses, and Tables	**Check-boxes**	**Follow-up**
30. What is the type of groundwater diversion? _____	☐ A	☐ F

Well/Pumping Pit	Answer questions 31 to 35	**Developed Spring**	Answer question 36	**Pond**	Answer questions 37 to 39

Groundwater Analysis for Permits: Well/Pumping Pit

☐ Applicable ▣ Not Applicable

31. Per ARM 36.12.121 a 24- or 72-hour aquifer test is required; do you propose not to conduct the test? An 8-hour test will be required, if no aquifer test is completed.	☐ 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

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

Groundwater Analysis for Permits: Developed Spring

☐ Applicable ■ Not Applicable

36. Have you measured the source?	☐ Y ☐ N	☐ F
a. If yes, submit the measurements 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 ARM 36.12.1703(1)?	☐ Y ☐ N	☐ F
b. If no, or if measurements do not comply with ARM 36.12.1703(1), answer the following questions. The Department cannot deem the preapplication meeting form adequately completed until the Department receives measurements that meet the requirements of ARM 36.12.1703(1). Variances from ARM 36.12.1703(1) are not allowed.		
i. When do you plan to measure? _____		☐ F
ii. With what method and at what interval will measurements be collected? _____ _____	☐ A	☐ F

Groundwater Analysis for Permits: Pond

☐ Applicable ■ Not Applicable

37. Submit Form 653 to apply for a variance from ARM 36.12.121 for the Aquifer Test on or before the Variance Request Deadline.	☐ S	☐ F
38. Submit pond bathymetry data, survey, or engineering plans to the Department.	☐ S	☐ F
39. Is the pond fed or drained by surface water?	☐ 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

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

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

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

POD #	Flow Rate			Volume	Period of Diversion	Depth	Measured or Estimated
	Flow Rate	*GPM*	*CFS*	*AF*	*MM/DD-MM/DD*	*FT*	
		☐	☐				
		☐	☐				
		☐	☐				
		☐	☐				
		☐	☐				

43. Will any of the *new* wells/pumping pits have a monthly pumping schedule that differs from, if year-round use, an allocation of diverted volume by the number of days in the month, or, if irrigation/lawn and garden use, the 80% dry year net irrigation requirement (IWR, NRCS 2003)?	☐ Y ☐ N	☐ F
a. If yes, provide the alternative pumping schedule(s) in the table below. Use the same POD # as the project map (question 2). Attach any additional pumping schedules with POD # labeled.	☐ A	☐ F

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

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

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

Surface Water Analysis of Depleted Surface Water

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

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

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

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

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

c. Describe the proposed estimation technique. _____ _____ _____ _____ _____	☐ A	☐ F
2. If no, 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	☐ F
c. If no, because no Department-accepted estimation technique will be appropriate for the hydraulically connected surface water source:		
i. Describe why no Department-accepted estimation technique is appropriate for the source characteristics. _____ _____ _____	☐ A	☐ F
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	☐ F
1. If no, will measurements be collected prior to submission of a completed Form 600P that meet the Department's standard of monthly measurements throughout the months with net depletions?	☐ Y ☐ N	☐ F
a. If yes, with what method will the data be collected? _____ _____	☐ A	☐ F

b. If no, do you plan on requesting to deviate from the Department's standard for monthly measurements throughout the months with net depletions? The Department's technical analyses or scientific credibility review of your technical analyses cannot commence until the Department receives measurements that meet Department measurement standards, or in combination with a request to deviate, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.	☐ Y ☐ N	☐ F

Area of Potential Impact Analysis of Depleted Surface Water

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

Hydrogeologic Report

51. Does your project include one or more wells, pumping pits, or ponds that are in a basin closure area? If yes, fill out questions 52 to 53. Your project must have a Hydrogeologic Report that conforms with § 85-2-361 to comply with the requirements of § 85-2-360, MCA. A Hydrogeologic Report Addendum (Form 600-HRA) or Department Technical Analyses may be used to meet these requirements.	☐ Y ☐ N	☐ F
52. Did you elect in question 1 for the Department to conduct the Technical Analyses?	☐ Y ☐ N	☐ F
a. If yes, the Basin Closure Area Addendum (Form 600-BCA), Form 600-HRA, and Hydrogeologic Report are not required at this time. The Department's Technical Analyses will meet requirements of §85-2-360, MCA for a Hydrogeologic Report and Form 600-HRA. Form 600-BCA will be required with application submittal.		
b. If no, submit the Basin Closure Area Addendum (Form 600-BCA) and Hydrogeologic Report Addendum (600-HRA) with your Technical Analyses.	☐ S	☐ F
53. If the Hydrogeologic Report indicates that the proposed groundwater use will impact a surface water source, identify and explain which of the following three options best describes your plan to mitigate depletions of hydraulically connected surface water and respond to the relevant questions below. ☐ Application to Change a Water Right to mitigate the adverse effects created ☐ Alternative mitigation plan ☐ Documentation to show a mitigation plan is not required		
a. Application to Change a Water Right to mitigate the adverse effects created: Submit a summary of your initial proposal. *A separate Preapplication Meeting will be required for each Application to Change a Water right to a mitigation or aquifer recharge purpose to qualify for expedited timelines and reduced filing fees for the project per ARM 36.12.1302(7)(a).*	☐ S	☐ F
b. Alternative mitigation plan: Submit a summary of your initial proposal.	☐ S	☐ F

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

MANDATORY PROJECT-SPECIFIC QUESTIONS

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

Project-Specific Questions: Controlled Groundwater Areas and Basin Closures

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

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

NON-MANDATORY QUESTIONS FOR CRITERIA ANALYSIS

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

Adverse Effect

Questions, Narrative Responses, and Tables	Check-boxes
57. Describe your plan to ensure that existing water rights will be satisfied during times of water shortage. Prioritize existing water rights; reduction or cessation of diversion in shortage events; utilize back-up storage; monitor flow rate & volume; and coordinate with authorities to comply with any temporary restrictions	☐ A
58. Explain how you can control your diversion in response to call being made. Curb stop shutoff, pump deactivation, active monitoring and responsiveness to the diversion system, and reliance on storage	☐ A
59. Are you aware of any calls that have been made on the source of supply or depleted surface water source?	☐ Y ☒ N
a. If yes, explain.	☐ A
60. Does a water commissioner distribute water or oversee water distribution on your proposed source or depleted surface water source?	☐ Y ☒ N

61. Will the point of diversion or conveyance infrastructure be shared with one or more existing water rights?	☐ Y ☒ N
a. If yes, explain how capacity of the shared point of diversion and/or conveyance infrastructure is sufficient for all water rights.	☐ A

Adequate Diversion Means and Operation

62. Submit a diagram of how you will operate your system from the point of diversion to the place of use.	☐ S
63. Describe specific information about the capacity of the diversionary structure(s). This may include, where applicable: pump curves and total dynamic head calculations, headgate design specifications, and dike or dam height and length. See Attachment: POD - Size and Configuration of Infrastructure; Pump Tech & Applicant will provide additional details	☒ A

64. Describe the size, materials, capacity, and configuration of infrastructure to convey water from point of diversion to place of use. This may include but is not limited to, pipelines and ditches. Include a description of any losses related to the proposed conveyance. Ditch conveyance losses may be estimated numerous ways, which include a ditch loss rate or Department standard methods. You may work with the Department to estimate ditch conveyance losses but will need to provide sufficient baseline information; which includes ditch slope, dimensions, length, lining material, soil type, and location. See Attachment: POD - Size and Configuration of Infrastructure; Pump Tech & Applicant will provide additional details; the system is completely contained - losses are negligible from the buried storage tank and float switches will prevent overflow	☒ A
65. Describe how the proposed diversion and conveyance infrastructure can provide the required flow and volume, for the purposes plus any conveyance losses and storage, throughout the proposed period of diversion. Pump Tech & Applicant will provide additional details; the system is completely contained - losses are negligible from the buried storage tank and float switches will prevent overflow	☐ A
66. Provide a plan of operations, which includes specific information about how water is delivered within the place of use. This may include, where applicable, the range of flow rates needed for a pivot. Pump Tech & Applicant will provide additional details	☐ A

67. Does the proposed conveyance require easements?	☐ Y ■ N
a. If yes, explain.	☐ A
68. Do you own the land where all proposed points of diversion are located?	■ Y ☐ N
a. If no, documentation to show you have the right to use all points of diversion located on each property you do not own will be required upon application submittal. This may include, but is not limited to, a well agreement, an easement, or permission of the party that owns the property where the proposed point(s) of diversion are located.	
69. Describe any places of storage, including whether drainage devices will be installed, and provide preliminary designs, if available. Preliminary designs will be required at application submittal. See Attachment: POD - Size and Configuration of Infrastructure	■ A
70. 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. The VFD submersible pump in the storage tank logs water usage, which allows access to the number of gallons pumped from the cistern	☐ A

Beneficial Use

71. Does the Department have a standard for any of the purposes for which water is used? Department standards can be found in ARM 36.12.112 and ARM 36.12.115.	■ Y ☐ N
a. If yes, list the purposes for which the Department has a standard and note whether the proposed use falls within or outside the standard. Lawn & Garden (L&G) period of diversion is within the department standard established in ARM 36.12.112(1)(c)(v). Domestic and L&G volume is within the department standard established in ARM 36.12.115(2)	

72. If no Departmental standard exists for any proposed purpose, or if any proposed purpose falls outside of Department standards, explain how the use is reasonable for that purpose. _____ _____ _____ _____ _____ _____ _____	☐ A
73. Will your proposed project be subject to DEQ requirements for a public water supply (PWS) system or Certificate of Subdivision Approval (COSA)?	☐ Y ■ N
a. If yes,	
i. Have you researched or consulted with DEQ regarding those requirements?	☐ Y ☐ N
74. 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

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

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

Non-Mandatory Project Specific Questions

Place of Storage

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

80. Is the place of storage capacity calculated to be greater than 50 AF?	☐ 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? This will be required by application submittal.	☐ Y ☐ N

Project-Specific Questions: Water Marketing

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

FOLLOW-UP

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

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

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

QUESTION #	NOTES
	Applicant will provide additional details relating to system design

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.

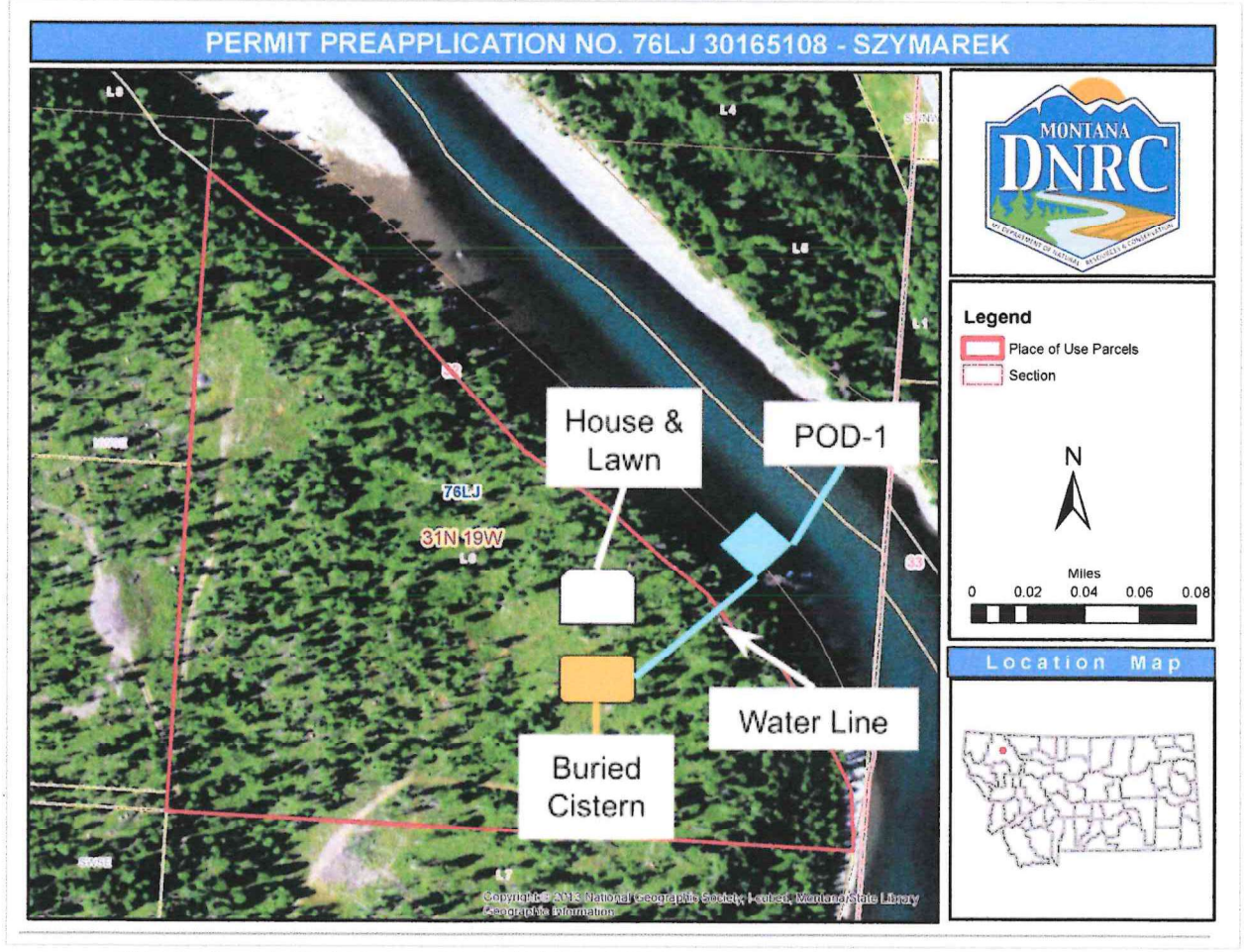
If the Department returns the form to the Applicant within these five days due to reasons 1-3 above, the Applicant can use the balance of their 180-day period in ARM 36.12.1302(4) or (5) to gather the remaining follow-up information needed. If there is no time remaining in the 180-day period, the Applicant 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: 8-1-25

Applicant Signature — Date

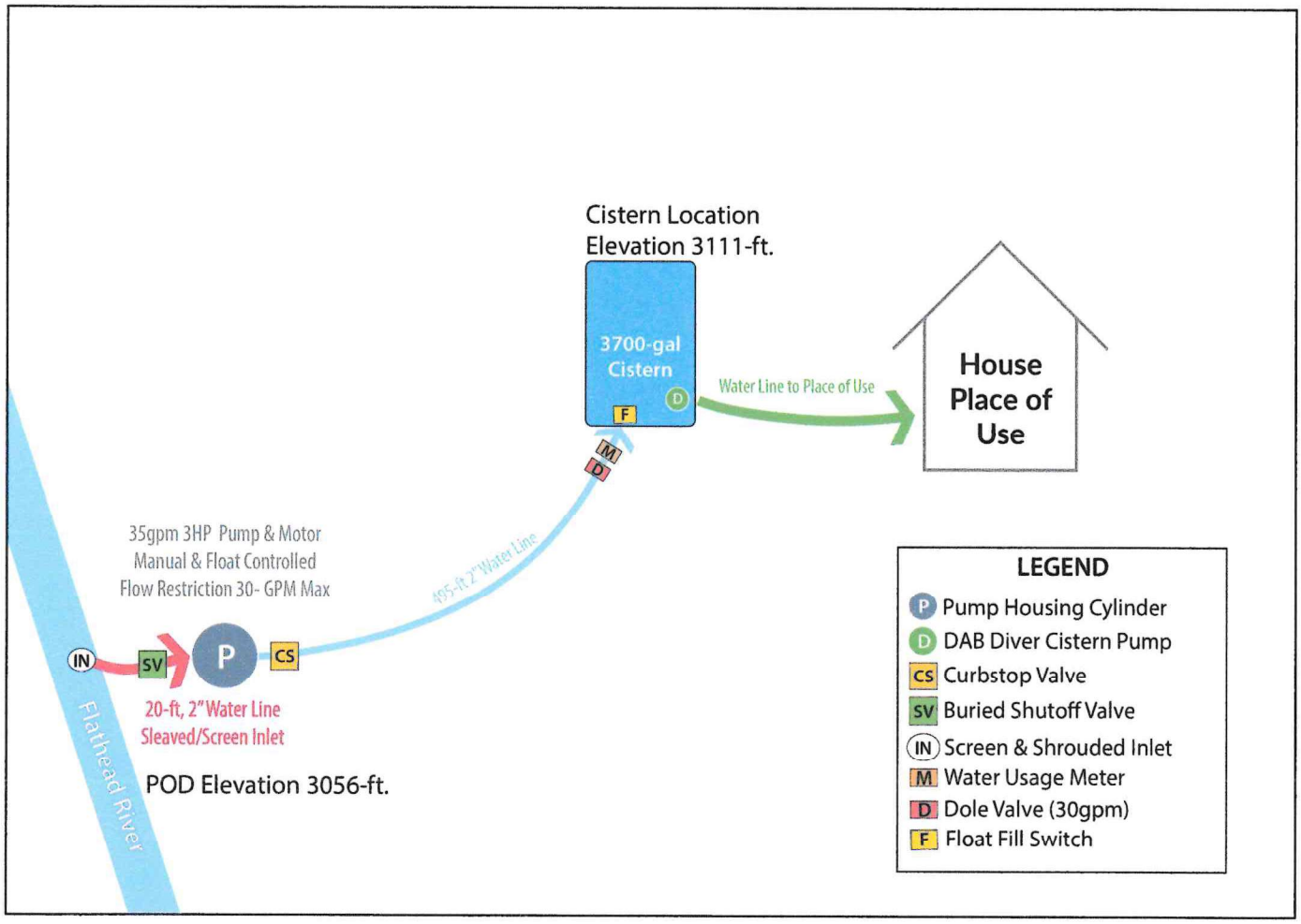
Joseph P. Howerton — Department Signature — Date: 08-02-2025

POD - 1



GEO Code: 07-4295-32-4-01-20-0000 | SE NE SE Sec. 32, Twp 31N, Rge 19W | Flathead River

POD - Operation Diagram



POD - Size and Configuration of Infrastructure

Point of Diversion (POD): A 2" poly pipe is buried below the frost line (20 feet from the river edge) to draw water from the Flathead River. The pipe is equipped with a foot valve to screen out debris and to protect aquatic life.

Pump Housing Cylinder: The 2" poly pipe connects to a 10-foot-tall, 6-inch quarter-wall steel pipe with a welded steel cap on the bottom and a sealed vented cap on the top. It is buried 8 feet in the ground. The top of the housing will be 2 feet above the surface for installing and servicing a submersible water pump. A curb stop valve is installed between the pump housing cylinder and the river to control water flow and shut off diversion when necessary manually. The pump will be placed on a pitless adapter below the frost line. This setup ensures efficient water conveyance and protection from freezing conditions.

Storage Tank: The submersible pump conveys water through a 2" poly pipe from the pump housing cylinder to the storage tank with an aerated discharge at the top of the tank. A pump-up float switch activates and deactivates the submersible pump in addition to a manual override switch. A 3700-gallon buried storage tank with a float switch will be used to regulate the water level in the tank and prevent over-pumping. The maximum tank storage capacity is 3700 gallons (0.01135489 AF). The tank provides water for domestic use in the household, as well as for some basic lawn and garden needs.

Electricity: The electrical wire will be heavy-duty, submersible, flat-jacketed wire installed inside electrical conduit. The size of the submersible wire is #10AWG. The max distance that a 3-hp three-phase motor can run on a #10AWG wire is 620 ft. The estimated distance from the breaker to the pump is 520 ft, falling within the acceptable length.

Distribution: Water flows from POD to the storage tank. From the storage tank, water flows through a 1-inch pipeline to the household and hose bib connections for lawn and garden. Water from the storage tank is pumped with a Dab Diver VFD cistern pump.

Total Dynamic Head (TDH): The calculated TDH is 330.65 ft of head. TDH is the total amount of pressure (expressed in feet of water or PSI) that a pump must overcome to move water from the source to the point of use. TDH takes into account the total vertical push in feet, the maximum head pressure, and friction loss from the fittings and materials that are in line between the pump and the cistern. The following formula is used to calculate TDH: totalTDH = PumpDepth (elevation difference from POD to cistern) + (outletPressure * 2.31) + Friction Loss + Water Meter PSI.

The estimated elevation difference from the POD (3056 ft) to the cistern storage tank (3111 ft) is 55' of lift or head. The potential build-up or outlet pressure is set at 60 psi or 138.6 ft of head. The length of 2" poly pipe from the POD to the storage cistern is 495'. Friction loss in 495' of 2" poly pipe adds an approximate 10.33' of head. The 2" fittings (elbows, adapters, etc.) add approximately 5' of head. The water usage meter adds 0.7 psi or 1.6' of head. The dole valve restricts the maximum flow capacity of the pump, creating back pressure that can reach as high as 52 psi or 120.12' of added head pressure.

Note: The calculated suction velocity in feet per second in a 2" poly pipe at 30 gpm is 3.49 fps. Per the Franklyn Electric Submersible Pump manual, Suction Velocities should not exceed 8 feet per second. See POD - Friction Loss Charts for more information.

Pump System Sizing: A Franklyn Electric 35 gpm 3 hp pump and motor is capable of pumping the maximum controlled flow rate of 30 gpm with a TDH of 330.65 feet. The pump is capable of producing up to 37 gpm at 330.65 ft of TDH; therefore, an inline 30 gpm max discharge dole valve will be used to ensure compliance with the max gpm granted in the water right. The pump is capable of lifting water as high as 400 ft. All the fittings and materials are rated above the pump system's maximum capable pressure of 173 psi, also known as dead head or shut off pressure. See POD - Pump System Details for more information.

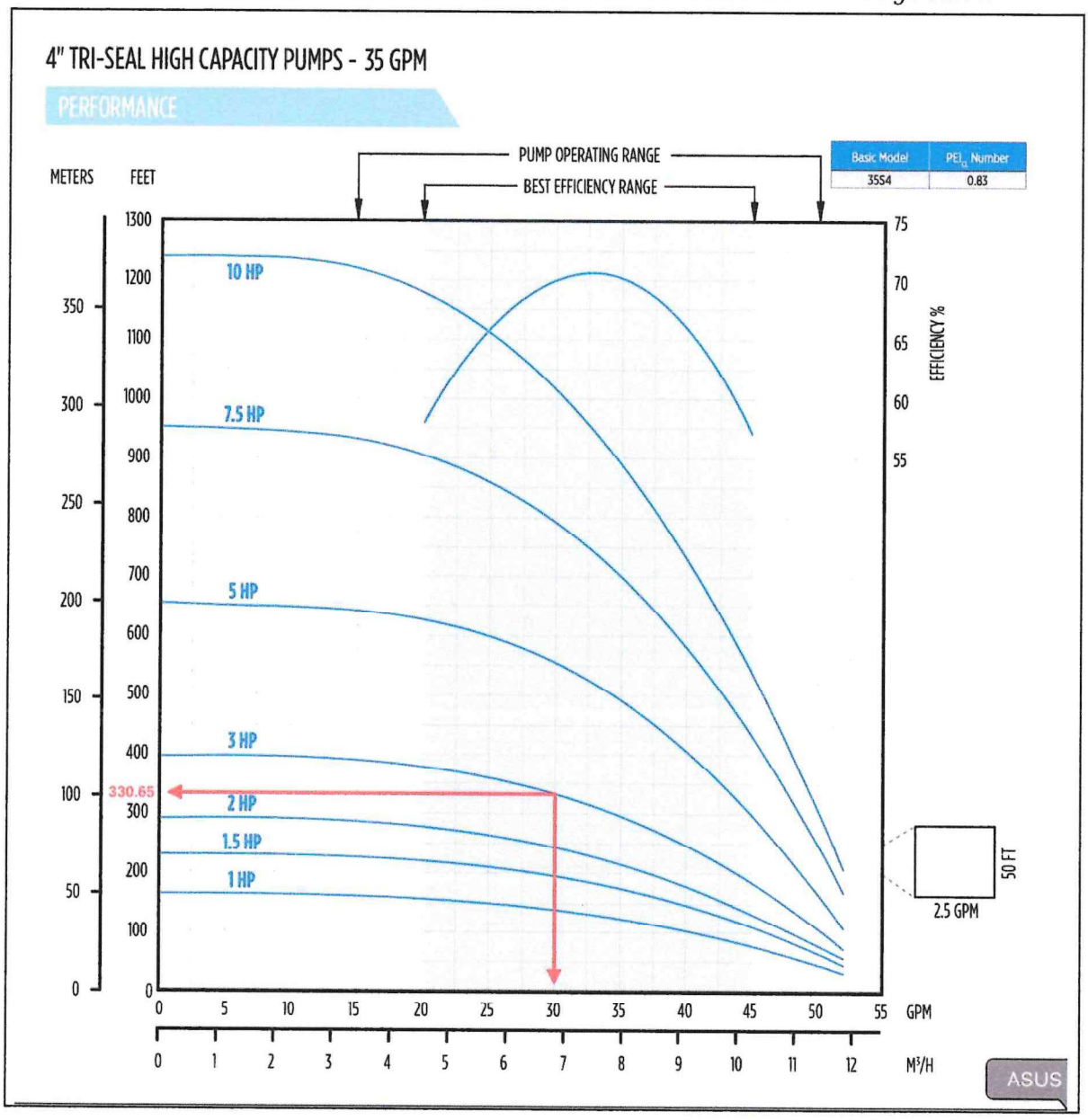
Reference: Franklin Electric, FPS Residential Submersible Catalog, MF5060, Franklin Electric Co., Inc., Available at: https://fele.widen.net/content/wipbvw6caq/pdf/MF5060_FPS_Residential_Submersible_Catalog.pdf

POD - Pump System Details

Pump Max Lift: 400 ft. **GPM Optimal Range: 20-45 gpm**

Pump Model: 35 gpm 3HP Pump **Flow Capacity: 30 gpm***

**Note: Max Flow Rate will be controlled with an inline dole valve and discharge valve.*



Reference: Franklin Electric, FPS Residential Submersible Catalog, MF5060, Franklin Electric Co., Inc., Available at:
https://fele.widen.net/content/wipbvw6caq/pdf/MF5060_FPS_Residential_Submersible_Catalog.pdf

POD - Friction Loss Charts

Max Lift: 100 ft
Friction Loss: 4.62 ft
Head Pressure: 60 psi (138.6 ft)
Dole Valve Pressure: 52 psi (120.12 ft)

REFERENCES - FRICTION LOSS

PVC SCHEDULE 80 IPS PLASTIC IN 100' OF PIPE

Pipe Size	1/2"		3/4"		1"		1-1/4"		1-1/2"		2"		2-1/2"		3"		4"	
GPM	Head Loss	Vel (ft/s)	Head Loss	Vel (ft/s)	Head Loss	Vel (ft/s)	Head Loss	Vel (ft/s)	Head Loss	Vel (ft/s)	Head Loss	Vel (ft/s)	Head Loss	Vel (ft/s)	Head Loss	Vel (ft/s)	Head Loss	Vel (ft/s)
1	1.87	1.37	0.42	0.74	0.12	0.45	0.03	0.25	0.01	0.18								
2	6.74	2.74	1.52	1.48	0.44	0.89	0.11	0.50	0.05	0.36	0.01	0.22						
3	14.29	4.11	3.21	2.23	0.93	1.34	0.23	0.75	0.10	0.54	0.03	0.33	0.01	0.23				
4	24.34	5.48	5.47	2.97	1.59	1.78	0.39	1.00	0.18	0.73	0.05	0.43	0.02	0.30				
26					50.81	11.60	12.44	6.50	5.71	4.72	1.64	2.83	0.68	1.97	0.23	1.26	0.06	0.73
28					58.29	12.49	14.27	7.00	6.55	5.08	1.88	3.04	0.78	2.12	0.26	1.36	0.07	0.78
30					66.23	13.38	16.21	7.50	7.44	5.45	2.13	3.26	0.89	2.27	0.30	1.46	0.08	0.84
35							21.57	8.75	9.89	6.35	2.84	3.80	1.18	2.65	0.40	1.70	0.10	0.98
40							27.62	10.00	12.67	7.26	3.63	4.35	1.51	3.03	0.51	1.94	0.13	1.12

NOTES: Suction Velocities should not exceed 8 feet per second. Calculated using Williams and Hazen formula using C = 150.

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REFERENCES - PRESSURE LOSS

WATER METERS AWWA STANDARD

Flow GPM	Pressure Loss (Normal Size)						
	5/8"	3/4"	1"	1-1/2"	2"	3"	4"
1	0.2	0.1					
2	0.3	0.2					
24		9.5	3.4	1.2			
26		11.2	4.0	1.4			
28		13.0	4.6	1.6			
30		15.0	5.3	1.8	0.7		
32			6.0	2.1	0.8		
34			6.9	2.4	0.9		
120					11.3	3.4	1.2
130					13.0	3.9	1.4
140					15.1	4.5	1.6
150					17.3	5.1	1.8

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Reference: Franklin Electric, FPS Residential Submersible Catalog, MF5060, Franklin Electric Co., Inc., Available at: https://fele.widen.net/content/wipbvw6caq/pdf/MF5060_FPS_Residential_Submersible_Catalog.pdf