

NOTICE AREA

Application No. **76M 30170833**

Regional Office # **09**

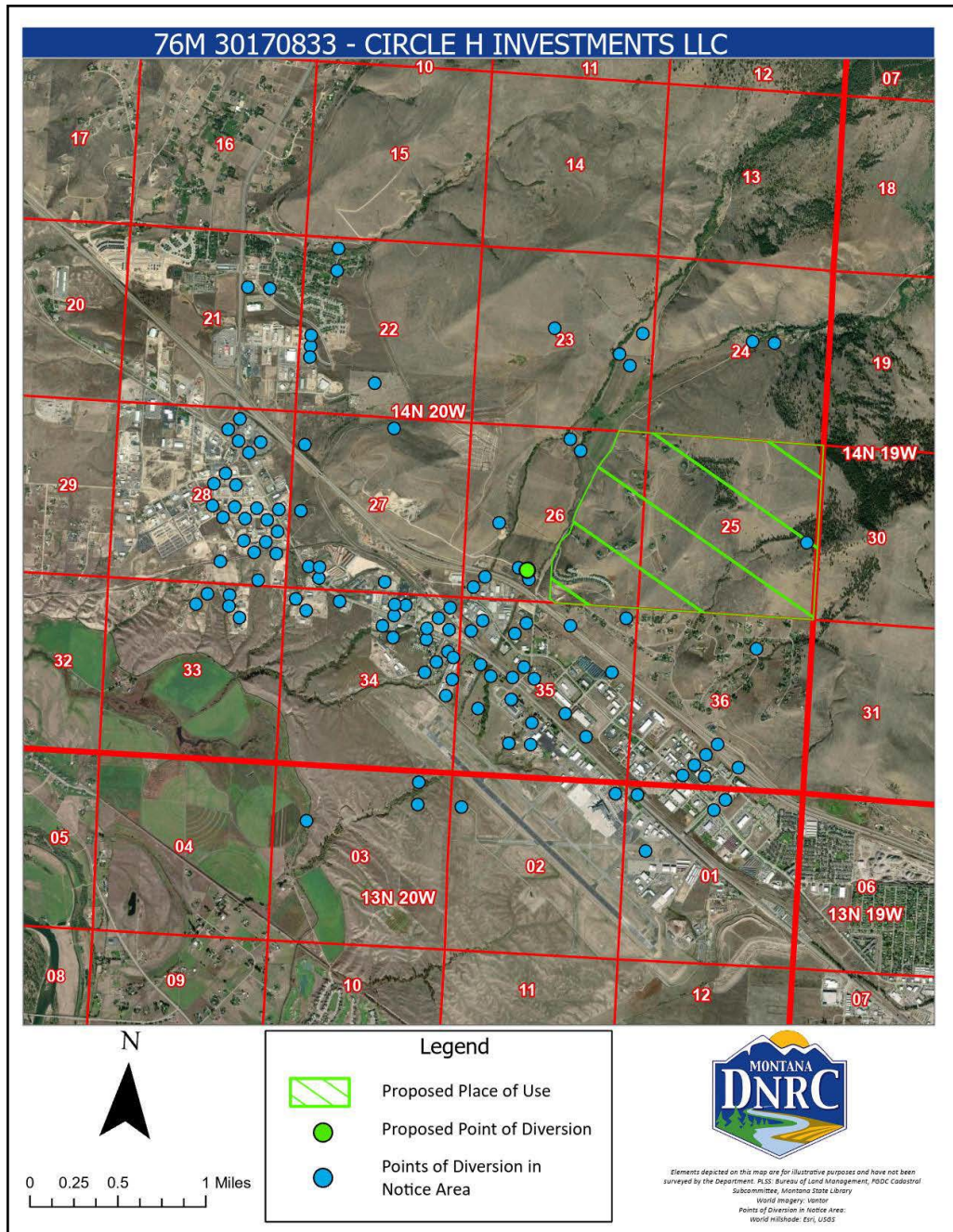
Applicant's Name **Circle H Investments LLC**

Indian Reservation ☐ Yes ☒ No If yes, Reservation _____

Irrigation District ☐ Yes ☒ No If yes, District _____

Specialist **Alex Dalglish**

Date **9/1/2026**



Map showing the Applicant's place of use and rights that will be directly noticed of the proposed appropriation

Interested Parties
Applicant: Circle H Ranch LLC
Consultant: WGM Group c/o Patrick Doyle
Avista Corporation
Bureau of Indian Affairs
Clark Fork Coalition
Department of Environmental Quality
Montana Department of Fish Wildlife & Parks
Missoula County Clerk of Court
Missoula County Conservation District
Missoulia
Montana Board of Land Commissioners
Trout Unlimited
US Forest Service
Northwestern Energy
PPL Montana LLC

Water Right Number	Water Right Owner(s)
76M 100470 00	MEL'S ELECTRIC & AUTO REPAIR
76M 100946 00	LOLO PEAK INVESTMENTS LLC
76M 102298 00	CLIFFORD G LARSEN; PATRICIA P LARSEN
76M 103832 00	TA OPERATING LLC
76M 103842 00	MVE RENTALS LLC
76M 104148 00	THORN10 LLC
76M 105276 00	CLIFFORD G LARSEN; PATRICIA P LARSEN
76M 106274 00	WILTZEN, JOHN % ANNA FAMILY TRUST
76M 107404 00	BETTY D BIDLAKE; STEVEN V BIDLAKE
76M 107871 00	CLIFFORD G LARSEN; PATRICIA P LARSEN
76M 108652 00	HANSON PROPERTIES LLC
76M 108720 00	BAIR CLARK PROPERTIES LLC
76M 108761 00	USA (DEPT OF AGRICULTURE FOREST SERVICE)
76M 110486 00	DAN RUSSELL FAMILY, LLC
76M 117407 00	MIND LLC

76M 1335 00	THORNTON LUMBER CO
76M 13656 00	DESMET SCHOOL DISTRICT #20
76M 142719 00	BNSF RAILWAY CO
76M 149266 00	CAROL H AMMONS
76M 149271 00	CAROL H AMMONS
76M 149272 00	CAROL H AMMONS
76M 149273 00	CAROL H AMMONS
76M 149274 00	CAROL H AMMONS
76M 151002 00	BUENA VISTA COMMUNITY INC; SROA 6385 US HWY 10 MT LLC
76M 15905 00	MARGARET M HANSON; PAUL A HANSON
76M 17463 00	MILLER, NEIL R CO
76M 17694 00	DESMET SCHOOL DISTRICT #20
76M 18417 00	BILL KVALSTEN
76M 20307 00	JRP INVESTMENTS LLC
76M 20429 00	CJ HUNTER LLC
76M 215059 00	DESMET SCHOOL DISTRICT #20
76M 21535 00	NELSON BROTHERS LLC
76M 24474 00	ROLLER COASTER RD LLC
76M 26359 00	MISSOULA, CITY OF
76M 26368 00	MISSOULA, CITY OF
76M 26406 00	EMIL J PAVLIK; KATHLEEN W PAVLIK
76M 27273 00	MBROWN HOLDINGS LLC
76M 29149 00	LMB PROPERTY HOLDINGS LLC
76M 2993 00	WILSON, MARVIN LLC
76M 30002652	USA (DEPT OF AGRICULTURE FOREST SERVICE)
76M 30004066	FRED'S LOUNGE
76M 30005743	DICK ANDERSON CONSTRUCTION INC
76M 30006843	MISSOULA VENTURES LLC
76M 30010838	TEN LLC
76M 30013295	CIRCLE H INVESTMENTS LLC
76M 30013894	BITTERROOT VALLEY BANK
76M 30013895	NORTHWESTERN CORPORATION
76M 30015267	SHERIDAN MONTANA VENTURES LLC
76M 30015268	HI STAR PROPERTIES, LLC
76M 30015537	SATURN HOSPITALITY 2 LLC

76M 30018411	COPPERSTONE DEVELOPMENT LTD
76M 30019950	SROA 6385 US HWY 10 MT LLC
76M 30019951	SROA 6385 US HWY 10 MT LLC
76M 30019987	RANDY D FRASCH
76M 30022016	CARNEAL FAMILY TRUST
76M 30027088	E & K TORGERSON INC; TORGERSON FARMS PARTNERSHIP; TREH COMMERCIAL LLC
76M 30027375	WYE AREA WATER COMPANY LLC
76M 30030080	LUCICH BROTHERS PROPERTIES, LLC
76M 30030108	RANDY D FRASCH
76M 30031085	TRIPLE J-M LLC
76M 30031233	GALE R ALBERT; SUSAN A TRUETT
76M 30042154	TRIPLE J-M LLC
76M 30042746	WYEMT LLC
76M 30042914	RASMUSSEN, MARY J REV TRUST UAD 10/6/23
76M 30043001	BETTY L HANEL
76M 30044803	NORTHWEST INDUSTRIAL SUPPLY INC
76M 30045963	FIELDWORKS HOLDINGS LLC
76M 30047732	MISSOULA COUNTY
76M 30047733	MISSOULA COUNTY
76M 30048336	TABLE SCRAPS LLC
76M 30050652	DEMON AND DIRT LLC
76M 30062907	MISSOULA COUNTY
76M 30063032	J HAWK INC
76M 30065006	BIG SKY BREWING COMPANY
76M 30065028	MISSOULA COUNTY AIRPORT AUTHORITY
76M 30067234	KIMBER PROPERTIES LLC
76M 30067645	AMERICAN EAGLE INSTRUMENTS
76M 30067652	AMERICAN EAGLE INSTRUMENTS
76M 30107096	DSJB INVESTMENTS LLC
76M 30109301	TAMARACK ENVIRONMENTAL LLC
76M 30110014	MISSOULA COUNTY
76M 30110488	SOHLBERG PROPERTIES LLC
76M 30111723	BEVERLY J HINIKER
76M 30116018	CHARLES M DESCHAMPS; NANCY A DESCHAMPS

76M 30119124	700 SW HIGGINS LLC
76M 30119128	700 SW HIGGINS LLC
76M 30119129	700 SW HIGGINS LLC
76M 30136266	ROCKY POINT PROPERTY HOLDINGS INC; ROCKY POINT PROPERTY HOLDINGS LLC; T & J MILLER LLC
76M 30148722	IBEY LEASING LLP
76M 30148799	OLSON PROPERTY MANAGEMENT, LLC
76M 30150957	JAMES E MEYER
76M 30151126	MISSOULA COUNTY AIRPORT AUTHORITY
76M 30151132	APAK LLC
76M 30151698	PCS HOLDING LLC
76M 30159123	WWW INVESTMENTS LLC
76M 30159947	PHILIP HANSON
76M 30161280	ROLLER COASTER RD LLC
76M 30163359	WHETSTONE ENTERPRISES LLC
76M 30164837	BMLS HOLDINGS LLC
76M 30186 00	MARIE CORONA
76M 3235 00	ALVIN F GOODAN; CARMEN L GOODAN
76M 33989 00	GRASSLAND ENTERPRISES LLC
76M 34848 00	ROLLER COASTER RD LLC
76M 36555 00	MARGARET M HANSON; PAUL A HANSON
76M 40006 00	JOHN F PETERSON; MARGARET G PETERSON
76M 40406 00	BAIR CLARK PROPERTIES LLC
76M 43184 00	D L REBER
76M 43189 00	CLIFFORD G LARSEN; PATRICIA P LARSEN
76M 43190 00	CLIFFORD G LARSEN; PATRICIA P LARSEN
76M 432 00	BAIR CLARK PROPERTIES LLC
76M 47661 00	WWW INVESTMENTS LLC
76M 5096 00	PACIFIC HIDE & FUR DEPOT
76M 52384 00	USA (DEPT OF AGRICULTURE FOREST SERVICE)
76M 52385 00	USA (DEPT OF AGRICULTURE FOREST SERVICE)
76M 52386 00	USA (DEPT OF AGRICULTURE FOREST SERVICE)
76M 52387 00	USA (DEPT OF AGRICULTURE FOREST SERVICE)
76M 5627 00	MONTANA BARITE CO INC
76M 56827 00	RICHARD C BOSSARD

76M 56836 00	RICHARDS MISSOULA LLC
76M 57837 00	TRENCHLESS SOLUTIONS INC
76M 6105 00	PACIFIC HIDE & FUR DEPOT
76M 6230 00	CLIFFORD G LARSEN; PATRICIA P LARSEN
76M 62550 00	GALE R ALBERT; SUSAN A TRUETT
76M 66828 00	MISSOULA RURAL FIRE DISTRICT
76M 70318 00	SCOTT SABOL
76M 70319 00	SCOTT SABOL
76M 72156 00	RASMUSSEN, MARY J REV TRUST UAD 10/6/23
76M 73929 00	GOODAN KEIL COUNTY WATER DISTRICT
76M 75226 00	LMB PROPERTY HOLDINGS LLC
76M 75229 00	SATURN HOSPITALITY 2 LLC
76M 75756 00	JOSHUA TIMBROOK; STACIA J TIMBROOK
76M 76713 00	7295 HWY 10 W EAST LOT, LLC
76M 76750 00	RICO PROPERTIES LLC
76M 78414 00	MIND LLC
76M 78983 00	RGB INVESTMENTS, LLC
76M 79590 00	JOHNSON BROTHERS CONTRACTING INC
76M 80179 00	MICHEAL J SPENCER; VIKKI A SPENCER
76M 82181 00	PRAIRIE GRASS LLP
76M 84613 00	ADAM R RYS-SIKORA
76M 85883 00	ROBERT J NIXON; SHERRY R NIXON
76M 85884 00	ROBERT J NIXON; SHERRY R NIXON
76M 85885 00	ROBERT J NIXON; SHERRY R NIXON
76M 87132 00	MISSOULA COUNTY AIRPORT AUTHORITY
76M 88453 00	RICHARD L BEEM; ROBERTA A DYRUD
76M 9187 00	CHARLES F DELACEY; JENNIFER P DELACEY
76M 94986 00	MISSOULA COUNTY AIRPORT AUTHORITY
76M 96047 00	SHADOW ASPHALT MAINTENANCE LLC
76M 96971 00	GUY M HANSON; JACOB J HANSON; JANET M HANSON
76M 97072 00	KC LA FLESCHE
76M 99411 00	WWW INVESTMENTS LLC

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

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

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address:

Circle H Ranch Investments
c/o Mark Bretz
4800 Grant Creek Rd
Missoula, MT 59808

2. Type of action: Application for Beneficial Water Use Permit No. 76M 30170833

3. Water source name: Groundwater

4. Location affected by project:

The proposed new well is in the NWSESW Section 26, T14N, R20W, Missoula County. The proposed place of use is the E2 Section 26 and all of Section 25, T14N, R20W, Missoula County.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The Applicant proposes to divert groundwater from a single well at a maximum of 110 gallons per minute (GPM) up to a total volume of 49.53 acre-feet (AF) for multiple domestic purposes (127 units). The well (GWIC ID 336214) has an 8-inch casing with a static water level of 68 feet and a total depth of 117 feet. There will be 96 single family dwellings which will be part of future phases of the existing Circle H and West Pointe subdivisions (currently provided with water under permit 76M 30013295). The proposed well will provide an increase in flow rate and volume to accommodate the domestic purposes of these future phases. The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:

- Montana Natural Heritage Program - Species of Concern
- Montana Department of Fish, Wildlife and Parks - 2005 Dewatered Stream List, 2022 Dewatered Streams Map
- Montana Department of Environmental Quality - 303(d) list of impaired streams, Montana Impaired Waters 2020 Maps.
- USDA Natural Resources Conservation Science – Web Soil Survey
- U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory Mapper

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

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

The 2005 Montana Department of Fish, Wildlife & Parks Dewatered Concern Areas list does not identify Lower Clark Fork River as chronically or periodically dewatered. The proposed groundwater appropriation will result in 6.07 AF of total depletions to the Clark Fork River, which will occur throughout the year at a constant rate of 3.77 GPM. Since the Applicant's depletions to the Clark Fork are less than 35 GPM and/or 10 AF, they are not required to mitigate (offset their impacts). The use of the proposed well by the Applicant will not affect the quantity of water in the Clark Fork River.

Determination: No significant impact.

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

The proposed appropriation is for groundwater. Water will be diverted from a single 117-foot-deep PWS well for multiple domestic purposes (GWIC ID 336214). DEQ does not currently evaluate groundwater quality in Montana. DEQ's Montana Impaired Waters 2020 Maps and 303(d) list of streams only include surface water, streams and lakes. There is no known contamination to the aquifer being diverted from.

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.*

The proposed means of diversion is a single 117-foot-deep groundwater well (GWIC ID 336214). This well is approximately 3.5 miles from the Clark Fork River which is interpreted to be the only potentially affected surface water for the subject application. The well is located near La Valle and Butler Creeks, but the Department determined the potentially affected reaches to be intermittent and disconnected from the source aquifer. The well should be fitted with a backflow preventer that will not allow surface water contaminants to enter the ground water aquifer through the well casing. The groundwater aquifer was modeled by the Department and the groundwater flux through the zone of influence is equal to 11,166 AF/year. Impacts to neighboring wells was also identified and after five years of pumping, zero groundwater rights were modeled to experience one foot or more of drawdown.

A drawdown aquifer pumping test was conducted for the PWS well proposed by this application. Two other observation wells were monitored during the test, with one being 72.5 ft away and one being 50.5 feet away from the production well. Although the Applicant's aquifer test was interrupted, this test showed that the production well experienced a maximum of 11.78 ft of drawdown while the observation wells experienced 1.30 ft and 0.91 feet of drawdown. The proposed groundwater pumping is not anticipated to cause impact the groundwater quality or supply.

Determination: No significant impact.

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

The Applicant proposes to divert water from a single well. This well has an 8-inch casing, with a total depth of 117 feet. The POD is located near La Valle and Butler Creeks, but these surface water sources were determined to be hydraulically disconnected from the source aquifer. The requested diversion is not expected to impact any nearby channels, riparian areas, dams or wells, nor cause flow modifications.

Determination: No significant impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

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

The Montana Natural Heritage Program (MNHP) was utilized to determine if there are any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern", that could be impacted by the proposed project. The MNHP identified the following mammal, bird, amphibian, fish, invertebrate and plant species of concern: Canada Lynx, fisher, grizzly bear, little brown myotis, long-eared myotis, northern hoary bat, silver-haired bat, townsend's big-eared bat, wolverine, American bittern, black-backed woodpecker, bobolink, brewer's sparrow, brown creeper, cassin's finch, clark's nutcracker, evening grosbeak, flammulated owl, great blue heron, harlequin duck, lewis's woodpecker, long-billed curlew, pacific wren, pileated woodpecker, varied thrush, veery, western toad, bull trout, Westslope cutthroat trout, western bumble bee, suckley's cuckoo bumble bee, rocky mountain forestfly, cordilleran forestfly, pointed broom sedge, alpine collomia, pale-yellow jewel-weed, spiny-spore quillwort, stalk-leaved monkeyflower, Missoula phlox.

Determination: No significant impacts.

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

Using the U.S. Fish and Wildlife Service Wetlands Mapper, no wetlands were identified at the proposed site. The project does not involve ponds.

Determination: No impacts.

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

The project does not involve ponds.

Determination: No impacts.

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.*

According to the USDA Natural Resources Conservation Service (NRCS) Web Soil Survey, the major soils at the proposed place of use are Minesinger-Bigarm complex, 0 to 4 percent slopes, Minesinger-Bigarm complex, 4 to 15 percent slopes, Bigarm-Minesinger complex, 15 to 30 percent slopes, Bigarm gravelly loam, 0 to 4 percent slopes, Bigarm Gravelly loam, 15 to 30 percent slopes, Bigarm gravelly loam, 30 to 60 percent slopes, Riverside gravelly sandy loam 15 to 30 percent slopes and Minesinger-Bigarm complex, 2 to 45 percent slopes, landslides. The use of groundwater for multiple domestic purposes is not anticipated to cause degradation of soil quality or stability. Water will be diverted from the singular well and conveyed in underground facilities. All of the aforementioned soils are non-saline or very slightly saline and the project is also not anticipated to cause saline seep.

Determination: No significant impacts.

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 diversion of water for additional home use will not cause degradation to existing vegetation. The place of use consists of many individual homesites and future construction will cause some disturbances to the natural vegetation and open space. Any spread of noxious weeds would be the landowner's responsibility to manage and mitigate.

Determination: No significant impacts.

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

Adverse air quality impacts from increased air pollutants are not expected to occur as a result of this proposed project. The water will be diverted using a submersed electric pump in the well. No major impacts are anticipated related to the water diversion/use.

Determination: No impacts.

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 – the project is not located on State or Federal lands.

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

All impacts have been identified and discussed.

Determination: No impacts

HUMAN ENVIRONMENT

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

To the Department's knowledge, the project is consistent with locally adopted environmental plans and goals. This project is not anticipated to create any significant pollution, noise or traffic congestion in the area.

Determination: No impact.

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

The project is on private property with limited recreational opportunities for the public. No wilderness areas will be impacted by the proposed use of water.

Determination: No impacts

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

The proposed use will not adversely impact human health.

Determination: No impacts

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

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

Determination: No impacts

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? No impacts
- (b) Local and state tax base and tax revenues? Additional domestic structures would cause an increase in local/state tax revenues.
- (c) Existing land uses? The land use would change from the addition of the proposed domestic structures. The open space would be decreased.
- (d) Quantity and distribution of employment? No impacts
- (e) Distribution and density of population and housing? The proposal would result in additional housing units and thus more density of the population.
- (f) Demands for government services? With the creation of more housing units, there may be additional demands on government services.
- (g) Industrial and commercial activity? No impacts
- (h) Utilities? Additional housing units will require more utilities.
- (i) Transportation? Additional housing will result in more vehicles on the road.
- (j) Safety? There could be some impacts on existing emergency responses and evacuation with the addition of the numerous homesites proposed.
- (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 identified

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 no action alternative is the only action alternative to the proposed action. Under the no action alternative, the application would be unable to obtain a water right for the proposed multiple domestic use.

PART III. Conclusion

1. Preferred Alternative N/A

2 Comments and Responses N/A

3. Finding:

Yes___ No X Based on the significance criteria evaluated in this EA, is an EIS required?

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

The EA is the appropriate level of analysis for the proposed action because the proposed permit is not anticipated to cause any significant impacts.

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

Name: Alex Dalglish

Title: Water Resources Specialist

Date: June 9, 2026

Draft Preliminary Determinations

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

Draft Preliminary Determinations

THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

GOVERNOR GREG GIANFORTE



DNRC DIRECTOR AMANDA KASTER

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

August 10, 2026

Circle H Investments
C/O Mark Bretz
4800 Grant Creek Rd
Missoula, MT 59808

Subject: Draft Preliminary Determination to Grant Beneficial Water Use Permit Application No. 76M 30170833

Dear Applicant,

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

You have the opportunity to request an extension of time to submit additional information for the Department to consider in the decision, within 15 business days of the date of this letter. If no written request for an extension is received by August 31, 2026, the Department will prepare a notice of opportunity to provide public comment per §85-2-307(4), MCA.



DNRC.MT.GOV

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

Please let me know if you have any questions.

Best,



Alex Dalglish

Water Resource Specialist

Missoula Regional Office

(406)-542-5886

Alexander.dalglish@mt.gov

CC:

WGM Group

c/o Patrick Doyle

1111 E Broadway St.

Missoula, MT 59802



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

* * * * *

APPLICATION FOR BENEFICIAL WATER USE PERMIT NO. 76M 30170833 BY CIRCLE H INVESTMENTS LLC	)))	DRAFT PRELIMINARY DETERMINATION TO GRANT PERMIT
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On March 2, 2026, Circle H Ranch Investments (Applicant) submitted Application for Beneficial Water Use Permit No. 76M 30170833 to the Missoula Regional Office of the Department of Natural Resources and Conservation (Department or DNRC) for 110 GPM and 49.53 AF for multiple domestic use. The Department published receipt of the application on its website. The Department sent the Applicant a deficiency letter under § 85-2-302, Montana Code Annotated (MCA), dated March 20, 2026. The Applicant responded with information dated May 19, 2026. A preapplication meeting was held between the Department and the Applicant on April 29, 2025, in which the Applicant designated that the technical analyses for this application would be completed by the Department. On behalf of the Department, staff members Alex Dalgleish, Benjamin Thomas, Jim Nave and Melissa Brickl met with the Applicants consultants Patrick Doyle and Kyle Mace of WGM Group. The Applicant returned the completed Preapplication Meeting Form on October 23, 2025. The Department delivered the completed technical analyses on December 12, 2025. The application was determined to be correct and complete as of June 9, 2026. An Environmental Assessment for this application was completed on June 9, 2026.

INFORMATION

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

Application as filed:

- Application for Beneficial Water Use Permit, Form 600
- Attachments:

- Water & Well Line Easement
- Maps:
 - Proposed Use Map, dated October 3, 2025
 - Water System Diagram, dated November 11, 2025
- Department-completed technical analyses based on information provided in the Preapplication Meeting Form, dated December 12, 2025
- Production well log (GWIC ID 336214)
- Observation well log (GWIC ID 214761)
- Observation well log (GWIC ID 214758)
- Email correspondence between the Department (Melissa Brickl, Jim Nave) and consulting firm employee Kyle Mace, dated May 5, 2025, RE: Circle H pre app question
- Email correspondence between consultant (Patrick Doyle) and the Department (Alex Dalglish), dated June 3, 2025, RE: Circle H Form 633 Question
- Email correspondence between consultant (Patrick Doyle) and the Department (Alex Dalglish), dated December 16, 2025, RE: Circle H Ranch Permit 76M 30170833 TA
- Letter from Department to consultant dated June 27, 2025, granting variance to aquifer testing rules found in Administrative Rules of Montana (ARM) 36.12.121(3)(a), ARM 36.12.121(3)(d), and ARM 36.12.121(3)(g)
- Department aquifer testing addendum (ATA) – Review, dated April 29, 2025
- Aquifer testing addendum
- Variance request from requirements of ARM 36.12.121, dated April 29, 2025
- Consultant Water Design Report and water use data
- DEQ Public Water Supply System ID #MT0004446

Information Received after Application Filed

- Deficiency response, dated May 19, 2026, received by the Department May 19, 2026
- Pump performance curve for Grundfos 30 HP Pump End

- Email correspondence between consultant (Patrick Doyle) and Department (Alex Dalglish), dated April 27, 2026, RE: Circle H Applications 76M 30170833 and 76M 30170836
- Department of Environmental Quality (DEQ) Certificate of Subdivision Plat Approval (CS #0698456) for West Pointe Phase IV-A (EQ #25-2252), dated October 16, 2025

Information within the Department's Possession/Knowledge

- The Department also routinely considers the following information. The following information is not included in the administrative file for this application but is available upon request. The memos below can also be found in the DNRC Permit Manual. Please contact the Missoula Regional Office at 406-721-4284 to request copies of the following documents.
 - Department Standard Practice for Determining Area of Potential Impact Analysis
 - Technical Memorandum: Physical and Legal Availability of Ground Water, dated April 22, 2019
 - Technical Memorandum: Physical Availability of Surface Water with Gage Data, dated November 1, 2019
 - Department Memorandum dated June 9, 2008, from John E. Tubbs, Administrator, regarding Permitting in the Open Clark Fork and Flathead Basins
 - Department Memorandum dated May 1, 2009, from John E. Tubbs, Administrator, regarding Permitting in the Open Clark Fork and Flathead Basins; Follow up to June 9, 2008, Memorandum
 - DNRC Permit Manual, updated February 14, 2025

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

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

PROPOSED APPROPRIATION

FINDINGS OF FACT

1. The Applicant proposes to divert water from the Missoula Valley Aquifer by means of a 117-foot well at rate of 110 gallons per minute (GPM) up to 49.53 AF, from a point in the NWSESW Section 26, T14N, R20W, Missoula County. The Applicant proposes to use water from January 1 through December 31 for multiple domestic purposes. The multiple domestic use would provide water to 127 lots, with 42 proposed in the Circle H Ranch Subdivision and 85 in the West Pointe subdivision. The requested place of use (POU) is located in the E2 Section 26 and all of Section 25, T14N, R20W, Missoula County. Table 1 below provides a summary of the proposed use.

Table 1: Summary of Proposed Use

Flow Rate (GPM)	Volume (AF)	Purpose	Period Of Use	Place Of Use	Point Of Diversion	Priority Date
110	49.53	Multiple domestic	1/1 – 12/31	E2 Sec. 26, Sec. 25, T14N, R20W, Missoula County	NWSESW, Sec. 26, T14N, R20W, Missoula County	3/2/2026

2. The proposed point of diversion (POD) is located approximately 3.5 miles northeast of the Clark Fork River, approximately 0.06 miles west of Bulter Creek and approximately 0.20 miles east of La Valle Creek. The Department determined that the source aquifer from which the Application proposes to divert water from is hydraulically connected to the Clark Fork River (a perennial surface water source) and hydraulically disconnected from Butler and La Valle Creeks (intermittent surface water sources).

3. Consumptive use was calculated using DNRC standards for systems with disposal to wastewater treatment facilities and individual drain fields. The 85 homesites in West Pointe will use the City's municipal treatment facility while the 42 sites in Circle H Ranch will have individual wastewater drain fields. The municipal facility uses wastewater for Poplar-tree-farm irrigation, resulting in a higher consumptive use during part of the year. The consumptive use is 25% of the volume diverted for multiple domestic use May through September and 5% October through April. In its Groundwater Permit Technical Analyses Report- Part A, the Department determined that the total consumptive use from this proposed appropriation is 6.07 AF/YR. Depletions from the proposed groundwater pumping are expected to accrue to the Clark Fork River beginning in the NENWNE Section 8, T13N, R20W, Missoula County.

4. The Applicant owns existing groundwater Provisional Permit 76M 30013295 (priority 12/3/2004), currently authorizing up to 64.0 AF for multiple domestic (113 units/households) and 50.0 AF for 29.6 acres of lawn and garden from two groundwater wells (GWIC IDs 214761 and 214758). Permit 76M 30013295 has been serving as a Public Water Supply (PWS) for the Circle H Ranch and West Pointe subdivisions.

5. Permit 76M 30013295 currently has a POU across the W2 of Section 25 and the E2 of Section 26, T 14N, R20W, Missoula County. In conjunction with this permit application, the Applicant also submitted Change Application 76M 30170836. This change requests to expand the place of use of Permit 76M 30013295 to include all of Section 25 (with Section 26 remaining in the E2) and to change the purpose of use by shifting the authorized volumes for multiple domestic (64.0 AF) and lawn and garden (50.0 AF), to 63.18 AF and 41.57 AF, respectively.

6. If approved, the Applicant's proposed permit would provide supplemental flow rate and volume for multiple domestic use for future developmental phases of the subdivisions. The total combined flow rate and volume from this proposed permit and the proposed change to 76M 30013295 would be 290 GPM (110 GPM under this permit and 180 GPM under permit 76M 30013295) and 154.28 AF (49.53 AF for multiple domestic use under this permit and 63.18 AF and 41.57 AF for multiple domestic and lawn and garden purposes under 76M 30013295 via proposed Change Application 76M 30170836).

7. The proposed POD is in the Clark Fork, between Blackfoot and Flathead Rivers Basin (76M) in an area that is not subject to water right basin closures or controlled ground water area restrictions.

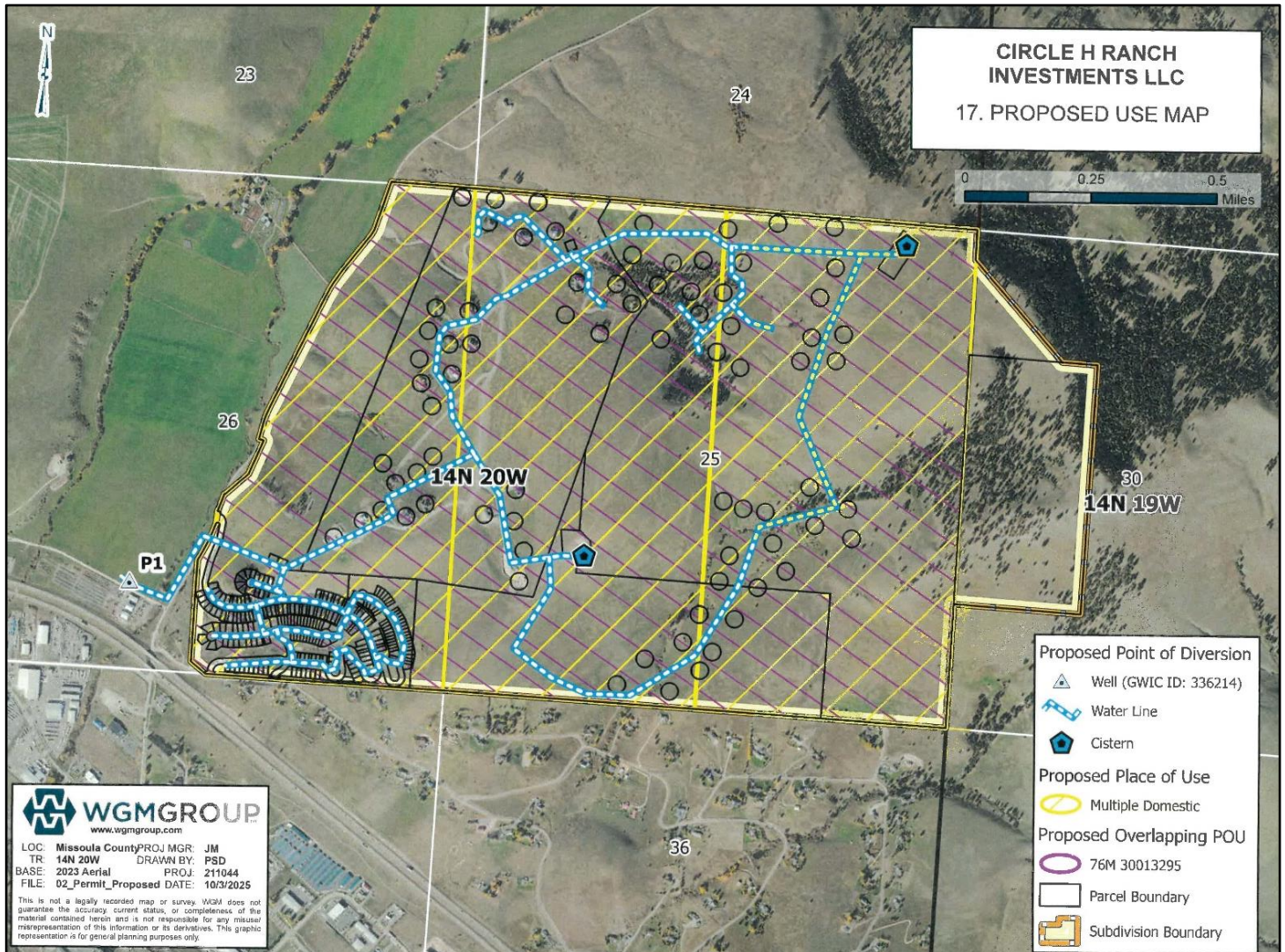


Figure 1. Map of Proposed Use Under Permit No. 76M 30170833

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

GENERAL CONCLUSIONS OF LAW

8. 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 . . .

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

- ... the department shall issue a permit if the Applicant proves by a preponderance of evidence that the following criteria are met:
 - (a) (i) there is water physically available at the proposed point of diversion in the amount that the Applicant seeks to appropriate; and
 - (ii) water can reasonably be considered legally available during the period in which the Applicant seeks to appropriate, in the amount requested, based on the

records of the department and other evidence provided to the department. Legal availability is determined using an analysis involving the following factors:

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

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

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

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

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

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

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

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

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

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

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

10. 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.

11. The Montana Supreme Court further recognized in *Matter of Beneficial Water Use Permit Numbers 66459-76L, Ciotti: 64988-G76L, Starnner*, 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).

12. 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.

13. 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

14. The Applicant proposes to divert up to 49.53 AF of groundwater from the Missoula Valley Aquifer via a single well, at a flow rate of 110 GPM for multiple domestic use. The proposal would include a total of 127 units/lots, with 42 in the Circle H Ranch subdivision and 85 in the West Pointe subdivision.

15. To meet the aquifer testing requirements in Administrative Rules of Montana (ARM) 36.12.121, the Applicant performed a 76-hour aquifer pump test on the proposed production well (GWIC ID 336214). The average pumping rate from this test was 110 GPM, which is Applicant's requested flow rate.

16. On April 29, 2025, the Department received a variance request from the Applicant (Form 653) on behalf of ARM 36.12.121(3)(a), 36.12.121(3)(d), and 36.12.121(3)(g). The variances were requested because the generator used during the test was vandalized approximately 18 hours into the test, the pumping rate was not consistently measured with a reliable device according to the schedule on Aquifer Test Form 633, and background water levels in the observation wells were not monitored at frequent intervals for the required 48 hours prior to the pump test. The variances were reviewed by Department groundwater hydrologist David Parmelee. The Department sent a letter to the Applicant dated June 27, 2025, granting all requested variances.

17. The Department determined that the proposed groundwater appropriation will divert water from the Missoula Valley Aquifer. Using the Moench (1997) solution for unconfined aquifers, and the data submitted from the Applicant's 76-hour aquifer test, the Department determined a transmissivity (T) value of 4,712 ft²/day with a specific yield of 0.1 (Lohman, 1972). Based on the Applicant's requested diverted volume (49.53 AF/YR), water for domestic use was distributed equally throughout the year and the pumping schedule for the proposed well was determined to be a constant rate of 30.71 GPM.

18. Physical groundwater availability in the aquifer was evaluated by calculating the groundwater flux through the Zone of Influence (ZOI) determined by the 0.01-foot drawdown contour surrounding the POD. With the constant pumping rate of 30.71 GPM, the ZOI has a modeled distance of 10,100 feet from the proposed well at the end of the first year of pumping.

19. The calculated groundwater flux through the ZOI totaled 11,166 AF/year (1.332.554 ft³/day). The applicant is requesting a total diverted volume of 49.53 AF.

20. The Department determined that groundwater is physically available at the requested annual diverted volume of 49.53 AF during the proposed period of diversion.

LEGAL AVAILABILITY

FINDINGS OF FACT

Legal Availability of Groundwater

21. Legal availability of water in the source aquifer was determined by subtracting the legal demands of existing water rights within the ZOI of the proposed point of diversion from the amount of water physically available in the source aquifer.

22. As determined by the Department in the Groundwater Permit Technical Analyses Report – Part A, the ZOI was defined to be the area within which existing wells would experience a drawdown of 0.01 feet or more as a result of the proposed diversion. This was calculated to be approximately 10,100 feet from the proposed well. There are 150 groundwater rights within the ZOI that were evaluated for legal demands (this list of water rights can be found in Groundwater Permit Technical Analyses – Part B, Appendix A).

23. Of the 150 groundwater rights in the ZOI, there are 110 with assigned volumes and 40 without. The combined legal demands of water rights with assigned volumes is 5,890.04 AF.

24. The area of proposed water use is not within a controlled groundwater area. Currently under § 85-2-306, MCA, the maximum volume allowed under a Groundwater Certificate outside of a controlled groundwater area is 10 AF. For those Groundwater Certificates in the ZOI without specified volumes, the Department assigned a volume of 10 AF to each. For those Statement of Claims (Claims) in Appendix A without assigned volumes, the Department allocated the volume listed on the original claim form, if it was reasonable with the Department's standards for that purpose found in ARM 36.12.115. If the claimed volume was not reasonable, the Department calculated the volume based on the standards in ARM 36.12.115. For irrigation Claims without assigned volumes, the Table in ARM 36.12.115(2)(e) was used, based on the appropriate irrigation method (sprinkler vs flood) efficiency and the lower number of the range given for that efficiency in the appropriate climatic area/region. The Claims with unassigned volumes are all in

Climatic Area III. If the purpose was not described in ARM 36.12.115 (e.g., fire protection), the Department assigned the claimed volume.

25. Those groundwater rights within the ZOI were calculated to have a total annual appropriation of 6,321.42 AF/year. Subtracting the legal demands of 6,321.42 AF from the calculated groundwater flux of 11,166 AF/year yields 4,844.58 AF (11,166 AF/year – 6,321.42 AF/year).

26. The Department finds groundwater to be legally available at the requested annual volume of 49.53 AF.

Legal Availability of Surface Water

27. The Department determined in its Technical Analyses – Part A that the perennial flowing Clark Fork River (located roughly 3.5 miles southwest of the proposed production well) is hydraulically connected to the source aquifer from which the Applicant proposes to appropriate water. The amount of water depleted from the Clark Fork River by the Applicant's appropriation is equal to the calculated 6.07 AF of consumed volume.

28. The location where depletions begin to accrue was identified as the NENWNE of Section 8, T13N, R20W, Missoula County. The timing of net depletions to the Clark Fork was modeled in the Department's Technical Analyses – Part A and are also shown in Table 2 below. The Clark Fork River will be depleted year-round by the proposed groundwater appropriation, and the depletions were modeled to occur simultaneously with the Applicant's consumption of groundwater.

Table 2. Monthly net depletions to the Clark Fork River.

Month	Consumed Volume (AF)	Clark Fork River Net Depletion (AF)	Clark Fork River Net Depletion (GPM)
January	0.28	0.52	3.77
February	0.25	0.47	3.77
March	0.28	0.52	3.77
April	0.27	0.50	3.77
May	0.84	0.52	3.77
June	0.82	0.50	3.77

July	0.84	0.52	3.77
August	0.84	0.52	3.77
September	0.82	0.64	3.77
October	0.28	0.52	3.77
November	0.27	0.50	3.77
December	0.28	0.52	3.77
Total	6.07	6.07	

29. The Department determined the area of potential impact to be the reach of the Clark Fork River between the beginning point of depletions and ending at the western edge of the Missoula valley near Huson, MT, in Section 34, T15N, R22W. Physical availability in this reach of the Clark Fork River was assessed using USGS Gage #12353000 (Clark Fork River below Missoula MT). This gage is appropriate to use for physical availability in the depleted reach because it is located approximately 3.14 miles upstream from the beginning point of depletions. Table 3 below represents the median of the mean monthly flow rates and volumes at Gage # 12353000, which were used to quantify physical availability of surface water at the location of depletions:

Table 3. Clark Fork River Below Missoula – USGS Gage # 12353000

Month	Median of the Mean Monthly Flow at Gage 12353000 (CFS)	Median of the Mean Monthly Volume at Gage 12353000 (AF)
January	2,059	126,351
February	2,255	125,017
March	2,951	181,132
April	5,893	350,044
May	14,540	892,465
June	15,860	942,084
July	5,205	319,483
August	2,124	130,371

September	2,110	125,334
October	2,545	156,181
November	2,614	155,272
December	2,243	137,675

30. To assess if water is physically and legally available in the locally depleted reach of the Clark Fork River in excess of modeled depletions, the Department conducted a legal availability analysis of the Clark Fork River from USGS Gage #12353000 "Clark Fork below Missoula" downstream to the western end of the Missoula Valley (near Huson, MT in Section 34, Township 15N, Range 22W). This reach of the Clark Fork fully encompasses the location where depletions will occur from the proposed groundwater appropriation. The legal availability of water in the locally depleted reach is represented in Table 4 below.

Table 4. Clark Fork River Legal Availability in Locally Depleted Reach

Month	Physical Availability at Effective Reach (CFS)	Physical Availability at Effective Reach (AF)	Existing Legal Demands Effected Reach (CFS)	Existing Legal Demands Effected Reach to Huson (AF)	Physical Availability - Legal Demands (CFS)	Physical Availability - Legal Demands (AF)
January	2,059	126,350.73	5.36	329.21	2,053.14	126,021.52
February	2,255	125,017.20	5.36	297.35	2,249.64	124,719.85
March	2,951	181,132.38	5.59	342.89	2,945.41	180,789.49
April	5,893	350,044.20	11.06	657.13	5,881.94	349,387.07
May	14,540	892,465.20	22.35	1371.91	14,517.65	891,093.29
June	15,860	942,084.00	25.72	1527.84	15,834.28	940,556.16
July	5,205	319,482.90	25.72	1578.76	5,179.28	317,904.14
August	2,124	130,371.12	25.50	1565.09	2,098.50	128,806.03
September	2,110	125,334.00	25.50	1514.60	2,084.50	123,819.40
October	2,545	156,181.41	9.09	558.16	2,535.41	155,623.25
November	2,614	155,271.60	5.36	318.59	2,608.64	154,953.01
December	2,243	137,675.34	5.36	329.21	2,237.64	137,346.13

31. The Department finds the proposed appropriation of 110 GPM and up to 49.53 AF of groundwater to be legally available during the proposed period of diversion and use.

32. The Department finds that surface water is legally available in the depleted reach in the amount and timing that depletions will occur.

ADVERSE EFFECT

FINDINGS OF FACT

Groundwater Adverse Effects

33. To determine if the requested groundwater appropriation would impact other water users, the Department modeled whether any existing wells near the proposed POD would experience drawdown of 1 foot or more in its Groundwater Permit Technical Analyses Report – Part A. Based on the modeling, at the end of the fifth year of pumping, drawdown greater than one foot occurs within 98 feet of the proposed POD. There are no groundwater rights within the one-foot drawdown contour and the Department determined that no groundwater rights will be adversely affected by drawdown from the proposed diversion.

34. The Applicant is the only water user on the PWS supplying water to the Circle H Ranch and West Pointe subdivision. The Applicant has complete control over their diversion and in the event a valid call is made from a senior water user, the Applicant can shut off their electric well pump and curtail diversions. The Applicant also stated that the water distribution system includes service lines to the homesites with curb stop valves that can be individually closed if necessary.

35. The Department finds that the proposed use of groundwater will not adversely affect other groundwater appropriators.

Surface Water Adverse Effects

36. The groundwater proposed for appropriation is hydraulically connected to the Clark Fork River. The Applicant's total consumptive use of 6.07 AF is considered to deplete the Clark Fork River in every month of the year.

37. The Department's analysis shows that surface water in the Clark Fork River within the locally depleted reach is physically and legally available in excess of the modeled depletion in each month of the year. When comparing the physical availability and the legal demands on the

Clark Fork River in the local reach, the Department demonstrated that water is always available for the appropriation in the Clark Fork River in this area (see Table 3 in Finding of Fact No. 29).

38. Downstream hydropower rights owned by Avista Corporation at Noxon Dam were addressed in a policy memorandum dated June 9, 2008, titled: Permitting in the open Clark Fork and Flathead basins. A subsequent policy memorandum dated May 1, 2009 titled: Permitting in the Open Clark Fork and Flathead Basins Follow-up to June 9, 2008, Memorandum states that for groundwater appropriations, the Thompson River Lumber Company decision is not considered as precedent for appropriations when net depletion to the Clark Fork River is calculated to be 35 GPM or less and 10 acre-feet per year. The calculated net-depletion to the Clark Fork River for the proposed appropriation is 3.77 GPM and 6.07 AF per year.

39. The net depletions to the Clark Fork River resulting from this proposal are 6.07 AF per year. As a result, this proposal falls under the guidance provided in the May 1, 2009 policy memo.

40. The Department finds the proposed use of 110 GPM, 49.53 AF of diverted volume and 6.07 AF of consumed volume will not have adverse effects on existing surface water users on the Clark Fork River.

ADEQUATE MEANS OF DIVERSION

FINDINGS OF FACT

41. The proposed means of diversion consists of a single 8-inch well (GWIC ID 336214) drilled to a total depth of 117 feet below ground surface. According to the Applicant, the motor in the proposed well is a Franklin 30 HP 460-volt 3 phase pump with a Grundfos pump end.

42. Under existing Provisional Permit 76M 30013295, two Public Water Supply (PWS) wells distribute water to the Circle H Ranch and West Pointe subdivisions for multiple domestic and lawn and garden purposes. The Department of Environmental Quality (DEQ) permitted the original PWS under system ID # MT0004446. The two wells in the existing system distribute water through a buried 12-inch ductile iron main pipeline (class 350). Each current homesite across the two subdivisions has an individual service line from the 12-inch mainline. The existing system also integrates a 500,000 gallon (1.53 acre-foot) buried cistern/concrete reservoir, located in the

Circle H Ranch Subdivision. This underground storage tank provides water via gravity to the current homes in both subdivisions.

43. If this permit application is approved, the proposed well will be manifold into the current PWS system with the two wells under permit 76M 30013295. The DEQ approved the addition of a third well to the current PWS under EQ #25-1769. The existing 12-inch mainline would be extended throughout the Circle H Ranch subdivision to accommodate the future expansion. A second underground tank may be incorporated in the Circle H Ranch subdivision to help facilitate water delivery to those future homesites via gravity. For the proposed homesites in the West Pointe Subdivision, an 8-inch Class 350 line will branch off the current 12-inch mainline. Individual service lines will diverge from the respective 12-inch and 8-inch mainlines in the Circle H Ranch and West Pointe subdivisions to provide water for each household/unit. The extensions to the existing public water and sewer systems associated with this application were reviewed and approved by DEQ under EQ# 25-2576.

44. With the addition of this permit, the combined flow rate of the PWS will be 290 GPM (110 from under this application and 180 GPM under existing provisional permit 76M 30013295).

45. The Applicant completed a 76-hour aquifer pump test on the proposed well. The requested flow rate of 110 GPM is equivalent to the average pumping rate from the pump test.

46. The Department's analysis of drawdown within the Applicant's well found that after one year of pumping, drawdown in the Applicant's well will be 7.19 feet, leaving 31.4 feet of water above the bottom of the perforated interval.

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

BENEFICIAL USE

FINDINGS OF FACT

48. The Applicant proposes to divert groundwater from a single well drilled in the Missoula Valley aquifer from January 1 to December 31 annually at a maximum flow rate of 180 GPM up to 49.53 AF, with a consumptive use of 6.07 AF.

49. The Applicant's proposed total volume for multiple domestic use is 49.53 AF, and this is based on the Department's volume standards for a 4-bedroom household described in ARM 36.12.115(2)(a). A 4-bedroom home equates to 350 gallons per day, or 0.39 AF per homesite. The Applicant's consultant stated that all future 127 homesites proposes will be an average of 4 bedrooms, which equates to the requested volume of 49.53 AF (127 homesites* 0.39 AF = 49.53 AF).

50. The Department's domestic period of diversion and use permitting standards are described in ARM 36.12.112(1)(a), and the Applicant is adhering to the year-round period of use for domestic use.

51. The Applicant owns existing groundwater Provisional Permit 76M 30013295 for multiple domestic and lawn and garden purposes. A separate change application was submitted to the Department (Change Application No. 76M 30170836), requesting to change the purpose and place of use. Provisional Permit 76M 30013295 is unperfected and the Applicant seeks to reassign the authorized volumes between the two uses (from 64.0 AF for multiple domestic and 50.0 AF for lawn and garden to 63.18 AF and 41.57 AF respectively). If both this permit application and change application 76M 30170836 are authorized, the total multiple domestic volume would be 112.71 AF (63.18 AF + 49.53 AF), and the total volume would be 154.28 AF (112.71 AF for multiple domestic and 41.57 for lawn and garden irrigation). As proposed, full build out of the subdivisions would entail a total of 289 homesites (76 in the Circle H Ranch subdivision and 213 in West Pointe), which remains congruent with DNRC's standard of 0.39 AF/homesite (112.71 AF/289 lots) for a 4-bedroom home. Provisional permit 76M 30013295 was authorized with a multiple domestic volume up to 64.0 AF for 113 homesites and is equivalent to 0.56 AF/site (64.0 AF/113 units).

52. The Department finds the proposed use is beneficial, and that the requested flow rate of 110 GPM and annual volume of 49.53 AF are reasonably justified per ARM 36.12.1801(3).

POSSESSORY INTEREST

FINDINGS OF FACT

53. The Applicant currently owns the parcels where water is proposed to be put to beneficial use, which demonstrates possessory interest in the proposed POU. The existing PWS system under permit 76M 30013295 provides water to current homesites in the Circle H Ranch and West Pointe subdivisions. Under this proposed permit the Applicant proposes to incorporate a third well into the PWS system. The existing homesites in the Circle H Ranch and West Pointe subdivisions within the POU are covered under Permit 76M 30013295 and the Applicant does not need to re-prove possessory interest. The Department finds the possessory interest criterion to be met.

CONCLUSIONS OF LAW

PHYSICAL AVAILABILITY

54. 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.”

55. 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).

56. 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).

57. The Applicant has proven that water is physically available at the proposed point of diversion in the amount the Applicant seeks to appropriate. Section 85-2-311(1)(a)(i), MCA. (FOF 14-20).

LEGAL AVAILABILITY

58. 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).

59. 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.

60. Pursuant to *Montana Trout Unlimited v. DNRC*, 2006 MT 72, 331 Mont. 483, 133 P.3d 224, the Department recognizes the connectivity between surface water and ground water and the effect of pre-stream capture on surface water. *E.g.*, *Wesmont Developers v. DNRC*, CDV-2009-823, Montana First Judicial District Court, *Memorandum and Order*, (2011) Pgs. 7-8; *In the Matter of Beneficial Water Use Permit Nos. 41H 30012025 and 41H 30013629 by Utility*

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

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

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

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

63. Applicant has proven by a preponderance of the evidence that water can reasonably be considered legally available during the period in which the Applicant seeks to appropriate, in the amount requested, based on the records of the Department and other evidence provided to the Department. Section 85-2-311(1)(a)(ii), MCA. (FOF 21-32).

ADVERSE EFFECT

64. 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.

65. 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).

66. 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).

67. 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).

68. 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.

69. 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).

70. The Applicant has proven by a preponderance of the evidence that the water rights of a prior appropriator under an existing water right, a certificate, a permit, or a state water reservation will not be adversely affected. Section 85-2-311(1)(b), MCA. (FOF 33-40).

ADEQUATE DIVERSION

71. 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.

72. 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.

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

74. Water wells must be constructed according to the laws, rules, and standards of the Board of Water Well Contractors to prevent contamination of the aquifer. *In the Matter of*

Application for Beneficial Water Use Permit No. 41I-105511 by Flying J Inc. (DNRC Final Order 1999).

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

76. Applicant has proven by a preponderance of the evidence that the proposed means of diversion, construction, and operation of the appropriation works are adequate for the proposed beneficial use. Section 85-2-311(1)(c), MCA. (FOF 41-47).

BENEFICIAL USE

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

78. 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).

79. 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).

80. 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*.

81. Applicant proposes to use water for multiple domestic which is a recognized beneficial use. Section 85-2-102(5), MCA. Applicant has proven by a preponderance of the evidence multiple domestic is a beneficial use and that 49.53 AF of diverted volume and 110 GPM is the amount needed to sustain the beneficial use. Section 85-2-311(1)(d), MCA. (FOF 48-52).

POSSESSORY INTEREST

82. 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.

83. 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.

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

PRELIMINARY DETERMINATION

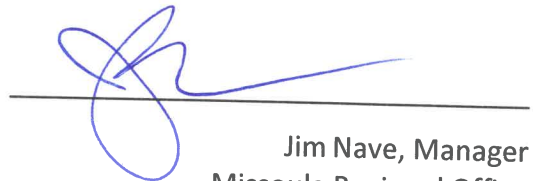
Subject to the terms and analysis, and conditions in this Order, the Department preliminarily determines that this Application for Beneficial Water Use Permit No. 76M 30170833 should be GRANTED.

The Department determines the Applicant may divert groundwater, by means of a 117-foot-deep well, from January 1 to December 31 at 110 GPM up to 49.53 AF, from a point in the NWSESW, Sec. 26, T14N, R20W, for multiple domestic use from January 1 to December 31. The place of use is in the E2 Sec. 26 and all of Sec. 25, both in T14N, R20W, Missoula County.

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 10th day of August 2026.



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

CERTIFICATE OF SERVICE

This certifies that a true and correct copy of the DRAFT PRELIMINARY DETERMINATION TO GRANT was served upon all parties listed below on this 10th day of August, 2026, by first class United States mail.

CIRCLE H INVESTMENTS LLC
4800 GRANT CREEK RD
MISSOULA, MT 59808

and

WGM GROUP
C/O PATRICK DOYLE
1111 E BROADWAY ST
MISSOULA, MT 59802



Alex Dagleish
Water Conservation Specialist
Missoula Regional Office
Alexander.Dagleish@mt.gov | (406) 542-5886

Processing Materials

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

Processing Materials

THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

GOVERNOR GREG GIANFORTE



DNRC DIRECTOR AMANDA KASTER

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

June 9, 2026

Circle H Investments LLC
c/o Mark Bretz
4800 Grant Creek Rd
Missoula, MT 59808

Subject: Correct and Complete Application for Beneficial Water Use Permit No. 76M
30170833

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.



DNRC.MT.GOV

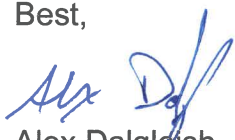
Following issuance of the Draft Preliminary Determination, you (Applicant) will have 15 business days to request an extension of time to submit additional information, if desired pursuant to §85-2-307(3)(a), MCA.

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,



Alex Dalgleish

Water Resource Specialist

Missoula Regional Office

(406)-542-5886

Alexander.dalgleish@mt.gov

CC:

CC:

WGM Group, Inc.

c/o Patrick Doyle

1111 E Broadway St.

Missoula, MT 59802



From: [Dalglish, Alex](#)
To: [Patrick Doyle](#)
Cc: [Kyle Mace](#)
Subject: RE: Deficiency Response 76M 30170833
Date: Tuesday, May 19, 2026 10:50:00 AM
Attachments: [image001.png](#)
[image002.png](#)

Thank you Patrick.



Alex Dalglish | Water Conservation Specialist II
Water Resources Division, Missoula Regional Office
Montana Department of Natural Resources and Conservation
2705 Spurgin Road, Bldg C
DESK: 406-542-5886 **EMAIL:** alexander.dalglish@mt.gov
[Website](#) | [Facebook](#) | [X \(Twitter\)](#) | [Instagram](#)
How did we do? Let us know here: [Feedback Survey](#)

From: Patrick Doyle <pdoyle@wgmggroup.com>
Sent: Tuesday, May 19, 2026 9:59 AM
To: Dalglish, Alex <Alexander.Dalglish@mt.gov>
Cc: Thomas, Benjamin <Benjamin.Thomas@mt.gov>; Nave, Jim <jnave@mt.gov>; Kyle Mace <KMace@wgmggroup.com>
Subject: [EXTERNAL] Deficiency Response 76M 30170833

Good morning, Alex,

I have attached the Deficiency Response for Permit Application 76M 30170833. Please let me know if you have any questions.

Thank you,

Patrick

Patrick Doyle
Water Rights Technician & GIS Coordinator

M: [406-665-5727](tel:406-665-5727) O: [406-728-4611](tel:406-728-4611)
1111 East Broadway
Missoula, Montana 59802
www.wgmggroup.com [wgmggroup.com]



MEMORANDUM

DATE: May 19, 2026

TO: Alex Dalglish, Jim Nave, and Benjamin Thomas
Montana Department of Natural Resources and Conservation

FROM: Patrick Doyle, Water Right Technician, WGM Group, Inc.

CC: Circle H Investments LLC c/o Mark Bretz, Applicant
Kyle Mace, Water Rights Specialist III, WGM Group, Inc.

RE: Circle H Permit Application 76M 30170833 Deficiency Letter Response

Below are the responses to the elements identified in the Deficiency Letter dated March 20, 2026 for Permit Application 76M 30170833.

1. QUESTION 33

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

The Application directs the Department to "see attached for pump curves". However, no such information was attached to the Application. Please provide the Department with the pump curves for the proposed well and any supplementary information.

The Pump Curve for the 30 HP Grundfos Pump End can be found in **Attachment 1**.

2. QUESTION 46 AND 46.a.

46 & 46.a. Do you own all proposed places of use? Mark "NA" if you meet one of the exceptions for possessory interest requirements. 46.a. 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.

Question 46 was marked as "NA", but the answer should be "no" since you do not own all lots within the proposed place of use (numerous existing privately owned domestic parcels, a lot owned by the City of Missoula and a parcel owned by the West Point Owners Association). The change in answer for Question 46 results in Question 46.a. being deficient. For Question 46.a., since you do not own all parcels within the proposed place of use, please provide the Department with written documentation or evidence that all landowners within the proposed place of use consent to receiving water from the Applicant and their water distribution system.

46. Do you own all proposed places of use? Mark "NA" if you meet one of the exceptions for possessory interest requirements.

No

46.a. 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.

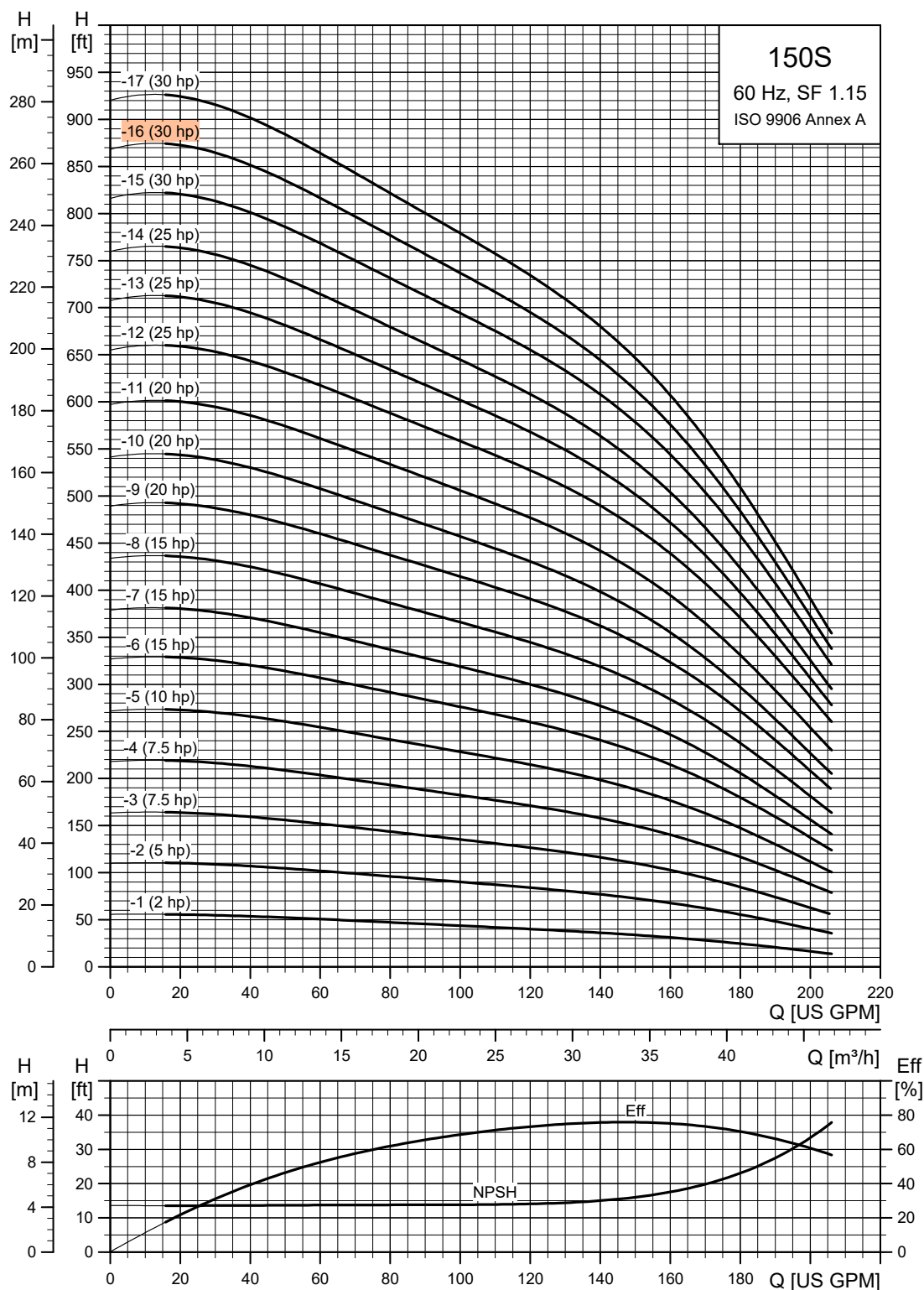
The parcels owned by the City of Missoula and West Point Owners Association, while in the general legal land description of the place of use, will not be covered under the proposed permit. The City of Missoula parcel is a utility lot that is not permitted for development. Common area irrigation found in the West Point Owners Association parcel is covered by the existing permit 76M 30170836. Water is only supplied under the proposed permit 76M 30170833 for the multiple domestic purpose.

Parcels are created and sold to private owners but the water system serving the two subdivisions is owned by Circle H Investments LLC. Lots created within the two subdivisions through the Montana Subdivision and Platting Act utilize a Certificate of Subdivision Approval (COSA) to fulfill the Sanitation in Subdivision Act. Each COSA stipulates lots are required to be connected to the water system that supplies water under the existing and proposed permits. For reference the COSA for Phase 4A was granted stipulating "public water supply will be provided through extensions and connections to the Circle H Water Supply System #MT0004446." The Letter of Approval can be found in **Attachment 2** with the relevant wording highlighted on page 1.

ATTACHMENT 1

6" and larger wells - continued

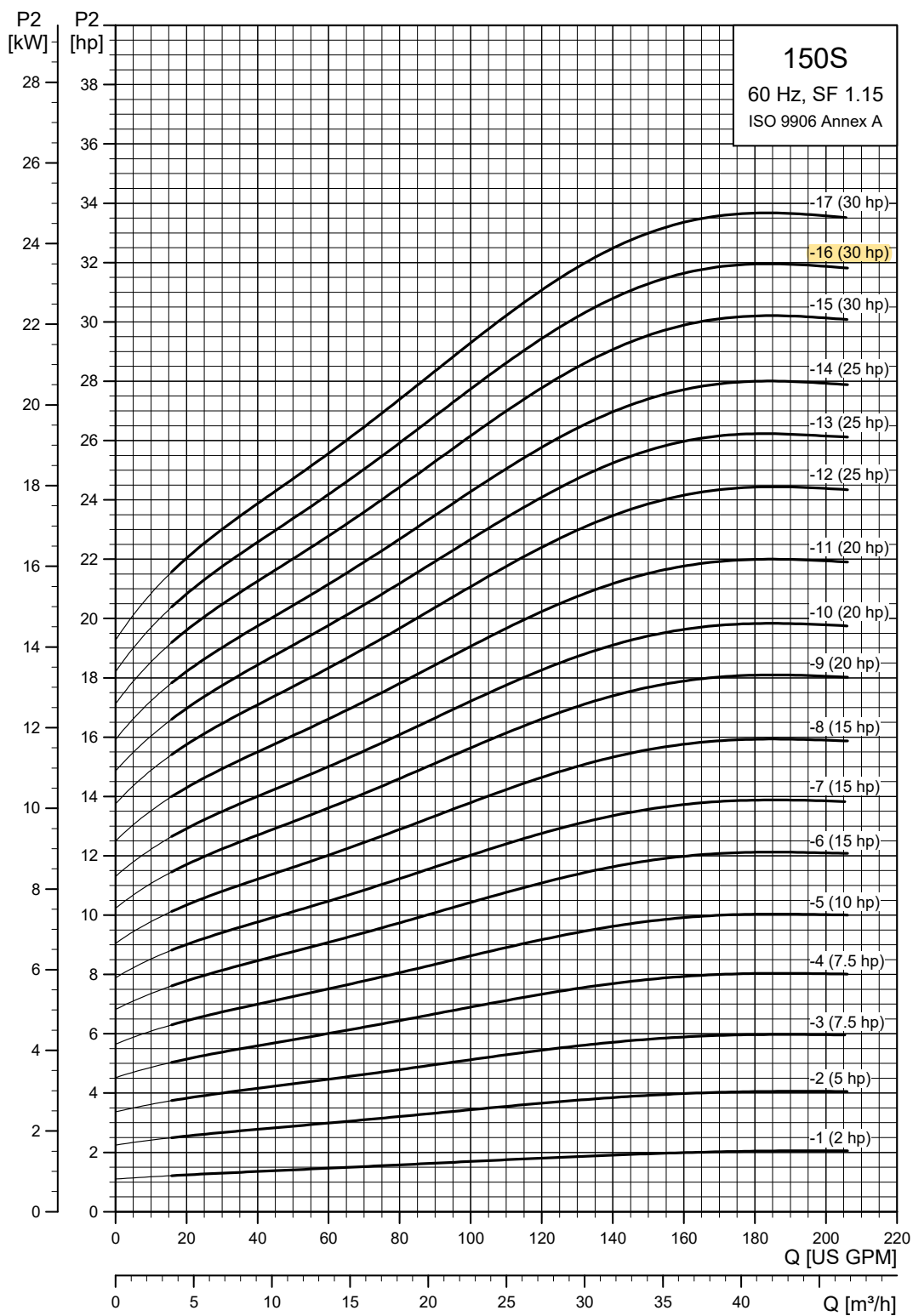
SP 150S (150 gpm)



TM05 0239 1812

6" and larger wells - continued

SP 150S (150 gpm) pump power requirement (P2)

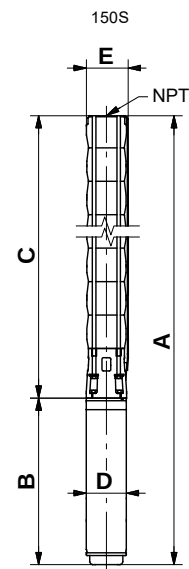


TM05 0241 1812

6" and larger wells - continued

SP 150S (150 gpm) pump with 6", 8" motor

Pump model	Nom. head [ft]	Motor				Dimensions [in (mm)]					Net weight (complete) [lb]	
		Ph	Volts [V]	[Hp]	[rpm]	A	B	C	D	E		
150S - Motor diameter 6 inch, 60 Hz, rated flow rate 150 gpm (3" NPT)												
150S300-15	592	3	230	30	▲	3476	101.89 (2588)	34.14 (867)	67.76 (1721)	5.52 (140)	5.52 (140)	209.7
	596	3	460	30	▲	3488	101.89 (2588)	34.14 (867)	67.76 (1721)	5.52 (140)	5.52 (140)	209.7
	628	3	230	30	▲	3466	105.67 (2684)	34.14 (867)	71.54 (1817)	5.52 (140)	5.52 (140)	211.5
150S300-16	633	3	460	30	▲	3479	105.67 (2684)	34.14 (867)	71.54 (1817)	5.52 (140)	5.52 (140)	211.5
	664	3	230	30	▲	3456	109.45 (2780)	34.14 (867)	75.32 (1913)	5.52 (140)	5.52 (140)	216.0
150S300-17	670	3	460	30	▲	3471	109.45 (2780)	34.14 (867)	75.32 (1913)	5.52 (140)	5.52 (140)	246.6
150S400-18	721	3	460	40	▲	3501	118.35 (3006)	39.26 (997)	79.10 (2009)	5.52 (140)	5.52 (140)	246.6
150S400-19	759	3	460	40	▲	3495	122.13 (3102)	39.26 (997)	82.88 (2105)	5.52 (140)	5.52 (140)	248.4
150S400-20	797	3	460	40	▲	3489	125.91 (3198)	39.26 (997)	86.66 (2201)	5.52 (140)	5.52 (140)	291.0
150S400-21	834	3	460	40	▲	3483	129.69 (3294)	39.26 (997)	90.44 (2297)	5.52 (140)	5.52 (140)	271.8
150S400-22	871	3	460	40	▲	3476	133.47 (3390)	39.26 (997)	94.22 (2393)	5.52 (140)	5.52 (140)	305.9
150S400-23	907	3	460	40	▲	3470	137.25 (3486)	39.26 (997)	98.00 (2489)	5.52 (140)	5.52 (140)	277.2
150S500-24	954	3	460	50	☼	3483	157.88 (4010)	56.11 (1425)	101.78 (2585)	5.67 (144)	5.67 (144)	411.8
150S500-25	991	3	460	50	☼	3478	161.66 (4106)	56.11 (1425)	105.56 (2681)	5.67 (144)	5.67 (144)	419.0
150S500-26	1028	3	460	50	☼	3473	165.44 (4202)	56.11 (1425)	109.34 (2777)	5.67 (144)	5.67 (144)	426.2
150S500-27	1064	3	460	50	☼	3467	169.22 (4298)	56.11 (1425)	113.12 (2873)	5.67 (144)	5.67 (144)	433.4
150S500-28	1100	3	460	50	☼	3462	173.00 (4394)	56.11 (1425)	116.89 (2969)	5.67 (144)	5.67 (144)	440.6
150S600-29DS	1131	3	460	60	☼	3465	190.64 (4842)	56.11 (1425)	134.53 (3417)	5.67 (144)	6.89 (175)	605.0
150S600-31DS	1209	3	460	60	☼	3455	198.20 (5034)	56.11 (1425)	142.09 (3609)	5.67 (144)	6.89 (175)	617.0
150S600-33DS	1288	3	460	60	☼	3446	205.76 (5226)	56.11 (1425)	149.65 (3801)	5.67 (144)	6.89 (175)	629.0
150S - Motor diameter 8 inch, 60 Hz, rated flow rate 150 gpm (3" NPT)												
150S500-24	966	3	460	50	*	3505	162.45 (4126)	45.67 (1160)	116.78 (2966)	7.56 (192)	7.56 (192)	484.5
150S500-25	1004	3	460	50	*	3501	166.23 (4222)	45.67 (1160)	120.56 (3062)	7.56 (192)	7.56 (192)	491.7
150S500-26	1042	3	460	50	*	3497	170.00 (4318)	45.67 (1160)	124.34 (3158)	7.56 (192)	7.56 (192)	498.9
150S500-27	1080	3	460	50	*	3493	173.78 (4414)	45.67 (1160)	128.12 (3254)	7.56 (192)	7.56 (192)	506.1
150S500-28	1117	3	460	50	*	3489	177.56 (4510)	45.67 (1160)	131.89 (3350)	7.56 (192)	7.56 (192)	513.3
150S600-29DS	1177	3	460	60	*	3519	182.33 (4631)	50.00 (1270)	132.33 (3361)	7.56 (192)	7.56 (192)	612.7
150S600-31DS	1255	3	460	60	*	3513	189.89 (4823)	50.00 (1270)	139.89 (3553)	7.56 (192)	7.56 (192)	623.7
150S600-33DS	1332	3	460	60	*	3508	197.45 (5015)	50.00 (1270)	147.45 (3745)	7.56 (192)	7.56 (192)	639.1
150S750-36DS	1467	3	460	75	*	3524	211.93 (5383)	53.15 (1350)	158.78 (4033)	7.56 (192)	7.56 (192)	689.2
150S750-39DS	1584	3	460	75	*	3518	223.27 (5671)	53.15 (1350)	170.12 (4321)	7.56 (192)	7.56 (192)	704.6



TM00 0960 1196

E = Maximum diameter of pump including cable guard and motor.

Notes:

Control box is required for 3-wire, single-phase applications. Data does not include control box.

DS designation = Built into sleeve, 3" NPT, 8" minimum well diameter.

Performance conforms to ISO 9906. 1999 (E) Annex A. Minimum submergence is 5 ft (1.5 m).

- ▲ MS 6000C motor.
- ☼ Takes MMS 6 motor; not available as complete.
- * Takes MMS 8000 motor; not available as complete.

STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
CERTIFICATE OF SUBDIVISION PLAT APPROVAL
(Section 76-4-101 et seq.)

TO: County Clerk and Recorder
Missoula County
Missoula, Montana

E.Q. #25-2252; CS#0698456

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as **West Pointe Phase IV-A**

A subdivision located in the Southwest ¼ of Section 26 of Township 14 North, Range 20 West, P.M.M., Missoula County, Montana as found in the records of the Missoula County Clerk & Recorder, consisting of 40.03 acres,

consisting of 23 lots have been reviewed by personnel of the Water Quality Division, and,

THAT the remaining Lot 2A is excluded from review under Title 76, chapter 4, part 1, MCA pursuant to Section 17.36.6005(2)(a) ARM, a parcel that has no facilities for water supply, wastewater disposal, storm drainage, or solid waste disposal, if no facilities will be constructed on the parcel, and,

THAT the remaining Lot 2B is greater than 20 acres in size and is excluded from review pursuant to Section 76-4-103 MCA, and,

THAT the documents and data required by ARM Chapter 17 Section 36 have been submitted and found to be in compliance therewith, and,

THAT the approval of the Plat is made with the understanding that the following conditions shall be met:

THAT the lot sizes as indicated on the Plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT Lots 204 through 225 shall be used for one living unit each, and,

That Common Area 1 shall be used for stormwater drainage facilities, and,

THAT the public water supply will be provided through extensions and connections to the Circle H Water Supply System #MT0004446 and,

THAT the public sewage treatment systems will be provided through extensions and connections to the City of Missoula Sewer System and,

THAT the extensions to the existing public water and sewer systems were reviewed and approved under EQ#25-2576, dated October 16, 2025, and,

THAT the maximum irrigation rate for the Common Area for this phase shall be 3,651 gallons per day, and,

THAT the stormwater design requires Ponds 1 and 2 to be constructed as extended detention ponds and that Pond 1 shall have a forebay minimum volume of 1,790 cubic feet, and a minimum pond storage volume of 17,992 cubic feet; and Pond 2 shall have a forebay minimum volume of 769 cubic feet, and a minimum pond storage volume of 10,632 cubic feet; and Pond 5 shall be a standard detention pond with a minimum storage volume of 6,234 cubic feet, with all ponds to be constructed and located in accordance with the lot layout approved plans, and,

THAT the stormwater conveyance and detention structures were reviewed and approved under EQ#25-2576, dated October 16, 2025, and shall be constructed in accordance with the approved plans and specifications, and,

THAT the operation and maintenance of the stormwater facilities shall be the responsibility of the West Pointe Owners' Association, and,

THAT water supply systems, sewage collection systems and storm drainage systems will be located as shown on the approved plans and lot layout, and,

THAT the developer and/or owner of record shall provide each purchaser of property with a copy of the Plat, approved location of water supply, sewage treatment system and storm drainage structures as shown on the attached lot layout, and a copy of this document, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and,

THAT departure from any criteria set forth in the approved plans and specifications and Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.

Pursuant to Section 76-4-122 (2)(a), MCA, a person must obtain the approval of both the State under Title 76, Chapter 4, MCA, and local board of health under section 50-2-116(1)(i), before filing a subdivision plat with the county clerk and recorder. This certificate of subdivision approval considered the physical presence and properties of water but does not constitute an entitlement to or a representation regarding water rights or the legal availability of water, which is regulated by the Montana Department of Natural Resources and Conservation or for projects within the reservation boundaries, by the appropriate water management board.

Page 3 of 3
West Pointe Phase IV-A
Missoula County, Montana
E.Q. # 25-2252; CS#0698456

YOU ARE REQUESTED to record this certificate by attaching it to the Plat filed in your office as required by law.

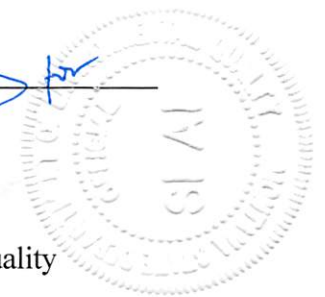
DATED this 16th day of October, 2025.

Sonja Nowakowski
DIRECTOR

By:



James Erven, R.S.
Subdivision Section Supervisor
Engineering Bureau
Water Quality Division
Department of Environmental Quality



Owner's Name: Circle H Investments, LLC

From: [Dagleish, Alex](#)
To: [Patrick Doyle](#)
Subject: RE: Circle H Applications 76M 30170833 and 76M 30170836
Date: Monday, April 27, 2026 11:28:00 AM
Attachments: [image001.png](#)
[image002.png](#)

Ok thank you for explaining that.



Alex Dagleish | Water Conservation Specialist II
Water Resources Division, Missoula Regional Office
Montana Department of Natural Resources and Conservation
2705 Spurgin Road, Bldg C
DESK: 406-542-5886 **EMAIL:** alexander.dagleish@mt.gov
[Website](#) | [Facebook](#) | [X \(Twitter\)](#) | [Instagram](#)
How did we do? Let us know here: [Feedback Survey](#)

From: Patrick Doyle <pdoyle@wgmgroupp.com>
Sent: Thursday, April 23, 2026 3:05 PM
To: Dagleish, Alex <Alexander.Dagleish@mt.gov>
Subject: [EXTERNAL] RE: Circle H Applications 76M 30170833 and 76M 30170836

Hi Alex,

Thanks for the clarification. The references to the DEQ report as a source of the domestic volume were made in error, as the report does not separate out the domestic use estimates from the lawn and garden estimates. For both the Change and Permit applications, we arrived at the volume of 0.39 AF/unit for the multiple domestic use based on an average home of 4 bedrooms.

Thank you,

Patrick

Patrick Doyle
Water Rights Technician & GIS Coordinator • WGM Group

From: Dagleish, Alex <Alexander.Dagleish@mt.gov>
Sent: Thursday, April 23, 2026 11:33 AM
To: Patrick Doyle <pdoyle@wgmgroupp.com>
Subject: RE: Circle H Applications 76M 30170833 and 76M 30170836

[EXTERNAL EMAIL] Only open attachments or click on links from senders you trust.

Patrick,

I see that question 40 and 40a of the change application 76M 30170836 describes multiple domestic use based on an average of a 4-bedroom home (which is equivalent to 350 GPD, or 0.39 AF using DNRC's standards in ARM 36.12.115(2)(a)). In the October 22, 2025 follow up information submitted on behalf of the preapplication, for question 77, you state that *"According to the Water Design Report submitted to the DEQ, water use measurements from the current build-out estimate an average use of 504 gpd/household which includes both the domestic and lawn and garden purposes. Domestic volume by itself was estimated to be 0.39 AF/house in the DEQ submittal"*. Further, in the follow up information, the answer to question 106.b.i states *"Households were estimated to use a diverted volume of 0.39AF/house. This estimation is based on the Water Design Report for the subdivision that was submitted to the DEQ"*. The Report does estimate average daily use of 504 GPD per dwelling unit, which induces daily use for irrigation. However, this Report submitted to DEQ does not specify 350 GPD/0.39 AF per domestic unit. The change application proposes to shift the volumes under Provisional Permit 76M 30013295. The current multiple domestic volume is 64 AF for 113 units, or 0.566 AF/unit and the lawn and garden volume is 50 AF for 29.6 acres, or 1.69 AF/acre. The change proposes to use the same volume per acre for irrigation, but because a different volume/unit is requested for the multiple domestic purpose (0.39 AF), I need to understand where the 0.39 AF/unit was derived from.

Separately, on the permit application, question 42.b states that the *"subdivision submittal to DEQ for this project estimates an average volume of 0.39AF per home per year, or 350 gallons per day"*. I understand this may have been mistakenly includes since again I do not see anywhere in the Water Design Report sent to DEQ where it states that the homes will use a volume of 0.39 AF/350 GPD.

The permit and change applications will have a supplemental relationship for multiple domestic use in the subdivisions. Am I correct in understanding that the WGM is arriving at a volume of 0.39 AF/unit for the multiple domestic use in both the change and permit applications based on an average home size in the new subdivision phases of 4 bedrooms (some homes may have more bedrooms, some may be less)?

Thank you,



Montana Department of Natural Resources and Conservation
2705 Spurgin Road, Bldg C

DESK: 406-542-5886 **EMAIL:** alexander.dalgleish@mt.gov

[Website](#) | [Facebook \[facebook.com\]](#) | [X \(Twitter \[twitter.com\]\)](#) | [Instagram \[instagram.com\]](#)

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

From: Patrick Doyle <pdoyle@wgmgroup.com>

Sent: Wednesday, April 22, 2026 10:13 AM

To: Dalgleish, Alex <Alexander.Dalgleish@mt.gov>

Subject: [EXTERNAL] Circle H Applications 76M 30170833 and 76M 30170836

Good morning, Alex,

I looked back through the Permit and Change applications for Circle H. We included the DEQ subdivision submittal water use estimations but, as was noted in our phone conversation, they include a combined domestic and lawn and garden estimation of use. For these two applications, the Multiple Domestic purpose's volume was instead based on the DNRC water use standard for a 4-Bedroom House (0.39AF) for each of the homes.

In the Change Application 76M 30170836, this is described in questions 40. and 40.a, which lists the volumes used for Multiple Domestic and Lawn and Garden as the DNRC standards.

In the Permit Application 76M 30170833, the equivalent questions are 42, 42.a. and 42.b. The reference to the DEQ subdivision submittal was erroneously included in 42.b. The Multiple Domestic purpose for the permit application also uses the DNRC water use standard for volume for a 4-bedroom house at 0.39AF/home.

I hope this answers your question, please let me know if you have any more.

Patrick

Patrick Doyle

Water Rights Technician & GIS Coordinator

M: [406-665-5727](tel:406-665-5727) O: [406-728-4611](tel:406-728-4611)

1111 East Broadway

Missoula, Montana 59802

www.wgmgroup.com [[wgmgroup.com](http://www.wgmgroup.com)]



WGMGROUP
Community Values. Inspired Futures.



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

March 20, 2026

Circle H Investments LLC
c/o Mark Bretz
4800 Grant Creek Rd
Missoula, MT 59808

Subject: Deficiency letter for Beneficial Water Use Permit No. 76M 30170833

Dear Applicant,

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



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

The Application directs the Department to “*see attached for pump curves*”.

However, no such information was attached to the Application. Please provide the Department with the pump curves for the proposed well and any supplementary information.

- ☐ **46 & 46.a. Do you own all proposed places of use? Mark “NA” if you meet one of the exceptions for possessory interest requirements. 46.a. 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.**

Question 46 was marked as “NA”, but the answer should be “no” since you do not own all lots within the proposed place of use (numerous existing privately owned domestic parcels, a lot owned by the City of Missoula and a parcel owned by the West Point Owners Association). The change in answer for Question 46 results in Question 46.a. being deficient. For Question 46.a., since you do not own all parcels within the proposed place of use, please provide the Department with written documentation or evidence that all landowners within the proposed place of use consent to receiving water from the Applicant and their water distribution system.

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

Please submit the information specified above to the Missoula Regional Office by July 18, 2026. This is the only deficiency letter that will be sent. An application not corrected or completed within 120 days from the date of this letter is terminated per ARM 36.12.1501(2) and §85-2-302(6)(a), MCA.

Please let me know if you have any questions.

Best,



Alex Dalglish

Water Resource Specialist

Missoula Regional Office



(406)-542-5886

Alexander.dalgleish@mt.gov

CC:

WGM Group, Inc.
c/o Patrick Doyle
1111 E Broadway St.
Missoula, MT 59802

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



Application Materials

- Application
- Any information submitted with Application including maps

Application Materials



APPLICATION FOR
**BENEFICIAL WATER USE
PERMIT**
§ 85-2-302, MCA

Form No. 600 (10/2025)

For Department Use Only

RECEIVED

MAR - 2 2026

MONTANA D.N.R.C
MISSOULA REGIONAL OFFICE

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 # 30170833 Basin 76M
Priority Date _____ Time 11:09 AM/PM
Rec'd By TS
Fee Rec'd \$ 1700/1700 Check # 1548
Deposit Receipt # MSS 2621537-01
Payor Circle H Water, Inc.
Refund \$ _____ Date _____

Applicant Information: Add more as necessary.

Applicant Name CIRCLE H RANCH INVESTMENTS LLC

Mailing Address 4800 GRANT CREEK RD City MISSOULA State MT Zip 59808

Phone Numbers: Home _____ Work _____ Cell _____

Email Address _____

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 PATRICK DOYLE

Mailing Address 1111 E BROADWAY City MISSOULA State MT Zip 59802

Phone Numbers: Home _____ Work 406-728-4611 Cell _____

Email Address pdoyle@wgmgroup.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? Groundwater

16. What is the source name? Groundwater

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)
Multiple Domestic	Well	NA	01/01/ to 12/31	01/01/ to 12/31	110	49.53
Total Flow Rate and Volume Required					110GPM	49.53AF

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

Purpose	Requested Information	Response
Domestic or multiple domestic	Number of households and bedrooms served per household	127 Households, See attached for details
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	



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).

[illegible]

PLACE OF USE

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

NA; See attached	

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.

[illegible]

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).
See Attached

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 after proposed change
76M 30013295	01/01 to 12/31	01/01/to 12/31	180GPM	63.18AF Domestic
76M 30013295	4/1 to 10/15	4/1 to 10/15	180GPM	41.57AF L&G

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.

The diversion can be controlled at a pump house located near the well. The water distribution system includes service lines to the homes with curb stop valves that can be closed individually if needed.



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

During times of water shortage, the lawn and garden use in the subdivision will be curtailed followed by reductions in domestic use (which are metered).

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.

This well will be connected to the existing water system for the project, currently served under permit 76M 30013295. The water from the proposed project and the existing project are combined to supply water to the current and future phases of the subdivision. The water system has been designed to serve 330 units. At the current proposed full build out, there will be 289 units served by the system.



ADEQUATE MEANS OF DIVERSION AND OPERATION

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

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

The motor in the well is a Franklin 30HP 460V 3 Phase with a 30 HP Grundfos Pump End. The total dynamic head is 585'. Please see attached for pump curves.

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.

From the well to the storage cistern water is transported through 12" ductile iron pipe Class 350. The 12" main is also used to transport water around the Circle H water subdivision. In the West Pointe subdivision, the water system branches from the 12" main into 8" SDR 35 Class 350 with service lines to each home. There are no conveyance losses.

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

The water diverted from the wells is transported to a 500,000 gallon buried concrete reservoir. Water is delivered to the homes in the West Pointe and existing Circle H subdivisions by gravity and includes an existing Pressure Reducing Valve above West Pointe. An additional buried reservoir may be constructed for future Circle H Phases that will have homes constructed at higher elevations.



36. Provide a plan of operations, which includes specific information about how water is delivered within the place of use. This may include, where applicable, the range of flow rates needed for a pivot. Water is pumped as needed to keep the buried reservoir full. Water from the buried reservoir is distributed through the water mains to the homes through the use of gravity. A pressure reducing valve is used above the West Pointe subdivision. At full build out, there will be two cisterns. The existing cistern will deliver water to the entire West Pointe subdivision, which consists of 213 homes, and the 34 Circle H homes in a lower elevation. The 42 Circle H homes in higher elevations will be provided water from an additional cistern that has not been constructed.

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

37.a. If yes, explain.

The well and underground service line for the proposed point of diversion is located on a neighboring parcel. An easement was created for the installation and maintenance for the existing wells for 76M 30013295 and the proposed point of diversion, which was drilled at the same time but not connected to the system. Please see attached for the easement agreement.

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.

Homes located in the West Pointe subdivision will connected to the City of Missoula sewer. Homes located in the Circle H subdivision will utilize individual drain fields.

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.

The total water diverted from the well will be measured and each home will utilize a meter for measuring individual use.



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?

Camp Well Dr. & Pump Supply, License #7

- 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.

The subdivision submittal to the DEQ for this project estimates an average volume of 0.39AF per home per year, or 350 gallons per day. The flow rate for this well combined with the two existing wells was determined to be necessary for subdivision requirements.

[illegible]

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.

The applicant owns the water distribution system but not the individual lots. When the lots are sold the owners agree to receive water solely from the water system covered under this water right.

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)? 30 years

48. Please describe why this amount of time is needed to complete this project.

This amount of time is needed to complete the planned subdivision and put the full amount of water to use. The initial phase of these subdivisions took over 20 years to reach build-out due to unforeseen market forces and ownership transition.



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.

Mark Bretz

Printed Name _____

Applicant Signature  Date: Feb 23, 2026
Mark Bretz (Feb 23, 2026 15:07:51 MST)

Printed Name _____

Applicant Signature _____ Date: _____

Printed Name _____

Applicant Signature _____ Date: _____



**CIRCLE H INVESTMENTS LLC
BENEFICIAL WATER USE PERMIT FORM NO. 600
Application 76M 30170833
SUPPLEMENTAL**

19. NUMBER OF DWELLINGS

Under the proposed permit, there will be 127 single family dwellings added to the existing subdivisions. There are two subdivisions, Circle H and West Pointe. 42 of the proposed dwellings will be in the Circle H subdivision and 85 will be in West Pointe.

21. WHAT ARE THE GEOCODES OF THE PLACE OF USE?

There are no geocodes associated with the place of use. The proposed place of use is a subdivision with individual lots that have separate ownership. Circle H Investments will own 100% of the water right and will be responsible for the water system that supplies water to the lot owners. The lot owners will agree to connect to the water supply and not receive water from any other source. The individual lot owners will have no possessory interest in the water right.

23. WILL OTHER WATER RIGHTS SUPPLEMENT OR OVERLAP THE PLACE OF USE TO CONTRIBUTE TO THE PURPOSE?

76M 30013295 is a provisional permit that supplies water to the subdivision for domestic and lawn and garden purposes. It has been used to cover the initial phases of the subdivision using two wells permitted for a flow rate of 180gpm and a volume of 114.00 AF. If approved, the proposed well will be connected to the existing water system and will provide additional flow rate and volume to cover the water needs of future phases of the subdivision. A change application (#76M 30170836) for permit 76M 30013295 has been submitted in conjunction with this permit application.

The total flow rate for the system under the combination of 76M 30013295 and the proposed permit will be 290 gpm and the total volume will be 154.28 AF. The post-change permit 76M 30013295 will change a portion of the lawn and garden volume to multiple domestic volume to cover additional homes. The multiple domestic purpose, provided by both permits, will have a total volume of 112.71 AF. The lawn and garden purpose, provided by 76M 30013295, will have a volume of 41.57 AF.

As proposed, 76M 30013295 (post-change) and this proposed permit will combine both flow rate and volume for multiple domestic use in both the existing and proposed phases of the subdivision. The subdivision's lawn and garden volume will only be covered by 76M 30013295.

 MAPS

MAP 1 PROPOSED USE MAP

MAP 2 WATER SYSTEM DIAGRAM





CIRCLE H RANCH INVESTMENTS LLC

17. PROPOSED USE MAP



Proposed Point of Diversion

Well (GWIC ID: 336214)

Water Line

Cistern

Proposed Place of Use

Multiple Domestic

Proposed Overlapping POU

76M 30013295

Parcel Boundary

Subdivision Boundary

www.wgmgroup.com

LOC: Missoula County

TR: 14N 20W

BASE: 2023 Aerial

FILE: 02_Permit_Proposed

PROJ MGR: JM

DRAWN BY: PSD

PROJ: 211044

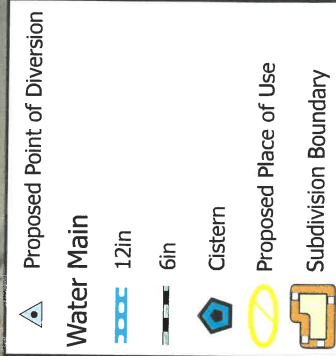
DATE: 10/3/2025

This is not a legally recorded map or survey. WGM does not guarantee the accuracy, current status, or completeness of the material contained herein and is not responsible for any misuse/misrepresentation of this information or its derivatives. This graphic representation is for general planning purposes only.



**CIRCLE H RANCH
INVESTMENTS LLC**

32. Water System Diagram

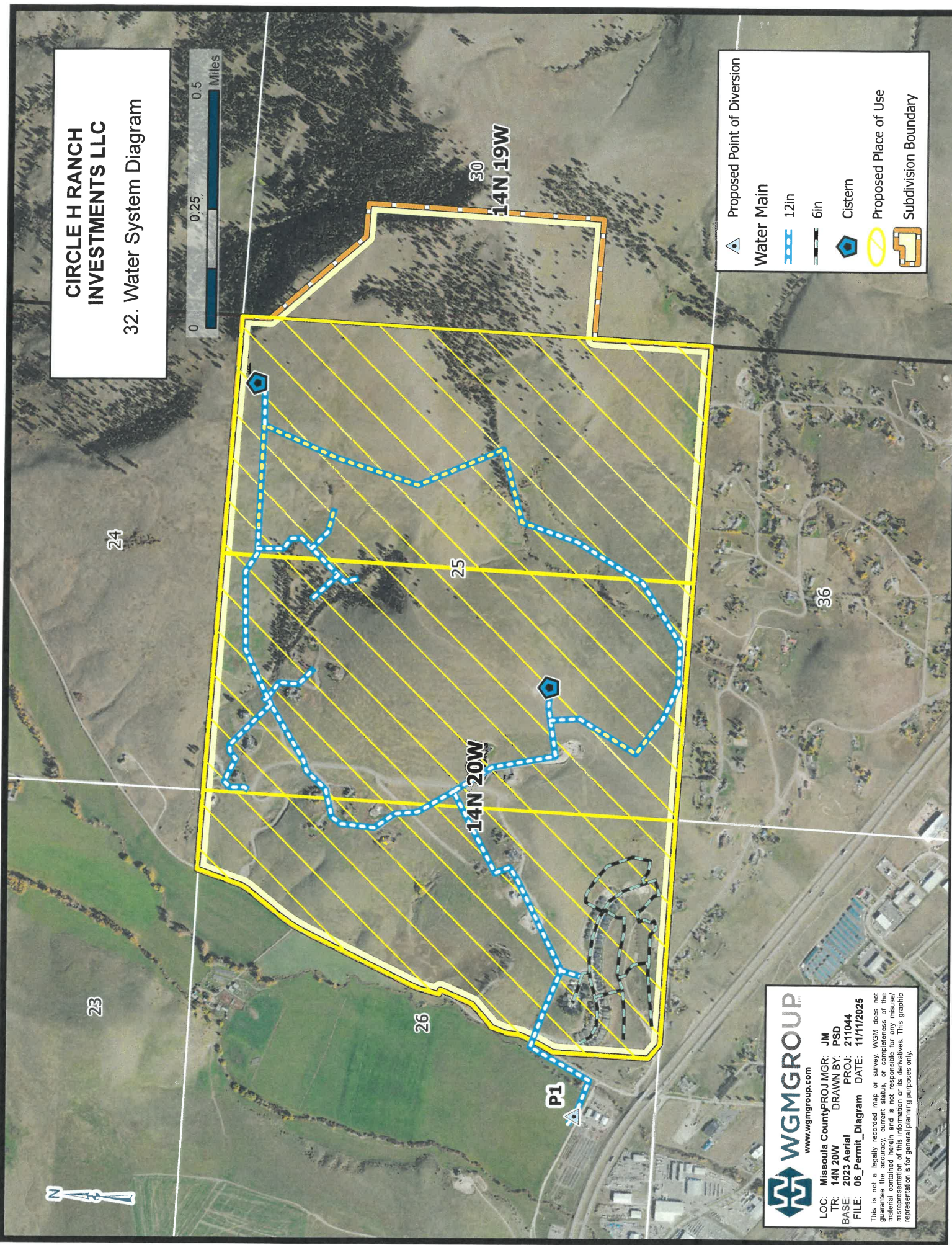


WGMGROUP
www.wgmgroup.com

LOC: Missoula County
TR: 14N 20W
BASE: 2023 Aerial
FILE: 06_Permit_Diagram

PROJ MGR: JM
DRAWN BY: PSD
PROJ: 211044
DATE: 11/11/2025

This is not a legally recorded map or survey. WGM does not guarantee the accuracy, current status, or completeness of the material contained herein and is not responsible for any misuse/misrepresentation of this information or its derivatives. This graphic representation is for general planning purposes only.



ATTACHMENTS

WATER & WELL LINE EASEMENT



Return To:

Sullivan, Tabaracci & Rhoades, P.C.

1821 South Avenue West

Third Floor

Missoula, MT 59801

Missoula County Vickie M Zeller MIS

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BK-00, Pg-907

WELL & WATER LINE LICENSE

This License is dated the ____ day of _____, 2002 and is entered into by and between Circle H Ranch Limited Liability Company, a Montana Limited Liability Company, of 8100 Butler Creek Road Missoula, MT 59808 (Circle H) and Natalie L. Hanson, Paul Allen Hanson and Margaret Hanson of 8255 Butler Creek Road, Missoula, Montana 59808 (Hanson) and provides as follows:

RECITALS

1. Circle H is the owner of a certain parcels of real property, located in Missoula County Montana and described as set out in Exhibit "A" to this License (the Circle H Property).
2. Hanson are owner of a certain parcels of real property, located in Missoula County Montana and described as set out in Exhibit "B" to this License (the Hanson Property).
3. Hanson have consented to the installation of water wells upon and an underground water service lines and related apparatus upon, under and across their property to provide water service to the Circle H Property and to such additional properties as Circle H may determine in return for the consideration, as described in this License.

AGREEMENT

NOW THEREFORE, for and in consideration of the sum of Ten Dollars and other good and valuable consideration, paid by Circle H to Hanson, along with other good and valuable consideration as described below, it is agreed as follows:

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2 of 3

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Missoula County Vickie M Zeier MIS

Bk-697 Pg-907

1. Grant of License. Hanson hereby grant unto Circle H a License for the installation, maintenance, repair and removal of water wells together with underground water lines and related apparatus, including but not limited to electrical service, upon, under and across the Hanson Property, the terms of which License are described herein, together with rights of reasonable access onto the Hanson Property to carry out the installation, maintenance, repair and removal anticipated herein.
2. Grazing. In further consideration of the grant of this License, Circle H shall hereinafter permit Hanson to graze cattle upon that part of the Circle H Property, subjected to that certain Conservation Easement dated the 18th day of November, 1996 and recorded in Book 490, Page 2140 of the records of the Missoula County Clerk and Recorder. Circle H shall not charge Hanson with any rent for such grazing. Provided, if this License is subsequently terminated by Circle H the entitlement to grazing as set out in this Section shall thereupon terminate. Such grazing shall be limited in number of head and times of grazing so as to fully comply with all requirements of the Conservation Easement and to otherwise provide for good stewardship of the land and Hanson shall be responsible for any damages caused by their failure to so comply. Further, in the event Circle H assigns its interest in this License to another or if Circle H deems it unadvisable to continue to permit grazing, the entitlement of Hanson to graze on the Circle H Property arising under this License shall terminate, and thereafter as further consideration the holder of Circle H's interest in this License shall pay Hanson an annual sum equal to the fair market value of such grazing rights.
3. Location. The location of the water wells, along with the underground water lines and related apparatus, shall be at such place on the Hanson Property, as Circle H may reasonably determine, without unduly interfering with any existing use or improvements thereon, provided that the wells, along with the underground water lines and related apparatus will be located in the approximate area as illustrated in Exhibit "C". Once the water wells, along with the underground water lines and related apparatus are installed said License shall pertain to an area 30 feet in radius from the location of the water well and fifteen feet on either side of the water lines and related apparatus as the same are ultimately located on the Hanson Property, together with rights of reasonable access onto the Hanson Property to carry out the activities anticipated herein.
4. License Purpose. The purpose of the License is to provide domestic water to the single family residences and multiple family residences located upon or to be located upon the Circle H Property and to such other properties as Circle H may determine. For the purposes of this License domestic use includes, but is not limited to, watering of lawn and garden areas, but not including irrigation for agricultural purposes. To the extent reasonably possible the water system and apparatus anticipated herein will be buried.
5. Improvement. Hanson shall bear no cost or expense in connection with the installation, maintenance, repair and replacement of the water wells, or with the underground water lines and related apparatus, to be located pursuant to this License. All costs and expense related

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to the installation, maintenance, repair and replacement of the water wells, along with the underground water lines and related apparatus, shall be borne by Circle H. In the event it is necessary to repair or maintain the water wells, underground water lines and/or related apparatus which repair or maintenance requires disturbing the surface of the Hanson Property, Circle H shall be responsible for returning the surface area to as close to its original condition as possible and as soon after the repairs are made as is reasonably possible. Circle H agrees to make proper, advance arrangements with the Missoula County and any necessary utility companies, whose roads or underground service lines the water lines will cross, and with the holders of any other easement or properties, that will be bisected by the water line. Circle H agrees that all electrical service lines shall be buried, to the extent reasonably possible.

6. Connection of Hanson Property. If at some time after the water wells are drilled and operating Hanson desire to develop their property into a residential development, they may connect into the water wells and system to be installed by Circle H, provided first that the anticipated water use on the Hanson Property will not unreasonably interfere with the provision of water to residences located upon or to be located upon the Circle H Property and further provided that Hanson reimburse Circle H for a proportionate share of the costs to develop and operate the wells, and any shared parts of the water lines or apparatus, which proportionate share shall be based upon the number of individual dwelling units located or to be located on the Circle H Property and the number of individual dwelling units located or to be located on the Hanson Property.
7. Abandonment of License. In the event the water produced from the wells anticipated herein is not adequate in quantity or quality to provide an adequate supply, for Circle H's purposes, it shall be under no obligation to proceed with the installation of water lines or related apparatus, and this License shall thereupon be abandoned by Circle H delivering a notice of abandonment to Hanson.
8. Attorney's Fees. In the event either party finds it necessary to employ counsel in order to enforce, rescind or interpret any term or provision of this License, including any proceeding in bankruptcy, before any officer or judge of the U.S. Bankruptcy Court or any proceeding pertaining thereto, the prevailing party shall be entitled to recover from the other party in addition to costs and disbursements allowed by law, the prevailing party's reasonable attorneys fees. Attorneys fees shall include any attorneys services rendered prior to the institution of litigation or proceedings in bankruptcy and include all matters pertaining to litigation, or proceedings in bankruptcy as may be necessarily incurred in such proceedings and shall include an estimate of the attorneys' fees to be incurred by the prevailing party following any initial decision or judgment entered in connection with that matter.
9. Binding Effect. It is the intention of the parties that the License herein granted be deemed a perpetual, irrevocable License for the benefit of Circle H. This License may be terminated only as described herein and may only be modified by the signed written agreement of Circle

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Missoula County Vickie M Zeier MS

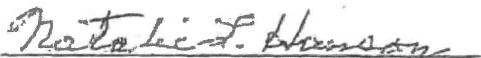
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H and Hanson, their respective heirs, successors and assigns. The rights, privileges and obligations granted and assumed by the parties to this document shall be binding upon the heirs, successors and assigns of the parties hereto. It is specifically agreed that Circle H may assign its rights hereunder without restriction.

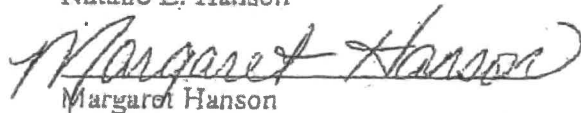
IN WITNESS WHEREOF the Parties hereto have hereunto set their hands this ____ day of _____, 2002.



Paul Allen Hanson

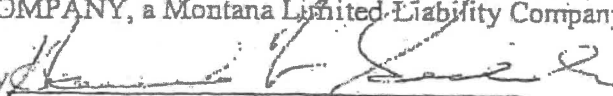


Natalie L. Hanson



Margaret Hanson

CIRCLE H RANCH LIMITED LIABILITY
COMPANY, a Montana Limited Liability Company

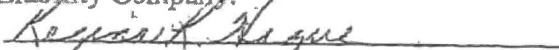
By 
Howard F. Seale, Sr., Manager

STATE OF NEW JERSEY

:ss.

County of UNION

This instrument was acknowledged before me on JANUARY 16, 2003 by Howard F. Seale, Sr., as Manager of Circle H. Ranch Limited Liability Company.



Notary Public for the State of Montana

Printed Name: REGINA R. HAGUEResiding at 212 DOGWOOD LA, BERKELEY HEIGHTSMy commission expires: 12-05-03

(Seal)

STATE OF MONTANA)

:SS.

County of Missoula)

Missoula County Vickie M Zeller MS

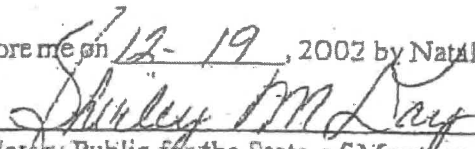
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This instrument was acknowledged before me on 12-19, 2002 by Natalie L. Hanson,
Paul Allen Hanson and Margaret Hanson.


Notary Public for the State of MontanaPrinted Name: SHIRLEY M. DAYResiding at: MISSOULAMy Commission expires: 5-16-2006

(Seal)



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Missoula County Vickie M Zeier MIS Bk-697 Pg-807

EXHIBIT "A"
LEGAL DESCRIPTION CIRCLE H PROPERTY

Lot 1; Lots A-1 through A-6, Lots B-1, B-2, and B-5, Lots C-1 through C-4, Lots D-1 through D-4, Lots E-1 through E-5, Lots F-1 through F-5 and Lots G-1, through G-5; Lot 2; Public Utility Lots A through D; and Remainder (Future Phase) all as depicted on the plat of Circle H Ranch - Phase I, a subdivision of the County of Missoula, Montana, located in the East 2 of Section 26 and Section 25, Township 14 North, Range 20 West and the West 2 of Section 30, Township 14 North, Range 19 West, PMM, Missoula, County, Montana, according to the official recorded plat thereof.

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EXHIBIT "B"
LEGAL DESCRIPTION OF HANSON PROPERTY

That tract or parcel of land lying and being in County of Missoula, State of Montana, to-wit:

Beginning at the Southwest corner of Section 24, Township 14 North, Range 20 West of the Montana Principal Meridian, thence North 1980 feet; thence N.12°30'E. 274 feet; thence West 1277 feet; thence N.59°45'W. 826 feet; thence N.0°30'E. 466 feet; thence Southwesterly to a point 220 feet East of the center of Section 23; thence West to the Quarter corner between Sections 22 and 23; thence South to the Northeast corner of the SE1/4 of the SE1/4 of Section 22; thence West to the East line of the present Northern Pacific right-of-way; thence South along the East side of said right-of-way to a point which is Northwesterly 1958 feet of the Southeast corner of Section 27, said point being on the North and East boundary of the Northern Pacific Railway right-of-way; thence North 800 feet from the boundary of the Northern Pacific Railway right-of-way, thence S.61°57'E. 292 feet; thence S.55°16'E. 612 feet; thence S.67°35'E. 314 feet; thence East 740 feet; thence South 880 feet to a point which is 100 feet East of the Southwest corner of Section 26; thence East to the South quarter corner of Section 26; thence due North on the center line to a point on the West side of the present county road; thence Northeasterly along the West side of the present county road to a point which is 850 feet West of the Southeast corner of Section 23; thence East to the Southeast corner of Section 23; the place of beginning, excepting 5 acres conveyed to Walter L. Pope by deed recorded in Volume 139 of Deeds, page 453, records of Missoula County, Montana.

Also, commencing at the Southwest corner of said Section 24; thence North along the West section line of said section 24; to a point 660 feet south of the quarter corner common to sections 23 and 24; thence Northeasterly to a point 132 feet East of said quarter corner; thence East 520 feet; thence N. 73°E. 995 feet; thence N. 63°E. 1188 feet; thence S. 70°E. 460 feet; thence N. 59°E. 318 feet; thence N. 60°30'E. 510 feet; thence N. 70°E. 833 feet; thence S. 76°E. 730 feet; to the Township line; thence South along said Township line 3593 feet to the Southeast corner of said Section 24; and thence West along the South boundary of said Section 24 to the place of beginning.

Subject to roads, rights of way and easements as the same now exist or appear of record.

Also that portion of the N1/2 and the N1/2 of the SE1/4 of Section 22, Township 14 North, Range 20 West, Montana Principal Meridian; lying North and East of the Northern Pacific right-of-way as now surveyed and located through said section, containing 285 acres, more or less.

Reference: Book 150 of Micro Records at page 2405

Less Certificate of Survey #814, Certificate of Survey #862, Certificate of Survey #1085, Certificate of Survey #1316, Certificate of Survey #1421, all in Section 24, Township 14 North, Range 20 West, Missoula County, Montana; Hanson-Butler Creek #1, a platted subdivision; a tract of land described in Book 10 of Micro Records at Page 1126 in Section 26 and 27, Township 14 North, Range 20 West, a tract of land described in Book 49 of Micro Records at Page 1584 in Section 23 and 24, Township 14 North, Range 20 West, a tract of land described in Book 152 of Micro Records at Page 86 in Section 26, Township 14 North, Range 20 West; and Missoula County, Roads.

200302002

Page: 8 of 9

21/2003 04:04P

Missoula County Vickie N Zeiler MIS

BK-697 Pg-907

Water & Well Line Easement

Page 8 of 9

EXHIBIT "C"
ILLUSTRATION OF GENERAL AREA IN WHICH WATER WELLS MAY BE LOCATED



600_Permit_Form_ALL REDUCED

Final Audit Report

2026-02-23

Created:	2026-02-03
By:	Morgan Plasmier (mplasmier@wmggroup.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAcPV0kQg2Qh_hRXHrNfEtGcRyUrivx5ep

"600_Permit_Form_ALL REDUCED" History

-  Document created by Morgan Plasmier (mplasmier@wmggroup.com)
2026-02-03 - 10:41:56 PM GMT
-  Document emailed to Mark Bretz (mbretz@bretzrv.com) for signature
2026-02-03 - 10:43:11 PM GMT
-  Email viewed by Mark Bretz (mbretz@bretzrv.com)
2026-02-23 - 10:06:22 PM GMT
-  New document URL requested by Mark Bretz (mbretz@bretzrv.com)
2026-02-23 - 10:06:31 PM GMT
-  Document e-signed by Mark Bretz (mbretz@bretzrv.com)
Signature Date: 2026-02-23 - 10:07:51 PM GMT - Time Source: server
-  Agreement completed.
2026-02-23 - 10:07:51 PM GMT



Adobe Acrobat Sign

From: [Dalglish, Alex](#)
To: [Patrick Doyle](#)
Subject: RE: Circle H Ranch Permit 76M 30170833 TA
Date: Tuesday, December 16, 2025 12:56:00 PM
Attachments: [76M 30170833 ZOI Legal Demands Summary.xlsx](#)
[image001.png](#)
[image002.png](#)

Patrick,

For those water rights in the ZOI without assigned volumes, the Department will calculate a volume, but the methodology differs a bit depending on the type of water right. For Groundwater Certificates, because this area is not within a controlled groundwater area, we assign a volume of 10 AF to each Certificate. For those Statement of Claims (Claims) without assigned volumes, the Department will allocate the volume listed on the original claim file as long as it is reasonable within the Department's standards found in ARM 36.12.115. For stock Claims, we take the number of AU's and multiply it by 0.034 (i.e. 200 AU's * .034 = 6.8 AF). For irrigation Claims with unreasonable claimed volumes, we determine the appropriate Climatic Area (in this case, Area III) and take the low number of the range in the Table in ARM 36.12.115(2)(e) given for the method of irrigation. For example, in the attached spreadsheet, irrigation Claim 76M 149272 00 had no assigned volume. As claimed, this right listed 7 AF for the sprinkler irrigation of 33 acres, or 0.21 AF/acre. This is a very low ratio and did not appear to be reasonable for irrigation use. Therefore, by citing the Table in ARM 36.12.115 (using the row for 70% sprinkler irrigation efficiency and the lower figure for Climatic Area III column (2.08 AF/acre), the volume was determined to be 68.64 AF (2.08 AF/acre * 33 acres).

If the claim is for a purpose that does not have a standard volume described in ARM 36.12.115 (i.e., commercial/industrial), we assign the volume listed in the claim file.

Based on the methods described above, the water rights within the ZOI were calculated to have total legal demands of 6,321.42 AF. The attached spreadsheet lists the groundwater rights in the ZOI. Those rights without assigned volumes are highlighted.

Best,



Alex Dalglish | Water Conservation Specialist II
Water Resources Division, Missoula Regional Office
Montana Department of Natural Resources and Conservation
2705 Spurgin Road, Bldg C
DESK: 406-542-5886 **EMAIL:** alexander.dalglish@mt.gov
[Website](#) | [Facebook](#) | [X \(Twitter\)](#) | [Instagram](#)

WRNUMBER	WRTYPE	VOLUME	ALL OWNERS	PURPOSES
76M 78983 00	GROUND WATER CERTIFICATE	0.02	RGB INVESTMENTS, LLC	DOMESTIC
76M 30136266	GROUND WATER CERTIFICATE	0.02	ROCKY POINT PROPERTY HOLDINGS INC; ROCKY POINT PROPERTY HOLDINGS LLC; T & J MILLER LLC	COMMERCIAL
76M 30161280	GROUND WATER CERTIFICATE	0.04	ROLLER COASTER RD LLC	COMMERCIAL
76M 30148799	GROUND WATER CERTIFICATE	0.04	OLSON PROPERTY MANAGEMENT, LLC	COMMERCIAL
76M 76750 00	GROUND WATER CERTIFICATE	0.05	RICO PROPERTIES LLC	COMMERCIAL
76M 30048336	GROUND WATER CERTIFICATE	0.06	TABLE SCRAPS LLC	DOMESTIC
76M 30067234	GROUND WATER CERTIFICATE	0.08	KIMBER PROPERTIES LLC	OTHER PURPOSE
76M 30163359	GROUND WATER CERTIFICATE	0.09	WHETSTONE ENTERPRISES LLC	FIRE PROTECTION
76M 106274 00	GROUND WATER CERTIFICATE	0.1	WILTZEN, JOHN % ANNA FAMILY TRUST	COMMERCIAL
76M 107404 00	GROUND WATER CERTIFICATE	0.11	BETTY D BIDLAKE; STEVEN V BIDLAKE	COMMERCIAL
76M 30109301	GROUND WATER CERTIFICATE	0.14	TAMARACK ENVIRONMENTAL LLC	COMMERCIAL
76M 79590 00	GROUND WATER CERTIFICATE	0.16	JOHNSON BROTHERS CONTRACTING INC	DOMESTIC
76M 30159123	GROUND WATER CERTIFICATE	0.28	WWW INVESTMENTS LLC	COMMERCIAL
76M 76713 00	GROUND WATER CERTIFICATE	0.39	7295 HWY 10 W EAST LOT, LLC	COMMERCIAL
76M 56827 00	GROUND WATER CERTIFICATE	0.5	RICHARD C BOSSARD	INDUSTRIAL
76M 75756 00	GROUND WATER CERTIFICATE	0.62	JOSHUA TIMBROOK; STACIA J TIMBROOK	LAWN AND GARDEN; STOCK
76M 117407 00	GROUND WATER CERTIFICATE	0.85	MIND LLC	LAWN AND GARDEN
76M 30151132	GROUND WATER CERTIFICATE	0.9	APAK LLC	COMMERCIAL; LAWN AND GARDEN
76M 30050652	GROUND WATER CERTIFICATE	1	DEMON AND DIRT LLC	COMMERCIAL
76M 56836 00	GROUND WATER CERTIFICATE	1	RICHARDS MISSOULA LLC	COMMERCIAL
76M 30045963	GROUND WATER CERTIFICATE	1	FIELDWORKS HOLDINGS LLC	DOMESTIC
76M 88453 00	GROUND WATER CERTIFICATE	1	RICHARD L BEEM; ROBERTA A DYRUD	DOMESTIC
76M 80179 00	GROUND WATER CERTIFICATE	1	MICHEAL J SPENCER; VIKKI A SPENCER	DOMESTIC
76M 30150957	GROUND WATER CERTIFICATE	1	JAMES E MEYER	DOMESTIC
76M 62550 00	GROUND WATER CERTIFICATE	1	GALE R ALBERT; SUSAN A TRUETT	INDUSTRIAL
76M 100946 00	GROUND WATER CERTIFICATE	1.09	LOLO PEAK INVESTMENTS LLC	COMMERCIAL; DOMESTIC

76M 30164837	GROUND WATER CERTIFICATE	1.12	BMLS HOLDINGS LLC	OTHER PURPOSE; DOMESTIC; LAWN AND GARDEN
76M 96047 00	GROUND WATER CERTIFICATE	1.12	SHADOW ASPHALT MAINTENANCE LLC	COMMERCIAL
76M 108652 00	GROUND WATER CERTIFICATE	1.12	HANSON PROPERTIES LLC	COMMERCIAL
76M 30151698	GROUND WATER CERTIFICATE	1.27	PCS HOLDING LLC	LAWN AND GARDEN; COMMERCIAL
76M 30004066	GROUND WATER CERTIFICATE	1.34	FRED'S LOUNGE	DOMESTIC; COMMERCIAL
76M 30159947	GROUND WATER CERTIFICATE	1.35	PHILIP HANSON	DOMESTIC; LAWN AND GARDEN
76M 20307 00	GROUND WATER CERTIFICATE	1.5	JRP INVESTMENTS LLC	DOMESTIC
76M 27273 00	GROUND WATER CERTIFICATE	1.5	MBROWN HOLDINGS LLC	DOMESTIC
76M 43190 00	GROUND WATER CERTIFICATE	1.5	CLIFFORD G LARSEN; PATRICIA P LARSEN	DOMESTIC
76M 149266 00	STATEMENT OF CLAIM	1.5	CAROL H AMMONS	DOMESTIC
76M 30186 00	GROUND WATER CERTIFICATE	1.5	MARIE CORONA	INDUSTRIAL
76M 33989 00	GROUND WATER CERTIFICATE	1.5	GRASSLAND ENTERPRISES LLC	COMMERCIAL
76M 9187 00	GROUND WATER CERTIFICATE	1.5	CHARLES F DELACEY; JENNIFER P DELACEY	DOMESTIC
76M 17463 00	GROUND WATER CERTIFICATE	1.5	MILLER, NEIL R CO	INDUSTRIAL
76M 18417 00	GROUND WATER CERTIFICATE	1.5	BILL KVALSTEN	DOMESTIC
76M 43189 00	GROUND WATER CERTIFICATE	1.5	CLIFFORD G LARSEN; PATRICIA P LARSEN	DOMESTIC
76M 13656 00	GROUND WATER CERTIFICATE	1.5	DESMET SCHOOL DISTRICT #20	DOMESTIC
76M 102298 00	GROUND WATER CERTIFICATE	1.63	CLIFFORD G LARSEN; PATRICIA P LARSEN	DOMESTIC
76M 82181 00	GROUND WATER CERTIFICATE	1.63	PRAIRIE GRASS LLP	DOMESTIC; LAWN AND GARDEN
76M 96971 00	GROUND WATER CERTIFICATE	1.63	GUY M HANSON; JACOB J HANSON; JANET M HANSON	DOMESTIC
76M 104148 00	GROUND WATER CERTIFICATE	1.63	THORN10 LLC	DOMESTIC
76M 110486 00	GROUND WATER CERTIFICATE	1.63	DAN RUSSELL FAMILY, LLC	DOMESTIC
76M 78414 00	GROUND WATER CERTIFICATE	1.63	MIND LLC	DOMESTIC
76M 17694 00	GROUND WATER CERTIFICATE	1.64	DESMET SCHOOL DISTRICT #20	DOMESTIC; STOCK
76M 24474 00	GROUND WATER CERTIFICATE	1.65	ROLLER COASTER RD LLC	DOMESTIC; STOCK
76M 30063032	GROUND WATER CERTIFICATE	1.85	J HAWK INC	LAWN AND GARDEN; OTHER PURPOSE
76M 20429 00	GROUND WATER CERTIFICATE	2	CJ HUNTER LLC	FISHERY
76M 43184 00	GROUND WATER CERTIFICATE	2.09	D L REBER	DOMESTIC; LAWN AND GARDEN; STOCK
76M 30111723	GROUND WATER CERTIFICATE	2.25	BEVERLY J HINIKER	DOMESTIC; LAWN AND GARDEN
76M 70318 00	GROUND WATER CERTIFICATE	2.5	SCOTT SABOL	LAWN AND GARDEN

76M 30107096	GROUND WATER CERTIFICATE	2.5	DSJB INVESTMENTS LLC	LAWN AND GARDEN
76M 47661 00	GROUND WATER CERTIFICATE	2.5	WWW INVESTMENTS LLC	COMMERCIAL
76M 99411 00	STATEMENT OF CLAIM	2.5	WWW INVESTMENTS LLC	COMMERCIAL
76M 94986 00	GROUND WATER CERTIFICATE	2.89	MISSOULA COUNTY AIRPORT AUTHORITY	STOCK
76M 26406 00	GROUND WATER CERTIFICATE	3	EMIL J PAVLIK; KATHLEEN W PAVLIK	INDUSTRIAL
76M 21535 00	GROUND WATER CERTIFICATE	3	NELSON BROTHERS LLC	DOMESTIC
76M 30062907	GROUND WATER CERTIFICATE	3	MISSOULA COUNTY	LAWN AND GARDEN
76M 30110014	GROUND WATER CERTIFICATE	3.2	MISSOULA COUNTY	DOMESTIC; LAWN AND GARDEN
76M 75226 00	GROUND WATER CERTIFICATE	3.36	LMB PROPERTY HOLDINGS LLC	COMMERCIAL
76M 30116018	GROUND WATER CERTIFICATE	3.4	CHARLES M DESCHAMPS; NANCY A DESCHAMPS	STOCK
76M 70319 00	GROUND WATER CERTIFICATE	3.5	SCOTT SABOL	DOMESTIC; LAWN AND GARDEN
76M 57837 00	GROUND WATER CERTIFICATE	3.5	TRENCHLESS SOLUTIONS INC	DOMESTIC; IRRIGATION
76M 84613 00	GROUND WATER CERTIFICATE	3.55	ADAM R RYS-SIKORA	COMMERCIAL; DOMESTIC; LAWN AND GARDEN
76M 30110488	GROUND WATER CERTIFICATE	3.57	SOHLBERG PROPERTIES LLC	COMMERCIAL; LAWN AND GARDEN
76M 66828 00	GROUND WATER CERTIFICATE	3.67	MISSOULA RURAL FIRE DISTRICT	DOMESTIC; LAWN AND GARDEN
76M 30047732	GROUND WATER CERTIFICATE	3.75	MISSOULA COUNTY	LAWN AND GARDEN
76M 142719 00	STATEMENT OF CLAIM	4	BNSF RAILWAY CO	INDUSTRIAL
76M 40006 00	GROUND WATER CERTIFICATE	4	JOHN F PETERSON; MARGARET G PETERSON	DOMESTIC; LAWN AND GARDEN
76M 97072 00	GROUND WATER CERTIFICATE	4.32	KC LA FLESCHE	COMMERCIAL; DOMESTIC
76M 30065006	GROUND WATER CERTIFICATE	5	BIG SKY BREWING COMPANY	LAWN AND GARDEN
76M 100470 00	GROUND WATER CERTIFICATE	5.02	MEL'S ELECTRIC & AUTO REPAIR	COMMERCIAL
76M 30067645	GROUND WATER CERTIFICATE	5.2	AMERICAN EAGLE INSTRUMENTS	LAWN AND GARDEN
76M 75229 00	GROUND WATER CERTIFICATE	5.48	SATURN HOSPITALITY 2 LLC	COMMERCIAL
76M 107871 00	STATEMENT OF CLAIM	6	CLIFFORD G LARSEN; PATRICIA P LARSEN	DOMESTIC
76M 15905 00	GROUND WATER CERTIFICATE	6.75	MARGARET M HANSON; PAUL A HANSON	DOMESTIC; STOCK
76M 30148722	GROUND WATER CERTIFICATE	7.31	IBEY LEASING LLP	IRRIGATION; COMMERCIAL
76M 36555 00	GROUND WATER CERTIFICATE	7.5	MARGARET M HANSON; PAUL A HANSON	STOCK
76M 85884 00	GROUND WATER CERTIFICATE	7.68	ROBERT J NIXON; SHERRY R NIXON	LAWN AND GARDEN; MULTIPLE DOMESTIC; STOCK

76M 85885 00	GROUND WATER CERTIFICATE	7.68	ROBERT J NIXON; SHERRY R NIXON	LAWN AND GARDEN; MULTIPLE DOMESTIC; STOCK
76M 85883 00	GROUND WATER CERTIFICATE	7.68	ROBERT J NIXON; SHERRY R NIXON	LAWN AND GARDEN; MULTIPLE DOMESTIC; STOCK
76M 30047733	GROUND WATER CERTIFICATE	8.05	MISSOULA COUNTY	LAWN AND GARDEN
76M 30002652	GROUND WATER CERTIFICATE	10	USA (DEPT OF AGRICULTURE FOREST SERVICE)	DOMESTIC; LAWN AND GARDEN
76M 103832 00	STATEMENT OF CLAIM	10	TA OPERATING LLC	COMMERCIAL
76M 72156 00	GROUND WATER CERTIFICATE	11.53	RASMUSSEN, MARY J REV TRUST UAD 10/6/23	IRRIGATION; STOCK; DOMESTIC
76M 30027088	EXEMPT RIGHT	13.5	E & K TORGERSON INC; TORGERSON FARMS PARTNERSHIP; TREH COMMERCIAL LLC	DOMESTIC; LAWN AND GARDEN
76M 103842 00	PROVISIONAL PERMIT	14.5	MVE RENTALS LLC	COMMERCIAL; LAWN AND GARDEN
76M 29149 00	STATEMENT OF CLAIM	14.55	LMB PROPERTY HOLDINGS LLC	INDUSTRIAL
76M 108720 00	STATEMENT OF CLAIM	24.26	BAIR CLARK PROPERTIES LLC	COMMERCIAL
76M 151002 00	STATEMENT OF CLAIM	30	BUENA VISTA COMMUNITY INC; SROA 6385 US HWY 10 MT LLC	COMMERCIAL
76M 34848 00	GROUND WATER CERTIFICATE	52.5	ROLLER COASTER RD LLC	IRRIGATION
76M 26359 00	STATEMENT OF CLAIM	53.37	MISSOULA, CITY OF	MUNICIPAL
76M 108761 00	PROVISIONAL PERMIT	68.6	USA (DEPT OF AGRICULTURE FOREST SERVICE)	GEO THERMAL
76M 40406 00	GROUND WATER CERTIFICATE	74	BAIR CLARK PROPERTIES LLC	COMMERCIAL
76M 30151126	PROVISIONAL PERMIT	99	MISSOULA COUNTY AIRPORT AUTHORITY	GEO THERMAL
76M 30013295	PROVISIONAL PERMIT	114	CIRCLE H INVESTMENTS LLC	MULTIPLE DOMESTIC; LAWN AND GARDEN
76M 52384 00	STATEMENT OF CLAIM	164	USA (DEPT OF AGRICULTURE FOREST SERVICE)	INSTITUTIONAL
76M 30006843	PROVISIONAL PERMIT	171	MISSOULA VENTURES LLC	GEO THERMAL; LAWN AND GARDEN
76M 73929 00	PROVISIONAL PERMIT	192	GOODAN KEIL COUNTY WATER DISTRICT	MULTIPLE DOMESTIC
76M 87132 00	PROVISIONAL PERMIT	272	MISSOULA COUNTY AIRPORT AUTHORITY	GEO THERMAL
76M 52385 00	STATEMENT OF CLAIM	474	USA (DEPT OF AGRICULTURE FOREST SERVICE)	INSTITUTIONAL

76M 30027375	PROVISIONAL PERMIT	622.4	WYE AREA WATER COMPANY LLC	MUNICIPAL
76M 52386 00	STATEMENT OF CLAIM	644	USA (DEPT OF AGRICULTURE FOREST SERVICE)	INSTITUTIONAL
76M 52387 00	STATEMENT OF CLAIM	941	USA (DEPT OF AGRICULTURE FOREST SERVICE)	INSTITUTIONAL
76M 26368 00	STATEMENT OF CLAIM	1617.15	MISSOULA, CITY OF	MUNICIPAL
76M 1335 00	GROUND WATER CERTIFICATE	10	THORNTON LUMBER CO	COMMERCIAL
76M 30010838	GROUND WATER CERTIFICATE	10	TEN LLC	OTHER PURPOSE
76M 5627 00	GROUND WATER CERTIFICATE	10	MONTANA BARITE CO INC	COMMERCIAL
76M 30119128	STATEMENT OF CLAIM	6.8	700 SW HIGGINS LLC	STOCK
76M 30019950	GROUND WATER CERTIFICATE	10	SROA 6385 US HWY 10 MT LLC	IRRIGATION; OTHER PURPOSE
76M 5096 00	GROUND WATER CERTIFICATE	10	PACIFIC HIDE & FUR DEPOT	COMMERCIAL
76M 6230 00	GROUND WATER CERTIFICATE	10	CLIFFORD G LARSEN; PATRICIA P LARSEN	DOMESTIC
76M 30042914	GROUND WATER CERTIFICATE	10	RASMUSSEN, MARY J REV TRUST UAD 10/6/23	IRRIGATION
76M 30044803	GROUND WATER CERTIFICATE	10	NORTHWEST INDUSTRIAL SUPPLY INC	COMMERCIAL; LAWN AND GARDEN
76M 149272 00	STATEMENT OF CLAIM	68.64	CAROL H AMMONS	IRRIGATION
76M 30015537	GROUND WATER CERTIFICATE	10	SATURN HOSPITALITY 2 LLC	DOMESTIC
76M 30015268	GROUND WATER CERTIFICATE	10	HI STAR PROPERTIES, LLC	LAWN AND GARDEN
76M 30042154	GROUND WATER CERTIFICATE	10	TRIPLE J-M LLC	IRRIGATION; GEOTHERMAL
76M 30119124	STATEMENT OF CLAIM	6.8	700 SW HIGGINS LLC	STOCK
76M 30019987	GROUND WATER CERTIFICATE	10	RANDY D FRASCH	DOMESTIC
76M 149274 00	STATEMENT OF CLAIM	6.9	CAROL H AMMONS	STOCK
76M 215059 00	STATEMENT OF CLAIM	0.08	DESMET SCHOOL DISTRICT #20	INSTITUTIONAL
76M 30042746	GROUND WATER CERTIFICATE	10	WYEMT LLC	COMMERCIAL
76M 30030080	GROUND WATER CERTIFICATE	10	LUCICH BROTHERS PROPERTIES, LLC	COMMERCIAL
76M 149273 00	STATEMENT OF CLAIM	6.8	CAROL H AMMONS	STOCK
76M 149271 00	STATEMENT OF CLAIM	12.15	CAROL H AMMONS	IRRIGATION
76M 30019951	GROUND WATER CERTIFICATE	10	SROA 6385 US HWY 10 MT LLC	COMMERCIAL; LAWN AND GARDEN
76M 30065028	GROUND WATER CERTIFICATE	10	MISSOULA COUNTY AIRPORT AUTHORITY	GEOTHERMAL
76M 2993 00	GROUND WATER CERTIFICATE	10	WILSON, MARVIN LLC	COMMERCIAL
76M 6105 00	GROUND WATER CERTIFICATE	10	PACIFIC HIDE & FUR DEPOT	DOMESTIC
76M 30030108	GROUND WATER CERTIFICATE	10	RANDY D FRASCH	COMMERCIAL

76M 30043001	GROUND WATER CERTIFICATE	10	BETTY L HANEL	DOMESTIC; LAWN AND GARDEN
76M 30022016	GROUND WATER CERTIFICATE	10	CARNEAL FAMILY TRUST	IRRIGATION
76M 30018411	GROUND WATER CERTIFICATE	10	COPPERSTONE DEVELOPMENT LTD	LAWN AND GARDEN; COMMERCIAL
76M 30031085	GROUND WATER CERTIFICATE	10	TRIPLE J-M LLC	IRRIGATION; GEOTHERMAL
76M 30119129	STATEMENT OF CLAIM	6.8	700 SW HIGGINS LLC	STOCK
76M 30013894	GROUND WATER CERTIFICATE	10	BITTERROOT VALLEY BANK	COMMERCIAL
76M 30013895	GROUND WATER CERTIFICATE	10	NORTHWESTERN CORPORATION	IRRIGATION
76M 30067652	GROUND WATER CERTIFICATE	10	AMERICAN EAGLE INSTRUMENTS	GEOTHERMAL
76M 3235 00	STATEMENT OF CLAIM	12.5	ALVIN F GOODAN; CARMEN L GOODAN	IRRIGATION
76M 30015267	GROUND WATER CERTIFICATE	10	SHERIDAN MONTANA VENTURES LLC	LAWN AND GARDEN
76M 30031233	GROUND WATER CERTIFICATE	10	GALE R ALBERT; SUSAN A TRUETT	DOMESTIC
76M 30005743	GROUND WATER CERTIFICATE	10	DICK ANDERSON CONSTRUCTION INC	COMMERCIAL; LAWN AND GARDEN
76M 105276 00	STATEMENT OF CLAIM	3.91	CLIFFORD G LARSEN; PATRICIA P LARSEN	STOCK
76M 432 00	GROUND WATER CERTIFICATE	10	BAIR CLARK PROPERTIES LLC	COMMERCIAL

Total Volume:

6321.42

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

From: Patrick Doyle <pdoyle@wgmgroup.com>
Sent: Tuesday, December 16, 2025 9:48 AM
To: Dalgleish, Alex <Alexander.Dalgleish@mt.gov>
Subject: [EXTERNAL] RE: Circle H Ranch Permit 76M 30170833 TA

Good morning, Alex,

Thank you for sending the TA. I have a question regarding the water rights within the Zone of Influence, found in Appendix A of Part B. Are you able to provide volumes for the water rights listed? We will need to determine the legal availability of groundwater in the ZOI and would need to know the DNRC's interpretation of those right that do not list their volumes on their abstracts.

Thank you,

Patrick

Patrick Doyle
Water Rights Technician & GIS Coordinator

M: [406-665-5727](tel:406-665-5727) O: [406-728-4611](tel:406-728-4611)
1111 East Broadway
Missoula, Montana 59802
www.wgmgroup.com [[wgmgroup.com](http://www.wgmgroup.com)]



From: Dalgleish, Alex <Alexander.Dalgleish@mt.gov>
Sent: Friday, December 12, 2025 9:17 AM
To: Patrick Doyle <pdoyle@wgmgroup.com>
Subject: Circle H Ranch Permit 76M 30170833 TA

[EXTERNAL EMAIL] Only open attachments or click on links from senders you trust.

Patrick,

I've attached a copy of the Technical Analyses (TA) documents for Circle H Ranch Investment LLC's Permit Application 76M 30170833. These documents will be mailed to

the Applicant this morning.

Note that I did not mail a copy of the TA to your office.

Please reach out with any questions.

Thanks,



Alex Dagleish | Water Conservation Specialist II

Water Resources Division, Missoula Regional Office

Montana Department of Natural Resources and Conservation

2705 Spurgin Road, Bldg C

DESK: 406-542-5886 **EMAIL:** alexander.dagleish@mt.gov

[Website](#) | [Facebook](#) [facebook.com] | [X \(Twitter\)](#) [twitter.com] | [Instagram](#) [instagram.com]

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

Technical Analyses Report/ Scientific Credibility Review

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

Technical Analyses
Report /
Scientific Credibility
Review



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

December 12, 2025

Circle H Ranch Investments LLC
4800 Grant Creek Rd
Missoula, MT 59808

Subject: Completed Technical Analyses Report for Permit Preapplication No. 76M 30170833

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 Permit Preapplication No. 76M 30170833 based on the information provided in your Preapplication Meeting Form accepted by the Department on October 30, 2025. The technical analyses can be found in the attached report. Please note this Permit Technical Analyses Report is a two-part publication, comprised of a Part A completed by regional office staff, and a Part B completed by Water Sciences Bureau staff.

This Technical Analyses Report IS: A collection of facts that the DNRC has gathered, including content provided in the Preapplication Meeting Form materials. The Department will use these data to analyze the criteria in §85-2-311, 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 Water Right Permit Application Form 600 considering the information provided in the technical analyses and Preapplication Meeting Form. If the Application Form is not submitted to the Missoula Regional Office by June 10, 2026, a new preapplication meeting will be required to process the Application with expedited timelines (ARM 36.12.1302(6)(b)). If any details described in the submitted Application are changed from that of the submitted Preapplication Meeting Form, the discounted filing fee and expedited timelines will not apply (ARM 36.12.1302(6)(a)). Please note that the technical analyses will expire one year from the date of this letter (ARM 36.12.1302(8)).

Please let me know if you have any questions.

Best,


Alex Dagleish
Water Resources Specialist
Missoula Regional Office
406-542-5886
Alex.dagleish@mt.gov

CC:

WGM Group
c/o Patrick Doyle (via email: pdoyle@wgmgroupp.com)



Groundwater Permit Technical Analyses Report- Part A

The Montana Department of Natural Resources and Conservation (DNRC)

Water Resources Division

David Parmelee, Groundwater Hydrologist, Water Sciences Bureau (WSB)

Applicant Name	Circle H Investments, LLC
Application No.	76M 30170833
Point of Diversion Legal Land Description	NWSESW Section 26, Township 14 North, Range 20 West, Missoula County

Overview

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

This Groundwater Permit Technical Analyses Report – Part A contains the following sections:

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1.0 Executive Summary

Application Details

The Applicant requests to divert 49.53 acre-feet (AF) annually from one well at a maximum flow rate of 110 gallons per minute (gpm) for multiple domestic use. The point of diversion (POD) is Groundwater Information Center (GWIC) ID [336214](#). The period of diversion and period of use would be January 1 to December 31. The proposed diversion would provide water for 127 new homes in an existing subdivision.

Water for the existing subdivision is supplied by two existing wells, GWIC ID [214761](#) and GWIC ID [214758](#), under Provisional Permit No. 76M 30013295, which has an unperfected volume of 114.00 AF and flow rate of 180 gpm for multiple domestic and lawn and garden purposes. The proposed well would be manifolded into the existing water-supply system to provide additional flow rate and volume for domestic use. Lawn and garden irrigation for new and existing homes would be covered under Provisional Permit No. 76M 30013295.

Approved Variances from ARM 36.12.121

Variances from aquifer test requirements found in ARM 36.12.121 were requested on April 29, 2025, and granted from the Missoula Regional Office on June 27, 2025. The reasons for the requested variances can be found in the WSB Aquifer Testing Addendum Review document dated April 29, 2025, which was submitted by WSB to the Missoula Regional Office on June 6, 2025. Granting the variances was recommended because the quality of the data derived from the submitted aquifer test was sufficient for modeling.

WSB Technical Analyses Findings

Based on information submitted, the WSB estimated aquifer properties, calculated the available water column of the proposed well, and assessed potential impacts to existing groundwater and surface water rights. Adverse effects were evaluated by comparing drawdown in existing wells and quantifying net depletions to surface water. These analyses are in support of the following criteria assessment: adequacy of diversion, physical availability, and adverse effect. A summary of WSB findings described in subsequent sections is shown below.

TECHNICAL ANALYSES FINDINGS

AQUIFER TEST ANALYSIS	Using the Moench (1997) solution for unconfined aquifers, an aquifer saturated thickness (b) of 40 feet (ft), and submitted 76-hour aquifer-test data for proposed well GWIC ID 336214, estimates of aquifer properties include a transmissivity (T) of 4,712 ft ² /day, storage coefficient (S) of 6.3×10^{-4} , specific yield (S_y) of 0.1, and anisotropy ratio (K_z/K_r) of 0.10. A wellbore skin factor (S_w) of 2.0 was used for the Production Well (GWIC ID 336214).
MODELING INPUTS	The following aquifer properties were used to complete adequacy of diversion, physical availability and adverse effect technical analyses: $T = 4,712 \text{ ft}^2/\text{day}$, $S = 6.3 \times 10^{-4}$, $S_y = 0.1$, $K_z/K_r = 0.10$, $S_w = 2.0$. Pumping schedules used to model each criterion are identified within the document.



ADEQUACY OF DIVERSION	The aquifer adjacent to GWIC ID 336214 would experience 7.19 ft of drawdown after the first year, leaving approximately 31.4 ft of available water column above the bottom of the perforated interval.
PHYSICAL AVAILABILITY	The model predicted the 0.01-foot drawdown contour, or zone of influence (ZOI), is approximately 10,100 ft from the proposed well at the end of the first year of pumping. The calculated groundwater flux through the ZOI totaled 11,166 AF per year. Appendix A of Part B of this report lists the active and severed water rights within the ZOI.
ADVERSE EFFECT (DRAWDOWN IN EXISTING WELLS)	The 1-foot drawdown contour is approximately 98 ft from the proposed well at the end of the fifth year of pumping according to the proposed annual pumping schedule. No water rights are predicted to experience drawdown equal to or greater than one foot.
ADVERSE EFFECT (NET DEPLETION TO SURFACE WATER)	Monthly net depletions resulting from the proposed use of groundwater are identified in Table 1 . The starting point of the depleted reach on the Clark Fork River is in the NENWNE¼ of Section 8, Township 13 North, Range 20 West, Missoula County

Table 1: Consumed volume and net depletions to hydraulically connected surface-water sources.

Month	Consumed Volume (AF)	Clark Fork River Net Depletion (AF)	Clark Fork River Net Depletion (gpm)
January	0.28	0.52	3.77
February	0.25	0.47	3.77
March	0.28	0.52	3.77
April	0.27	0.50	3.77
May	0.84	0.52	3.77
June	0.82	0.50	3.77
July	0.84	0.52	3.77
August	0.84	0.52	3.77
September	0.82	0.50	3.77
October	0.28	0.52	3.77
November	0.27	0.50	3.77
December	0.28	0.52	3.77
Total	6.07	6.07	

2.0 Hydrogeologic Setting

Proposed well GWIC ID 336214 is located on the northeastern side of the Missoula Valley in the lower part of the drainage of Butler and La Valle Creeks (**Figure 1**). The surficial geology on the floor of the drainage is mapped as Quaternary alluvium, and the flanks of the drainage are mapped as Tertiary gravel and clay deposits of the ancestral Clark Fork River (Lewis, 1998). GWIC ID 336214 has a total depth of 117 ft below ground surface (bgs), screened interval of 90-110 ft bgs, and static water level of 73.23 ft below top of casing (btc). Based on the screened depth, well-log lithology, and the 1:100k geologic map, GWIC ID 336214 is completed in Quaternary alluvial sediments (aquifer code 110ALVM Quaternary Alluvium).

The Missoula Valley is an intermontane depression created by normal displacement along the northwest-trending Clark Fork-Ninemile fault due to post-Laramide extension (Woessner, 1988; Vuke et al., 2007). The Clark Fork River traverses the Missoula Valley from Hellgate Canyon at the east end to Huson at the northwest end. The mountains surrounding the valley and the basement rock underlying it are composed primarily of metasedimentary rocks of the Precambrian Belt Supergroup. Overlying the Belt rocks within the valley are up to 3,000 ft of Tertiary and Quaternary basin-fill sediments (McMurtrey et al., 1965).

Most of the Missoula Valley basin fill consists of Tertiary sediments and sedimentary rock that range from strongly consolidated to unconsolidated (Smith, 2006a). While the Tertiary basin fill generally has low permeability, higher-yielding lenses of sand and gravel can be important sources of groundwater near the valley margins (Woessner, 1988). Overlying the Tertiary sediments are up to 300 ft of Quaternary alluvial sediments, which are divided into shallow and deep alluvial hydrogeologic units in areas of the valley by lower permeability lacustrine deposits of Glacial Lake Missoula. Quaternary alluvium is the main source of exploitable groundwater in the Missoula Valley and comprises the Missoula Aquifer, a highly transmissive aquifer underlying the City of Missoula and adjacent areas typically at depths of 50 to 200 ft (Woessner, 1988). Confining layers in the basin fill are regionally discontinuous, and water-level data from wells at different depths throughout the valley suggest the basin-fill aquifers behave as a single aquifer system on a valley-wide scale (LaFave, 2006).

In the area of the proposed well, the Quaternary alluvium is characterized by interbedded gravel, sand, silt, and clay. Area well logs suggest the presence of a fine-grained unit in the lower Butler-La Valle drainage and adjacent part of the Missoula Valley. Because the water table in much of the area lies below the bottom of this less permeable layer, conditions in the upper part of the alluvial aquifer, in which the proposed and existing wells are completed, remain unconfined or semi-confined.

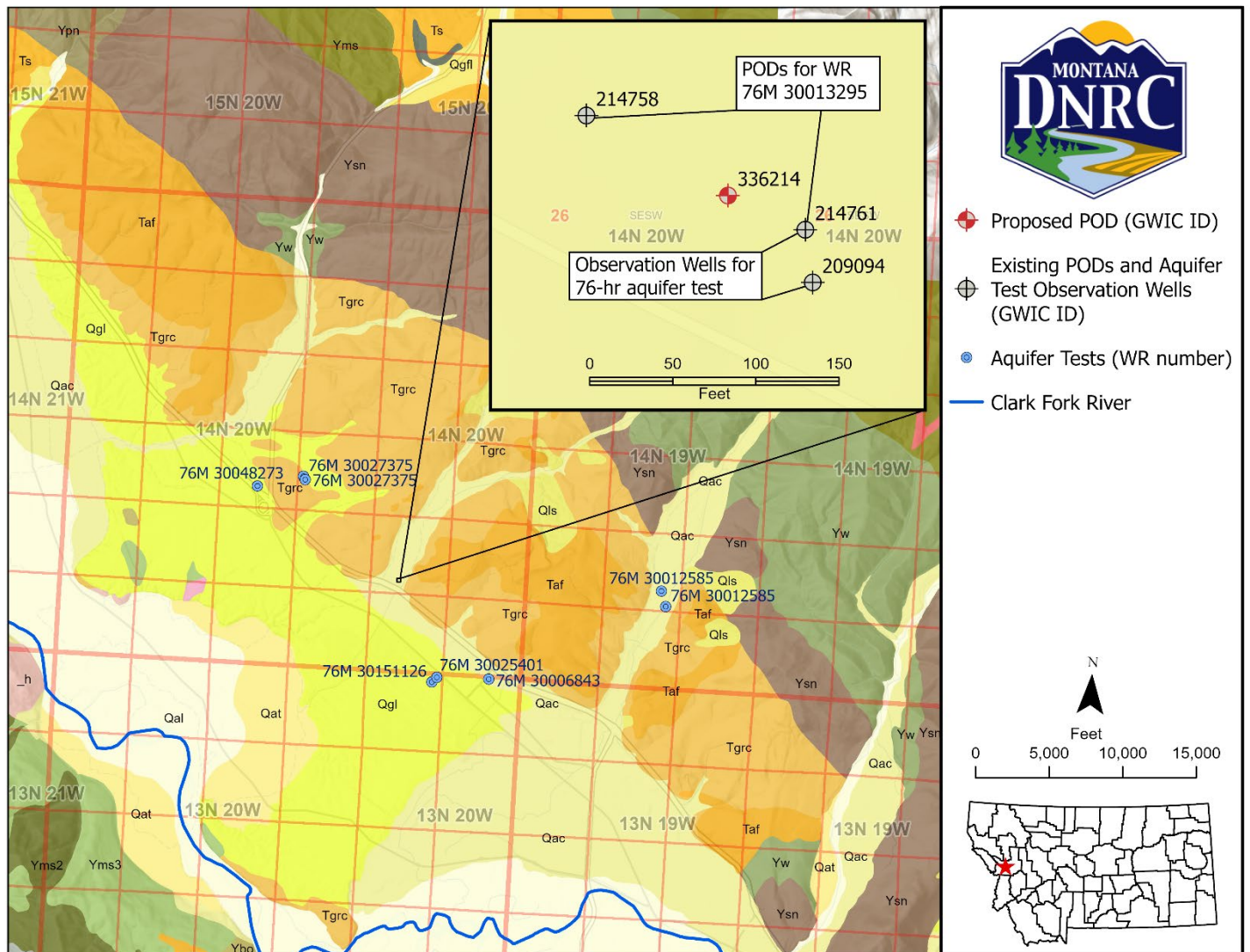


Figure 1: Map of the Applicant's proposed well, aquifer test location, PODs for Provisional Permit No. 76M 30013295, and nearby existing aquifer tests. Geology is mapped at the 1:100k scale and is from Lewis (1998). Yellow, tan, and white geologic units beginning with Q are Quaternary basin fill, orange units beginning with T are Tertiary basin fill, and all other units are Precambrian or Paleozoic fractured bedrock.

3.0 Aquifer Test Summary

DNRC requires two different types of tests, "Aquifer Tests" and "Drawdown and Yield Tests," which are used to analyze different application criteria.

- An "Aquifer Test" is a pumping test that is meant to provide data to model aquifer properties. The minimum duration of these tests is either 24-hours or 72-hours, depending on the proposed flow rate and volume (AMR 36.12.121(3)(e)), and DNRC only requires one of these tests per application. Aquifer

Tests must include observation well data, pre-test background water-level data, and post-test recovery data.

- A “Drawdown and Yield Test” is a pumping test that is meant to evaluate well construction and the ability of the aquifer to yield water to the well. This is also known as demonstrating “adequacy of diversion.” The minimum duration of these tests is 8 hours, and every well that is a part of the application must be tested. Observation wells, background data, and recovery data are not required for Drawdown and Yield Tests.

Field Methods and Equipment

The Applicant submitted data from a 76-hour aquifer test that was conducted on the Production Well, GWIC ID 336214, starting on May 1, 2023. The average pumping rate was 110 gpm. Completion details for the wells used in the aquifer test are shown in **Table 2**. Additional aquifer-test information, such as the monitoring periods for the test, equipment used, collected water levels, and measured discharge can be found on Form 633. **Figure 1** shows the location of GWIC ID 336214 and the Observation Wells.

Table 2: Specification of wells for aquifer test.

GWIC ID	Role in Aquifer Test	Distance from the Production Well (ft)	Total Well Depth (ft bgs)	Perforated Interval (ft bgs)	Casing Diameter (inches)
336214	Production	NA	117	90-97, 99.8-109.8	8
214761	Observation	50.5	120	91.2-100	8
209094	Observation	72.5	400	85-95, 105-110	8

Background, Drawdown and Recovery Data

Background water-level measurements were recorded prior to the start of the aquifer test for 69 hours in the Production Well, 7 minutes in Observation Well GWIC ID 214761, and 55 minutes in Observation Well GWIC ID 209094 (**Figure 2**). In the Observation Wells, background water levels were not measured long enough to evaluate trends. In the Production Well, water levels showed several downward spikes of 0.1-0.3 ft and one more prolonged decline and recovery of 0.8 ft, interpreted here to reflect the effects of pumping in nearby wells. Overall, background levels in the Production Well trended upward during the first 37 hours of the monitoring period, with a total increase of about 0.2 ft, then flattened for approximately 16 hours before dropping and then recovering 0.8 ft over the course of 14 hours. The water level in the Production Well was still fluctuating immediately prior to the start of the aquifer test. Because the variability in the Production Well background data appears to be related at least in part to nearby pumping, which is unpredictable, no trend correction was applied to the drawdown and recovery data.

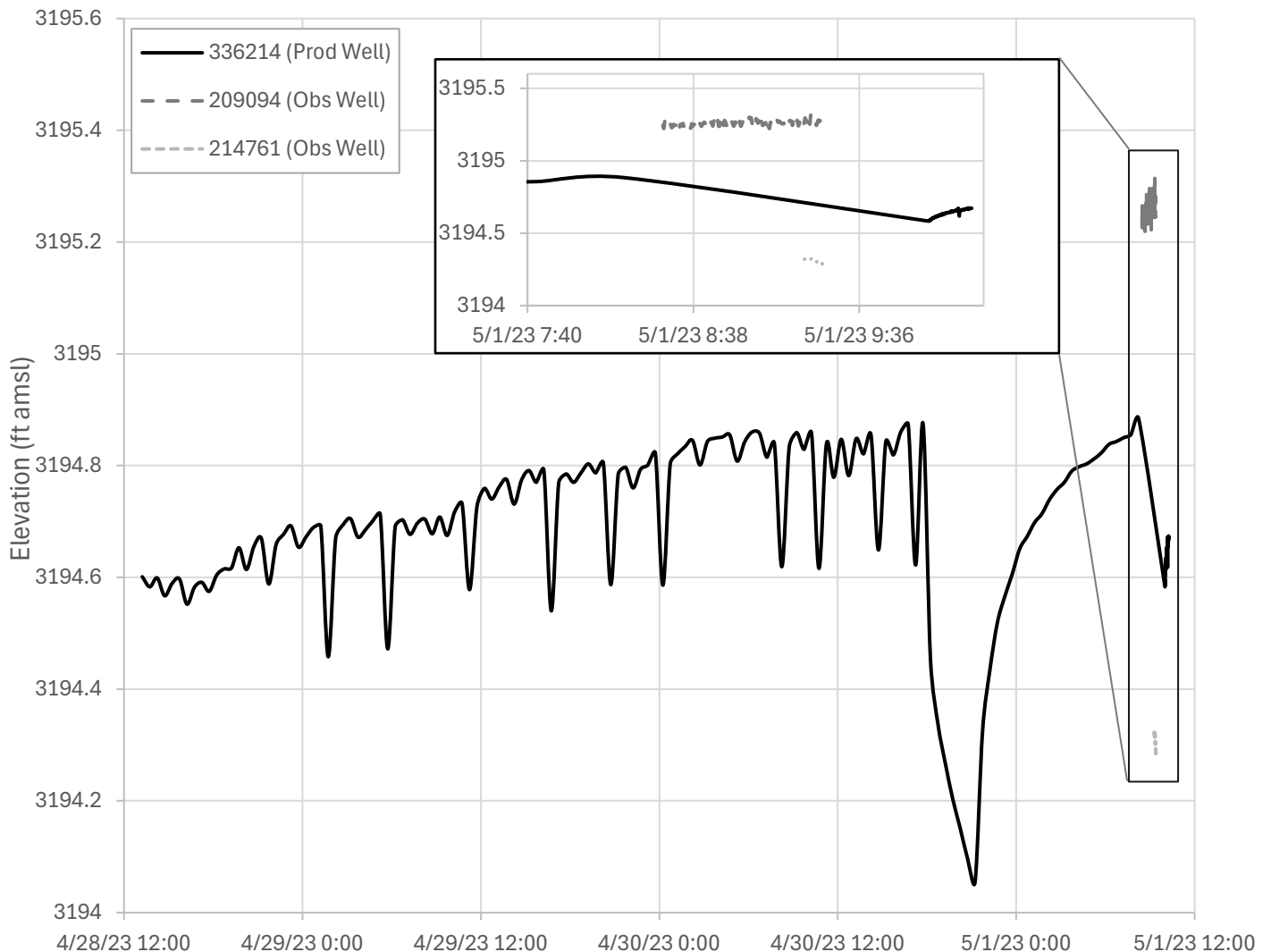


Figure 2: Background data for Production and Observation Wells prior to the aquifer test.

Drawdown data collected in the Production and Observation Wells during the drawdown and recovery phases of the aquifer test are summarized in **Figure 3**. Seven hours after the start of the test, the transducer in Observation Well GWIC ID 214761 failed, and only 8 water-level measurements were collected in that well for the remainder of the test, with no measurement taken between 7 and 21.75 hours after the start of the test. Approximately 18 hours after the start of the test, the pump was inadvertently shut off and remained off for about 3 hours. During this time, the water level in the Production Well recovered to 0.58 ft above the pretest static water level (swl), and the water level in Observation Well GWIC ID 209094 recovered to 0.25 ft below the pretest swl, or 62% of the way from the level of maximum drawdown during the first 18 hours to the pretest swl. The water level was not measured in Observation Well GWIC ID 214761 while the pump was shut off. The pump was restarted approximately 21 hours after the start of the test and ran for another 55 hours. Following final pump shut-off, recovery water levels were monitored in the Production Well and in Observation Well 209094 for 1.7 hours and 2.2 hours, respectively, and were not monitored in Observation



Well GWIC ID 214761. **Table 3** identifies the maximum drawdown and available water column above the bottom of the perforated interval for the Production and Observation Wells at the end of the aquifer test.

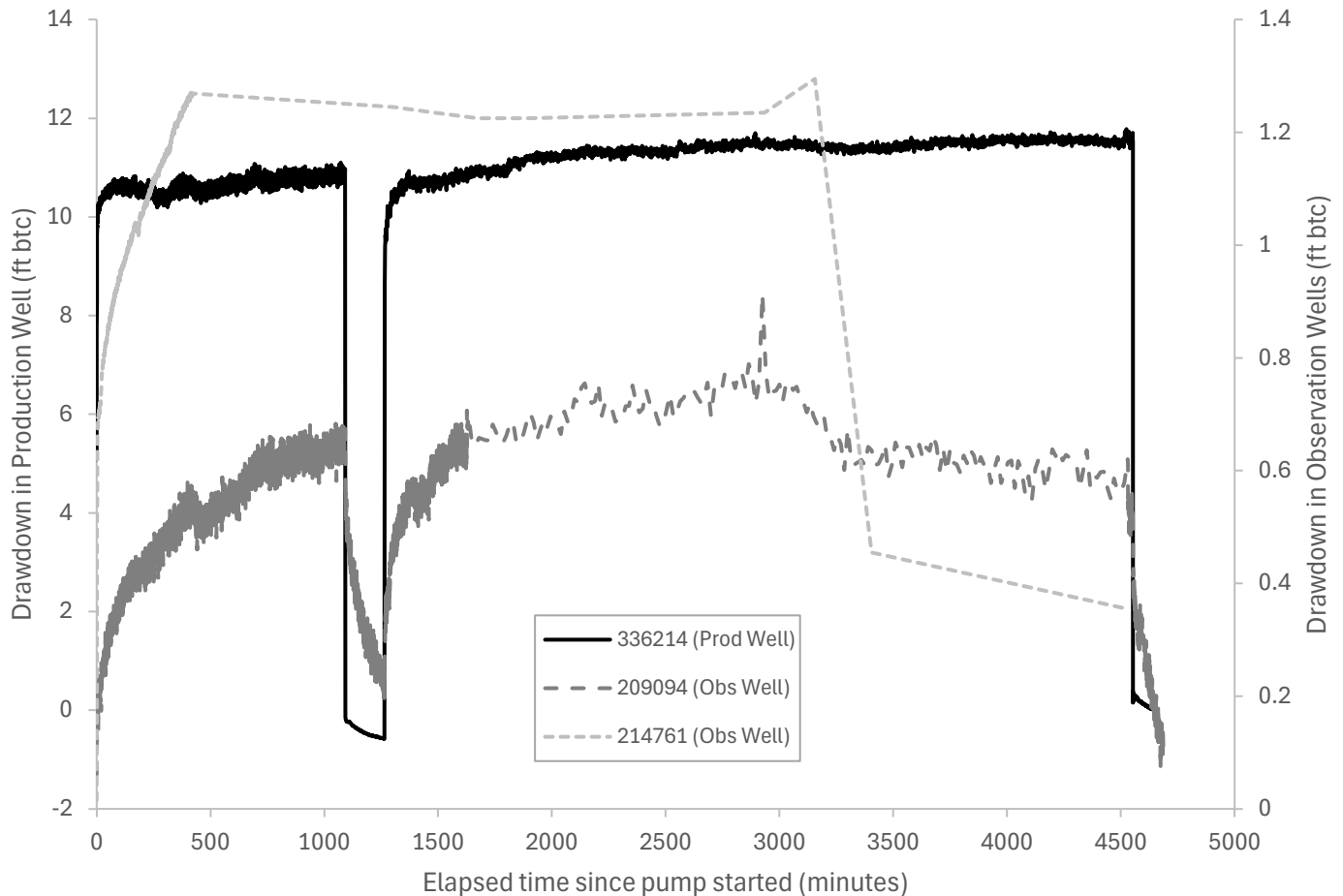


Figure 3: Drawdown and recovery data for the Production and Observation Wells in the 76-hour aquifer test.

Table 3: Available water column at the end of the aquifer test for the Production and Observation Wells.

GWIC ID	Well ID	Static Water Level (ft btc)	Maximum Observed Drawdown (ft)	Available Water Column ¹ (ft)
336214	Production	73.23	11.78	26.8
214761	Observation	76.46	1.30	24.2
209094	Observation	71.92	0.91	39.2

¹Accounts for the 2-ft difference in height between the ground surface and top of well casing.

4.0 Aquifer Test Analysis

Methods

The DNRC utilized AQTESOLV[®] analytical-modeling software (HydroSOLVE, Inc., 2007) to analyze drawdown data from the 76-hour aquifer test and obtain estimates of aquifer properties. AQTESOLV[®] uses image-well theory and the principle of superposition to simulate aquifer stress tests. Inputs to the model include drawdown and pumping-rate data, well characteristics and locations, estimated aquifer thickness, and estimated locations of no-flow and constant-head boundaries. Drawdown curves based on user-selected published solutions to the groundwater-flow equation are computed by the program and matched to the observed drawdown and recovery data. The curve that yields the best visual and statistical match between predicted and observed drawdown while cohering with the hydrogeologic setting of the test location is used to derive aquifer properties, including transmissivity (T) and the storage coefficient (S).

A saturated thickness (b) of 40 ft was used based on well logs for the Production and Observation Wells and other nearby wells. A pumping rate of 0 gpm was entered for the period between hours 18 and 21 when the pump was off. Drawdown prediction curves were matched to the entire dataset for each well as well as separately to data from the portions of the test before the pump shut down at hour 18 and after it was restarted at hour 21.

Analyses

AQTESOLV[®]-predicted drawdown (solid blue line) was compared to the observed drawdown (black squares), and predicted derivatives (dotted red line) were compared to derivatives calculated from observed drawdown (black triangles). The derivative curves for all three wells show a decrease and then increase at early and intermediate time, characteristic of a delayed yield response in an unconfined aquifer (Kruseman and de Ridder, 1994; Neuman, 1974). Solutions applied to the data for this analysis include Theis (1935), Cooper-Jacob (1946), Neuman (1974), Moench (1997), and Cooley-Case (1973). In nearly all cases, observed drawdown data were best fit by the unconfined Moench (1997) solution, which accounts for delayed yield, anisotropy, partial penetration of the test wells into the aquifer, and wellbore skin effects. Moench (1997) curve fits are shown for the Production Well, Observation Well GWIC ID 214761, and Observation Well GWIC ID 209094 in **Figures 4, 5, and 6**, respectively. **Table 4** summarizes the results of the aquifer test analyses using Moench (1997) for the Production and Observation Wells.

Wellbore storage effects were not evident in the data for any of the test wells; however, the log-log plot of drawdown in the Production Well shows a difference of greater than one log cycle between observed drawdown and calculated derivatives, indicative of linear well loss (**Figure 4**). Incorporation of well construction details to account for partial penetration of the aquifer corrected for some of the well loss. Additional well loss was accounted for with the wellbore skin factor (S_w), which was increased until the gap between the predicted drawdown and derivative curves matched the data. A skin factor of 2.0 was used for all wells.

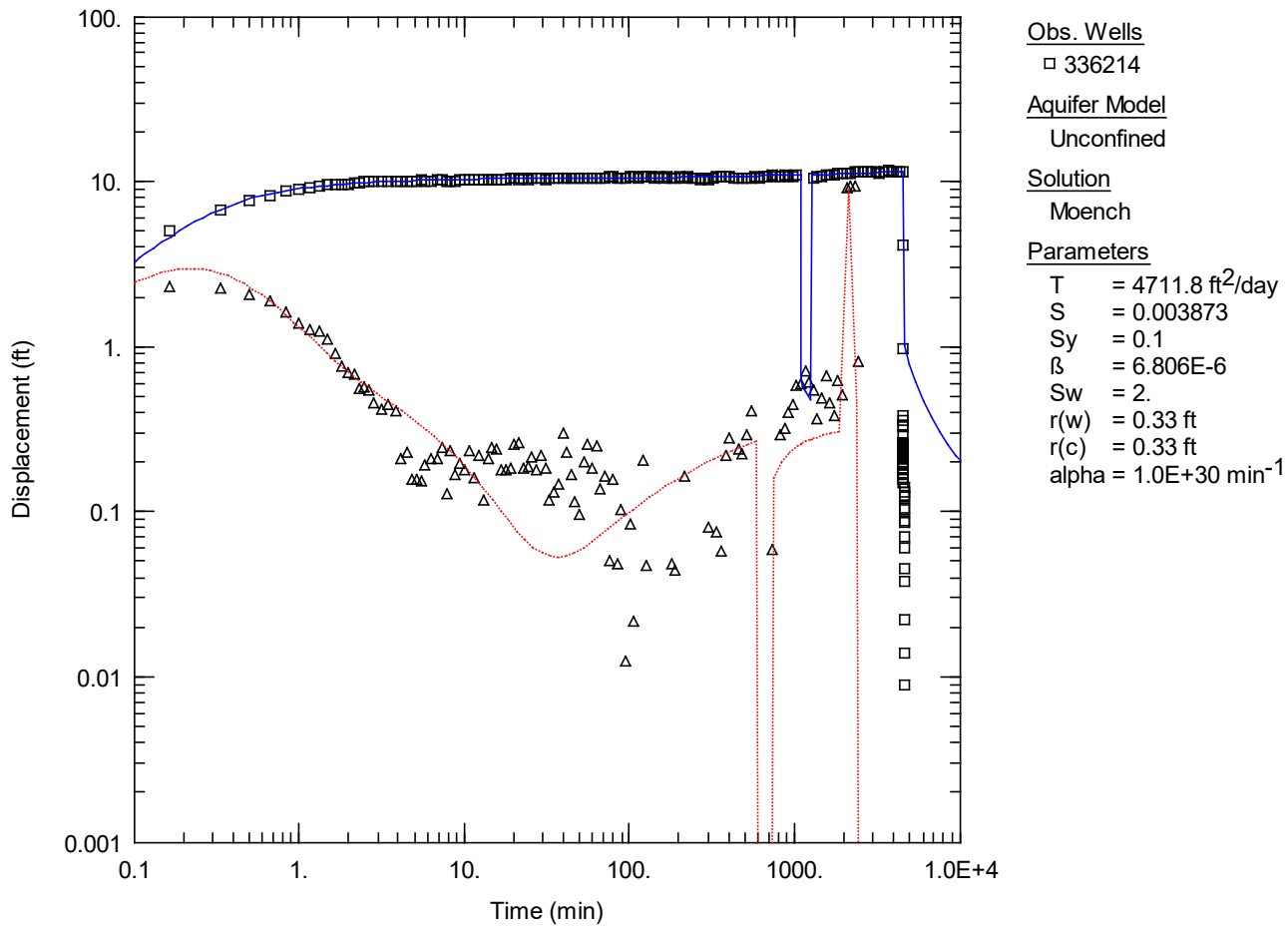


Figure 4: Moench (1997) solution and data and recovery data from the Production Well in the 76-hour aquifer test. The parameter β is a function of K_z/K_r , b , and the radius of the Production Well.

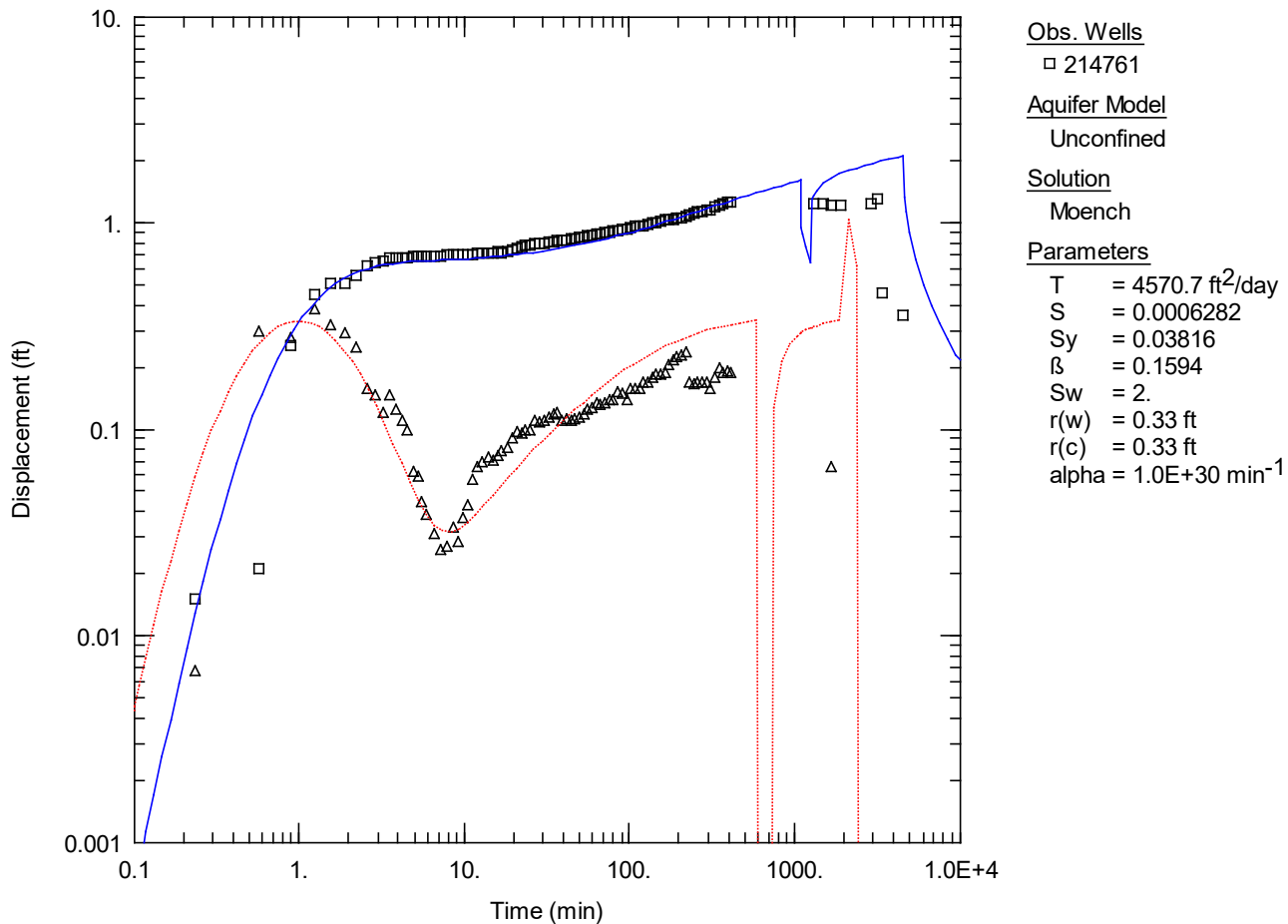


Figure 5: Moench (1997) solution and drawdown data from Observation Well GWIC ID 214761 in the 76-hour aquifer test. The parameter β is a function of K_z/K_r , b , and the distance from the Observation Well to the Production Well.

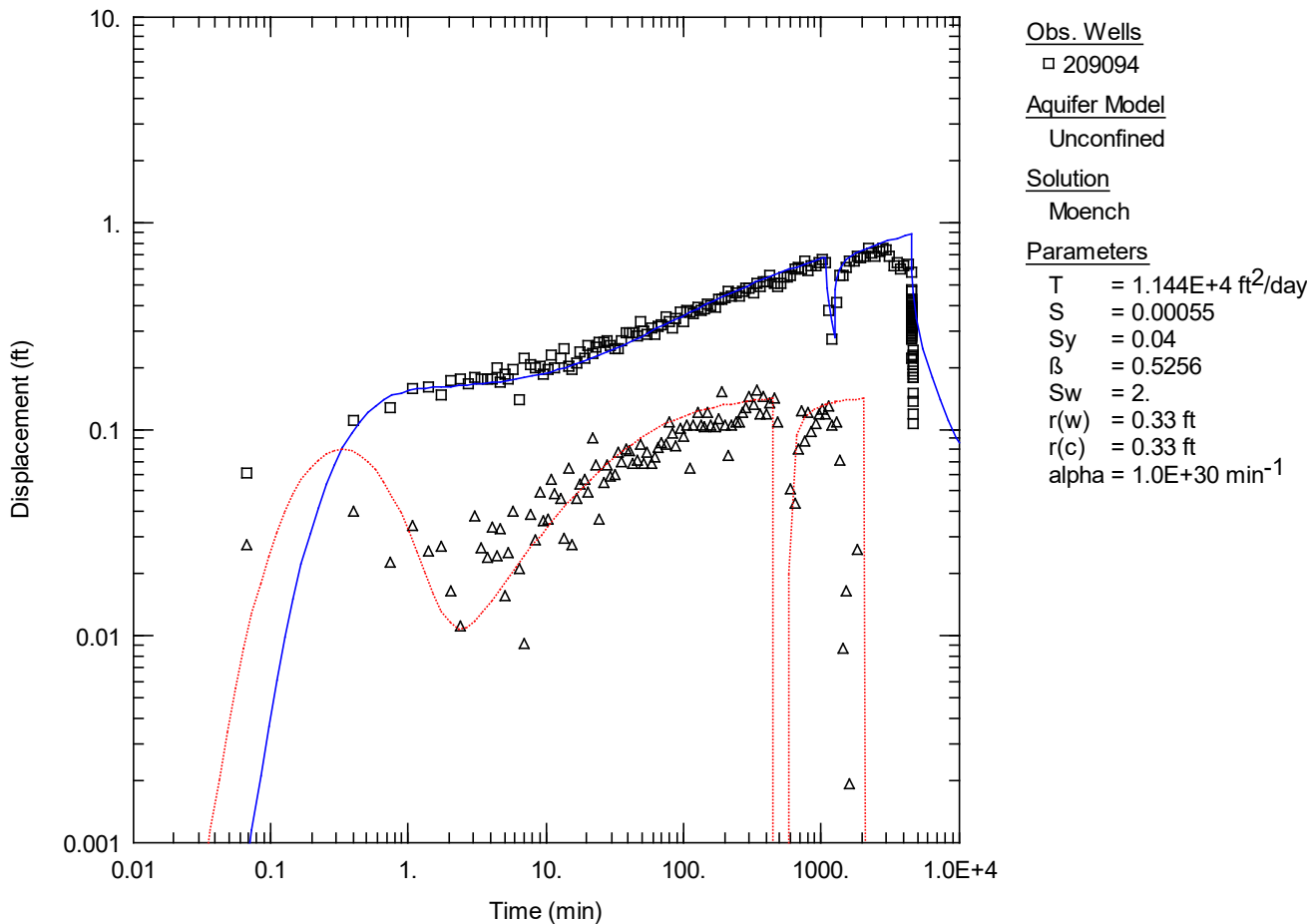


Figure 6: Moench (1997) solution and drawdown and recovery data from Observation Well GWIC ID 209094 in the 76-hour aquifer test. The parameter β is a function of K_z/K_r , b , and the distance from the Observation Well to the Production Well.

Transmissivities derived from Production Well data (4,712 ft²/day) and Observation Well GWIC ID 214761 data (4,570 ft²/day) using Moench (1997) are similar, as are other aquifer properties, but the transmissivity derived from Observation Well GWIC ID 209094 data (11,440 ft²/day) is significantly greater. The same pattern was observed using other aquifer-test solutions as well as using recovery data only. Given the interbedded and discontinuous nature of sediment beds in the vicinity of the test wells, it is possible the difference is due to natural variability in the aquifer, though no significant differences are noted in the well logs and all three wells are close to each other and screened at the same depth. The difference could also be due to a change in the ambient water level during the test or equipment calibration or sensitivity. No precipitation events are recorded immediately prior to or during the aquifer test, and pumped water was discharged at a location 100 ft northeast of the Production Well, approximately equidistant from all three wells.

For characterization of the aquifer in the vicinity of the proposed well, the transmissivity derived from the Production Well data is considered the most reliable for the following reasons:



- 1) Observation Well GWIC ID 214761 has only seven hours of good-quality data. While aquifer properties derived from these data are useful for corroborating results from other wells, they should not be used for forward modeling, as the minimum requirement of 24 hours of data for the volume and flow rate of the proposed diversion, per ARM 36.12.121(e), was not met. An exception can be made for the elastic storage coefficient (S), which is derived primarily from early-time data in an unconfined aquifer.
- 2) Background data from the Production Well show short-term fluctuations of up to 0.8 ft and a longer-term increase of 0.2 ft prior to the start of the aquifer test (**Figure 2**). Because the Production Well experienced over 11 ft of drawdown during the aquifer test, fluctuations in the ambient water level during the aquifer test similar to those observed during background monitoring would have only a minor effect on the calculated transmissivity. However, since the maximum drawdown in Observation Well GWIC ID 209094 was less than one foot, changes in the ambient water level of a few tenths of a foot during the aquifer test could make a large difference in the calculated transmissivity.
- 3) Drawdown ceased and the water level began to rise in Observation Well GWIC ID 209094 eight hours before the end of the drawdown phase of the test (**Figures 3 and 6**). A similar rise is not observed in the Production Well, suggesting it is not due to a decrease in the pumping rate.
- 4) The transmissivity derived from Production Well data before the pump shut off at hour 18 (4,769 ft²/day) is consistent with the transmissivity derived from Production Well data after the pump was restarted at hour 21 (4,783 ft²/day), whereas the transmissivities calculated from Observation Well GWIC ID 209094 data from before and after the pump shut off (10,770 ft²/day and 16,890 ft²/day, respectively) differ significantly (**Table 4**). Because the measurements were made at the same location hours apart, the difference in transmissivities calculated from the same well cannot be explained by variability in the aquifer.
- 5) The drawdown data for Observation Well GWIC ID 209094 (**Figure 6**) are noisy compared to data from the other two wells (**Figures 4 and 5**), suggesting the drawdown measured in Observation Well GWIC ID 209094 may have been outside the sensitivity range of the transducer used in that well.

On this basis, the recommended aquifer T to be used in forward modeling is 4,712 ft²/day, and the recommended K_z/K_r is 0.10, derived from the Moench (1997) solution for the Production Well (**Table 4**). Because Production Well data are not suitable for deriving the storage coefficient, the recommended S is 6.3×10^{-4} from Observation Well GWIC ID 214761. The recommended S_y to be used is 0.1 based on Lohman (1972), per DNRC standard practice for unconfined sand and gravel aquifers.



Table 4: A summary of analyses completed on data from the Production and Observation Wells in the 76-hour aquifer test. Only properties derived using Moench (1997) are included.

Role in Test/ GWIC ID	Before or After Pump Stopped ¹	Aquifer Test Phase	Solution	T (ft ² /day)	S	S _y	K _z /K _r	S _w
Production Well 336214	Whole test	Drawdown & Recovery	Moench (1997)	4,712	0.0039	0.10	0.10	2.0
	Before	Drawdown	Moench (1997)	4,769	0.0043	0.086	0.19	2.0
	Before	Recovery ²	Moench (1997)	4,161	6.7 x 10 ⁻⁴	0.078	0.22	2.0
	After	Drawdown	Moench (1997)	4,783	0.0050	0.034	0.022	2.0
	After	Recovery ²	Moench (1997)	4,166	1.8 x 10 ⁻⁴	0.069	0.20	2.0
Observation Well 214761	Before	Drawdown (1 st 7 hours)	Moench (1997)	4,571	6.3 x 10 ⁻⁴	0.038	0.10	2.0
Observation Well 209094	Whole test	Drawdown & Recovery	Moench (1997)	11,440	5.5 x 10 ⁻⁴	0.040	0.16	2.0
	Before	Drawdown	Moench (1997)	10,770	5.9 x 10 ⁻⁴	0.012	0.17	2.0
	Before	Recovery ²	Moench (1997)	13,560	0.0012	0.026	0.22	2.0
	After	Drawdown	Moench (1997)	16,890	7.8 x 10 ⁻⁴	0.029	0.042	2.0
	After	Recovery ²	Moench (1997)	6,725	0.0020	0.072	0.59	2.0

¹ Before: only data from before the pump shut off at hour 18 were used. After: only data from after the pump was restarted at hour 21 were used. Whole test: data from the full duration of the 76-hour aquifer test were used.

² Recovery data were transformed using the Agarwal method (Agarwal, 1980).

Aquifer Property Comparison

Aquifer tests were conducted on the proposed well and several nearby wells, including GWIC IDs 209094, 214761, and 214758, to support the application for Provisional Permit 76M 30013295. Drawdown data were analyzed by the consultant in AQTESOLV using the Theis (1935), Cooper-Jacob (1946), and Theis (1935) recovery solutions. Transmissivities ranged from 2,500 to 18,000 ft²/day, and storativities ranged from 0.01 to 0.1. An average transmissivity of 7,500 ft²/day was used to calculate flux in the aquifer.

The DNRC Aquifer Test Database was queried for nearby aquifer tests. Eight tests are listed in **Table 5**, and their locations are shown in **Figure 1**. The aquifer transmissivity derived from the 76-hour aquifer test in this

analysis is low compared to T values derived from nearby tests. Because the tests range in depth from 58 to 527 ft bgs, properties derived from them may not be representative of the alluvial aquifer in the vicinity of the proposed well.

Table 5: Nearby aquifer tests from the DNRC Aquifer Test Database.

Water Right No.	GWIC ID	Well Depth (ft)	Distance from Proposed POD (mi)	Aquifer Test Length (hours)	Pumping Rate (gpm)	T (ft ² /day)	S or S _y
76M 30025401	228086	233	1.34	25	150	54,430	1.15x10 ⁻⁴
76M 30151126	311811	255	1.38	24	700	36,700	1.6x10 ⁻⁴
76M 30006843	200008	152	1.72	---	---	12,166	---
76M 30027375	228181	412	1.77	72	1021	55,200	1.2x10 ⁻³
76M 30027375	228198	527	1.81	72	1168	2,700	1.2x10 ⁻⁴
76M 30048273	254651	488	2.19	20	222	8,563	0.1
76M 30012585	154496	60	3.38	---	---	16,416	---
76M 30012585	217461	58	3.45	72	270	11,657	0.06

5.0 Modeling Inputs

Technical analyses in support of criteria assessment for adequacy of diversion, physical availability, and adverse effect (drawdown in existing wells) were modeled in AQTESOLV (HydroSOLVE, Inc., 2007) using the following inputs:

- Moench (1997) solution
- Well radius of 0.33 ft and screened interval of 20 ft for the proposed well
- Well locations based on a map supplied by the Applicant
- b = 40 ft
- T = 4,712 ft²/day
- S = 6.3 x 10⁻⁴
- S_y = 0.1 (Lohman, 1972)
- K_z/K_r = 0.10
- S_w = 2.0

Monthly pumping schedules used to complete technical analyses are identified in subsequent criteria sections.

6.0 Adequacy of Diversion Analysis

An evaluation of the potentially available water column remaining in proposed well GWIC ID 336214 during maximum drawdown in the first year of pumping was modeled in AQTESOLV (HydroSOLVE, Inc., 2007) using

the following:

- Assumed monthly pumping schedules in **Tables 6** and **7** for the period of diversion.

The Applicant requests 49.53 AF per year for multiple domestic use with a year-round period of diversion. Water for domestic use is distributed equally throughout the period of diversion; therefore, the assumed pumping schedule for the proposed well is a constant rate of 30.71 gpm year-round (**Table 6**).

Well efficiency for the proposed well was calculated by dividing the maximum modeled drawdown for the aquifer test by the maximum observed drawdown of the aquifer test. Theoretical drawdown in the proposed well due to the proposed diversion was modeled for the period of diversion using the assumed pumping schedule. Theoretical drawdown with well loss was calculated by dividing the theoretical drawdown by well efficiency.

Interference drawdown in the proposed well due to pumping in existing wells GWIC ID 214761 and GWIC ID 214758, which will be manifolded with proposed well, was modeled using assumed monthly pumping schedules for the existing wells (**Table 7**). Monthly pumping schedules were based on authorized volumes for multiple domestic use and lawn and garden use of 64 AF and 50 AF, respectively, for Provisional Permit No. 76M 30013295. The diverted volume for multiple domestic use was distributed evenly throughout the year and apportioned to each month based on the number of days in the month. The diverted volume for lawn and garden irrigation was apportioned to each month according to the monthly percentage of the total net irrigation requirement (NIR) for pasture grass in a dry year calculated for the Missoula WSO AP weather station using the Irrigation Water Requirement program (NRCS, 2003). Pasture grass was used as a proxy for turf grass by applying the inputs described in DNRC (2010). Total monthly volumes were apportioned to GWIC ID 214761 and GWIC ID 214758 based on the maximum flow rates for each well (105 gpm and 75 gpm, respectively), which were provided by the Applicant.

Table 6: Assumed monthly pumping schedule for the proposed well.

Month	Diverted Volume (AF)	Diverted Flow Rate (gpm)
January	4.21	30.71
February	3.80	30.71
March	4.21	30.71
April	4.07	30.71
May	4.21	30.71
June	4.07	30.71
July	4.21	30.71
August	4.21	30.71
September	4.07	30.71
October	4.21	30.71
November	4.07	30.71
December	4.21	30.71
Total	49.53	



Table 7: Assumed monthly pumping schedule for existing wells GWIC ID 214761 and GWIC ID 214758 authorized by Provisional Permit No. 76M 30013295.

Month	NIR ¹ (in/ac)	Provisional Permit No. 76M 30013295				
		Diverted Volume (AF)			Flow Rate Per Well (gpm)	
		<i>Multiple Domestic</i>	<i>Lawn and Garden</i>	<i>Total</i>	<i>GWIC ID 214761</i>	<i>GWIC ID 214758</i>
January	0.00	5.44	0.00	5.44	23.15	16.53
February	0.00	4.91	0.00	4.91	23.15	16.53
March	0.00	5.44	0.00	5.44	23.15	16.53
April	0.44	5.26	1.08	6.34	27.89	19.92
May	2.51	5.44	6.16	11.59	49.37	35.26
June	3.99	5.26	9.79	15.05	66.22	47.30
July	5.61	5.44	13.76	19.20	81.75	58.39
August	4.87	5.44	11.95	17.38	74.02	52.87
September	2.53	5.26	6.21	11.47	50.46	36.04
October	0.43	5.44	1.05	6.49	27.64	19.74
November	0.00	5.26	0.00	5.26	23.15	16.53
December	0.00	5.44	0.00	5.44	23.15	16.53
Total	20.38	64.00	50.00	114.00	23.15	16.53

¹Missoula WSO AP IWR weather station

Total drawdown in the proposed well was calculated as the maximum monthly sum of theoretical drawdown with well loss and interference drawdown during the period of diversion (**Figure 7** and **Table 8**). The aquifer adjacent to the proposed well would experience a total drawdown of 7.19 ft at the end of July in the first year of pumping. The remaining available water column in the proposed well, equal to the initial available drawdown above the bottom of the well minus total drawdown, is 31.4 ft.

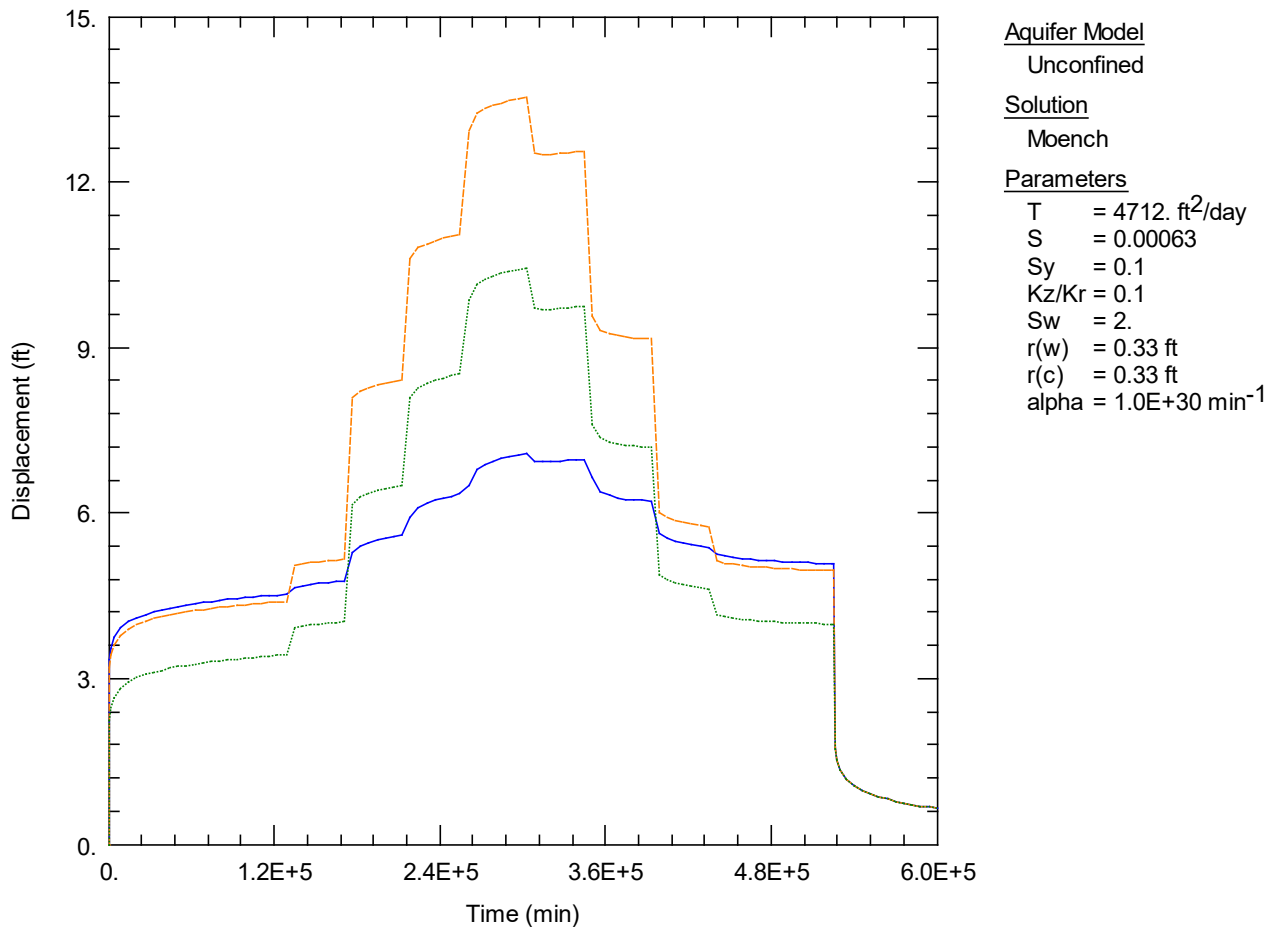


Figure 7: Plot of drawdown vs. time for proposed well GWIC ID 336214 (solid blue line) and existing wells GWIC ID 214761 (dashed orange line) and 214758 (dotted green line) during the first year of pumping. The Moench (1997) solution was used to model drawdown. Maximum drawdown occurs at the end of July.

Table 8: Remaining available water column for the proposed well.

Drawdown Estimate	GWIC ID 336214
Total Depth at Bottom of Perforated Interval (ft btc) ¹	111.8
Pre-Test Static Water Level (ft btc)	73.23
Available Drawdown Above Bottom of Well (ft)	38.6
Maximum Observed Drawdown during Aquifer Test (ft)	11.78
Modeled Drawdown Using Mean Aquifer Test Rate (ft)	11.48
Well Efficiency (%)	97.5%
Maximum Theoretical Drawdown (ft)	3.63
Maximum Theoretical Drawdown with Well Loss (ft)	3.72
Maximum Interference Drawdown (ft)	3.47
Total Drawdown (ft)	7.19
Remaining Available Water Column (ft)	31.4

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

7.0 Physical Availability Analysis

An evaluation of groundwater availability in the source aquifer for the purpose of assessing physical and legal availability was done by calculating groundwater flux through a zone of influence (ZOI) corresponding to the 0.01-foot drawdown contour. The 0.01-foot drawdown contour was modeled in AQTESOLV (HydroSOLVE, Inc., 2007) using the following pump schedule:

- Constant pumping rate of 30.71 gpm for the proposed well for a period of one year.

The average pumping rate required to produce the proposed volume of 49.53 AF during the period of diversion is 30.71 gpm. As shown in **Figure 8**, the 0.01-foot drawdown contour lies approximately 10,100 ft from the Applicant's well(s). **Appendix A of Part B** of this report lists the active and severed water rights within the ZOI.

The direction of groundwater flow is predominantly to the southwest. The gradient is estimated to be 0.014 ft/ft based on the potentiometric surface map in LaFave (2006). The width of the ZOI perpendicular to groundwater flow is 20,200 ft. Groundwater flux (Q) through the ZOI, calculated using the equation below, is 1,332,554 ft³/day, or 11,166 AF per year.

$$Q = TWi$$

where:

T = Transmissivity = 4,712 ft²/day

W = Width of Zone of Influence = 20,200 ft

i = Groundwater gradient (from LaFave, 2006) = 0.014 ft/ft

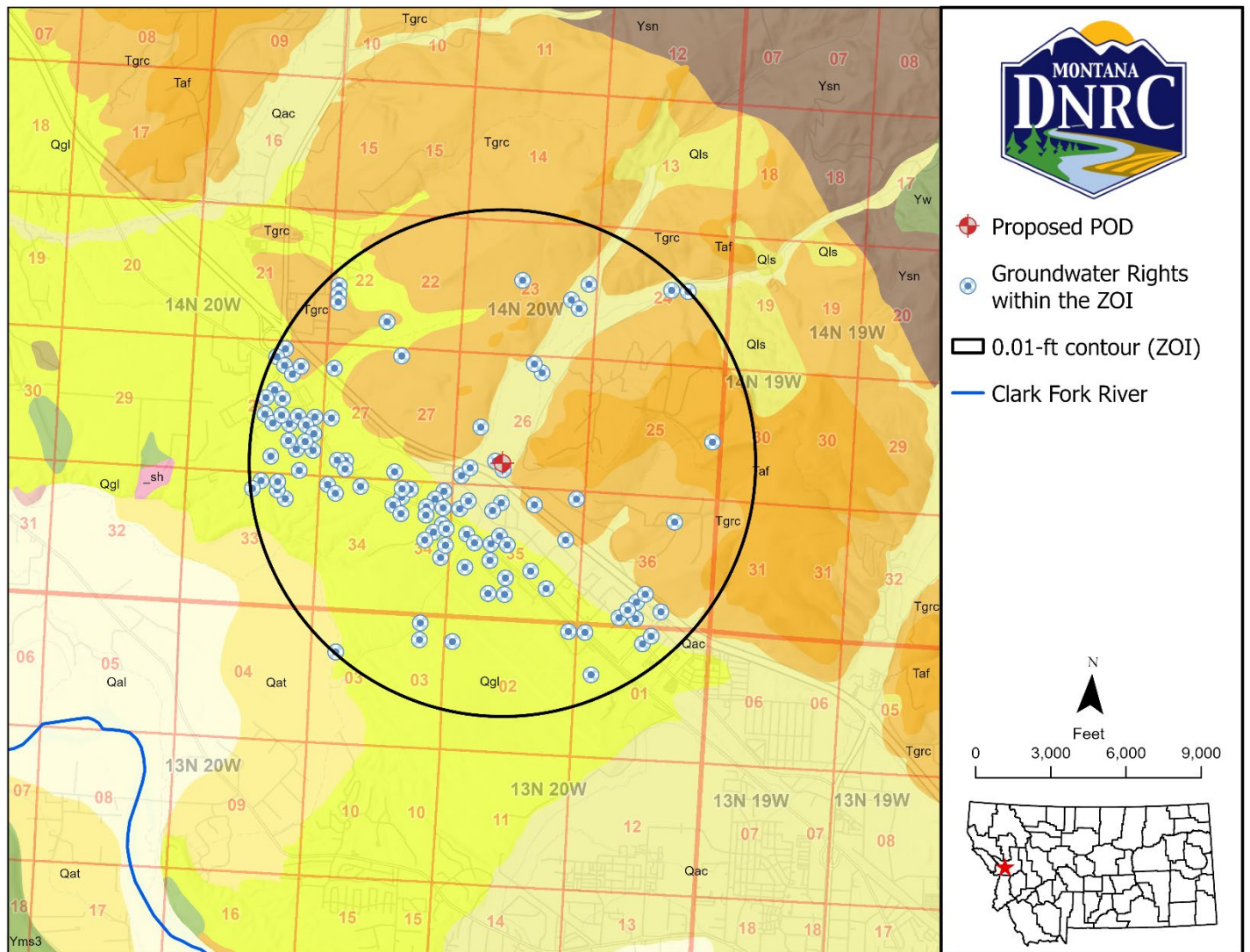


Figure 8: Map showing the 0.01-ft drawdown contour and groundwater rights within the ZOI.

8.0 Adverse Effect Analyses

Under §85-2-402, Montana Code Annotated (MCA), using the Applicant's proposed pump schedule and associated volume, adverse effect is evaluated by modeling drawdown in nearby wells, changes in net depletions to surface water, and changes in return flows to surface water.

8.1 Groundwater - Drawdown in Existing Wells

The drawdown in existing wells was modeled in AQTESOLV (HydroSOLVE, Inc., 2007) using the following:

- Assumed monthly pumping schedule in **Table 6** for a period of five years.

At the end of the fifth year of pumping, drawdown greater than one foot occurs within 98 ft of the proposed well (**Figure 9**). There are no groundwater rights within the one-foot drawdown contour.

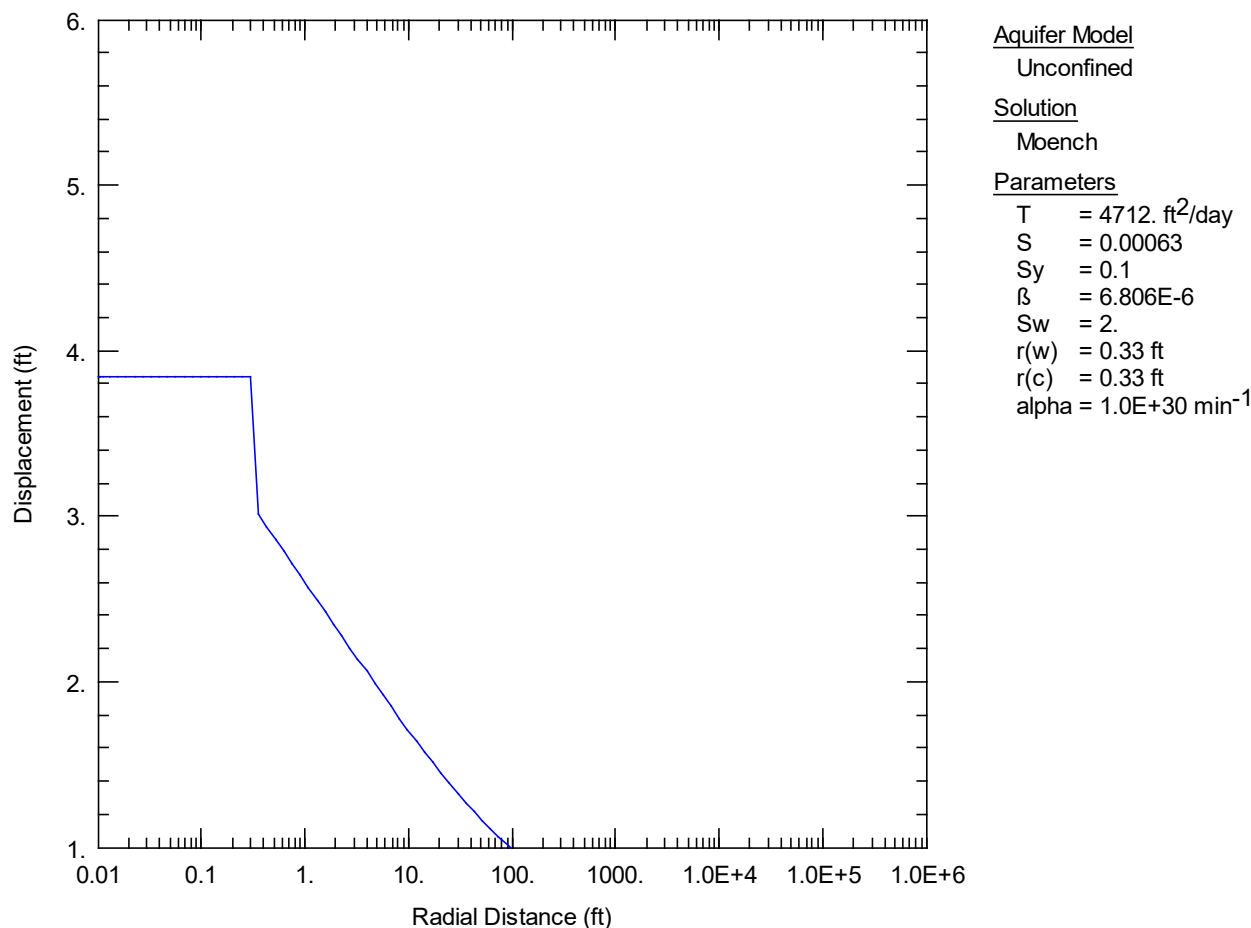


Figure 9: Plot of drawdown vs. distance at the end of the fifth year of pumping the proposed well on the assumed schedule. The Moench (1997) solution was used to model drawdown.

8.2 Surface Water - Net Depletions (Consumed Water)

Pursuant to *Montana Trout Unlimited v. DNRC*, 2006 MT 72, 331 Mont. 483, 133 P.3d 224, the DNRC recognizes the connection between surface water and groundwater and the effects of stream capture and induced infiltration on surface waters.

Net depletions to surface water depend on propagation of drawdown to areas of the aquifer from which water can be captured. Captured water consists of two possible sources: a reduction in the natural discharge (outflow) rate of groundwater from the aquifer (stream capture), and an increase in the natural/artificial recharge (inflow) rate to the aquifer (induced infiltration). Two important assumptions are made when evaluating net depletions: first, the stream and underlying aquifer remain hydraulically connected by a continuous saturated zone, and second, the stream does not become dry. Net depletion is not a function of groundwater flow rate or direction (Theis, 1938; Leake, 2011), and drawdown from pumping can propagate

through the entire thickness of the confining layer to overlying aquifers or surface waters (Konikow and Neuzil, 2007).

As such, net depletions are identified for hydraulically connected perennial surface water sources. Net depletion is equal to consumption for proposed groundwater use and is described as the calculated volume, rate, timing, and location of reductions to surface water that are offset by return flows (non-consumed water). Net depletion is evaluated by 1) quantifying the consumed volume associated with a proposed use, 2) identifying hydraulically connected surface waters, and 3) calculating the monthly rate and timing of net depletions to affected surface water(s).

1. Consumed Volume

Consumed groundwater does not return to the source aquifer. Consumed volume depends on the proposed use and its associated percentage of known consumption. Net depletion is assumed to be equivalent to consumption on an annual basis unless return flows do not accrete to the potentially affected surface water.

Monthly consumption for irrigation, not including turf grass, can be calculated using ARM 36.12.115 irrigation standards and associated efficiency values, or the net irrigation requirement (dry year 80% chance) calculated using the USDA Natural Resources Conservation Service (NRCS) IWR program with inputs consistent with DNRC consumptive use rules in ARM 36.12.1902. Monthly consumption for irrigation of turf grass (lawns) is calculated using either a minimum efficiency value of 70% and ARM 36.12.115 lawn and garden standards, or the net irrigation requirement from IWR with inputs consistent with DNRC (2010) Consumptive Use Methodology for turf grass.

Consumption percentages for other purposes are listed in **Table 9** and are based on Kimsey and Flood (1987), Vanslyke and Simpson (1974), Paul et al. (2007), DNRC (2018), wastewater treatment method, operation of systems, and DNRC policy. Net evaporation is calculated using gridded monthly net evaporation values and methodologies associated with DNRC (2023). Municipal use for non-municipalities (e.g., water districts) may have variable consumption rates.

WSB Findings

For the subject application, wastewater from the proposed multiple domestic use will be treated in two ways. Of the 127 homes covered by the new permit, 45 would have wastewater go to individual drain fields and have a consumptive use of 10%. Wastewater for the other 85 homes would go to the City of Missoula sewer. The Missoula Municipal Wastewater Treatment Facility uses wastewater for poplar-tree-farm irrigation, resulting in increased consumptive use during part of the year. Per DNRC standard practice, water that goes to the City of Missoula sewer is assumed to have a consumptive use of 5% in October through April and 25% in September through May. The total monthly consumed volume for the proposed use is shown in **Table 1**.

Table 9: Percent consumption by use.

Purpose	Method of Treatment/Use	Consumed
Domestic/Municipal/Commercial/Institutional	Individual drain fields	10%
Domestic/Municipal/Commercial/Institutional	Central treatment facility with minimal consumption	5%
Domestic/Municipal/Commercial/Institutional	Evaporation basin or land application	100%
Municipal Use for Municipality	Variable	100%
Water Marketing/Agriculture Spraying/Stock Water/some Industrial Uses	Variable	100%
Commercial/Industrial	Aggregate Washing – construction standard for moisture allowed in the finished aggregate product.	5%
Commercial	Snow Making – depends on time of day, machine, weather at time of operation, etc.	10-30%
Fisheries, Recreation, Storage for Irrigation	Net evaporation off reservoir surface, gridded monthly net evaporation values and methodologies	AF/acre
Geothermal	Closed loop systems	0%

2. Hydraulically Connected Surface Water(s) and Location of Net Depletions

Potentially affected surface waters in a net-depletion evaluation are identified by their hydraulic connection to the source aquifer of a proposed groundwater diversion. Hydraulic connection depends on the depth to groundwater beneath the beds of surface waters, connection between deep and overlying shallow aquifers, and vertical gradients, and it can vary along a reach and with time of year.

Procedures for evaluating hydraulic connection and identifying one or more potentially affected surface-water sources for a proposed well in an alluvial aquifer or regional bedrock aquifer can be found in DNRC (2018) and DNRC (2019). Net depletion is apportioned to multiple potentially affected surface waters following procedures described in Section 3.2 of a guidance document developed by the Province of British Columbia (2016) for determining the effect of groundwater diversion on specific streams.

Following protocols in DNRC (2018), **Table 10** identifies published information used to assess hydraulic connection of nearby surface water(s) to the source aquifer for the proposed wells. Not all data may be available for each project; “NA” is noted when that occurs.



Table 10: Published information used to identify hydraulically connected surface water(s).

Published Information	Surface-Water Source: Butler Creek	Surface-Water Source: La Valle Creek	Surface-Water Source: Clark Fork River
USGS National Hydrographic Dataset (NHD)	Intermittent south of the SENESE¼ of Sec 23, T14N, R20W. Perennial northeast of that point.	Intermittent south of the NWNESE¼ of Sec 23, T14N, R20W. Perennial north of that point.	Perennial
USGS PROSPER Dataset ¹	Butler Creek: 0.4-0.5	NA	0.5-0.7
MBMG GWIC wells, less than 50 ft deep, within 1,000 ft of surface water, static water levels above or within 10 ft of elevation of stream bed (DNRC, 2018) ²	All GWIC wells along the affected reach are deeper than 50 ft and have water levels significantly greater than 10 ft	All GWIC wells along the affected reach are deeper than 50 ft and have water levels significantly greater than 10 ft	GWIC IDs 69523, 69525, 69499, 69457, and others
Published Water Table Maps, Publications, Previous Water Rights, etc.	LaFave (2006); Provisional Permit Nos. 76M 30013295, 76M 30027375, 76M 30052086, 76M 30134802	LaFave (2006); Provisional Permit Nos. 76M 30013295, 76M 30027375, 76M 30052086, 76M 30134802	LaFave (2006); Woessner (1988); Clark (1986), 76M 30134802
Gridded National Soil Survey Geographic Database ³	Hydric soils mapped upstream of the NESWNE¼ of Sec 26, T14N, R20W. No shallow water table mapped.	Hydric soils mapped upstream of the SESWSE¼ of Sec 23, T14N, R20W. Shallow water table and hydric soils mapped downstream of the NENWSE¼ of Sec 33, T14N, R20W.	Shallow water table and hydric soils mapped along most of the river and floodplain
Aerial imagery	Wet channel segments (NAIP, 2013-2023)	Wet channel segments (NAIP, 2013-2023)	Wet channel (NAIP, 2013-2023)

¹ USGS PROSPER Streamflow Permanence Probabilities (SPP). Higher values indicate higher probability of year-round flow. Streams with SPP greater than 0.5 are classified as perennial, though values near 0.5 have a high probability of classification error.

² Per DNRC (2018), hydraulic connection of individual stream reaches to ground water is evaluated by comparing streambed elevations to static ground water elevations measured in MBMG GWIC wells less than

50 ft deep and within 1,000 ft of surface water or from published water table maps. Surface water within that area is considered hydraulically connected to the unconfined aquifer if static groundwater elevations are above or within 10 ft of the elevation of the streambed.

³ Review Gridded National Soil Survey Geographic Database to identify hydric soils or shallow water tables near surface water sources.

WSB Findings

Surface water sources evaluated for connection to the alluvial aquifer include Butler and La Valle Creeks, which share a drainage before flowing into the Missoula Valley, and the Clark Fork River (**Figure 10**). In the lower half of the Bulter-La Valle drainage and the adjacent part of the Missoula Valley to the southwest, well logs from GWIC wells show the water table to be 50 to 100 ft deep and indicate the presence of a semi-continuous layer of fine-grained sediments between the streambeds and the water table. A technical analysis for Provisional Permit No. 76M 30013295 noted the presence of an unsaturated zone between the beds of Butler and La Valle Creeks and the water table, and a hydrogeologic report prepared for Provisional Permit No. 76M 30027375 concluded that Butler and La Valle Creeks are “perched losing streams” that have “limited or no interaction” with the alluvial aquifer. A technical analysis for Change Authorization No. 76M 30052086 reached the same conclusion and cited additional supporting evidence, including additional GWIC well static water levels and a 2012 written affidavit indicating that La Valle Creek fails to sustain flow throughout the year. The potentially affected reaches of Butler and La Valle Creeks are therefore interpreted to be intermittent and disconnected from the alluvial aquifer and will not be depleted by the proposed diversion.

The Clark Fork River flows from southeast to northwest approximately 3.5 miles downgradient (southwest) of the proposed well. Water levels in GWIC wells and the potentiometric surface map by LaFave (2006) show that groundwater in this area flows toward the river, and shallow groundwater levels measured in GWIC wells near the river and identified on soil maps from the Gridded National Soil Survey Geographic Database indicate hydraulic connection of the river to the adjacent alluvial aquifer. On this basis, the Clark Fork River is determined to be hydraulically connected to the source aquifer and will be depleted by the proposed diversion. The starting point of the depleted reach on the Clark Fork River is in the NENWNE¼ of Section 8, Township 13 North, Range 20 West, Missoula County (**Figure 10**).

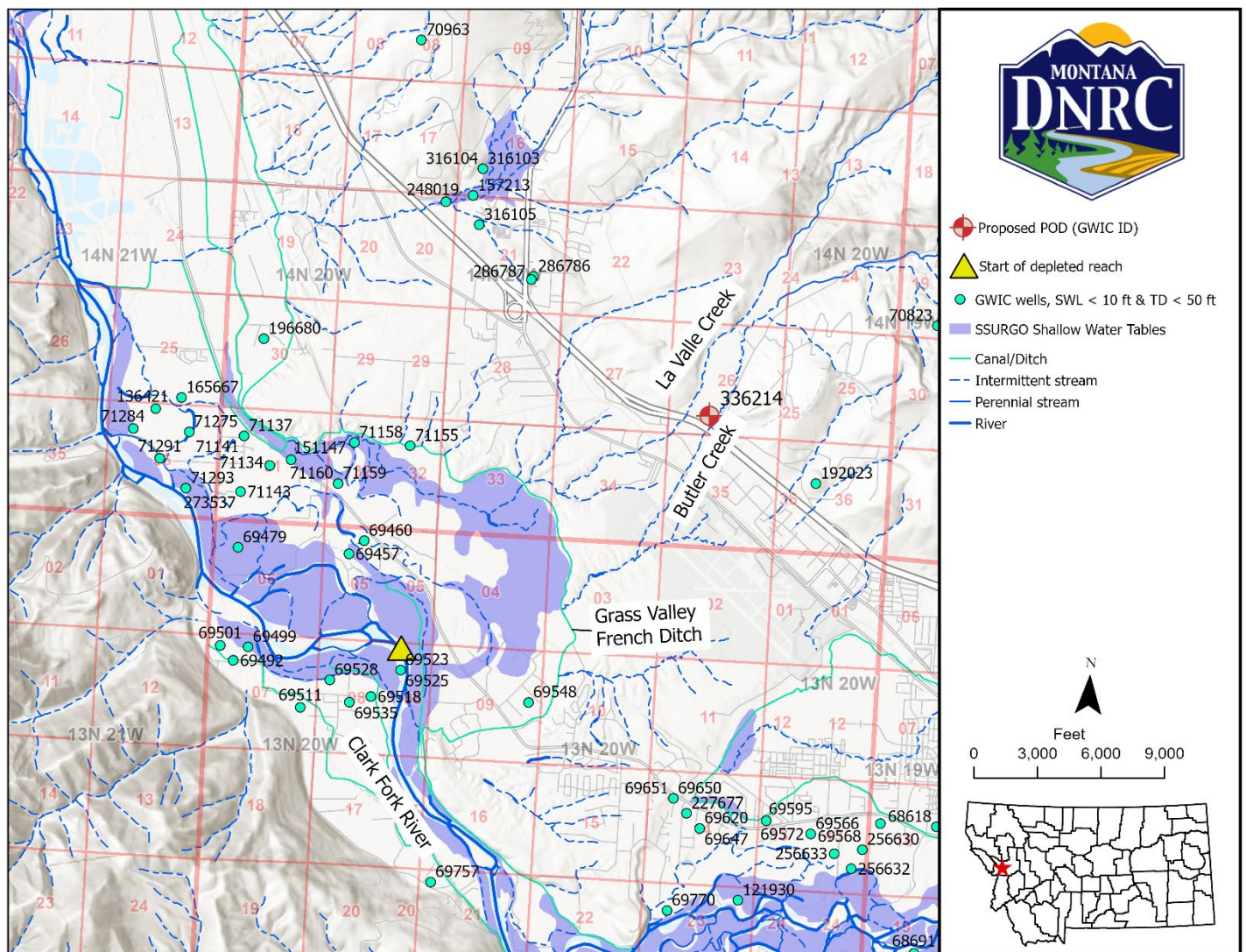


Figure 10: Location of wells used to assess hydraulic connection and starting point of the depleted reach.

3. Rate and Timing of Depletions

Evaluations of the rate and timing of depletions caused by pumping are based on the basic concept that groundwater pumping eventually is offset by an equivalent increase in recharge or decrease in discharge (Theis, 1940; Leake et al., 2008), a process defined as capture by Lohman (1972). Capture occurs as drawdown propagates to surface water and areas of phreatophyte vegetation that takes water directly from groundwater. In the absence of credible evidence to the contrary, capture of ET by phreatophytes is neglected and net depletion is assumed to equal total capture. This assumption is justified because published estimates for conditions common in Montana alluvial valleys indicate capture of ET generally is less than 10 percent of total capture (Xunhong, 2006). Capture of ET in ephemeral drainages may be significant and will be evaluated on an application-by-application basis.

The rate and timing of net depletion caused by pumping may be modeled using a variety of analytical and numerical models selected to fit site-specific conditions and needs. Simple models including the Alluvial Water Accounting System (AWAS), the Well Pumping Depletion Model (WPDM), and FWD:SOLV (HydroSOLVE, 2024) typically are used by DNRC to model depletions to one source with simple aquifer boundaries. Adjustments may be made for more complex conditions or multiple sources using methods like those described by Contor (2011), analytical models by Hunt (2003) and Butler et al. (2001) or a superposition numerical groundwater flow model.

Modeling is not necessary in some situations, such as when the proposed use is constant year-round, the source aquifer is deep and vertical hydraulic conductivity is low, or the distance between the proposed POD(s) and the affected stream reach(es) is large. Modeling of depletions can be simplified if the proposed place of use is located the same relative distance from the potentially affected surface water as the proposed wells and all non-consumed water infiltrates the source aquifer and returns to the potentially affected surface water as return flows. Under those simplifying assumptions, depletion can be modeled based on withdrawal of the monthly consumed amounts. Otherwise, depletion by the full withdrawals and return flows need to be modeled separately, with net depletion calculated as depletion minus return flows.

Net depletion by pumping in the source aquifer primarily occurs through propagation of drawdown through the unconfined aquifer to the starting point of the potentially affected reach of the Clark Fork River. Since the proposed use is constant year-round, depletion would also occur at a constant rate year-round. Monthly net depletions to the Clark Fork River are shown in **Table 1**.



Review

This document has been reviewed on December 9, 2025 in accordance with Category 7 of DNRC's Water Sciences Bureau Minimum Standards of Review, Version 2, February 2024.

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Groundwater Permit Technical Analyses Report – Part B

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

Alex Dalgleish, Water Conservation Specialist, Missoula Regional Office

Application No.	76M 30170833	Proposed Point of Diversion	NWSESW of Section 26, Township 14 North, Range 20 West, Missoula County
Applicant	Circle H Ranch Investments LLC		

Overview

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

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Variances

The following variances from the requirements found in ARM 36.12.121 were granted from the Missoula regional office:

- ARM 36.12.121(3)(a): Pumping must be maintained throughout the duration of the test. The rate may not depart from the average pumping rate by more than 5%
 - Reason for granting variance: The generator used for the pump test was vandalized approximately 18 hours into the test. Pumping resumed approximately 3 hours later and continued for another 55 hours uninterrupted, until the test was finished. Aside from the 3 hour gap, the pumping rate did not depart from the average flow rate of 110 GPM by more than 5%.
- ARM 36.12.121(3)(d): Pumping rate must be measured with a reliable measuring device and recorded with a clock time according to the schedule on Form No. 633.
 - Reason for granting variance: The pumping rate was measured with a DAE MJ-SDC 2-inch Totalizing Water Meter and verified with a bucket stopwatch test. Additionally, discharge measurements were not taken according to the exact schedule on Form 633. Eight measurements were taken within the first hour, but only once in the second and third hours. Additionally, three more measurements were recorded during the first 24 hours before the pump test was interrupted. After pumping resumed, measurements were recorded 12 times spread out across the following 55 hours. The measurements indicated a stable pumping rate and the data was sufficient to determine aquifer properties.
- ARM 36.12.121(3)(g): Background groundwater levels in the production well and observation well(s) must be monitored at frequent intervals for at least two days prior to beginning the aquifer test according to Form No. 633.
 - Reason for granting variance: Background water levels in the production well began 69 hours before the pump test. However, background water levels were only monitored for 1 hour in the observation wells. The observation wells are located within 100 feet of the production well so the background data from the production well was deemed sufficient.

1.0 Application Details

The Applicant proposes to divert groundwater from January 1 to December 31 at a rate of 110 gallons per minute (GPM) up to 49.53 acre-feet (AF) of volume annually from a point in the NWSESW of Section 26, Township 14 North, Range 20 West, Missoula County (Figure 1). The Applicant proposes using water for multiple domestic purposes in the E2 of Section 26 and all of Section 25, Township 14 North, Range 20 West, Missoula County (Figure 1). The new multiple domestic purpose will cover a total of 127 new lots, with 42 proposed for the Circle H subdivision and 85 proposed for the West Pointe subdivision.

These existing subdivisions are covered under Provisional Permit 76M 30013295. This right is unperfected, with a total volume of 114.0 AF. Of this volume, 50.0 AF is allocated to lawn and

garden use, and 64.0 AF is for multiple domestic use in 113 homes. The proposed well would be integrated into the existing water system.

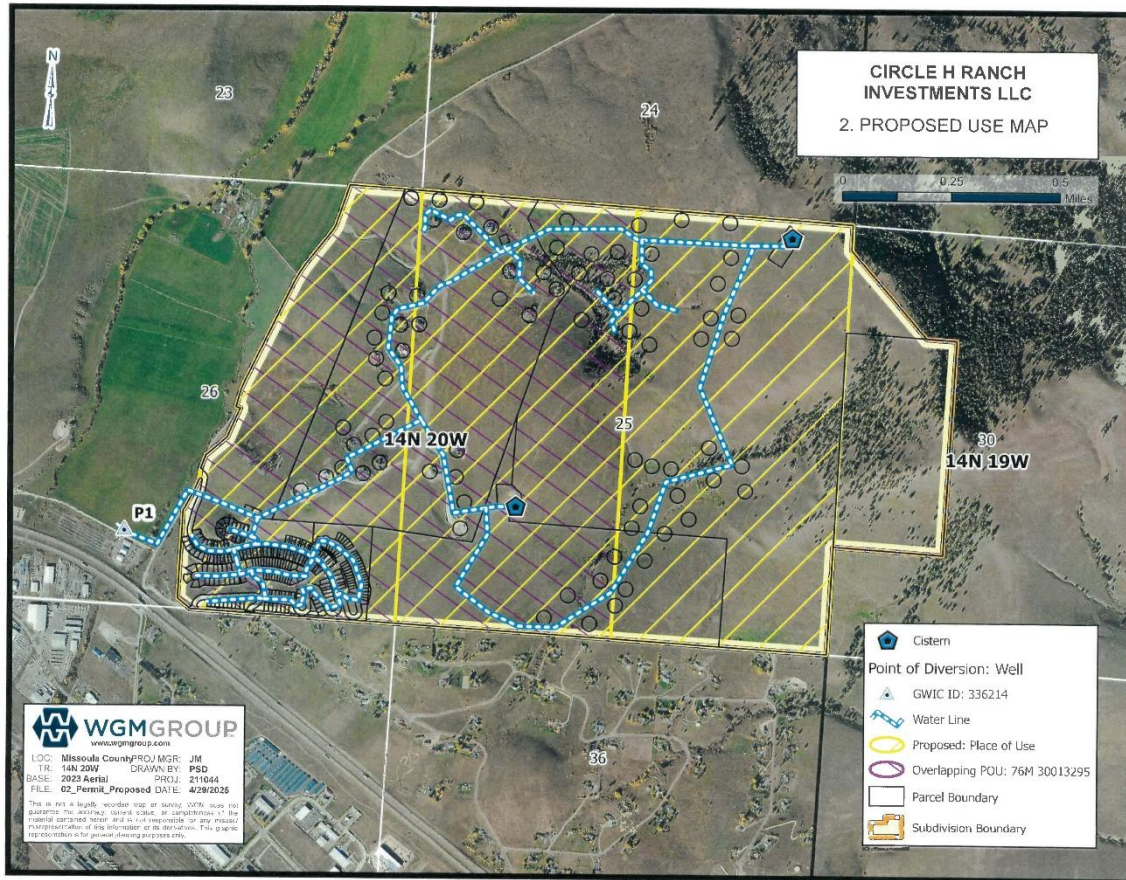


Figure 1: Map of the Applicant's proposed POD on the source and proposed place of use.

2.0 Surface Water Analysis of Depleted Surface Water

2.1 Source Description

Part A of the Technical Analyses Report includes the Groundwater Analysis, which describes the methodologies used to identify the depleted surface water source and the location of net depletions on said source.

Depleted Source of Water: Clark Fork River

Depleted Source Type: Perennial stream

Location of Depletions: Depletions begin in the NENWNE of Section 8, Township 13 North, Range 20 West, Missoula County



2.2 Method of Estimation

Gage Name: Clark Fork below Missoula MT

Gage Number: 12353000

Period of Record: 10/01/1929 to 01/31/2025

Why this gage is considered an appropriate data source: This USGS gage quantifies the flow of water in the Clark Fork River approximately 3.14 miles upstream of the location of depletions. The gage is located on the Clark Fork River and provides flow data for the depleted reach. The period of record for the gage extends back to 1929, which provides a substantial record from which to calculate median flows. This gage is maintained by the USGS, and therefore it meets all other departmental requirements for use in estimating physical and legal availability.

2.3 Monthly Flow Rate and Volume

Methodology: Modeling shows that depletions to the Clark Fork River resulting from the proposed groundwater appropriation will occur starting in the NENWNE of Section 8, Township 13 North, Range 20 West, Missoula County. The point of depletions for this application is downstream from the gaging station and USGS Gage # 12353000 is the nearest gage to the point of depletions. The date range used includes the entire current period of record for this gage (10/1/1929 – 01/31/2025).

Physical availability of the Clark Fork River at the point of depletions will be quantified monthly. Department practice for physical availability analyses where the gage used is upstream of the point of depletions is to subtract the monthly flow rates of existing water rights between the gage and the point of depletions from the median of the mean monthly flows at the gage. The Department used the method below to quantify physical available monthly flows and volumes at the point of depletions during the proposed period of diversion:

1. The Department calculated median of the mean monthly flow rates in cubic feet per second (CFS) for the Clark Fork River using USGS Gage #12353000 records for each month of the proposed period of diversion (Table 1, column B). Those flows were converted to monthly volumes in AF (Table 1, column C) using the following equation found on DNRC Form 615: $\text{median of the mean monthly flow (CFS)} \times 1.98 (\text{AF/day/1 CFS}) \times \text{days per month} = \text{AF/month}$.
2. The Department calculated the monthly flows appropriated by existing water users between the gate and the point of depletions (Table 1, column D) by:
 - i. Generating a list of existing water rights from USGS Gage #12353000 to the point of depletions (see Appendix B);
 - ii. Evaluating the water rights within the reach and removing redundant water rights authorizing multiple points of diversion;



- iii. Assigning a single combined flow rate of 0.08 CFS to all livestock direct from source rights without a designated flow rate; and,
 - iv. Assuming that the flow rate of each existing right is continuously diverted throughout each month of the 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 existing uses from the source. The Department finds this an appropriate measure of assessing existing rights as it protects existing water users.
3. Since the gage used is upstream of the POD, the Department subtracted in the flow rates of the existing surface water rights with points of diversion between USGS Gage #12353000 and the point of depletion (Table 1, column D) from the median of the mean monthly gage values (Table 1, column B) to determine the physical availability at the point of depletions (Table 1, columns D) to the median of the mean monthly gage values (Table 1, column B) to determine physically available monthly flows and volumes at the initial point of depletion (Table 1, columns E and F, respectively).

Table 1: Physical Availability at the Point of Depletions on the Clark Fork River						
A	B	C	D	E	F	G
Month	Median of the Mean Monthly Flow at Gage 12353000 (CFS)	Median of the Mean Monthly Volume at Gage 12353000 (AF)	Legal Demands of Rights from Gage to Point of Depletions (CFS)	Legal Demands from Gage to Point of Depletions (AF)	Physically Available Water at Point of Depletions (CFS)	Physical Available Water at Point of Depletions (AF)
Jan	2,059	126,351	0.08	4.91	2,058	126345.82
Feb	2,255	125,017	0.08	4.44	2,255	125012.76
Mar	2,951	181,132	0.08	4.91	2,951	181127.47
Apr	5,893	350,044	175.71	10436.93	5,717	339607.27
May	14,540	892,465	176.04	10805.09	14,364	881660.11
Jun	15,860	942,084	176.04	10456.53	15,684	931627.47
Jul	5,205	319,483	176.04	10805.09	5,029	308677.81
Aug	2,124	130,371	176.04	10805.09	1,948	119566.03
Sep	2,110	125,334	176.04	10456.53	1,934	114877.47
Oct	2,545	156,181	176.04	10805.09	2,368	145376.32
Nov	2,614	155,272	0.16	9.50	2,614	155262.10
Dec	2,243	137,675	0.16	9.82	2,243	137665.52



3.0 Area of Potential Impact Analysis

3.1 Area of Potential Impact Analysis of Groundwater

The Area of Potential Impact for groundwater is considered to be the Zone of Influence (ZOI), or 0.01-foot drawdown contour surrounding the point(s) of diversion. The determination of the Zone of Influence for this application is described in Part A of this report. The groundwater ZOI list of water rights includes active and severed water rights within the ZOI that are either completed in the source aquifer or have an unknown well depth. Groundwater rights within the Zone of Influence are listed in Appendix A of this report.

Quantification Methodology: To calculate physical availability in the source aquifer, the Department modeled groundwater flux through the ZOI. This modeling shows that the ZOI lies approximately 10,000 feet from the proposed well. The Department's modeling was based on a constant pumping rate of 30.71 GPM for the proposed well for a period of one year. This pumping rate (30.71 GPM) is the average pumping rate needed to produce the proposed volume of 49.53 AF during the period of diversion. All active and severed water rights were considered within the ZOI.

3.2 Area of Potential Impact Analysis of Depleted Surface Water

The surface water Area of Potential Impact for this application is: The local area of potential impact consists of the reach of the Clark Fork River which begins in the NENWNE Section 8, Township 13 North, Range 20 West, Missoula County, and ends at the western edge of the Missoula Valley near Huson, MT, in Section 34, Township 15 North, Range 22 West, Missoula County. The surface water rights in this local area of potential impact which will be used to evaluate legal demand are listed in Appendix C.

Review

This document has been reviewed by the Department on December 11, 2025

References

Department Standard Practice for Determining Physical Availability of Surface Water
Department Standard Practice for Determining Area of Potential Impact



Appendix A: Groundwater Rights in the Zone of Influence

WATER RIGHT NUMBER	WATER RIGHT TYPE	OWNER(S)
76M 78983 00	GROUND WATER CERTIFICATE	RGB INVESTMENTS, LLC
76M 30136266	GROUND WATER CERTIFICATE	ROCKY POINT PROPERTY HOLDINGS INC; ROCKY POINT PROPERTY HOLDINGS LLC; T & J MILLER LLC
76M 30161280	GROUND WATER CERTIFICATE	ROLLER COASTER RD LLC
76M 30148799	GROUND WATER CERTIFICATE	OLSON PROPERTY MANAGEMENT, LLC
76M 76750 00	GROUND WATER CERTIFICATE	RICO PROPERTIES LLC
76M 30048336	GROUND WATER CERTIFICATE	TABLE SCRAPS LLC
76M 30067234	GROUND WATER CERTIFICATE	KIMBER PROPERTIES LLC
76M 30163359	GROUND WATER CERTIFICATE	WHETSTONE ENTERPRISES LLC
76M 106274 00	GROUND WATER CERTIFICATE	WILTZEN, JOHN % ANNA FAMILY TRUST
76M 107404 00	GROUND WATER CERTIFICATE	BETTY D BIDLAKE; STEVEN V BIDLAKE
76M 30109301	GROUND WATER CERTIFICATE	TAMARACK ENVIRONMENTAL LLC
76M 79590 00	GROUND WATER CERTIFICATE	JOHNSON BROTHERS CONTRACTING INC
76M 30159123	GROUND WATER CERTIFICATE	WWW INVESTMENTS LLC
76M 76713 00	GROUND WATER CERTIFICATE	7295 HWY 10 W EAST LOT, LLC
76M 56827 00	GROUND WATER CERTIFICATE	RICHARD C BOSSARD
76M 75756 00	GROUND WATER CERTIFICATE	JOSHUA TIMBROOK; STACIA J TIMBROOK
76M 117407 00	GROUND WATER CERTIFICATE	MIND LLC
76M 30151132	GROUND WATER CERTIFICATE	APAK LLC
76M 30050652	GROUND WATER CERTIFICATE	DEMON AND DIRT LLC
76M 56836 00	GROUND WATER CERTIFICATE	RICHARDS MISSOULA LLC



76M 30045963	GROUND WATER CERTIFICATE	FIELDWORKS HOLDINGS LLC
76M 88453 00	GROUND WATER CERTIFICATE	RICHARD L BEEM; ROBERTA A DYRUD
76M 80179 00	GROUND WATER CERTIFICATE	MICHEAL J SPENCER; VIKKI A SPENCER
76M 30150957	GROUND WATER CERTIFICATE	JAMES E MEYER
76M 62550 00	GROUND WATER CERTIFICATE	GALE R ALBERT; SUSAN A TRUETT
76M 100946 00	GROUND WATER CERTIFICATE	LOLO PEAK INVESTMENTS LLC
76M 30164837	GROUND WATER CERTIFICATE	BMLS HOLDINGS LLC
76M 96047 00	GROUND WATER CERTIFICATE	SHADOW ASPHALT MAINTENANCE LLC
76M 108652 00	GROUND WATER CERTIFICATE	HANSON PROPERTIES LLC
76M 30151698	GROUND WATER CERTIFICATE	PCS HOLDING LLC
76M 30004066	GROUND WATER CERTIFICATE	FRED'S LOUNGE
76M 30159947	GROUND WATER CERTIFICATE	PHILIP HANSON
76M 20307 00	GROUND WATER CERTIFICATE	JRP INVESTMENTS LLC
76M 27273 00	GROUND WATER CERTIFICATE	MBROWN HOLDINGS LLC
76M 43190 00	GROUND WATER CERTIFICATE	CLIFFORD G LARSEN; PATRICIA P LARSEN
76M 149266 00	STATEMENT OF CLAIM	CAROL H AMMONS
76M 30186 00	GROUND WATER CERTIFICATE	MARIE CORONA
76M 33989 00	GROUND WATER CERTIFICATE	GRASSLAND ENTERPRISES LLC
76M 9187 00	GROUND WATER CERTIFICATE	CHARLES F DELACEY; JENNIFER P DELACEY
76M 17463 00	GROUND WATER CERTIFICATE	MILLER, NEIL R CO
76M 18417 00	GROUND WATER CERTIFICATE	BILL KVALSTEN
76M 43189 00	GROUND WATER CERTIFICATE	CLIFFORD G LARSEN; PATRICIA P LARSEN
76M 13656 00	GROUND WATER CERTIFICATE	DESMET SCHOOL DISTRICT #20
76M 102298 00	GROUND WATER CERTIFICATE	CLIFFORD G LARSEN; PATRICIA P LARSEN
76M 82181 00	GROUND WATER CERTIFICATE	PRAIRIE GRASS LLP
76M 96971 00	GROUND WATER CERTIFICATE	GUY M HANSON; JACOB J HANSON; JANET M HANSON
76M 104148 00	GROUND WATER CERTIFICATE	THORN10 LLC
76M 110486 00	GROUND WATER CERTIFICATE	DAN RUSSELL FAMILY, LLC
76M 78414 00	GROUND WATER CERTIFICATE	MIND LLC



76M 17694 00	GROUND WATER CERTIFICATE	DESMET SCHOOL DISTRICT #20
76M 24474 00	GROUND WATER CERTIFICATE	ROLLER COASTER RD LLC
76M 30063032	GROUND WATER CERTIFICATE	J HAWK INC
76M 20429 00	GROUND WATER CERTIFICATE	CJ HUNTER LLC
76M 43184 00	GROUND WATER CERTIFICATE	D L REBER
76M 30111723	GROUND WATER CERTIFICATE	BEVERLY J HINIKER
76M 70318 00	GROUND WATER CERTIFICATE	SCOTT SABOL
76M 30107096	GROUND WATER CERTIFICATE	DSJB INVESTMENTS LLC
76M 47661 00	GROUND WATER CERTIFICATE	WWW INVESTMENTS LLC
76M 99411 00	STATEMENT OF CLAIM	WWW INVESTMENTS LLC
76M 94986 00	GROUND WATER CERTIFICATE	MISSOULA COUNTY AIRPORT AUTHORITY
76M 26406 00	GROUND WATER CERTIFICATE	EMIL J PAVLIK; KATHLEEN W PAVLIK
76M 21535 00	GROUND WATER CERTIFICATE	NELSON BROTHERS LLC
76M 30062907	GROUND WATER CERTIFICATE	MISSOULA COUNTY
76M 30110014	GROUND WATER CERTIFICATE	MISSOULA COUNTY
76M 75226 00	GROUND WATER CERTIFICATE	LMB PROPERTY HOLDINGS LLC
76M 30116018	GROUND WATER CERTIFICATE	CHARLES M DESCHAMPS; NANCY A DESCHAMPS
76M 70319 00	GROUND WATER CERTIFICATE	SCOTT SABOL
76M 57837 00	GROUND WATER CERTIFICATE	TRENCHLESS SOLUTIONS INC
76M 84613 00	GROUND WATER CERTIFICATE	ADAM R RYS-SIKORA
76M 30110488	GROUND WATER CERTIFICATE	SOHLBERG PROPERTIES LLC
76M 66828 00	GROUND WATER CERTIFICATE	MISSOULA RURAL FIRE DISTRICT
76M 30047732	GROUND WATER CERTIFICATE	MISSOULA COUNTY
76M 142719 00	STATEMENT OF CLAIM	BNSF RAILWAY CO
76M 40006 00	GROUND WATER CERTIFICATE	JOHN F PETERSON; MARGARET G PETERSON
76M 97072 00	GROUND WATER CERTIFICATE	KC LA FLESCHE
76M 30065006	GROUND WATER CERTIFICATE	BIG SKY BREWING COMPANY
76M 100470 00	GROUND WATER CERTIFICATE	MEL'S ELECTRIC & AUTO REPAIR
76M 30067645	GROUND WATER CERTIFICATE	AMERICAN EAGLE INSTRUMENTS
76M 75229 00	GROUND WATER CERTIFICATE	SATURN HOSPITALITY 2 LLC



76M 107871 00	STATEMENT OF CLAIM	CLIFFORD G LARSEN; PATRICIA P LARSEN
76M 15905 00	GROUND WATER CERTIFICATE	MARGARET M HANSON; PAUL A HANSON
76M 30148722	GROUND WATER CERTIFICATE	IBEY LEASING LLP
76M 36555 00	GROUND WATER CERTIFICATE	MARGARET M HANSON; PAUL A HANSON
76M 85884 00	GROUND WATER CERTIFICATE	ROBERT J NIXON; SHERRY R NIXON
76M 85885 00	GROUND WATER CERTIFICATE	ROBERT J NIXON; SHERRY R NIXON
76M 85883 00	GROUND WATER CERTIFICATE	ROBERT J NIXON; SHERRY R NIXON
76M 30047733	GROUND WATER CERTIFICATE	MISSOULA COUNTY
76M 30002652	GROUND WATER CERTIFICATE	USA (DEPT OF AGRICULTURE FOREST SERVICE)
76M 103832 00	STATEMENT OF CLAIM	TA OPERATING LLC
76M 72156 00	GROUND WATER CERTIFICATE	RASMUSSEN, MARY J REV TRUST UAD 10/6/23
76M 30027088	EXEMPT RIGHT	E & K TORGERSON INC; TORGERSON FARMS PARTNERSHIP; TREH COMMERCIAL LLC
76M 103842 00	PROVISIONAL PERMIT	MVE RENTALS LLC
76M 29149 00	STATEMENT OF CLAIM	LMB PROPERTY HOLDINGS LLC
76M 108720 00	STATEMENT OF CLAIM	BAIR CLARK PROPERTIES LLC
76M 151002 00	STATEMENT OF CLAIM	BUENA VISTA COMMUNITY INC; SROA 6385 US HWY 10 MT LLC
76M 34848 00	GROUND WATER CERTIFICATE	ROLLER COASTER RD LLC
76M 26359 00	STATEMENT OF CLAIM	MISSOULA, CITY OF
76M 108761 00	PROVISIONAL PERMIT	USA (DEPT OF AGRICULTURE FOREST SERVICE)
76M 40406 00	GROUND WATER CERTIFICATE	BAIR CLARK PROPERTIES LLC
76M 30151126	PROVISIONAL PERMIT	MISSOULA COUNTY AIRPORT AUTHORITY
76M 30013295	PROVISIONAL PERMIT	CIRCLE H INVESTMENTS LLC
76M 52384 00	STATEMENT OF CLAIM	USA (DEPT OF AGRICULTURE FOREST SERVICE)



76M 30006843	PROVISIONAL PERMIT	MISSOULA VENTURES LLC
76M 73929 00	PROVISIONAL PERMIT	GOODAN KEIL COUNTY WATER DISTRICT
76M 87132 00	PROVISIONAL PERMIT	MISSOULA COUNTY AIRPORT AUTHORITY
76M 52385 00	STATEMENT OF CLAIM	USA (DEPT OF AGRICULTURE FOREST SERVICE)
76M 30027375	PROVISIONAL PERMIT	WYE AREA WATER COMPANY LLC
76M 52386 00	STATEMENT OF CLAIM	USA (DEPT OF AGRICULTURE FOREST SERVICE)
76M 52387 00	STATEMENT OF CLAIM	USA (DEPT OF AGRICULTURE FOREST SERVICE)
76M 26368 00	STATEMENT OF CLAIM	MISSOULA, CITY OF
76M 1335 00	GROUND WATER CERTIFICATE	THORNTON LUMBER CO
76M 30010838	GROUND WATER CERTIFICATE	TEN LLC
76M 5627 00	GROUND WATER CERTIFICATE	MONTANA BARITE CO INC
76M 30119128	STATEMENT OF CLAIM	700 SW HIGGINS LLC
76M 30019950	GROUND WATER CERTIFICATE	SROA 6385 US HWY 10 MT LLC
76M 5096 00	GROUND WATER CERTIFICATE	PACIFIC HIDE & FUR DEPOT
76M 6230 00	GROUND WATER CERTIFICATE	CLIFFORD G LARSEN; PATRICIA P LARSEN
76M 30042914	GROUND WATER CERTIFICATE	RASMUSSEN, MARY J REV TRUST UAD 10/6/23
76M 30044803	GROUND WATER CERTIFICATE	NORTHWEST INDUSTRIAL SUPPLY INC
76M 149272 00	STATEMENT OF CLAIM	CAROL H AMMONS
76M 30015537	GROUND WATER CERTIFICATE	SATURN HOSPITALITY 2 LLC
76M 30015268	GROUND WATER CERTIFICATE	HI STAR PROPERTIES, LLC
76M 30042154	GROUND WATER CERTIFICATE	TRIPLE J-M LLC
76M 30119124	STATEMENT OF CLAIM	700 SW HIGGINS LLC
76M 30019987	GROUND WATER CERTIFICATE	RANDY D FRASCH
76M 149274 00	STATEMENT OF CLAIM	CAROL H AMMONS
76M 215059 00	STATEMENT OF CLAIM	DESMET SCHOOL DISTRICT #20
76M 30042746	GROUND WATER CERTIFICATE	WYEMT LLC
76M 30030080	GROUND WATER CERTIFICATE	LUCICH BROTHERS PROPERTIES, LLC
76M 149273 00	STATEMENT OF CLAIM	CAROL H AMMONS



76M 149271 00	STATEMENT OF CLAIM	CAROL H AMMONS
76M 30019951	GROUND WATER CERTIFICATE	SROA 6385 US HWY 10 MT LLC
76M 30065028	GROUND WATER CERTIFICATE	MISSOULA COUNTY AIRPORT AUTHORITY
76M 2993 00	GROUND WATER CERTIFICATE	WILSON, MARVIN LLC
76M 6105 00	GROUND WATER CERTIFICATE	PACIFIC HIDE & FUR DEPOT
76M 30030108	GROUND WATER CERTIFICATE	RANDY D FRASCH
76M 30043001	GROUND WATER CERTIFICATE	BETTY L HANEL
76M 30022016	GROUND WATER CERTIFICATE	CARNEAL FAMILY TRUST
76M 30018411	GROUND WATER CERTIFICATE	COPPERSTONE DEVELOPMENT LTD
76M 30031085	GROUND WATER CERTIFICATE	TRIPLE J-M LLC
76M 30119129	STATEMENT OF CLAIM	700 SW HIGGINS LLC
76M 30013894	GROUND WATER CERTIFICATE	BITTERROOT VALLEY BANK
76M 30013895	GROUND WATER CERTIFICATE	NORTHWESTERN CORPORATION
76M 30067652	GROUND WATER CERTIFICATE	AMERICAN EAGLE INSTRUMENTS
76M 3235 00	STATEMENT OF CLAIM	ALVIN F GOODAN; CARMEN L GOODAN
76M 30015267	GROUND WATER CERTIFICATE	SHERIDAN MONTANA VENTURES LLC
76M 30031233	GROUND WATER CERTIFICATE	GALE R ALBERT; SUSAN A TRUETT
76M 30005743	GROUND WATER CERTIFICATE	DICK ANDERSON CONSTRUCTION INC
76M 105276 00	STATEMENT OF CLAIM	CLIFFORD G LARSEN; PATRICIA P LARSEN
76M 432 00	GROUND WATER CERTIFICATE	BAIR CLARK PROPERTIES LLC



Appendix B:Water Rights Between Point of Depletions and USGS Gage # 12353000

WATER RIGHT NUMBER	WATER RIGHT TYPE	OWNER(S)
76M 11375 00	PROVISIONAL PERMIT	CLARK R BARTKOWSKI; JAMES E BATES; ERIKA BEARS; WILLIAM BEARS; MICHAEL R BECKEL; JENIFER E BROWN; ALICIA H CABLE; CASEY K CABLE; DENNIS M COTE; JONI R COTE; PHILLIP H DRINKHAUS; REBECCA A DRINKHAUS; SUSAN DUFF; MICHAEL DURRER; CAROLE I ERICKSON; LEIF B ERICKSON; JAMES FOUNTAIN; ALEXIS M GAVRISHEFF; SUGENE GAVRISHEFF; JANNA T GREENWELL; KRYSTAL L GUILHEMOTONIA; SEBASTIEN M GUILHEMOTONIA; ERICA HERMES; JOHN HERMES; MICHELLE L JOHNS; WILLIAM L JOHNS; ALYSSA JURGENSMEIER; CORY JURGENSMEIER; KECK, DAVID WALTE & TAMMY LYNN REVOCABLE LIVING TR; DAMIAN R KHOURY; JOSHUA LEHMAN; KIRSTEN LEHMAN; ASHLEY D LIBERKO; GREG D LIBERKO; DAVID C MAURER; JANICE M MAURER; MONA MAYAHI; MCDONALD, TRACY L. P. REVOCABLE TRUST; BRIAN F MCKERNAN; JODY L MCKERNAN; HANNAH MONAHAN; JUSTIN MONAHAN; MARTA R PIERPOINT; AARON M ROESER; KAREN A ROESER; SHANAHAN LIVING TRUST; D FLYNN SHERICK; SUZANNE R SHERICK; ABIGAIL SPEAR; MARC SPEAR; JOCELYN N SPOON; JANELE K SULLIVAN; ROSS D TILLMAN
76M 102172 00	STATEMENT OF CLAIM	RUBY L CHAVEZ; SEFERINO O CHAVEZ
76M 105070 00	STATEMENT OF CLAIM	FRENCHTOWN IRRIGATION DISTRICT



76M 151516 00	STATEMENT OF CLAIM	GILBERT R JOHNSTON; JUDITH A JOHNSTON; VICKI MUNDLIN SMITH; BRENT R SMITH
76M 105072 00	STATEMENT OF CLAIM	FRENCHTOWN IRRIGATION DISTRICT
76M 30122650	STATEMENT OF CLAIM	COUNCIL VALLEY LLC



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

WATER RIGHT NUMER	WATER RIGHT TYPE	OWNER(S)
76M 99559 00	STATEMENT OF CLAIM	CONFEDERATED SALISH & KOOTENAI TRIBES; MELINDA W CORSO; ROBERT M CORSO
76M 115818 00	STATEMENT OF CLAIM	ALBERT CREEK FISH AND WILDLIFE PRESERVE LLC
76M 149109 00	STATEMENT OF CLAIM	FORLORN HOPE LLC
76M 147297 00	STATEMENT OF CLAIM	JAMES P CYR; MATTHEW J CYR; MICHAEL P CYR; RENIE L CYR
76M 150037 00	STATEMENT OF CLAIM	KACIE M ANIBALLI; CKS PROPERTIES LLC; SHELDON S HARRIS; CONRAD HEINEKAMP; TRACY HEINEKAMP; LEEJAMES PROPERTIES LLC; ROBERT O LINDIG; REBICH & SONS LIVESTOCK CO INC; SERENITY LAND HOLDINGS LLC; IAN J SLAUGHTER; JESSICA L SMITH; JOSHUA J SMITH; SPURLOCK, JERRY C & DIANA T LIV TRUST JULY 7 2021; EUGENE STEDMAN; TAMMY STEDMAN; ARTHUR M WARREN; SHELBY N WARREN; BRIAN N WEYAND; JACOB R WEYAND
76M 3239 00	STATEMENT OF CLAIM	CLARK FORK CATTLE CO LLC
76M 147296 00	STATEMENT OF CLAIM	AMANDA C CYR; JAMES P CYR; MATTHEW J CYR; MICHAEL P CYR; RENIE L CYR
76M 211934 00	STATEMENT OF CLAIM	CHARLES D BLUE
76M 3241 00	STATEMENT OF CLAIM	WILLIAM D MURRAY
76M 149106 00	STATEMENT OF CLAIM	CLARK FORK CATTLE CO LLC
76M 118471 00	STATEMENT OF CLAIM	FORLORN HOPE LLC
76M 99095 00	STATEMENT OF CLAIM	CLARK FORK CATTLE CO LLC
76M 30144289	STATEMENT OF CLAIM	LUCIER LAND LLC
76M 13584 00	PROVISIONAL PERMIT	LEROY H FELTUS
76M 63515 00	PROVISIONAL PERMIT	MLH MONTANA LLC
76M 4896 00	PROVISIONAL PERMIT	MONTANA DEPT OF FISH WILDLIFE & PARKS

Excel File Placeholder

*The **PW3 Aquifer Test Data** spreadsheet is available outside of the application file.*

*For **pending applications**, excel files available upon request from the regional office.*

*For **scanned applications**, excel files available in a separate FileNet link.*

Please contact the regional office for more information.

Preapplication Materials

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

Preapplication Materials

THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

GOVERNOR GREG GIANFORTE



DNRC DIRECTOR AMANDA KASTER

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

10/30/2025

Circle H Ranch Investments LLC
c/o Mark Bretz
4800 Grant Creek Rd
Missoula, MT 59808

Subject: Complete Preapplication Form for Permit Application No. 76M 30170833

Dear Applicant,

The Missoula Regional Office of the Department of Natural Resources and Conservation (DNRC or Department) received your Preapplication Meeting Form and preapplication meeting fee on October 23, 2025 and the Department deemed the submitted Preapplication Meeting Form to be successfully completed per ARM 36.12.1302 on October 30, 2025.

As designated on the submitted Preapplication Meeting Form per § 85-2-302(3)(b), MCA, the Department will produce the technical analyses based on the parameters included in the Preapplication Meeting Form (ARM 36.12.1302(4)) within 45 days of October 30, 2025.

Please let me know if you have any questions.



DNRC.MT.GOV

Best,



Alex Dagleish

Water Resource Specialist

Missoula Regional Office

(406)-542-5886

Alexander.dagleish@mt.gov

CC:

WGM Group, Inc.

c/o Patrick Doyle

1111 E Broadway St.

Missoula, MT 59802





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

For Department Use Only

Application # 30170833 Basin 76m
Form Received 10/23/25
Fee Rec'd \$ 500 of 1000 Check # 83435
Deposit Receipt # MSS 2607386-02
Payor WGM Group
Form Returned _____
Refund \$ _____ Date _____

PREAPPLICATION MEETING FEE

\$ 500

FILING FEE REDUCTION & EXPEDITED TIMELINE

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

RECEIVED

OCT 23 2025

MONTANA D.N.R.C
MISSOULA REGIONAL OFFICE

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

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

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

If yes,

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

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

If yes,

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



600P-B

Form600_B - Signature Needed

Final Audit Report

2025-10-22

Created:	2025-10-22
By:	Lara Andre (landre@wgmgroup.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAfZ2kthnsxdwNoFGQAziAn9Lb1hm7zPci

"Form600_B - Signature Needed" History



Document created by Lara Andre (landre@wgmgroup.com)

2025-10-22 - 4:53:51 PM GMT



Document emailed to Mark Bretz (mbretz@bretzrv.com) for signature

2025-10-22 - 4:54:20 PM GMT



Email viewed by Mark Bretz (mbretz@bretzrv.com)

2025-10-22 - 5:47:12 PM GMT



Document e-signed by Mark Bretz (mbretz@bretzrv.com)

Signature Date: 2025-10-22 - 5:48:48 PM GMT - Time Source: server



Agreement completed.

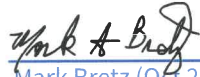
2025-10-22 - 5:48:48 PM GMT



Adobe Acrobat Sign

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))."



Mark Bretz (Oct 22, 2025 11:48:48 MDT)

Oct 22, 2025

Applicant Signature

Date

Applicant Signature

Date

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



Department Signature

10/30/2025

Date

Department Signature

Date



MEMORANDUM

DATE: October 22, 2025

TO: Alex Dalglish, Benjamin Thomas, Jim Nave, Kim Bolhuis
Montana Department of Natural Resources and Conservation

FROM: Patrick Doyle, Water Right Technician, WGM Group, Inc.

CC: Mark Bretz, Applicant
Kyle Mace, Water Rights Specialist III, WGM Group, Inc.

RE: Permit Application 76M 30170833 Preapplication Meeting Revised and Amended Follow Up Responses

FOLLOW UP RESPONSES

Following are the responses from Circle H Investments LLC to the items marked for follow up on the Pre-Application Meeting Form per the meeting held on April 29, 2025.

Two of the follow-up items were not specific to questions in the preapplication form:

- *Need to update supplemental materials regarding existing water right*
- *Provide engineering design/plan if available*

Updated supplemental materials will be answered in the relevant questions in the follow-up and amended response sections. Engineering design/plans can be found in **Attachment 1**. The subdivision approval and associated water use estimates can be found in **Attachment 2**.

PRE-APPLICATION Q 2.

A revised map is attached showing the proposed point of diversion and place of use.

AMENDED RESPONSES

Following are the amended responses from Circle H Investments LLC for questions listed in Form 600P-B.

PRE-APPLICATION Q 5.

Table 1: Proposed Purpose Information

Purpose	Period of Diversion	Period of Use	Flow Rate	Volume
Multiple Domestic	01/01/ to 12/31	01/01/ to 12/31	110 GPM	49.53 AF

PRE-APPLICATION Q 6.

Table 2: Additional Purpose Information

Purpose	Requested Information	Response
Multiple Domestic	Number of Dwellings	The proposed number of dwellings is a total of 127 homes. 42 proposed for the Circle H Ranch subdivision, and 85 proposed for the West Pointe Subdivision.

According to the Water Design Report submitted to the DEQ, homes at full build-out will use an average of 504 gpd for both domestic and lawn and garden purposes. The lawn and garden purpose for both subdivisions is covered under the original Provisional Permit, 76M 30013295. Based on these numbers, the diverted domestic volume per home was estimated to be 0.39 AF. Homes in the Circle H subdivision were considered to have a consumed volume of 10% due to each lot having an individual drain field. Homes in the West Pointe subdivision are connected to the City of Missoula sewer and are considered to have a consumed volume of 25%.

Table 3: Water Use Estimates

Subdivision	Diverted Volume per home (AF)	Number of homes	Total Diverted Volume (AF)	Consumptive use (10% CH, 25% WP) AF
Circle H	0.39	42	16.38	1.638
West Pointe	0.39	85	33.15	8.2875
			49.53	9.9255

PRE-APPLICATION Q 10.a

76M 30013295 is a Provisional Permit that supplies water to the subdivision for domestic and lawn and garden purposes. It has been used to cover the initial phases of the subdivision using two wells permitted for a flow rate of 180 gpm and an unperfected volume of 114.00 AF. If approved, the proposed wells will be connected to the existing water system and will provide additional flow rate and volume to cover the water needs of future phases of the subdivision.

76M 30013295 and the currently proposed permit will combine both flow rate and volume for domestic purposes for the existing and proposed phases of the subdivision. The lawn and garden volume will only be covered by the separate proposed change to Provisional Permit 76M 30013295.

The overall flow rate for the system under the combination of the proposed change for 76M 30013295 and the proposed permit will be 290 gpm and the volume will be 154.28 AF. The domestic purpose, provided by both permits, will have an additive volume of 112.71 AF. The lawn and garden purpose, provided by 76M 30013295, will have a volume of 41.57 AF.

PRE-APPLICATION Q 14.

The 85 proposed lots located in the West Pointe subdivision will discharge water to the Missoula city sewer system. The 42 lots located in the Circle H subdivision will utilize drain fields.

PRE-APPLICATION Q 35.a.

Yes, the proposed well has been constructed.

PRE-APPLICATION Q 42.

Table 4: Well Information

POD #	Flow Rate	Volume	Period of Diversion	Depth	Measured or Estimated
1	110 GPM	49.53 AF	01/01/ to 12/31	117ft	Measured



23

24

CIRCLE H RANCH INVESTMENTS LLC

2. PROPOSED USE MAP

0 0.25 0.5
Miles

26

14N 20W

25

30
14N 19W

P1

36



LOC: Missoula County
TR: 14N 20W
BASE: 2023 Aerial
FILE: 02_Permit_Proposed
PROJ MGR: JM
DRAWN BY: PSD
PROJ: 211044
DATE: 4/29/2025

This is not a legally recorded map or survey. WGM does not guarantee the accuracy, current status, or completeness of the material contained herein and is not responsible for any misuse/misrepresentation of this information or its derivatives. This graphic representation is for general planning purposes only.



Cistern

Point of Diversion: Well



GWIC ID: 336214



Water Line



Proposed: Place of Use



Overlapping POU: 76M 30013295



Parcel Boundary



Subdivision Boundary

5.0 WATER USE DATA

The following water use data (in **Section 5.0**) was based on the calculations and demands used in the West Pointe, Phase 1B water design report. This report was used to calculate the full build out demands across the entire West Pointe Subdivision. The average daily use for water demand is shown as 0.35 gpm in this report and calculations, however, the current built phases of Circle H have shown to only use about 0.31 gpm.

Design Parameters:

Average daily use:	0.35 gpm or 504 gpd per dwelling unit (which includes daily use for irrigation per SF home)
Maximum daily use:	1.23 gpm or 1764 gpd per dwelling unit (3.5 times average day)
Peak hourly use:	3.0 gpm per dwelling unit
Minimum storage:	504 gallons per dwelling plus fire flows
Common area irrigation:	Approximate 41,000 SF of designated irrigated grass @ 1 inch/week (up to Phase IV-A West Pointe Development) = $(1\text{in/wk} \times 1\text{ft}/12\text{in} \times 1\text{wk}/7\text{d} \times 7.480519\text{ gal/ft}^3) \times (41,000\text{ sf} \times 1\text{d}/24\text{hr} \times 1\text{hr}/60\text{min}) = 2.54\text{ gpm} = 3,651\text{ gpd}$

Proposed Water Usage:

Circle H – Phase I, Existing	34 units
Circle H – Future Phases	42 units
West Pointe – Phase I and 1B, Existing	69 units
West Pointe – Phase IV-A	22 units (Current Phase)
West Pointe – Future Phases	<u>122 units</u>
	289 units

The original Water Design Report calculations used 175 units for future and miscellaneous resulting in a total of 330 units. This report uses 122 units for the future after development of this phase, which results in 289 total units as that matches the approved phasing plan with irrigation accounted for separately. The full build out water use calculations can be seen below:

Average daily use:	$(504\text{ gpd} \times 289\text{ units}) + 3,651\text{ gpd} = 149,307\text{ gpd}$
Maximum daily use:	$(1764\text{ gpd} \times 289\text{ units}) + 3,651\text{ gpd} = 513,447\text{ gpd}$
Peak hourly use:	$(3.0\text{ gpm} \times 289\text{ units}) + 2.54\text{ gpm} = 870\text{ gpm}$

Water Usage – This Submittal (Phase IV-A):

West Pointe – Phase IV-A:	<u>22 units</u>
Common area landscape:	25,000 SF = 1.55 gpm = 2,226 gpd
Average daily use:	$(504\text{ gpd} \times 22\text{ units}) + 2,226\text{ gpd} = 13,314\text{ gpd}$
Maximum daily use:	$(1764\text{ gpd} \times 22\text{ units}) + 2,226\text{ gpd} = 41,034\text{ gpd}$
Peak hourly use:	$(3\text{ gpm} \times 22\text{ units}) + 1.55\text{ gpm} = 67.6\text{ gpm}$



Water Usage – All Built Phases, Circle H – Phase I, West Pointe Phases I, 1B, and IV-A (125 units):

Average daily use:	$(504 \text{ gpd} \times 125 \text{ units}) + 3,651 \text{ gpd} = 66,651 \text{ gpd}$
Maximum daily use:	$(1764 \times 125 \text{ units}) + 3,651 \text{ gpd} = 224,151 \text{ gpd}$
Peak hourly use:	$(3 \text{ gpm} \times 125 \text{ units}) + 1.55 \text{ gpm} = 376.6 \text{ gpm}$

Storage Required: Per DEQ Circular 1 – 7.0.1 (a)

125 units x 504 gal/home	= 63,000 gal
Common Area irrigation	= 3,651 gal
Fire flow 1,000 gpm @ 120 min.	= <u>120,000 gal</u>
	186,651 gal

Summary:

The storage reservoir already in place for the Circle H Ranch and West Pointe water system is 500,000 gallons, which is more than the required storage shown above, using a fire flow of 1,000 gpm for two hours that was confirmed with Missoula Rural Fire District. The original water system was designed to serve 330 units. With the completion of this phase of construction, a total of 125 units will be served, therefore, the water system has capacity to support the proposed Phase IV-A water main extension and water services.

The three current wells on site each have a pump that will be used to get the water from the well up to the storage reservoir that is on site. The two existing wells that have already been approved for water use are able to pump 105 gpm and 75 gpm respectively. The third well that is currently being reviewed by DEQ, EQ# 25-1769, for water use approval is able to pump water at a rate of 110 gpm. The wells are required to produce and pump enough water per day that meets or exceeds the maximum daily use that is calculated above with the largest pump being out of service. Using the two smaller pump rates gives a total pumping value of 180 gpm which when converted to a daily value gives 259,200 gpd. This is greater than the maximum daily use that was calculated for the 125 developed lots above at 224,151 gpd. This phase can service all existing and proposed lots with the given wells and pumps that currently exist on site.







3" BLOWOFF DETAIL
NOT TO SCALE

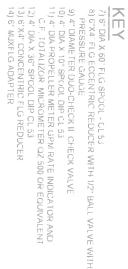
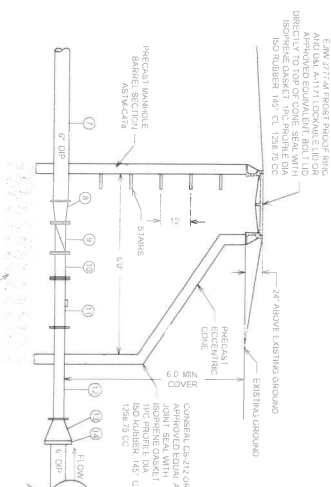
NOT TO SCALE

WELL DETAILS
CIRCLE H RANCH
MISSOULA COUNTY, MONTANA

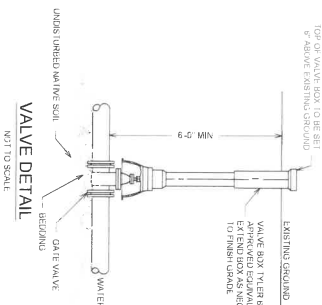


[illegible]

1. CONTRACTOR TO HAVE A MINIMUM OF 10 COVER
2. CONTRACTOR TO INSURE ALL TRUST VALVES, FITTINGS AND BLOWOFFS PER DETAILS AND TRUST BLOCK TABLE
3. ALL FLANGE GASKETS TO BE FULL FACE FLANGE-TYPE GASKETS
4. CONTRACTOR TO PROVIDE BLOWOFF AND TESTING PLAN TO ENGINEER FOR APPROVAL PRIOR TO DISINPECTING AND FLUSHING
5. CONTRACTOR TO VERIFY EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION

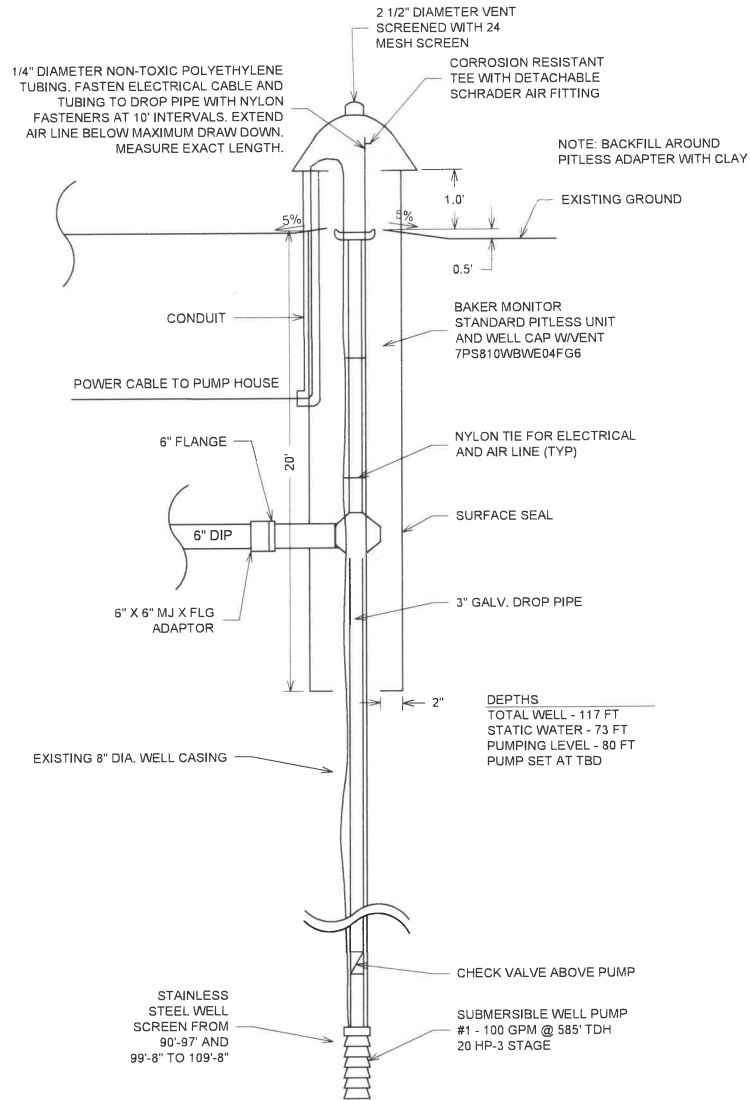


NOT TO SCALE



NOT TO SCALE

JUNE 18, 2025



WELL DETAIL

NOT TO SCALE

PUBLIC WELL #3 - WELL DETAIL CIRCLE H RANCH MISSOULA COUNTY, MONTANA



WGM GROUP
WWW.WMGROUP.COM

PROJECT: 21-10-44
FILE No: 211044WELLS.dwg
FILE PATH: W:\Projects\211044\211044.220 Data\CAD\01 Design
LAYOUT: WELL DETAIL 8.5x11
SURVEYED:
DESIGN: GM
DRAFT: EDI
APPROVE:
DATE: DECEMBER 23, 2024
SHEET: 1 OF 1 SHEETS



Dustin Hoover PE
WGM Group
1111 East Broadway
Missoula MT 59808

ATTACHMENT 2: DEQ SUBDIVISION APPROVAL AND WATER USE ESTIMATE

October 17, 2025

RE: West Pointe Phase IV-A
Missoula County
E.Q. #25-2252

Dear Mr Hoover:

The plans and supplemental information relating to the water supply, sewage, solid waste disposal, and storm drainage (if any) for the above referenced division of land have been reviewed as required by ARM Title 17 Chapter 36(101-805) and have been found to be in compliance with those rules.

Two copies of the Certificate of Subdivision Plat Approval are enclosed. The original is to be filed at the office of the county clerk and recorder. The duplicate is for your personal records.

Pursuant to MAR Notice No. 17-447, ARM 17.36.103 has been amended to no longer require a letter from the Montana Department of Natural Resources and Conservation (DNRC) or for projects within the reservation boundaries, by the appropriate water management board, regarding legal water availability (i.e. water rights) prior to certificate of subdivision approval. Thus, this certificate of subdivision approval does not consider legal water availability, but only the physical presence and properties of water (i.e. quantity and quality). For water rights determinations, contact DNRC or the appropriate management board as the regulatory authority of legal water availability.

Development of the approved subdivision may require coverage under the Department's General Permit for Storm Water Discharges Associated with Construction Activity, if your development has construction-related disturbance of one or more acre. If so, please contact the Storm Water Program at (406) 444-3080 for more information or visit the Department's storm water construction website at <http://www.deq.state.mt.us/wqinfo/MPDES/StormwaterConstruction.asp>. Failure to obtain this permit (if required) prior to development can result in significant penalties.

In addition, your project may be subject to Federal regulations relating to Class V injection wells. Please contact the United States Environmental Protection Agency regarding specific rules that may apply.

Your copy is to inform you of the conditions of the approval. Please note that you have specific responsibilities according to the plat approval statement primarily with regard to informing any new owner as to any conditions that have been imposed.

If you have any questions, please contact this office.

Sincerely,

Rachel Clark PE Bureau Chief
Engineering Bureau
Water Quality Division
Department of Environmental Quality

RC/LE

cc: County Sanitarian
County Planning Board (e-mail)
Owner (e-mail)

STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
CERTIFICATE OF SUBDIVISION PLAT APPROVAL
(Section 76-4-101 et seq.)

TO: County Clerk and Recorder
Missoula County
Missoula, Montana

E.Q. #25-2252; CS#0698456

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as **West Pointe Phase IV-A**

A subdivision located in the Southwest $\frac{1}{4}$ of Section 26 of Township 14 North, Range 20 West, P.M.M., Missoula County, Montana as found in the records of the Missoula County Clerk & Recorder, consisting of 40.03 acres,

consisting of 23 lots have been reviewed by personnel of the Water Quality Division, and,

THAT the remaining Lot 2A is excluded from review under Title 76, chapter 4, part 1, MCA pursuant to Section 17.36.6005(2)(a) ARM, a parcel that has no facilities for water supply, wastewater disposal, storm drainage, or solid waste disposal, if no facilities will be constructed on the parcel, and,

THAT the remaining Lot 2B is greater than 20 acres in size and is excluded from review pursuant to Section 76-4-103 MCA, and,

THAT the documents and data required by ARM Chapter 17 Section 36 have been submitted and found to be in compliance therewith, and,

THAT the approval of the Plat is made with the understanding that the following conditions shall be met:

THAT the lot sizes as indicated on the Plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT Lots 204 through 225 shall be used for one living unit each, and,

That Common Area 1 shall be used for stormwater drainage facilities, and,

THAT the public water supply will be provided through extensions and connections to the Circle H Water Supply System #MT0004446 and,

THAT the public sewage treatment systems will be provided through extensions and connections to the City of Missoula Sewer System and,

THAT the extensions to the existing public water and sewer systems were reviewed and approved under EQ#25-2576, dated October 16, 2025, and,

THAT the maximum irrigation rate for the Common Area for this phase shall be 3,651 gallons per day, and,

THAT the stormwater design requires Ponds 1 and 2 to be constructed as extended detention ponds and that Pond 1 shall have a forebay minimum volume of 1,790 cubic feet, and a minimum pond storage volume of 17,992 cubic feet; and Pond 2 shall have a forebay minimum volume of 769 cubic feet, and a minimum pond storage volume of 10,632 cubic feet; and Pond 5 shall be a standard detention pond with a minimum storage volume of 6,234 cubic feet, with all ponds to be constructed and located in accordance with the lot layout approved plans, and,

THAT the stormwater conveyance and detention structures were reviewed and approved under EQ#25-2576, dated October 16, 2025, and shall be constructed in accordance with the approved plans and specifications, and,

THAT the operation and maintenance of the stormwater facilities shall be the responsibility of the West Pointe Owners' Association, and,

THAT water supply systems, sewage collection systems and storm drainage systems will be located as shown on the approved plans and lot layout, and,

THAT the developer and/or owner of record shall provide each purchaser of property with a copy of the Plat, approved location of water supply, sewage treatment system and storm drainage structures as shown on the attached lot layout, and a copy of this document, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and,

THAT departure from any criteria set forth in the approved plans and specifications and Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.

Pursuant to Section 76-4-122 (2)(a), MCA, a person must obtain the approval of both the State under Title 76, Chapter 4, MCA, and local board of health under section 50-2-116(1)(i), before filing a subdivision plat with the county clerk and recorder. This certificate of subdivision approval considered the physical presence and properties of water but does not constitute an entitlement to or a representation regarding water rights or the legal availability of water, which is regulated by the Montana Department of Natural Resources and Conservation or for projects within the reservation boundaries, by the appropriate water management board.

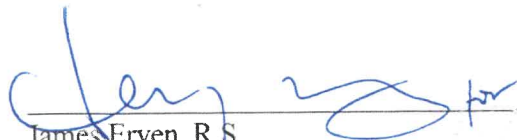
Page 3 of 3
West Pointe Phase IV-A
Missoula County, Montana
E.Q. # 25-2252; CS#0698456

YOU ARE REQUESTED to record this certificate by attaching it to the Plat filed in your office as required by law.

DATED this 16th day of October, 2025.

Sonja Nowakowski
DIRECTOR

By:



James Erven, R.S.
Subdivision Section Supervisor
Engineering Bureau
Water Quality Division
Department of Environmental Quality

Owner's Name: Circle H Investments, LLC

From: [Dalglish, Alex](#)
To: [Patrick Doyle](#)
Cc: [Kyle Mace](#)
Subject: RE: Circle H Form 633 Question
Date: Tuesday, June 3, 2025 8:11:00 AM
Attachments: [image001.png](#)
[image002.png](#)

Thank you Patrick.



Alex Dalglish | Water Conservation Specialist II
Water Resources Division, Missoula Regional Office
Montana Department of Natural Resources and Conservation
2705 Spurgin Road, Bldg C
DESK: 406-542-5886 **EMAIL:** alexander.dalglish@mt.gov
[Website](#) | [Facebook](#) | [X \(Twitter\)](#) | [Instagram](#)
How did we do? Let us know here: [Feedback Survey](#)

From: Patrick Doyle <pdoyle@wgmgroupp.com>
Sent: Monday, June 2, 2025 10:50 AM
To: Dalglish, Alex <Alexander.Dalglish@mt.gov>
Cc: Kyle Mace <KMace@wgmgroupp.com>
Subject: [EXTERNAL] RE: Circle H Form 633 Question

Good morning, Alex,

Water for the test was discharged through a 100ft hose in the northeast direction from the production well. I attached an updated map with the information and an arrow. Please let me know if you need anything else.

Patrick

Patrick Doyle
Water Rights Technician & GIS Coordinator

M: [406-665-5727](tel:406-665-5727) O: [406-728-4611](tel:406-728-4611)
1111 East Broadway
Missoula, Montana 59802
www.wgmgroupp.com [wgmgroupp.com]



From: Dalglish, Alex <Alexander.Dalglish@mt.gov>
Sent: Monday, June 2, 2025 8:52 AM

To: Patrick Doyle <pdoyle@wgmgroup.com>

Cc: Kyle Mace <KMace@wgmgroup.com>

Subject: Circle H Form 633 Question

[EXTERNAL EMAIL] Only open attachments or click on links from senders you trust.

Good Morning Patrick,

It has come to my attention that Form 633 for Circle H is missing information regarding where water was discharged during the pumping test. Can you please clarify the distance and direction of the discharge point relative to the production well?

Thank you,



Alex Dagleish | Water Conservation Specialist II
Water Resources Division, Missoula Regional Office
Montana Department of Natural Resources and Conservation
2705 Spurgin Road, Bldg C

DESK: 406-542-5886 **EMAIL:** alexander.dagleish@mt.gov

[Website](#) | [Facebook](#) [[facebook.com](https://www.facebook.com)] | [X \(Twitter\)](#) [twitter.com] | [Instagram](#) [[instagram.com](https://www.instagram.com)]

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



NWSW

NESW

**CIRCLE H RANCH
INVESTMENTS LLC**
ATA.2.a WELLS IN
AQUIFER TESTING

Discharge through a 100ft hose to
the northeast of the production well

214758
214761
336214
209094

SWSW

SESW

SWSE

26

14N 20W

NENW

NWNE

Well: GWIC ID

 Observation

 Production

 Water Line

 Parcel Boundary

 Subdivision Boundary

0 250 500
Feet



LOC: Missoula County PROJ MGR: JM
TR: 14N 20W DRAWN BY: PSD
BASE: 2023 Aerial PROJ: 211044
FILE: 03_Permit_ATA DATE: 5/19/2025

This is not a legally recorded map or survey. WGM does not guarantee the accuracy, current status, or completeness of the material contained herein and is not responsible for any misuse/misrepresentation of this information or its derivatives. This graphic representation is for general planning purposes only.

From: [Brickl, Melissa](#)
To: [Nave, Jim](#); [Kyle Mace](#)
Subject: RE: Circle H pre app question
Date: Monday, May 5, 2025 10:07:13 AM
Attachments: [image001.png](#)
[image002.png](#)

Kyle and Jim,

The test well is not Well 4 (W4). The purpose of testing W4 is to derive an efficiency value from the drawdown/pumping rate data to use in forward modeling to assess the adequacy of diversion criteria. If we use the test well, it doesn't reflect the efficiency of W4.

The 8-hr test needs to be completed on W4.



Melissa Brickl | Groundwater Section Supervisor
Water Sciences Bureau, Groundwater Studies, Water Resources Division
Montana Department of Natural Resources and Conservation
1424 9th Ave, Helena, MT 59601
MOBILE: 406-437-4025 **EMAIL:** melissa.brickl@mt.gov
[Website](#) | [Facebook](#) | [X \(Twitter\)](#) | [Instagram](#)
How did we do? Let us know here: [Feedback Survey](#)

From: Nave, Jim <jnave@mt.gov>
Sent: Friday, May 2, 2025 1:23 PM
To: Kyle Mace <KMace@wgmgroupp.com>
Cc: Brickl, Melissa <Melissa.Brickl@mt.gov>
Subject: RE: Circle H pre app question

Hello Kyle,

I am pretty certain that it needs to be the actual well that will be used to divert water under the permit if it is granted. If Circle H Ranch LLC can use that well instead of drilling a new one, that might work. I will check with Melissa, however she is out of office today, so I will get back to you next week.

Sincerely,

Jim



Jim Nave Regional Manager
Water Resource Division Missoula Regional Office
Montana Department of Natural Resources and Conservation
2705 Spurgin Road, Bldg C
DESK: 406-542-5889 **EMAIL:** jnave@mt.gov
[Website](#) | [Facebook](#) | [X \(Twitter\)](#) | [Instagram](#)
How did we do? Let us know here: [Feedback Survey](#)

From: Kyle Mace <KMace@wgmgroupp.com>
Sent: Thursday, May 1, 2025 5:18 PM
To: Nave, Jim <jnave@mt.gov>
Cc: Patrick Doyle <pdoyle@wgmgroupp.com>; Emily Clark <eclark@wgmgroupp.com>

Subject: [EXTERNAL] RE: Circle H pre app question

Jim,

I followed up with Emily since she did the pump test and completed the 633 for this.

There is a test well that is very close to the location that the applicant would drill a fourth supply well in the future. This test well was pump tested for 12 hours on 12/5/2003 and was described in the 600 Criteria Addendum narrative of the original water right application. The test well was pumped at 110 gpm with 8 ft of total drawdown (SWL ~74 ft from TOC). I don't think we have access to the data for it though.

Would this qualify as sufficient to include the undrilled well as a POD on the Permit application?

Thanks,

Kyle Mace

Water Resource Specialist • Vice President of Water & Environment • WGM Group

From: Nave, Jim <jnave@mt.gov>

Sent: Thursday, May 1, 2025 4:44 PM

To: Kyle Mace <KMace@wgmggroup.com>

Subject: RE: Circle H pre app question

[EXTERNAL EMAIL] Only open attachments or click on links from senders you trust.

Hello Kyle,

Per 36.12.121 minimum testing procedures are as follows:

(3)(c) The proposed pumping rate may be demonstrated by testing multiple wells as long as (e) is met by one well and the remaining flow rate is demonstrated by eight-hour drawdown and yield tests on additional production wells under (e)(ii) and (e)(iii).

The 110 gpm 72-hour test they submitted meets the requirements of 36.12.121 (3)(e) BUT they still need to show they can produce the remaining flow rate through an 8-hr test on undrilled Well 4. So hence, the test rate would be 110 gpm to total 220 gpm (requested).

Circle H Ranch LLC could always complete a new 72-hour test at 220 gpm, if they did this they would meet the requirements of 36.12.121(3)(b) "The average pumping rate must be equal to or greater than the proposed flow rate if the application is for one well or if the total proposed rate for multiple wells can be obtained from a single well.". In this scenario they would still need to do an 8-hr test on undrilled Well 4 per ARM.36.12.121(3)(e)(i) and the test would have to happen within 138 days of the date of the pre-application meeting so the Department can review the 8-hour test data to determine if it is adequate or if a variance is required before the 180-day deadline to return the second pre-application form. If this occurred, then they could file for both wells on the permit. It should be noted that with this application, any variance request needs to be submitted within 138 days of the date of the pre-app meeting, which is September 14, 2025.

Sincerely,

Jim



Jim Nave Regional Manager

Water Resource Division Missoula Regional Office
Montana Department of Natural Resources and Conservation
2705 Spurgin Road, Bldg C

DESK: 406-542-5889 EMAIL: jnave@mt.gov

Website | Facebook [\[facebook.com\]](https://facebook.com) | X (Twitter [\[twitter.com\]](https://twitter.com)) | Instagram [\[instagram.com\]](https://instagram.com)

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

From: Kyle Mace <KMace@wgmggroup.com>

Sent: Wednesday, April 30, 2025 11:11 AM

To: Nave, Jim <jnave@mt.gov>

Subject: [EXTERNAL] Circle H pre app question

Jim,

When you get a chance, will you please briefly outline the reasons why we can't include the undrilled 4th well on a Permit or Change App? We noted Melissa's concern about the pump test, but I recall that we talked about another reason. Was it only allowed for Municipal applications? Just want to be clear so that we can explain it to the applicant. Thanks again for your time yesterday.

Kyle Mace

Water Resource Specialist
Vice President of Water & Environment

M: [406-431-1750](tel:406-431-1750) O: [406-728-4611](tel:406-728-4611)

1111 East Broadway

Missoula, Montana 59802

www.wgmggroup.com [\[wgmggroup.com\]](http://wgmggroup.com)



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**PREAPPLICATION MEETING
FORM: PART A
PERMIT**
§ 85-2-302, MCA
Form No. 600P-A (Revised 03/2025)

PREAPPLICATION MEETING FEE

\$ 500

FILING FEE REDUCTION & EXPEDITED TIMELINE

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

For Department Use Only

Application # 30170833 Basin # 76M

Meeting Date 4/29/2025 Time 10:00 AM

Variance Request Deadline _____

Completed Form Deadline 10/26/2025

RECEIVED

By Jim Nave at 11:21 am, May 15, 2025

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 CIRCLE H RANCH INVESTMENTS LLC c/o Mark Bretz
Mailing Address 4800 GRANT CREEK RD City MISSOULA State MT Zip 59808
Phone Numbers: Home _____ Work _____ Cell _____
Email Address markbretz@bretzrv.com

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

Contact/Representative Information: Add more as necessary.

Contact/Representative is: ☐ Applicant ☒ Consultant ☐ Attorney ☐ Other (describe) _____
Contact/Representative Name PATRICK DOYLE
Mailing Address 1111 E BROADWAY City MISSOULA State MT Zip 59802
Phone Numbers: Home _____ Work _____ Cell _____
Email Address pdoyle@wgmggroup.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
Jim Nave	DNRC	Patrick Doyle	WGM Group
David Parelee	DNRC	Kyle Mace	WGM Group
Melissa Brickl	DNRC		
Benjamin Thomas	DNRC		
Alex Dalgleish	DNRC		



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APPLICATION DETAILS

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

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

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

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

Questions, Narrative Responses, and Tables	Check-boxes	Follow-up
1. Do you elect to have DNRC conduct Technical Analyses?	☒ 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)
MULTIPLE DOMESTIC	01/01 TO 12/31	01/01 TO 12/31	110	☒	☐	26.88
				☐	☐	
				☐	☐	
				☐	☐	
				☐	☐	
Total			110	☒	☐	26.88

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	96; SEE ATTACHED
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
P3	nw	se	sw	26	14N	20W	MISSOULA						GW	Groundwater	Well



8. What are the geocodes of the place of use?								☒ A		☐ F	
N/A SEE ATTACHED											

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			
					E2	26	14N	20W	MISSOULA			
						25	14N	20W	MISSOULA			
	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). SEE ATTACHED _____ _____ _____ _____ _____								☒ 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	
SEE ATTACHED	MM/DD-MM/DD	MM/DD-MM/DD	Flow Rate	GPM	CFS	AF	
76M 30013295-multi dom	01/01 to 12/31	01/01 to 12/31	*	☐	☐	64.00 AF	
76M 30013295-lawn&gard	04/01 to 10/15	04/01 to 10/15	*	☐	☐	50.00 AF	
				☐	☐		
				☐	☐		
				☐	☐		

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: $\text{Surface Acres} \times \text{Maximum Depth (FT)} \times 0.5 = \text{Capacity (AF)}$ _____		☐ 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. All 96 lots will discharge water to city sewer system. _____ _____ _____	☐ 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 AF	Period Start MM/DD	Period End MM/DD
	Flow Rate	GPM	CFS			
		☐	☐			
		☐	☐			
P3		☐	☐			
		☐	☐			
		☐	☐			

21. Is the source type of the diversion perennial or intermittent, ephemeral, lake, or other? _____	☐ 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: _____ Gage 2: _____		☐ 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: _____ Gage 2: _____		☐ 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: _____ 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 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. _____		☐ 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? WELL _____					☒ 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. <u>SEE ATTACHED</u> _____ _____ _____	☒ A	☐ F



2. If no, what is the total requested volume (AF) and the number of proposed PODs? _____		☐ F
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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
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POD #	Flow Rate			Volume	Period of Diversion	Depth	Measured or Estimated
	Flow Rate	GPM	CFS	AF	MM/DD-MM/DD	FT	
		☐	☐				
		☐	☐				
P3	110	☒	☐	26.88	01/01 to 12/31	117	measured
		☐	☐				
		☐	☐				

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

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



44. Will one or more <i>existing</i> wells/pumping pits be used for the proposed project?	☐ Y ☒ N	☐ F
a. If yes, will any of the <i>existing</i> wells/pumping pits have a monthly pumping schedule, before or after the proposed project, that differs from an allocation of diverted volume by the number of days in the month (if year-round use) or the 80% dry year net irrigation requirement (if irrigation/lawn and garden use) (IWR, NRCS 2003)?	☐ 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)? <i>*Net depletion data provided by the Department at the preapplication meeting is preliminary and is subject to change during Technical Analyses. If the source or location of net depletion data changes during Technical Analyses, then surface water analysis of depleted surface water source(s) will reflect the Technical Analyses; this will not constitute a change of any element to the proposed application pursuant to ARM 36.12.1302(6)(a).</i> If the type of groundwater diversion for your proposed project is a developed spring, write "NA" and skip to question 51 because this section is complete. Clark Fork River	☐ 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? Clark Fork Below Missoula (located upstream of projected depletions)		☐ F
b. List the gage name(s). Write "N/A" for Gage 2 if one gage available. Gage 1: Clark Fork Below Missoula 12353000 Gage 2: N/A		☐ 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: Approx. 3 miles Gage 2: N/A		☐ 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: October 1929 through present Gage 2: N/A		☐ 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: N/A		☐ 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
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Area of Potential Impact Analysis of Depleted Surface Water

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

Hydrogeologic Report

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. <i>A separate Preapplication Meeting will be required for each Application to Change a Water right to a mitigation or aquifer recharge purpose to qualify for expedited timelines and reduced filing fees for the project per ARM 36.12.1302(7)(a).</i>	☐ 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 <i>Form 600 YCGA: A Yellowstone Controlled Groundwater Area Addendum Over 35 gallons per minute</i> with the application.		
1. Does the proposed use require a point of diversion with water temperature of 60 degrees Fahrenheit or more?	☐ 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. 	☐ A
58. Explain how you can control your diversion in response to call being made. 	☐ A
59. Are you aware of any calls that have been made on the source of supply or depleted surface water source? a. If yes, explain.	☐ Y ☐ N
 	☐ 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. _____ _____ _____ _____ _____ _____	☐ 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.	☐ 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.	☐ 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.	☐ 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. _____ _____ _____ _____	☐ 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. _____ _____ _____	☐ 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. _____ _____	



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
	Need to update supplemental materials regarding existing water right
	Provide engineering design/plan if available
2	Provide updated map with P3 Well only



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.

<i>Mark A. Bretz</i> 5/15/2025	
Applicant Signature	Date
<i>Jim Nave</i> 5/15/2025	
Applicant Signature	Date
Department Signature Date	



**CIRCLE H INVESTMENTS LLC
PREAPPLICATION MEETING FORM NO. 600P PART A
SUPPLEMENTAL**

6. NUMBER OF DWELLINGS

Under the proposed permit, there will be 96 single family dwellings, added to an existing subdivision. The new homes will be part of future phases of the subdivision, which is currently covered under 76M 30013295.

8. WHAT ARE THE GEOCODES OF THE PLACE OF USE?

There are no geocodes associated with the place of use. The proposed place of use is a subdivision with individual lots that have separate ownership. Circle H Investments will own 100% of the water right and will be responsible for the water system that supplies water to the lot owners. The lot owners will agree to connect to the water supply and not receive water from any other source. The lot owners will have no possessory interest in the water right, and the applicant will have no possessory interest in the lots after they are sold.

10. WILL OTHER WATER RIGHTS SUPPLEMENT OR OVERLAP THE PLACE OF USE TO CONTRIBUTE TO THE PURPOSE?

76M 30013295 is a provisional permit that supplies water to the subdivision for domestic and lawn and garden purposes. It has been used to cover the initial phases of the subdivision using two wells permitted for a flow rate of 180gpm and a volume of 114.00 AF. If approved, the proposed wells will be connected to the existing water system and will provide additional flow rate and volume to the water system to cover the water needs of future phases of the subdivision.

76M 30013295 and the proposed permit will combine both flow rate and volume for domestic purposes in both the existing and proposed phases of the subdivision. The lawn and garden volume will only be covered by 76M 30013295.

The overall flow rate for the system under the combination of 76M 30013295 and the proposed permit will be 390 gpm and the volume will be 140.88 AF. The domestic purpose, provided by both permits, will have a volume of 90.88 AF. The lawn and garden purpose, provided by 76M 30013295, will have a volume of 50 AF.

11. SUPPLEMENTAL WATER RIGHT

The supplemental water right 76M 30013295 has two wells that pump water into a cistern. The cistern distributes water as needed and so the flow rates are not split by purpose.

35.i. SUBMIT A LIST OF THE POD IDS FOR ALL WELLS AND MARK WHETHER THEY HAVE OR HAVE NOT BEEN CONSTRUCTED.

POD	GWIC	Constructed?	Flow Rate
P1	214761	Yes	105
P2	214758	Yes	75
P3	336214	Yes	110
P4	TBD	No	100

*All 4 Wells will be used together for the proposed volume of 26.88 AF and the existing volume of 114 AF permitted by 76M 30013295



23

24

CIRCLE H RANCH INVESTMENTS LLC

2. PROPOSED USE MAP

0 0.25 0.5
Miles

POD	GWIC
P1	214761
P2	214758
P3	336214
P4	TBD

26

25

30

14N 20W

14N 19W

P2 P3
P4 P1



LOC: Missoula County PROJ MGR: JM
TR: 14N 20W DRAWN BY: PSD
BASE: 2023 Aerial PROJ: 211044
FILE: 02_Permit_Proposed DATE: 4/23/2025

This is not a legally recorded map or survey. WGM does not guarantee the accuracy, current status, or completeness of the material contained herein and is not responsible for any misuse/misrepresentation of this information or its derivatives. This graphic representation is for general planning purposes only.

36

- Cistern
- Point of Diversion: Well
- Water Line
- Proposed: Place of Use
- Overlapping POU: 76M 30013295
- Parcel Boundary
- Subdivision Boundary



Form No. 600/606-ATA (02/2025)

Applicant Name CIRCLE H INVESTMENTS LLC

**APPLICATION FOR BENEFICIAL WATER USE PERMIT OR
APPLICATION TO CHANGE A WATER RIGHT
AQUIFER TESTING ADDENDUM**

ARM 36.12.121

Complete this addendum if the source of water for a Beneficial Water Use Permit or Water Right Change application is groundwater. Do not use this form if the source is a developed spring. Check the box denoting the information is attached or data was collected following minimum testing procedures. On a separate document, address the required information. Attachments must be labeled as shown in the sections below (i.e., ATA.3.a).

Section 1. Attachments must make specific reference to the section item shown.

VARIANCE INFORMATION:

- ATA.1.a** ☒ The Applicant submitted a variance request per ARM 36.12.123 for a variance from the requirements of ARM 36.12.121 and has provided a copy of the written request.

Section 2. Attachments must make specific reference to the section item shown.

MINIMUM INFORMATION THAT MUST BE SUBMITTED WITH APPLICATIONS:

- ATA.2.a** ☒ Provide a map with labeled location of production and observation wells.
- ATA.2.b** ☒ Provide well logs of production and observation wells.
- ATA.2.c** ☒ Provide Form No. 633, in electronic format, with all information and data provided.
- ATA.2.d** ☐ Provide a description of testing methods and quality of the aquifer test and data.

Section 3. Attachments must make specific reference to the section item shown.

MINIMUM TESTING PROCEDURES:

For any of the following, if the answer is "NO" or "NA", provide information explaining why on a separate attachment.

- ATA.3.a** YES ☐ NO ☒ NA ☐ Pumping was maintained throughout the duration of the test and the rate did not depart from the average pumping rate by more than 5%.
- ATA.3.b** YES ☒ NO ☐ NA ☐ The average pumping rate is equal to or greater than the proposed flow rate if the application is for one well or if the total proposed rate for multiple wells can be obtained from a single well.
- ATA.3.c** YES ☐ NO ☐ NA ☒ The proposed pumping rate was demonstrated by testing multiple wells, and 3.e was met by one well and the remaining flow rate demonstrated by eight-hour drawdown and yield tests on additional production wells under 3.e.ii and 3.e.iii.
- ATA.3.d** YES ☐ NO ☒ NA ☐ The pumping rate was measured with a reliable measuring device and recorded with clock time according to the schedule on Form No. 633.



- ATA.3.e** YES ☒ NO ☐ NA ☐ The duration of pumping during an aquifer test was at least 24 hours for a proposed pumping rate and volume equal to or less than 150 gpm or 50 acre-feet, or at least 72 hours for a proposed pumping rate and volume greater than 150 gpm or 50 acre-feet.
- i. If a variance from 3.e was granted, at a minimum, eight-hour drawdown and yield tests were completed on all new production wells.
 - ii. In addition to 3.e, if more than one new production well is proposed, at a minimum, eight-hour drawdown and yield tests were completed on all subsequent new production wells.
 - iii. The testing procedures for a minimum eight-hour drawdown and yield test performed on any production well followed 3.a, 3.d, and 3.h.
- ATA.3.f** YES ☒ NO ☐ NA ☐ One or more observation wells were completed in the same source aquifer as the proposed production well and close enough to the production well so that drawdown is measurable and far enough away so that well hydraulics do not affect the observation well.
- ATA.3.g** YES ☐ NO ☒ NA ☐ Background groundwater levels in the production well and observation well(s) were monitored at frequent intervals for at least two days prior to beginning the aquifer test according to Form No. 633.
- ATA.3.h** YES ☒ NO ☐ NA ☐ Water levels in the production well and observation well(s) were reported with 0.01-foot precision according to the schedule specified on Form No. 633 (8-hour drawdown and yield test only need to provide water levels for drawdown; no background and recovery data are necessary).



Section 2:**ATA.2.d Provide a description of testing methods and quality of the aquifer test and data**

The static water levels in all wells were manually measured with an electric water tape on April 27, 2023. A step drawdown test was conducted on April 27th to confirm that PW-3 could sustainably yield 110 gallons per minute (gpm). On April 28, 2023, three days before the scheduled test, an In-Situ Level Troll 500 pressure transducer/data logger was placed in Production Well 3 (PW-3). The transducer recorded background water levels every 30 minutes until the morning of the test. The logging interval was changed to ten seconds before the pumping test began.

Transducers were also deployed in two of the observation wells, TW-1 and PW-1, on the morning of test and recorded about an hour of background data before the test began. TW-1 (Observation Well #1) is 72.5 feet away from the production well and PW-1 (Observation Well #2) is 50.5 feet away from the production well.

The static water level in PW-3 was 73.23 feet from top of casing at 10:15 am on May 1, 2023, seconds before pumping commenced. The pump in PW-3 was powered by a generator.

The flow rate during the pumping test was measured with a DAE MJ-SDC 2" Totalizing Water Meter and verified with a bucket and stopwatch test. The average discharge rate was 110 gpm. Drawdown was observed in both observation wells during the test.

Two significant issues arose during the test. The generator running the pump was vandalized; it was shut off at 4:24 am on the morning of 5/2/2023 when someone siphoned gas. This interference occurred approximately 18 hours into the test. Pumping was resumed approximately 3 hours later at 7:21am. To compensate for the lost time, the pumping continued for another 55 hours uninterrupted until the test was finished, for a total testing time of 76 hours (73 hours of pumping). The second issue was a transducer failure in PW-1 around 5:15pm on May 1st. Depth measurements were taken manually with an electric water tape in this observation well for the remainder of the test.

The pumping ended at 2:07pm on May 4th. Recovery data was recorded in the Production Well and Observation Well #1 after the test concluded. The water level in the production well recovered to 95% of the static water level within 20 seconds of the pump being shut off. Recovery data measurements continued until 3:51pm on May 4th. The water level in Observation Well #1 recovered immediately and recovery data measurements continued until 4:21 pm on May 4th.

Section 3:**ATA.3.a**

Pumping was not maintained throughout the duration of the test because the generator running the pump was shut off and vandalized early in the morning of 5/2/2023, approximately 18 hours into the test. WGM Group notified Jackie Kuhl and Angela Pugh, from Montana Department of Environmental Quality's PWS section, about the vandalism and was instructed to just extend the pumping test to account for the time period the pump was off. Pumping resumed approximately 3 hours later and continued for another 55 hours uninterrupted until the test was finished. Apart from the 3 hours when the pump was not running, the pumping rate did not depart from the average flow rate of 110 gpm by more than 5%.

ATA.3.C

This is not applicable because the proposed pumping rate was met by testing one well.

ATA.3.D

The pumping rate was measured with a DAE MJ-SDC 2-inch Totalizing Water Meter, and verified with a bucket stopwatch test. At the time of this test, the 633 Form did not include a separate column for the totalizer readings, so only discharge readings were recorded, rather than the total listed on the totalizer.

Additionally, discharge measurements were not taken using the exact schedule on Form No. 633. Measurements were taken 8 times within the first hour but only once in the second and third hours each. Three more measurements during the first 24 hours before pumping was interrupted. After pumping was resumed, measurements were recorded 12 times spread out across the following 55 hours.

ATA.3.G

Logging of background water level data in the production well began at 1:14 pm on April 28, 2023, or 69 hours before the pumping test. Background static water levels in the observation wells were manually measured on April 27th and April 28th, but continuous data was not logged in the observation wells prior to pumping because the transducers were in use for another project. Background data in the observation wells was logged for about one hour prior to pumping, starting at 9:22 am on May 1st.



NWSW

NESW

**CIRCLE H RANCH
INVESTMENTS LLC**
ATA.2.a WELLS IN
AQUIFER TESTING

SWSW

214758
336214
214761
209094

SESW

SWSE

26

14N 20W

NENW

NWNE

Well: GWIC ID

 Observation

 Production

 Water Line

 Parcel Boundary

 Subdivision Boundary

0 250 500
Feet



LOC: Missoula County PROJ MGR: JM
TR: 14N 20W DRAWN BY: PSD
BASE: 2023 Aerial PROJ: 211044
FILE: 03_Permit_ATA DATE: 4/23/2025

This is not a legally recorded map or survey. WGM does not guarantee the accuracy, current status, or completeness of the material contained herein and is not responsible for any misuse/misrepresentation of this information or its derivatives. This graphic representation is for general planning purposes only.



VARIANCE REQUEST

ARM 36.12.123

Form No. 653 (Revised 11/2024)

For Department Use Only

INSTRUCTIONS

Use this form to request a variance from the requirements of ARM 36.12.121 or 36.12.1702, as provided for in ARM 36.12.123.

Submit this completed form to the appropriate regional office by the deadline established during the preapplication meeting or, if a preapplication meeting is not held, include this request with your filed application or as part of a deficiency response.

Application # _____ Basin _____
 Received Date _____
 Received By _____

Applicant Name CIRCLE H RANCH INVESTMENTS LLC

Mailing Address 4800 GRANT CREEK RD

City MISSOULA

State MT

Zip

29808

Home Phone _____

Other Phone _____

Email: _____

Representative Name (if other than Applicant) PATRICK DOYLE

☒ Representative is Consultant ☐ Representative is Attorney ☐ Representative is Other (describe) _____

Mailing Address 1111 E BROADWAY

City MISSOULA

State MT

Zip

59802

Home Phone 406-728-4611

Other Phone _____

Email: pdoyle@wgmggroup.com

Identify from which section(s) of ARM 36.12.121 or 36.12.1702 you are requesting a variance. Refer to the rule for a full list of requirements in these sections.

☒ ARM 36.12.121 Aquifer Testing Requirements

☐ (2)(a) map with labeled location of production and observation wells

☐ (2)(b) well logs of the production and observation wells

☐ (2)(c) Form No. 633, in electronic format, with all information and data provided

☒ (3)(a) pumping rate may not depart from the average pumping rate by more than +/- 5%

☐ (3)(b) average pumping rate equal to or greater than the proposed flow rate if the application is for one well or if the total proposed rate for multiple wells can be obtained from a single well

☐ (3)(c) proposed pumping rate may be demonstrated by testing multiple wells as long as (e) is met by one well and the remaining flow rate is demonstrated by eight-hour drawdown and yield tests on additional production wells under (e)(i)(i)

☒ (3)(d) pumping rate must be measured with a reliable measuring device and recorded with clock time according to the schedule on Form No. 633

☐ (3)(e) minimum duration of pumping during an aquifer test must be 24 hours for a proposed pumping rate and volume equal to or less than 150 GPM or 50 AF, or 72 hours for a proposed pumping rate and volume greater than 150 GPM or 50 AF

☐ (3)(e)(i) at a minimum an eight-hour drawdown and yield test is required on all new production wells

☐ (3)(e)(ii) In addition to (e), if more than one new production well is proposed, at a minimum an eight-hour drawdown and yield test is required on all subsequent new production wells

☐ (3)(e)(iii) the testing procedures for a minimum eight-hour drawdown and yield test performed on any production well must follow (a), (d), and (h)

☐ (3)(f) one or more observation wells must be completed in the same source aquifer as the proposed production well and close enough to the production well so that drawdown is measurable and far enough that well hydraulics do not affect the observation well

☒ (3)(g) background groundwater levels in the production well and observation well(s) must be monitored at frequent intervals for at least two days prior to beginning the aquifer test according to the Form No. 633

☐ (3)(h) groundwater levels in the production and/or observation well(s) must be reported with 0.01-foot precision according to the schedule specified on Form No. 633



Explain the specific variance you are requesting and the reason for requesting it. Also identify your proposed alternative testing methodology or aquifer test data, if applicable. Attach additional sheets if necessary.

SEE ATTACHED

- ☐ ARM 36.12.1702 Physical Surface Water Availability
- ☐ (1)(b) at a minimum, three measurements that reflect high, moderate, and low flows during the period of diversion
- ☐ (4) once monthly measurements at department-approved intervals during the proposed period of diversion

Explain the specific variance you are requesting and the reason for requesting it. Also identify your proposed alternative measurement methodology, if applicable. Attach additional sheets if necessary.

Explain the specific variance you are requesting and the reason for the requesting it. Also identify your proposed alternative testing methodology or aquifer test data, if applicable.

There is one production well associated with the permit application, referred to as PW-3. The variances being requested are from ARM 36.12.121 3.a, 3.d, and 3.g.

ARM 36.12.121 ATA.3.a

There was a 3-hour interruption 18 hours into the test where the pumping rate was 0. This was due to vandalization to the generator powering the pump. The generator was turned back on and pumping resumed. Outside of this interruption, the pumping rate did not depart from the average pumping rate by more than 5%.

The DEQ was contacted in regards to the pump being shut off the day of the test. It was suggested that the gap in pumping could be compensated by extending the total pump test time. When pumping was resumed it was at the same discharge rate as the first 18 hours. The test continued for another 55 hours for a total of 76 hours with a 3 hour gap from hour 18 to hour 21.

ARM 36.12.121 ATA.3.d

The pumping rate was measured by the discharge rate using a DAE MJ-SDC 2" Totalizing Water Meter and a bucket stopwatch test. The totalizer readings were not recorded. Discharge measurements were recorded with clocked time, but not to the exact schedule on Form 633.

Measurements were taken 8 times within the first hour but only once in the second and third hours each. 3 more measurements during the first 24 hours before pumping was interrupted. After pumping was resumed, measurements were taken 12 times spread out across the following 55 hours. The largest gaps were during the overnight hours of May 1-2, 2-3, 3-4.

Despite the gaps, measurements show a consistent discharge for the entire test and drawdown measurements continued during the gaps. The drawdown shows a steady increase with the exception of the 3-hour gap when the pump was shut off.

ARM 36.12.121 ATA.3.g

The production well took background data starting from 1:14pm on April 28, 2023, 69 hours before testing began. However, Observation well 1 (TW-1) took background data 1 hour and 48 minutes before testing began, and Observation well 2 (PW-2) took background data 1 hour before testing.

The background measurements of the observation wells, while brief, show a stable water level leading up to the test. The two observation wells are in close proximity to the production well, which also showed a stable water level leading up to the test. Recovery data from the production well and one of the test wells show that the water level recovered very quickly to a stable level after the pump was shut off.



REQUEST FOR PREAPPLICATION MEETING

ARM 36.12.1302(2)

(Revised 02/2025)

For Department Use Only

Instructions

Use this optional form to submit a written request for a preapplication meeting, as required in ARM 36.12.1302(2) for applicants electing to complete a preapplication meeting with the department prior to submitting an application for a beneficial water use permit or change in appropriation right pursuant to § 85-2-302, MCA. Use additional sheets as necessary.

Submit this form to the appropriate regional office; see contact information on the last page of this form.

Date Received _____
Received By _____
Scheduled Meeting Date _____

1. Applicant Name CIRCLE H RANCH INVESTMENTS LLC

Mailing Address 4800 GRANT CREEK RD

City MISSOULA State MT Zip 29808-1454

Home Phone _____ Other Phone _____

Email: _____

2. Representative Name (if other than Applicant) PATRICK DOYLE

☒ Representative is Consultant ☐ Representative is Attorney ☐ Representative is Other

Mailing Address 1111 E BROADWAY ST

City MISSOULA State MT Zip 59802

Home Phone _____ Other Phone _____

Email: pdoyle@wgmgroup.com

3. Are you requesting a preapplication meeting for a permit or change application?

☒ Permit ☐ Change

4. Describe your project:

A proposed permit to service future phases of an existing subdivision. The proposed point of diversion is a well that will be connected to an existing water system that pumps water from the Missoula aquifer to a cistern installed above the existing houses. The proposed place of use is the future phases of the subdivision.

The existing subdivision is a combination of circular lots for single family homes (Circle H) and a series of townhomes in adjoining lots (West Point). The existing water right, 76M 30013295, uses two wells to supply water for domestic and lawn and garden purposes in the subdivision, which was permitted for 34 lots in the Circle H portion and 79 lots in the West Pointe portion.

An additional 42 lots in the Circle H portion and 141 lots in the West Pointe portion are proposed for the future phases. The proposed well will provide an increase in flow rate and volume to accommodate the domestic purposes of these future phases.



5. Identify the following elements of the proposed permit or change in appropriation.

a) The flow rate and volume of water required:

Flow Rate 110 ☒ GPM ☐ CFS Volume 29.8 Acre-Feet

b) The point of diversion:

Point of Diversion #1 NW 1/4 SE 1/4 SW 1/4 Section 26, Township 14 ☒ N ☐ S, Range 20 ☐ E ☒ W
County MISSOULA

Lot/Tract _____ Block _____ Subdivision Name _____

Point of Diversion #2 _____ 1/4 _____ 1/4 _____ 1/4 Section _____, Township _____ ☐ N ☐ S, Range _____ ☐ E ☐ W
County _____

Lot/Tract _____ Block _____ Subdivision Name _____

c) The place of use:

_____ Acres _____ Lot _____ Block _____ 1/4 _____ 1/4 E2 1/4 Sec 26, Twp 14 ☒ N ☐ S, Rge 20 ☐ E ☒ W
_____ Acres _____ Lot _____ Block _____ 1/4 _____ 1/4 _____ 1/4 Sec 25, Twp 14 ☒ N ☐ S, Rge 20 ☐ E ☒ W
_____ Acres _____ Lot _____ Block _____ 1/4 _____ 1/4 _____ 1/4 Sec _____, Twp _____ ☐ N ☐ S, Rge _____ ☐ E ☐ W
_____ Acres _____ Lot _____ Block _____ 1/4 _____ 1/4 _____ 1/4 Sec _____, Twp _____ ☐ N ☐ S, Rge _____ ☐ E ☐ W
_____ Acres _____ Lot _____ Block _____ 1/4 _____ 1/4 _____ 1/4 Sec _____, Twp _____ ☐ N ☐ S, Rge _____ ☐ E ☐ W

d) The source of water: GROUNDWATER

e) The proposed purpose: MULTIPLE DOMESTIC

f) For a change in appropriation right, the water right(s) proposed for change:

Type of water right _____ Basin _____ Water Right # _____

Type of water right _____ Basin _____ Water Right # _____

Type of water right _____ Basin _____ Water Right # _____

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

Water Right #					
Point of diversion	☐	☐	☐	☐	☐
Place of use	☐	☐	☐	☐	☐
Purpose of use	☐	☐	☐	☐	☐
Place of storage	☐	☐	☐	☐	☐

g) For a change in appropriation right, an explanation of historical use of the right(s) proposed for change:

h) Any proposed place of storage, if applicable (only if storage capacity is greater than 0.1 acre-feet):

#1 Capacity: Surface Acres _____ x Max Depth (feet) _____ x (.4 for dams/.5 for pits) = _____ Acre-Feet

Location: _____ 1/4 _____ 1/4 _____ 1/4 Section _____, Township _____ ☐ N ☐ S, Range _____ ☐ E ☐ W

#2 Capacity: Surface Acres _____ x Max Depth (feet) _____ x (.4 for dams/.5 for pits) = _____ Acre-Feet

Location: _____ 1/4 _____ 1/4 _____ 1/4 Section _____, Township _____ ☐ N ☐ S, Range _____ ☐ E ☐ W

#3 Capacity: Surface Acres _____ x Max Depth (feet) _____ x (.4 for dams/.5 for pits) = _____ Acre-Feet

Location: _____ 1/4 _____ 1/4 _____ 1/4 Section _____, Township _____ ☐ N ☐ S, Range _____ ☐ E ☐ W

i) For applications proposing a well or wells, the well depth(s) and location. If more than two wells, attach a separate sheet to this request:

Well #1 ☐ New Well ☒ Existing Well

For existing well, if available, Water Right # _____ GWIC ID TBD
NWSESW

1/4 _____ 1/4 _____ 1/4 Section 26, Township 14 ☒ N ☐ S, Range 20 ☐ E ☒ W

County MISSOULA

Lot/Tract _____ Block _____ Subdivision Name _____

Estimated Well Depth 117 Feet

Well #2 ☐ New Well ☐ Existing Well

For existing well, if available, Water Right # _____ GWIC ID _____

_____ 1/4 _____ 1/4 _____ 1/4 Section _____, Township _____ ☐ N ☐ S, Range _____ ☐ E ☐ W

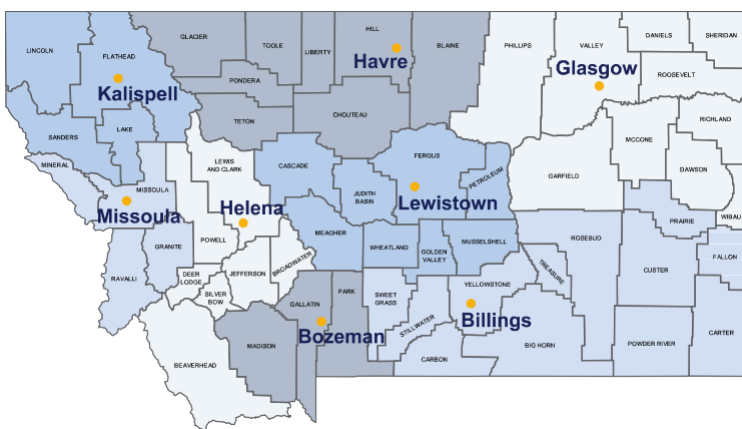
County _____

Lot/Tract _____ Block _____ Subdivision Name _____

Estimated Well Depth _____ Feet



WATER RESOURCES REGIONAL OFFICES



BILLINGS

Airport Industrial Park, 1371 Rimtop Dr
Billings, MT 59105-9702

PHONE 406-247-4415 FAX 406-247-4416

EMAIL DNRCBillingsWater@mt.gov

Big Horn, Carbon, Carter, Custer, Fallon, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, and Yellowstone Counties



BOZEMAN

2273 Boot Hill Court, Suite 110
Bozeman, MT 59715-7249

PHONE 406-586-3136 FAX 406-587-9726

EMAIL DNRCBozemanWater@mt.gov

Gallatin, Madison, and Park Counties



GLASGOW

222 6th Street South, PO Box 1269
Glasgow, MT 59230-1269

PHONE 406-228-2561

EMAIL DNRCGlasgowWater@mt.gov

Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties



HAVRE

210 6th Ave., PO Box 1828
Havre, MT 59501-1828

PHONE 406-265-5516

EMAIL DNRCHavreWater@mt.gov

Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton, and Toole Counties



HELENA

1424 9th Ave., PO Box 201601,
Helena, MT 59620-1601

PHONE 406-444-6999 FAX 406-444-9317

EMAIL DNRCHelenaWater@mt.gov

Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis and Clark, Powell, and Silver Bow Counties



KALISPELL

655 Timberwolf Parkway, Suite 4
Kalispell, MT 59901-1215

PHONE 406-752-2288

EMAIL DNRCKalispellWater@mt.gov

Flathead, Lake, Lincoln, and Sanders Counties



LEWISTOWN

613 Northeast Main St., Suite E
Lewistown, MT 59457-2020

PHONE 406-538-7459

EMAIL DNRCLeWistownWater@mt.gov

Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum, and Wheatland Counties



MISSOULA

2705 Spurgin Rd. Bldg. C, PO Box 5004
Missoula, MT 59806-5004

PHONE 406-721-4284 FAX 406-542-5899

EMAIL DNRCMissoulaWater@mt.gov

Granite, Mineral, Missoula, and Ravalli Counties



MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
Water Resources Division – Water Rights Bureau
<https://dnrc.mt.gov/Water-Resources/Water-Rights/>

Variance Information

- Variance Request Form
- WSB Variance Sheet
- Approval or Denial of Variance Request

Variance Information

GOVERNOR GREG GIANFORTE



DNRC DIRECTOR AMANDA KASTER

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

June 27, 2025

Circle H Ranch Investments, LLC
4800 Grant Creek Rd.
Missoula, MT 59808

Re: Pre-Application No. 76M 30170833 Aquifer Testing Variance Requests

Dear Circle H Investments, LLC:

This correspondence is in response to the aquifer testing variance request form 653 submitted as part of your Beneficial Water Use Permit Application, which was assigned the number 76M 30170833. On your Variance Request (Form 653), you ask for a variance to the aquifer testing requirements found in Administrative Rules of Montana (ARM) 36.12.121 (3)(d), ARM 36.12.121 (3)(e)(i), ARM 36.12.121 (3)(e)(ii) and ARM 36.12.121 (3)(g).

Upon consideration of your variance request the Department agrees to grant a variance to the following requested Administrative Rules of Montana; ARM 36.12.121 (3)(a), ARM 36.12.121 (3)(d), and ARM 36.12.121 (3)(g). For an explanation of the rationale used by the Department to grant these variances, please refer to the enclosed DNRC Aquifer Testing Addendum review form.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Nave".

Jim Nave
Regional Manager

cc: Patrick Doyle, WGM Group





ARM 36.12.121 - Aquifer Testing Addendum (ATA) - Review

Department of Natural Resources and Conservation (DNRC)
Water Sciences Bureau (WSB)

Applicant	Circle H Ranch Investments, LLC		
Pre-Application/Application No.	76M 30170833	Date Sent to RO	April 29, 2025
Regional Office (RO)	Missoula	WSB Staff Name	David Parmelee, Groundwater Hydrologist

This checklist identifies any deficiencies that would require a variance pertinent to Administrative Rules of Montana (ARM) 36.12.121. **Table 1** lists deficiencies that would require a variance, the recommended action and the rationale describing why the variance request could be considered appropriate. If the requirements of ARM 36.12.121 are satisfied for each item, the box will be checked next to that item indicating such.

Table 1: Deficiencies identified, recommended action and rationale from WSB.

☐ No Deficiencies Identified			
Test Duration	Variance (ARM) (R=Requested; A=Additional)	Recommend Granting Variance Request	Rationale:
72-hr	3(a) ☒ R ☐ A	☒ Yes ☐ No	The pump was shut off due to vandalism approximately 18 hours after the test started. It was restarted 2.9 hours later, and the test was run for an additional 55 hours following pump restart. While the pump was off, the water level in the production well fully recovered to its initial state, and the water level in the observation well mostly recovered. After pump restart, measurements of the discharge rate remained within 5% of average. The minimum duration of the pumping test required by ARM 36.12.121(3)(e) for the proposed flow rate and volume is 24 hours. The discharge data acquired after the pump was restarted are sufficient for a 24-hour pumping test; therefore, a variance is recommended.
72-hr	3(d) ☒ R ☐ A	☒ Yes ☐ No	The Applicant indicates that the pumping rate was measured with a DAE MJ-SDC 2-inch totalizing water meter and verified with periodic bucket-and-stopwatch tests. Instantaneous discharge measurements were recorded but totalizer readings were not. The discharge measurements are rounded to the nearest 1 gpm and were not recorded according to the schedule on Form 633. The measurements that were recorded indicate a stable pumping rate, and the data are sufficient to derive aquifer properties and demonstrate adequacy of diversion. Therefore, a variance is recommended.
72-hr	3(g) ☒ R ☐ A	☒ Yes ☐ No	Background groundwater levels were monitored in the production well for 69 hours prior to beginning the aquifer test—exceeding the 48-hour requirement—but they were



			monitored in observation wells for less than an hour. Because the observation wells are located close to the production well (<100 feet), background data from the production well is sufficient. A variance to this requirement is therefore recommended.
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36.12.121 ☒ (1) ☐ NA Aquifer testing design and procedures must follow standards procedures that are discussed in hydrogeology textbooks and professional literature.

36.12.121(2): Minimum information that must be submitted with applications, check if provided:

- ☒ (a) Map with labeled location of production and observation wells; and
- ☒ (b) ☐ NA Well logs of the production and observation wells; and
- ☒ (c) ☐ NA Form No. 633, in electronic format, with *all* information and data provided.

36.12.121 (3): Minimum testing procedures are as follows, check if met:

- ☐ (a) ☐ NA Pumping must be maintained throughout the duration of the test. The rate may not depart from the average pumping rate by more than +/- 5%.
- ☒ (b) ☐ NA The average pumping rate must be equal to or greater than the proposed flow rate if the application is for one well or if the total proposed rate for multiple wells can be obtained from a single well.
- ☐ (c) ☒ NA The proposed pumping rate may be demonstrated by testing multiple wells as long as (e) is met by one well and the remaining flow rate is demonstrated by eight-hour drawdown and yield tests on additional production wells under (e)(ii) and e(iii).
- ☐ (d) ☐ NA Pumping rate must be measured with a reliable measuring device and recorded with clock time according to the schedule on Form No. 633.
- ☒ (e) ☐ NA Minimum duration of pumping during an aquifer test must be 24 hours for a proposed pumping rate and volume equal to or less than 150 GPM or 50 AF, or 72 hours for a proposed pumping rate and volume greater than 150 GPM or 50 AF.
- ☒ (e)(i) ☐ NA At a minimum an eight-hour drawdown and yield test is required on all new production wells.
- ☐ (e)(ii) ☒ NA In addition to (e), if more than one new production well is proposed, at a minimum an eight-hour drawdown and yield test is required on all subsequent new production wells.



☐ (e)(iii) ☒ NA The testing procedures for a minimum eight-hour drawdown and yield test performed on any production well must follow (a), (d), and (h).

☒ (f) ☐ NA One or more observation wells must be completed in the same source aquifer as the proposed production well and close enough to the production well so that drawdown is measurable and far enough that well hydraulics do not affect the observation well.

☐ (g) ☐ NA Background groundwater levels in the production well and observation well(s) must be monitored at frequent intervals for at least two days prior to beginning the aquifer test according to the Form No. 633.

☒ (h) ☐ NA Groundwater levels in the production and/or observation well(s) must be reported with 0.01-foot precision according to the schedule specified on Form No. 633.



VARIANCE REQUEST

ARM 36.12.123

Form No. 653 (Revised 11/2024)

For Department Use Only

RECEIVED

APR 29 2025

MONTANA D.N.R.C
MISSOULA REGIONAL OFFICE

Application # 30170833 Basin 76M
Received Date April 29, 2025
Received By AD

INSTRUCTIONS

Use this form to request a variance from the requirements of ARM 36.12.121 or 36.12.1702, as provided for in ARM 36.12.123.

Submit this completed form to the appropriate regional office by the deadline established during the preapplication meeting or, if a preapplication meeting is not held, include this request with your filed application or as part of a deficiency response.

Applicant Name CIRCLE H RANCH INVESTMENTS LLC

Mailing Address 4800 GRANT CREEK RD

City MISSOULA

State MT

Zip 29808

Home Phone _____

Other Phone _____

Email: _____

Representative Name (if other than Applicant) PATRICK DOYLE

☒ Representative is Consultant ☐ Representative is Attorney ☐ Representative is Other (describe) _____

Mailing Address 1111 E BROADWAY

City MISSOULA

State MT

Zip 59802

Home Phone 406-728-4611

Other Phone _____

Email: pdoyle@wgmggroup.com

Identify from which section(s) of ARM 36.12.121 or 36.12.1702 you are requesting a variance. Refer to the rule for a full list of requirements in these sections.

☒ ARM 36.12.121 Aquifer Testing Requirements

- ☐ (2)(a) map with labeled location of production and observation wells
- ☐ (2)(b) well logs of the production and observation wells
- ☐ (2)(c) Form No. 633, in electronic format, with all information and data provided
- ☒ (3)(a) pumping rate may not depart from the average pumping rate by more than +/- 5%
- ☐ (3)(b) average pumping rate equal to or greater than the proposed flow rate if the application is for one well or if the total proposed rate for multiple wells can be obtained from a single well
- ☐ (3)(c) proposed pumping rate may be demonstrated by testing multiple wells as long as (e) is met by one well and the remaining flow rate is demonstrated by eight-hour drawdown and yield tests on additional production wells under (e)(i)(i)
- ☒ (3)(d) pumping rate must be measured with a reliable measuring device and recorded with clock time according to the schedule on Form No. 633
- ☐ (3)(e) minimum duration of pumping during an aquifer test must be 24 hours for a proposed pumping rate and volume equal to or less than 150 GPM or 50 AF, or 72 hours for a proposed pumping rate and volume greater than 150 GPM or 50 AF
- ☐ (3)(e)(i) at a minimum an eight-hour drawdown and yield test is required on all new production wells
- ☐ (3)(e)(ii) In addition to (e), if more than one new production well is proposed, at a minimum an eight-hour drawdown and yield test is required on all subsequent new production wells
- ☐ (3)(e)(iii) the testing procedures for a minimum eight-hour drawdown and yield test performed on any production well must follow (a), (d), and (h)
- ☐ (3)(f) one or more observation wells must be completed in the same source aquifer as the proposed production well and close enough to the production well so that drawdown is measurable and far enough that well hydraulics do not affect the observation well
- ☒ (3)(g) background groundwater levels in the production well and observation well(s) must be monitored at frequent intervals for at least two days prior to beginning the aquifer test according to the Form No. 633
- ☐ (3)(h) groundwater levels in the production and/or observation well(s) must be reported with 0.01-foot precision according to the schedule specified on Form No. 633



SEE ATTACHED

Explain the specific variance you are requesting and the reason for requesting it. Also identify your proposed alternative measurement methodology, if applicable. Attach additional sheets if necessary.

Explain the specific variance you are requesting and the reason for the requesting it. Also identify your proposed alternative testing methodology or aquifer test data, if applicable.

There is one production well associated with the permit application, referred to as PW-3. The variances being requested are from ARM 36.12.121 3.a, 3.d, and 3.g.

ARM 36.12.121 ATA.3.a

There was a 3-hour interruption 18 hours into the test where the pumping rate was 0. This was due to vandalization to the generator powering the pump. The generator was turned back on and pumping resumed. Outside of this interruption, the pumping rate did not depart from the average pumping rate by more than 5%.

The DEQ was contacted in regards to the pump being shut off the day of the test. It was suggested that the gap in pumping could be compensated by extending the total pump test time. When pumping was resumed it was at the same discharge rate as the first 18 hours. The test continued for another 55 hours for a total of 76 hours with a 3 hour gap from hour 18 to hour 21.

ARM 36.12.121 ATA.3.d

The pumping rate was measured by the discharge rate using a DAE MJ-SDC 2" Totalizing Water Meter and a bucket stopwatch test. The totalizer readings were not recorded. Discharge measurements were recorded with clocked time, but not to the exact schedule on Form 633.

Measurements were taken 8 times within the first hour but only once in the second and third hours each. 3 more measurements during the first 24 hours before pumping was interrupted. After pumping was resumed, measurements were taken 12 times spread out across the following 55 hours. The largest gaps were during the overnight hours of May 1-2, 2-3, 3-4.

Despite the gaps, measurements show a consistent discharge for the entire test and drawdown measurements continued during the gaps. The drawdown shows a steady increase with the exception of the 3-hour gap when the pump was shut off.

ARM 36.12.121 ATA.3.g

The production well took background data starting from 1:14pm on April 28, 2023, 69 hours before testing began. However, Observation well 1 (TW-1) took background data 1 hour and 48 minutes before testing began, and Observation well 2 (PW-2) took background data 1 hour before testing.

The background measurements of the observation wells, while brief, show a stable water level leading up to the test. The two observation wells are in close proximity to the production well, which also showed a stable water level leading up to the test. Recovery data from the production well and one of the test wells show that the water level recovered very quickly to a stable level after the pump was shut off.

Existing Rights

- Abstracts of supplemental, associated, or otherwise related water rights

Existing Rights

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

GENERAL ABSTRACT

Water Right Number: 76M 30013295 PROVISIONAL PERMIT

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: CIRCLE H INVESTMENTS LLC
4800 GRANT CREEK RD
MISSOULA, MT 59808

Priority Date: DECEMBER 3, 2004 at 03:11 P.M.

Enforceable Priority Date: DECEMBER 3, 2004 at 03:11 P.M.

Purpose (Use): LAWN AND GARDEN
MULTIPLE DOMESTIC

Maximum Flow Rate: 180.00 GPM

Maximum Volume: 114.00 AC-FT

Maximum Acres: 29.60

Source Name: GROUNDWATER

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSESW	26	14N	20W	MISSOULA

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Well Depth: 120.00 FEET

Static Water Level: 78.00 FEET

Casing Diameter: 8.00 INCHES

Pump Size: 20.00 HP

2		NWSESW	26	14N	20W	MISSOULA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Well Depth: 120.00 FEET

Static Water Level: 75.00 FEET

Casing Diameter: 8.00 INCHES

Pump Size: 20.00 HP

Purpose (Use): LAWN AND GARDEN

Climatic Area: 3 - MODERATE

Volume: 50.00 AC-FT

Period of Use: APRIL 1 to OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	9.90		W2	25	14N	20W	MISSOULA
2	19.70		E2	26	14N	20W	MISSOULA
Total:	29.60						

Purpose (Use): MULTIPLE DOMESTIC
Households: 113
Volume: 64.00 AC-FT
Period of Use: JANUARY 1 to DECEMBER 31
Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			W2	25	14N	20W	MISSOULA
2			E2	26	14N	20W	MISSOULA

Geocodes/Valid: 00-0000-00-0-00-00-0000 - Y

Remarks:

CLARK FORK RIVER BASIN LAW

THIS PROVISIONAL WATER USE PERMIT HAS A PRIORITY DATE THAT IS JUNIOR TO THE RIGHTS OF SENIOR WATER RIGHT HOLDERS IN THE CLARK FORK RIVER BASIN. IN ACCORDANCE WITH MONTANA LAW, YOU MAY BE SUBJECT TO A CALL BY SENIOR WATER RIGHT HOLDERS, IN WHICH CASE YOU MAY BE REQUIRED TO DISCONTINUE YOUR USE OF WATER FOR THE PERIOD OF THE CALL.

IMPORTANT INFORMATION

THE PUBLIC WATER SUPPLY SYSTEM UTILIZES A 1.53 ACRE-FEET UNDERGROUND STORAGE RESERVOIR.

WATER MEASUREMENT-INLINE FLOW METER REQUIRED

THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED IN-LINE FLOW METER AT A POINT IN THE DELIVERY LINE APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE FLOW RATE AND VOLUME OF ALL WATER DIVERTED, INCLUDING THE PERIOD OF TIME. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE AND VOLUME ACCURATELY.

WATER MEASUREMENT - ANNUAL DATA

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 138997 RECEIVED 12/09/2015.