NOTICE AREA

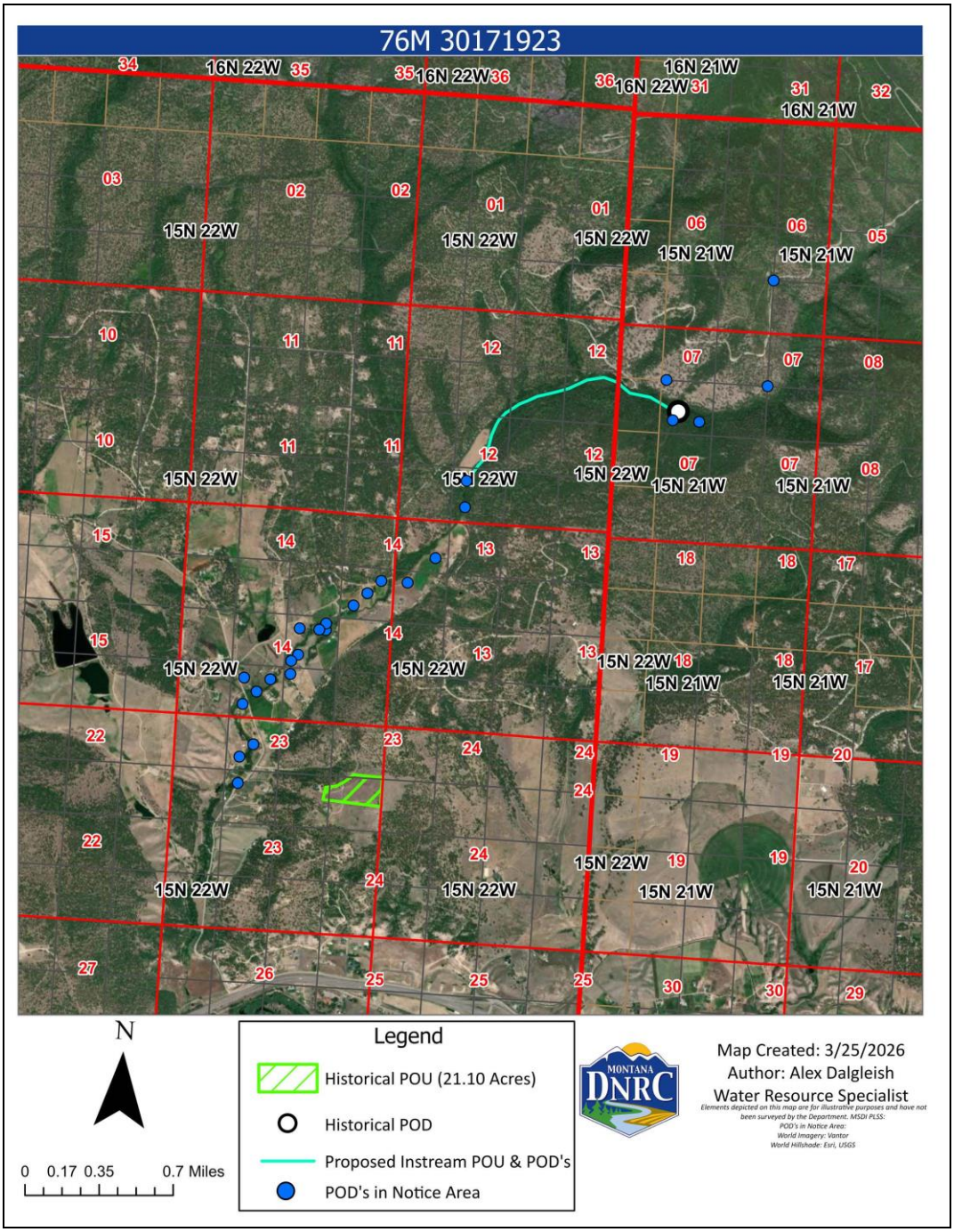
Application No. **76M 30171923** Regional Office # 09

Applicant's Name **Lee Yelin**

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

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

Specialist **Alex Dalgleish** Date **4/3/2026**



Map showing Applicant's historic and proposed POU and water right POD's in Notice Area

Water Right Owner	Water Right # (Basin, ID, and Number)
Applicant: Lee Yelin	76M 30171923
1CFC CLARK FORK COALITION	Missoula Regional Office Standard Contacts
1DSL MONTANA BOARD OF LAND COMMISSIONER	
1FWP DEPT OF FISH WILDLIFE & PARKS	
1NWE NORTHWESTERN ENERGY	
1PPL PPL MONTANA LLC	
1TUL MT TROUT UNLIMITED	
1WQB DEPT OF ENVIRONMENTAL QUALITY	
1WWP AVISTA CORP	
2BIA BUREAU OF INDIAN AFFAIRS	
2FWP DEPT OF FISH WILDLIFE & PARKS	
8LNF LOLO NATIONAL FOREST	
9MSL DEPT OF NATURAL RESOURCES & CONSERVATION	
9USF US FOREST SERVICE	
MISSOULIAN	
ADAM D STAGG; TIA R STAGG	76M 38769 00
ANDREW M BAIADY	76M 17123 00
ARKELLE HAGAN	76M 110506 00
	76M 110505 00
BARBARA G SIMS; BRUCE D SIMS	76M 149137 00
BJORN NABOZNEY; TAMARA NABOZNEY	76M 131029 00
BRENDA K DUDIK; JOHN DUDIK	76M 30048498
CHARLOTTE J SIEVERS; RALPH E SIEVERS	76M 116756 00
CHRISTOPHER J SIEGLER; JEANNIE P SIEGLER	76M 107929 00
	76M 107928 00
DALE E FREY; ELECTRA A FREY; ANN M HADLOW	76M 149707 00
DAVID W WHEAT; JUDY A WHEAT	76M 99249 00
DONALD K DESILVA; LYNDSEY K DESILVA	76M 12686 00
GLACIER FAMILY TRUST DATED NOVEMBER 17, 2020	76M 149079 00
	76M 149081 00
	76M 149080 00
HEATHER BRITTON; KENNETH A BRITTON	76M 150380 00
HINES, RONALD & JOYCE LIVING TRUST	76M 46937 00
JASON WILLIAMS; KELLEY D WILLIAMS	76M 107838 00
JESSICA A FRANK; ROBERT J FRANK	76M 133474 00
	76M 30122806
JOHN ZEIMET; ROXANNE ZEIMET	76M 149725 00

JON T LEE; ROSE, COLLIN & KAREN LIVING TRUST DATED 9/26/2024; IVIE L WILSON; JOHN R WILSON	76M 111229 00
	76M 111228 00
JOY BLOECHL; JEROME R TAUTGES	76M 3688 00
JUANITA M HIRSCHI; OLIVER G HIRSCHI; ARTHUR J SCHEFFER; CHRISTINE E SCHEFFER; DENNIS W SCHEFFER; EDGAR J SCHEFFER; PATRICIA L SCHEFFER	76M 99193 00
KLUCEWICH, JOSH & LAUREN FAMILY TRUST	76M 30066052
	76M 30066051
LACEY FARNES; RICHARD FARNES	76M 111189 00
LANE H LONG; PAUL S LONG	76M 34977 00
LANE H LONG; PAUL S LONG; BRIAN L METHER; RENEE MINJARES; RORY MINJARES; JASON WILLIAMS; KELLEY D WILLIAMS	76M 30048499
LARA E GRAN; TRAVIS L GRAN	76M 43218 00
LAURA J BOUDREAUX; WILLIAM J BOUDREAUX	76M 30122665
LAURA R GRAPENSTETER	76M 6798 00
LAURA R GRAPENSTETER; DIANA M HARRIS; SHELDON C HARRIS; JENNIFER R RICHARDSON; RORY R RICHARDSON	76M 6799 00
	76M 6800 00
LEE YELIN	76M 30048497
LEROY R KINCEL; LINDA R KINCEL; CHARLOTTE J SIEVERS; RALPH E SIEVERS; LEE YELIN	76M 116758 00
LINDA S MCCORMICK; WILLIAM G MCCORMICK	76M 64552 00
LUCAS M MCIVER; NANCY A MCIVER REVOCABLE TRUST	76M 21981 00
MICHAEL OLIVER	76M 30066054
	76M 30066053
MOLLY A REYNOLDS	76M 110488 00
MONTANA STATE BOARD OF LAND COMMISSIONERS	76M 214354 00
	76M 49886 00
OWNERS	WR_NUMBER
PHYLLIS J BALLARD	76M 30119088
PHYLLIS J BALLARD; ANASTASIA P METHER; BRIAN L METHER	76M 111333 00

RENEE MINJARES; RORY MINJARES; MELISSA J WICKUM; RYAN L WICKUM	76M 20080 00
	76M 20081 00
ROBYNN M MARSH; RONALD MARSH	76M 131085 00
RORY R RICHARDSON	76M 103805 00
	76M 103804 00
	76M 103806 00
THOMAS O CARLSEN	76M 30135999
	76M 17877 00
USA (DEPT OF AGRICULTURE FOREST SERVICE)	76M 30070859
PUBLISHED: MISSOULIAN **REMARKS:** Legal land description of notice area: Sections 6 and 7 of Township 15N, Range 21W, Sections 12, 13, 14 and 23 of Township 15N, Range 22W, all in Missoula County	

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:

   Lee Yelin
   5890 Kerr Dr
   Missoula, MT 59803-3028

2. Type of action: Application for Change No 76M 30171923

3. Water source name: Sixmile Creek

4. Location affected by project:

   Points of diversion: S2NE, SESENW, E2NESW, SWNESW, NWSESW all in Sec. 12 T15N, R22W, Missoula County.
   Place of use: S2NE, SESENW, E2NESW, SWNESW, NWSESW all in Sec. 12 T15N, R22W, Missoula County.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

   The Applicant proposes to temporarily change the point of diversion (POD), place of use (POU) and purpose of use for Statement of Claim 76M 30048497. The proposed change is temporary for a period of ten years as described in 85-2-407 and 85-2-408, MCA. The irrigation use will be changed to instream flow on Sixmile Creek. The historic ditch has been decommissioned, and all historically 21.10 irrigated acres associated with right 76M 30048497 will be retired. A prior Change Authorization was issued in 2011 (No. 76M 30049150) for Statement of Claim 76M 30048497, changing the purpose of use, point of diversion (POD) and place of use (POU) from irrigation to instream flow. The Applicant failed to submit a Notice of Renewal , and the change authorization expired at the end of 2021. This change proposal seeks to reestablish the prior temporary instream flow authorization. The DNRC shall issue a water use change if an applicant proves the criteria in 85-2-402 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. Water would be left instream on Sixmile Creek, which is a tributary to the Clark Fork River. The proposed appropriation will not result in any depletions to the Sixmile Creek or the Clark Fork River.

Determination: *No significant impacts.*

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 Lower Clark Fork River, from Rattlesnake Creek to Fish Creek, is on DEQ's 2012 303(d) list as water quality impaired. The impairments for this reach include chlorophyll-a, copper, iron, lead, nitrogen (total), organic enrichment (sewage) biological indicators, and phosphorus (total). The reach is listed as supporting drinking water and agricultural purposes and not supporting primary contact recreation and aquatic life.

The proposed change in purpose from irrigation to in-stream flow will not affect water quality in this reach as it will make water available for other water users within the area.

Determination: No significant impacts.

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

Determination: N/A – the proposed change is for existing surface water right.

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.*

Water will be left in the Sixmile Creek for in-stream flow purpose. This is not expected to have an impact on channels, riparian areas, dams or well construction.

Determination: *No significant impacts.*

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

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

All water will be left instream following the proposed change. No diversion structure will be required, as the proposed points of diversion are in stream. No barrier to the migration or movement of aquatic species will occur. All impacts to sensitive species are likely to have occurred and the proposed change is not expected to increase pressure on identified species.

The Montana Natural Heritage Program (MNHP) was utilized to determine if there are any threatened or endangered fish, wildlife, plants of aquatic species or any "species of special concern", that could be impacted by the proposed project. The MNHP identified the following species of concern: Westslope Cutthroat Trout, Bull Trout, Bald Eagle, Bobolink, Cassin's Finch, Clarks Nutcracker, Evening Grosbeak, Flammulated Owl, Great Blue Heron, Lewis's Woodpecker, Pileated Woodpecker, Varied Thrush, Veery, Western Skink, Fisher, Grizzly Bear, Long-eared Myotis, Long-logged Myotis, Silver-haired Bat, Wolverine, Yuma Myotis, Carex Scoparia, Columbia Water-meal and Lime-Seep Eucladium Moss.

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.*

Since all water will be left instream, no wetlands or deepwater habitats in the posed place of use will be negatively impacted.

Determination: No impacts.

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

This project does not involve any 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.*

As all water will be left instream, the proposed project will retire all historically irrigated acres. This will not further increase salinization of soils. The proposed change to instream flow use is not anticipated to cause saline seeps.

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 retirement of all historically irrigated acres should not promote the establishment of noxious weeds. Under Montana law, private landowners are responsible for noxious weed control on their properties.

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.*

The proposed project will no impact air quality.

Determination: *No significant 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.*

The proposal is to leave water in-stream on Sixmile Creek. The reach of the creek does pass through Montana State Trust Lands. However, no degradation of unique archeological or historical sites is anticipated from leaving water in the creek.

Determination: *No impacts*

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

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

Determination: *No significant impacts*

HUMAN ENVIRONMENT

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

There are no locally adopted environmental plans or goals. This project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality recreational opportunities. The proposed place of use and diversion do not exist on land designated as wilderness.

Determination: *No significant impacts*

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 reach of in-stream flow traverses through property owned by the US Forest Service and Montana State Trust Lands. 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 significant 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 significant 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 significant impacts identified.

(*b*) *Local and state tax base and tax revenues?* No significant impacts identified.

(c) *Existing land uses?* No significant impacts identified.

(*d*) *Quantity and distribution of employment?* No significant impacts identified.

(e) *Distribution and density of population and housing?* No significant impacts identified.

(f) *Demands for government services?* No significant impacts identified.

(g) *Industrial and commercial activity?* No significant impacts identified.

(h) *Utilities?* No significant impacts identified.

(i) *Transportation?* No significant impacts identified.

(j) *Safety?* No significant impacts identified.

(k) *Other appropriate social and economic circumstances?*

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

Secondary Impacts: No significant secondary impacts identified.

Cumulative Impacts: No significant secondary impacts identified.

3. ***Describe any mitigation/stipulation measures:***

All historically irrigated acres will be retired and no longer irrigated as a result of this proposed change. All water will be left instream. The Applicant will only be able to protect the historical consumed volume in the proposed reach. For the change authorization to be granted by DNRC, the Applicant must prove the criteria in §85-2-402 MCA are met.

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 would be for the Applicant to continue to use the water rights for irrigation purpose, as historically done.

PART III. Conclusion

1. ***Preferred Alternative:*** The preferred alternative is to grant the Change Application if the Applicant has proven the criteria of §85-2-402 MCA are met.

2 ***Comments and Responses:*** None currently.

3. ***Finding:***
Yes___ No_X__ Based on the significance criteria evaluated in this EA, is an EIS required?

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

No significant impacts have been identified. Therefore, an EIS is not required.

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

Name: Alex Dalgleish
Title: Water Conservation Specialist
Date: January 12, 2026

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

March 12, 2026

Lee Yelin
5890 Kerr Dr.
Missoula, MT 59803-3028

Subject: Draft Preliminary Determination to Grant Water Right Change Application No. 76M 30171923

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 Change authorization found in §85-2-402, MCA. The Department has preliminarily determined that the criteria are met, and this application should be granted. A copy of the Draft Preliminary Determination to Grant 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 April 2, 2026 the Department will prepare a notice of opportunity to provide public comment per §85-2-307(4), MCA.

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

Please let me know if you have any questions.

Best,

Alex Dalgleish
Water Resource Specialist
Missoula Regional Office
(406)-542-5886
Alexander.dalgleish@mt.gov

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

* * * * * * *

APPLICATION TO CHANGE WATER RIGHT NO. 76M 30171923 BY LEE YELIN	)))	**DRAFT PRELIMINARY DETERMINATION TO GRANT CHANGE**

* * * * * * *

On December 30, 2025, Lee Yelin (Applicant) submitted Application to Change a Water Right No. 76M 30171923 to change Statement of Claim 76M 30048497 to the Missoula Regional Office of the Department of Natural Resources and Conservation (Department or DNRC). A preapplication meeting was held between the Department and the Applicant on September 30, 2025, in which the Applicant designated that the technical analyses for this application would be completed by the Department. Jim Nave, Alex Dalgleish, Benjamin Thomas were all present on behalf of the Department. The Applicant returned the completed preapplication materials on October 15, 2025. The Department delivered the Department-completed technical analyses on December 5, 2025. The Department received the Application Form on December 30, 2025. The Department sent Applicant a deficiency letter under §85-2-302, Montana Code Annotated (MCA), dated January 5, 2026. The Applicant responded with information dated January 9, 2026. The Application was determined to be correct and complete as of January 12, 2026. The Department published receipt of the application on its website. An Environmental Assessment for this application was completed on January 12, 2026.

INFORMATION

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

Application as filed:

- Application for Change of Appropriation Water Right, Form 606
- Addenda:
    - Change to Instream Flow Addendum, Form 606-IFA
- Maps:
    - Lee Yelin 606: Historic Use Map, undated
    - Lee Yelin 606: Proposed Use Map, undated
    - Lee Yelin 606: Project Overview Map, undated

- Department- completed technical analyses based on information provided in the Preapplication materials, dated December 5, 2025.

Information Received after Application Filed

- Deficiency response, dated January 9, 2026, received by the Department January 9, 2026

Information within the Department's Possession/Knowledge

- Prior Change Authoirzation 76M 30049150
- Statement of Claim File 76M 116758 00
- The Department also routinely considers the following information. The following information is not included in the administrative file for this application but is available upon request. Please contact the Missoula Regional Office at 406-721-4284 to request copies of the following documents. The Department Technical Memorandum: Calculating Return Flow, can also be found in the Department's Change Manual.
    - Department Technical Memorandum: Calculating Return Flow, dated April 18, 2019

The Department has fully reviewed and considered the evidence and argument submitted in this Application and preliminarily determines the following pursuant to the Montana Water Use Act (Title 85, chapter 2, part 3, part 4, MCA).

For the purposes of this document, Department or DNRC means the Department of Natural Resources & Conservation; CFS means cubic feet per second; GPM means gallons per minute, AF means acre-feet, POU means place of use, and POD means point of diversion.

WATER RIGHTS TO BE CHANGED

FINDINGS OF FACT

1. The Applicant proposes to temporarily change Statement of Claim 76M 30048497. In 2010, the owner of parent right 76M 116758-00 sold the Applicant 32 Miners Inches (359.04 GPM). A succeeding water right split (Form 641) was submitted to the Department in 2011 on behalf of parent right 76M 116758-00, creating the Applicant's water right 76M 30048497 (and child rights 76M 30048498 and 76M 30048499). The Water Court issued a Master's Report detailing the ownership split of parent right 76M 116758-00. The Court assigned the Applicant's child water right 76M 30048497 with a flow rate of 359.04 GPM and a place of use (POU) consisting of 21.10 acres in the S2NE Section 23, Township 15 North, Range 22 West. Statement

of Claim 76M 30048497 was included in the Preliminary Decree for Basin 76M issued October 9, 2024. The elements proposed for change are shown below:

Table 1: Water Right 76M 30048497 Proposed for Change

Water Right Number	Flow Rate	Diverted Volume	Purpose	Period Of Use	Place Of Use	Point Of Diversion	Priority Date
76M 30048497	359.04 GPM	208.15 AF	Irrigation	April 1 – October 31	S2NE Section 23, Township 15 North, Range 22 West, Missoula County	SWSENW Section 7, Township 15 North, Range 21 West, Missoula County	April 28, 1921

2. On October 25, 2011, the Department issued Change Authorization 76M 30049150 on behalf of right 76M 30048497. This prior authorization allowed the Applicant to temporarily change the purpose, POU and point of diversion (POD) from irrigation to instream flow for fisheries in Sixmile Creek for a period of 10 years. The Department determined that the historic irrigation flow rate of 359.04 GPM and the diverted volume of 208.15 AF were authorized for instream fishery purpose in a reach of Sixmile Creek from April 1 to October 31 annually. The protected reach extended from the historic POD to a location downstream 1.2 miles in the NWSESW, Section 12, Township 15 North, Range 22 West. The Department previously authorized the Applicant to use the historically consumed volume of 19.5 AF downstream of the historic POD.

3. The Applicant failed to file a notice of renewal with the Department for prior Change 76M 30049150, and the authorization expired December 31, 2021. As a result, right 76M 300498497 reverted to the originally claimed irrigation use. The Applicant has filed this change proposal to reinstate the prior temporary instream flow purpose.

4. The right proposed for change in this application is in the Sixmile Creek drainage, which is subject to an administrative water right basin closure. The basin closure rules described in ARM 36.12.1020 do not detail restrictions to water right change applications.

CHANGE PROPOSAL

FINDINGS OF FACT

5. The Applicant proposes to temporarily change the purpose of use, POU and POD for Statement of Claim 76M 30048497 from irrigation to instream flow for the benefit of the fishery resource in Sixmile Creek. The proposed change is temporary for a period of 10 years as described in § 85-2-408, MCA. The proposed POU is a protected reach of Sixmile Creek from this historical POD at the Lebert-Bissonette ditch headgate in the SWSENW Section 7, Township

15 North, Range 21 West, Missoula County, approximately 1.12 miles downstream to the next diversion on the creek. This protected reach would encompass the proposed PODs and POUs, more specifically being the S2NE, SESENW, E2NESW, SWNESW, and NWSESW Section 12, Township 15 North, Range 22 West.

6. The historical POU of parent right 76M 116758-00 is no longer irrigated and the once irrigated field has been subdivided with several domestic residences having been constructed. In the documents submitted by the Applicant in the prior change authorization, the Applicant stated that the historic conveyance ditch blew out in 2000 and that the ditch was also cut by road construction around the same time. The Applicant also previously stated that an earthen dam was constructed immediately behind the historic POD and the historic conveyance ditch had been decommissioned.

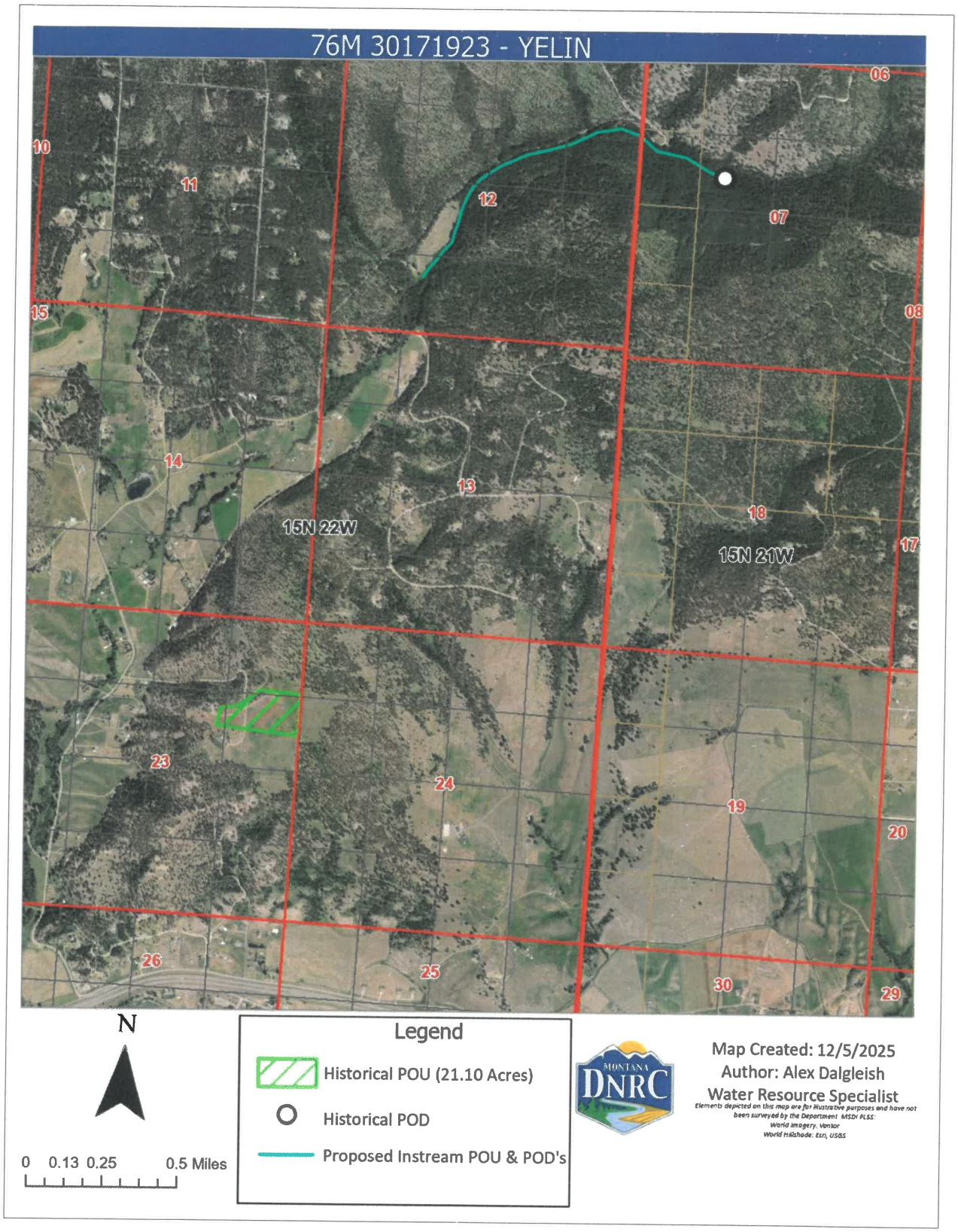


Figure 1. Historic and proposed use map

CHANGE CRITERIA

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

> (2) Except as provided in subsections (4) through (6), (15), (16), and (18) and, if applicable, subject to subsection (17), the department shall approve a change in appropriation right if the appropriator proves by a preponderance of evidence that the following criteria are met:
> (a) The proposed change in appropriation right will not adversely affect the use of the existing water rights of other persons or other perfected or planned uses or developments for which a permit or certificate has been issued or for which a state water reservation has been issued under part 3.
> (b) The proposed means of diversion, construction, and operation of the appropriation works are adequate, except for: (i) a change in appropriation right for instream flow pursuant to 85-2-320 or 85-2-436; (ii) a temporary change in appropriation right for instream flow pursuant to 85-2-408; or (iii) a change in appropriation right pursuant to 85-2-420 for mitigation or marketing for mitigation.
> (c) The proposed use of water is a beneficial use.
> (d) The Applicant has a possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use or, if the proposed change involves a point of diversion, conveyance, or place of use on national forest system lands, the Applicant has any written special use authorization required by federal law to occupy, use, or traverse national forest system lands for the purpose of diversion, impoundment, storage, transportation, withdrawal, use, or distribution of water. This subsection (2)(d) does not apply to: (i) a change in appropriation right for instream flow pursuant to 85-2-320 or 85-2-436; (ii) a temporary change in appropriation right for instream flow pursuant to 85-2-408; or (iii) a change in appropriation right pursuant to 85-2-420 for mitigation or marketing for mitigation.

8. The evaluation of a proposed change in appropriation does not adjudicate the underlying right(s). The Department's change process only addresses the water right holder's ability to make a different use of that existing right. *E.g., Hohenlohe*, ¶¶ 29-31; *Town of Manhattan*, ¶ 8; *In the Matter of Application to Change Appropriation Water Right No.41F-31227 by T-L Irrigation Company* (DNRC Final Order 1991).

9. In addition to the § 85-2-402(2), MCA,[1] an Applicant for a temporary change authorization for instream flow must comply with the requirements and conditions set forth in §§ 85-2-407 and -408, MCA. Section 85-2-408, MCA provides in part:

> (1) The department shall accept and process an application for a temporary change in appropriation rights to maintain or enhance instream flow to benefit the fishery resource under the provisions of **85-2-402, 85-2-407,** and this section. The application must:
>
> (a) include specific information on the length and location of the stream reach in which the streamflow is to be maintained or enhanced; and
>
> (b) provide a detailed streamflow measuring plan that describes the point where and the manner in which the streamflow must be measured.
>
> (2) (a) A temporary change authorization under the provisions of this section is allowable only if the owner of the water right voluntarily agrees to:
>
> (i) change the purpose of a consumptive use water right to instream flow for the benefit of the fishery resource; or
>
> (ii) lease a consumptive use water right to another person for instream flow to benefit the fishery resource.
>
> (3) In addition to the requirements of **85-2-402** and **85-2-407,** an Applicant for a change authorization under this section shall prove by a preponderance of evidence that:
>
> (a) the temporary change authorization for water to maintain and enhance instream flow to benefit the fishery resource, as measured at a specific point, will not adversely affect the water rights of other persons; and
>
> (b) the amount of water for the proposed use is needed to maintain or enhance instream flows to benefit the fishery resource.
>
> (5) The department shall approve the method of measurement of the water to maintain and enhance instream flow to benefit the fishery resource through a temporary change authorization as provided in this section.
>
> . . . .
>
> (8) The maximum quantity of water that may be changed to maintain and enhance streamflows to benefit the fishery resource is the amount historically diverted. However, only the amount historically consumed, or a smaller amount if specified by the department in the lease authorization, may be used to maintain or enhance streamflows to benefit the fishery resource below the existing point of diversion.

10. Pursuant to §§ 85-2-407, and -408, MCA, a temporary change for authorization for instream flow is subject to special conditions which are identified above and addressed in the sections below. The evaluation of a proposed change in appropriation does not adjudicate the underlying right(s). The Department's change process only addresses the water right holder's

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[1] Pursuant to §§ 85-2-402 (2)(b) and -402(2)(d), MCA, the Applicant is not required to prove that the proposed means of diversion, construction, and operation of the appropriation works are adequate and is not required to prove possessory interest in the place of use because this application involves a temporary change in appropriation right for instream flow pursuant to § 85-2-408, MCA.

ability to make a different use of that existing right. *E.g., Hohenlohe*, ¶¶ 29-31; *Town of Manhattan*, ¶ 8.

HISTORICAL USE

FINDINGS OF FACT

11. Statement of Claim 76M 30048497 was split from parent right 76M 116758-00 in 2011. Under parent right 76M 116758-00, water was historically diverted from Sixmile Creek with a headgate in the SWSENW Section 7, Township 15 North, Range 21 West, Missoula County for flood irrigation. Parent right 76M 116758-00 was decreed with a priority of 10/9/1880 and a flow rate of 2.8 CFS for flood irrigation of a maximum of 74 acres by the Water Court in the Temporary Preliminary Decree issued for Basin 76M on November 29, 1984. Water was historically diverted from Sixmile Creek using a 36-inch culvert and headgate. In the prior change application, the Applicant demonstrated that the 36-inch culvert could convey up to 5.44 CFS of water at full capacity and between 2.92 to 3.18 CFS when the water depth in the culvert was 2 feet. Water was conveyed approximately 3 miles in the Lebert-Bissonette ditch to the POU for flood irrigation.

12. Child right 76M 30048497 is a filed right and was part of the 2024 Preliminary Decree for Basin 76M. The priority date was modified from October 9, 1880 to April 28, 4/28/1921 through Water Court Case WC 2012-01. Claim 76M 30048497 was decreed without a POU pursuant to the 2011 Master's Report from the Water Court because the claimant of parent right 76M 116758-00 (and subsequently the owner of child right 76M 30048497) did not own the historic POU. However, in their Report, the Water Court ascertained the POU legal land description of child right 76M 30048497 as 21.10 acres in the S2NE Section 23, Township 15 North, Range 22 West, Missoula County.

13. Prior change authorization 76M 30049150 was granted for claim 76M 30048497, temporarily changing the POU, POD and purpose to instream flow for a period of 10 years. In this previous authorization, the Department confirmed 62 irrigated acres through the examination of the 1960 Missoula County Water Resources Survey. The Department also reviewed a 1979 aerial photo and found a maximum of 52 irrigated acres under parent right 76M 116758 00. The Applicant previously conducted a field examination and found 58 historically irrigated acres and the Department recognized these 58 acres as the maximum use under parent right 76M 116758-00.

14. For this proposal, the Applicant agreed to use the Department's prior findings of historic use determined in change authorization 76M 30049150. The Department previously calculated

the historical consumed volume for parent right 76M 116758-00 following the methods described in ARM 36.12.1902 (16). Based on 58 acres of flood irrigation, an IWR for flood irrigation at the Missoula International Airport weather station in Missoula County of 19.45 inches, and a county management factor of 69.5%, the historical consumptive volume for the irrigated acres under parent right 76M 116758-00 was 65.54 AF (58 AC x 19.45 in/12in/ft x 0.695 = 65.54 AF). The Department also previously calculated evaporative losses from the conveyance ditch and found 2.73 AF of losses. The total consumptive use for parent right 76M 116758-00 was previously calculated to be 68.27 AF (65.54 AF + 2.73 AF). In the prior change authorization, the Department did not calculate the field applied volume or irrecoverable losses for parent right 76M 116758-00. In this proposal, the Department calculated the field applied volume to be 119.16 AF using 55% field efficiency of flood irrigation with contour ditch (65.54 AF/0.55=119.16 AF). The Department also determined the applied but non-consumed volume to be 50.89 AF for this change proposal (119.16 AF – 68.27 AF = 50.89 AF). Since the Applicant is using the prior historic use analyses, the Department maintains the historic consumptive volume of 68.27 AF calculated for parent right 76M 116758-00.

15. The Applicant was deeded 32 Miners Inches (359.04 GPM or 0.8 CFS) and up to 39.04 AF of the parent right 76M 116758-00. The Applicant's share of the 2.8 CFS (1,256.64 GPM) from parent right 76M 116758-00 was determined to be 28.57% (359.04 GPM /1256.64 GPM). Based on this percentage of the flow rate, the Applicant's share of the historical consumed volume was determined to be 19.5 AF (68.27 AF * .2857). Table 1 below summarizes the historical use for right 76M 116758-00. Table 2 summarizes the historical use under child right 76M 30048497 based on the Applicants proportion of 28.57% under right 76M 30048497.

Table 1: Historical use of Parent Right 76M 116758 00

Irrigation Method	Acres	IWR (in)[1]	Mgmt. Factor[2]	Field Efficiency	Crop Cons. (AF)	Applied Volume (AF)	Ditch Evap. (AF)	Total Consumed Volume (AF)	Applied but Non-Consumed Volume (AF)
Flood	58	19.45	69.5	55%	65.54	119.16	2.73	68.27	50.89

[1]Missoula WSO AP IWR Weather Station
[2]Missoula County Historical Use Management Factor (pre-July 1, 1973)

Table 2: Historical volumes attributed to child right 76M 30048497

Crop Consumption (AF)	Applied Volume (AF)	Ditch Evap. (AF)	Total Consumed Volume (AF)	Non-Consumed Volume (AF)
18.72	34.04	0.80	19.5	14.53

16. The period of diversion for parent right 76M 116758-00 (and child right 76M 30048497) is April 1 through October 31, or 214 days. Per the previous change authorization, *"Water was only diverted into the ditch for 144 to 164 days on average due to haying and drying, a common irrigation practice in this area. The Applicant provided flow data taken during various months in 2010 and 2011 to demonstrate flows in Sixmile Creek that would typically be available at the historic point of diversion. Since no measurements were recorded regarding stream flow and diverted flow prior to 1973, it is reasonable to assume that flow measurements taken during 2010 and 2011 are representative of pre-1973 stream flows. The Applicant's measurements show flows in Sixmile Creek ranging from 5.23 CFS in May to a low of 2.2 CFS in late August. Based on available flows and past irrigation practices, the Applicant estimates that 2.8 CFS was diverted over a period of 84 days during April, May, and June, prior to first cutting of hay, and that 2.2 CFS was diverted over a period of 60 days during July, August, and September, for a total diverted volume of 728.3 AF"*. The volume of water diverted with a flow rate of 2.8 CFS over 84 days equates to a volume of 466.5 AF (2.8 CFS*60 seconds/1 minute*24 hours/1day*84 days/1 year*1 acre/43,560 ft^2 =466.5 AF). During lower flow months when 2.2 CFS was diverted, this is equal to a volume of 261.8 AF (2.2 CFS*60 seconds/1 minute*24 hours/1day*60 days/1 year*1 acre/43,560 ft^2 =261.8 AF). The total diverted volume under parent right 76M 116758-00 was 728.3 AF (466.5 + 261.8).

17. Historical diverted volume is equal to the sum of the field application volume and the volume of conveyance losses per ARM 36.12.1902(10). The Department's prior historical analyses did not include a calculation of conveyance losses (evaporative, seepage, vegetative) attributed to the diverted volume. Nonetheless, the Applicant requested to use the historical diverted volume figure previously determined for their right. From the diverted volume of 728.3 AF under 76M 116758-00, the portion attributed to the Applicants right was determined to be 208.15 AF (728.3 AF * 0.2858 = 208.15).

Table 3. Summary of historical use findings for 76M 30048497

Water Right	Priority Date	Diverted Volume	Flow Rate	Purpose (Total Acres)	Consumptive Use	Place of Use	Point of Diversion
76M 30048497	4/28/1921	208.15 AF	359.04 GPM	21.10	19.5 AF	S2NE Sec. 23, T15N, R22W, Missoula County	SWSENW Sec. 7, T15N, R21W, Missoula County

ADVERSE EFFECT

FINDINGS OF FACT

18. The Applicant proposes to temporarily change Statement of Claim 76M 30048497 to instream flow to benefit fishery resources for water from Sixmile Creek. The protected reach proposed for this purpose is from the historical headgate in the SWSENW Section 7, Township 15 North, Range 21 West, to a point downstream at the next diversion on the creek in the NWSESW Section 12, Township 15 North, Range 21 West. The full diverted volume of 208.15 AF and the flow rate of 359.04 GPM will be left in stream. The historically irrigated acres will no longer be irrigated as the historic conveyance ditch has been decommissioned through the construction of an earthen dam just down-gradient from the headgate. This dam blocks water from flowing in the ditch. The requested change will not adversely affect downstream users because water is now being left in the creek, resulting in higher flows that will be available for appropriation below the protected reach. During the time the prior change was authorized (2011-2021), the Department did not receive any documented calls for water on behalf of right 76M 30048497.

19. In the Technical Analyses Report – Part B, the Department calculated the historical return flows of Statement of Claim 76M 30048497 to be 14.53 AF. Of this volume, 11.62 AF returned to Sixmile Creek, and 2.91 AF accrued to the Clark Fork River. The Department determined that the point where return flows entered Sixmile Creek is the SWNENW of Section 23, Township 15 North, Range 22 West. This location is downstream from the lower end of the protected reach. Since water is left instream, the historically diverted flows are available below the point of diversion during the historic period of diversion. The Department did not find that junior users on Sixmile Creek were historically depending on return flows from irrigation under 76M 30048497.

20. Those return flows entering the Clark Fork River began in the NWSWNE Section 26, Township 15 North, Range 22 West. The Applicant is leaving the entire historically diverted volume in Sixmile Creek, which is tributary to the Clark Fork River. There are no diversion on the

local reach of the Clark Fork River that have benefited or relied on the Applicant's return flows that could be adversely affected.

21. Return flows are evaluated by determining the volume of water that infiltrates past the root zone and identifying the likely receiving stream(s). The assumption is made that water applied for irrigation that is not consumed by a crop infiltrates to groundwater becoming return flow and does not runoff. The amount of water consumed is the difference between the amount of water consumed and the amount of water applied to the field. The receiving waterways for return flows are determined by their proximity to and evidence of hydraulic connection to groundwater and generally does not depend on groundwater flow direction or land slope.

22. For the purposes of this Application, a limited return flow analysis was performed to determine whether water left instream so that historically diverted flows are available during the historic period of diversion either below the point of diversion or where return flows historically returned to the source. The Department determined that the Applicant will protect the entire historically diverted volume of 208.15 AF for their water right, as it will be left instream below the historical POD and that there are no existing rights on the affected reach of the Clark Fork River.

23. Per the Department's Policy Memorandum on Return Flows, dated April 18, 2019, no further return flow analyses will be undertaken by the Department unless a valid objection is received, provided there will be no enlargement of the amounts of water historically diverted or consumed.

24. The Department considered an area of potential adverse effect on the source of supply. This reach was determined by accounting for the location of the historical point and proposed points of diversion. The area of potential adverse effect is the proposed protected reach. This reach extends from the historical POD on Sixmile Creek in the SWSENW of Section 7, Township 15 North, Range 21 West, downstream approximately 1.12 miles to the next diversion on the creek (located in the NWSESW of Section 12, Township 15 North, Range 21 West. There are no rights diverting water from Sixmile Creek within the proposed protected reach.

25. During the term of this proposed temporary change, the 21.10-acre historical POU will be retired from irrigation and the total flow rate and historical diverted volume of up to 359.04 GPM and 208.15 AF will be left instream at the historical POD at the Lebert-Bissonnette ditch headgate in Sixmile Creek. The proposed instream fishery period of use is April 15 to October 31 annually. The Applicant proposes to continue measuring water at the historical POD headgate in the SWSENW Section 7, Township 15 North, Range 21 West, as required by § 85-2-408 (1)(b), MCA.

The Applicant also states that they will continue measuring water in the E2SW Section 12, Township 15 North, Range 22 West, where Sixmile Creek crosses the State land property boundary. Staff gages are present at the historic POD and State land boundary location, and the Applicant proposes to measure water using a Marsh McBirney flow meter. Once the meter is used and a stage rating curve is developed, the Applicant can visually read the staff gages to obtain measurements. If the flow rate is unknown, the Applicant states they will provide rating charts to the Department. Finally, the Applicant states that staff gage readings will occur quarterly to verify compliance and more often during extreme low flow periods if a call for water is implemented.

26. Under the prior change authorization, the Applicant was required to measure the flow rate of Sixmile Creek at the historic POD. Continued flow rate monitoring and measurements at the historic POD will ensure that water rights within the protected reach are not adversely affected. This application will be subject to the following measurement condition:

THE APPLICANT OR IT'S DESIGNEE SHALL MEASURE THE PROTECTED REACH OF SIXMILE CREEK BY TAKING FLOW MEASUREMENTS AT THE LEBERT – BISSONETTE DITCH HEADGATE WHICH IS LOCATED IN THE SWSENW, SEC 7, TWP 15N, RGE 21W, MISSOULA COUNTY. MEASUREMENTS WILL BE TAKEN MONTHLY FROM JUNE THROUGH SEPTEMBER. THIS CHANGE AUTHORIZATION, ALLOWS FOR A CALL FOR WATER FROM UPSTREAM JUNIOR SIXMILE CREEK WATER USERS WHEN THE STREAM FLOW MEASURED ON SIXMILE CREEK BY THE APPLICANT OR IT'S DESIGNEE FALLS BELOW 2.05 CFS WITHIN THE AFOREMENTIONED TIMEFRAME. THE RECORDED FLOW RATE MEASUREMENTS MUST BE SENT TO THE DNRC MISSOULA REGIONAL OFFICE BY NOVEMBER 30 EACH YEAR DURING THE TEMPORARY CHANGE AUTHORIZATION.

27. The Department may approve a change in appropriation right if the Applicant proves by a preponderance of evidence that the proposed change will not adversely affect the use of existing water rights pursuant to 85-2-4023(2)(a). The Applicant must also demonstrate that "the temporary change authorization for water to maintain and enhance instream flow to benefit the fishery resource, as measured at a specific point, will not adversely affect the water rights of other persons." § 85-2-408(3)(a), MCA. If any water right holder believes they will be adversely affected by a change in timing and the amount of return flows resulting from this proposal, they may file an objection to the proposed project pursuant to 85-2-307(3), and § 85-2-308, MCA.

28. The Department finds that the Applicant's proposal will not result in adverse effects to other water rights.

BENEFICIAL USE

FINDINGS OF FACT

29. The Applicant proposes to temporarily change water right 76M 30048497 to instream flow purpose to protect, maintain or enhance stream flows to benefit the fishery resource of Sixmile Creek. Instream flow to benefit fishery resource is a recognized beneficial use of water in the State of Montana under § 85-2-102, MCA. The Applicant proposes to protect 359.04 GPM up to 208.15 AF at the historic POD and 359.04 GPM and 19.5 AF below the POD for a length of 1.12 miles down to the next downstream junior user.

30. In prior change authorization 76M 30049150, the Applicant provided a letter from Montana Fish, Wildlife and Parks (FWP) biologist Ladd Knotek in support of the proposed change to instream flow. According to Mr. Knotek, the reach of stream proposed for instream use supports a viable aquatic community, including Westslope Cutthroat Trout with high genetic purity, and that the proposed change to instream flow would assist in maintaining flows in this critically dewatered reach. While this letter was not resubmitted as part of the materials for this application, it is reasonable that FWP will continue supporting the proposal to maintain additional instream flows in Sixmile Creek. Re-establishing the temporary instream flow will continue to support the aquatic community in the creek.

31. The Sixmile Creek basin is closed to new appropriations of surface water for consumptive use from June 1- September 15 each year. The Applicant's proposal to leave 359.04 GPM an up to 208.15 AF diverted volume in the proposed protected reach would benefit Sixmile Creek. The Department finds the Applicant's proposal is reasonable to accomplish fisheries, habitat, and streamflow improvements through the irrigation season in Sixmile Creek

32. The Department finds the proposed temporary appropriation of 359.04 GPM up to a volume of 208.15 AF for the purposes of enhancing and augmenting streamflows for the benefit of the fishery resource in the instream place of use in Sixmile Creek to be a beneficial use of water.

ADEQUATE DIVERSION

FINDINGS OF FACT

33. The proposed change of 76M 30048497 does not require a means of diversion or conveyance. Per § 85-2-402(2)(b), MCA, a change in appropriation right for instream flow pursuant to § 85-2-408, MCA, is exempt from the adequacy of diversion criterion.

POSSESSORY INTEREST

FINDINGS OF FACT

34. Pursuant to § 85-2-402(2)(d), MCA, the Applicant is not required to prove that they have 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 because this application involves a change in appropriation right for instream flow per § 85-2-408, MCA.

TEMPORARY PROTECTED REACH/ MEASUREMENT PLAN

FINDINGS OF FACT

35. The Applicant is proposing to temporarily change the purpose and place of use of 76M 30048497 to instream flow for the benefit of the fishery resource in Sixmile Creek for a period of 10 years with the option to renew. During the term of this temporary change, the Applicant proposes to cease diversion at the historical POD. A flow rate of 359.04 GPM and up to 208.15 AF of diverted volume will be available in the protected reach. After this change, the Applicant will appropriate 359.04 GPM in the proposed 1.12-mile instream place of use in Sixmile Creek, which will extend from the SWSENW of Section 7, Township 15N, Range 21 West, to the NWSESW of Section 12, Township 15 North, Range 21 West. The proposed period of use is April 1 through October 31. The volume available to be appropriated instream is 208.15 AF.

36. The Applicant will monitor flow rates and volumes appropriated for the instream flow purpose by measuring flow in Sixmile Creek at the historic headgate/POD with staff gages and if necessary, a Marsh McBirney flow meter. A staff gage is currently present at this location and streamflow measurements will continue to be taken by the Applicant (as required by prior change authorization 76M 30049150). A rating chart can be supplied to DNRC upon completion of several measurements.

37. The Applicant proposes to protect 359.04 GPM up to 208.15 AF at the historic POD and 359.04 GPM and 19.5 AF below the POD for a length of 1.12 miles down to the next downstream junior user.

38. If authorized, the following condition will be added to the water right to satisfy the additional measurement plan criterion described in § 85-2-408, MCA for temporary change to instream flow:

THE APPLICANT OR IT'S DESIGNEE SHALL MEASURE THE PROTECTED REACH OF SIXMILE CREEK BY TAKING FLOW MEASUREMENTS AT THE LEBERT – BISSONETTE DITCH HEADGATE WHICH IS LOCATED IN THE SWSENW, SEC 7, TWP 15N, RGE 21W, MISSOULA COUNTY. MEASUREMENTS WILL BE TAKEN MONTHLY FROM JUNE

THROUGH SEPTEMBER. THIS CHANGE AUTHORIZATION, ALLOWS FOR A CALL FOR WATER FROM UPSTREAM JUNIOR SIXMILE CREEK WATER USERS WHEN THE STREAM FLOW MEASURED ON SIXMILE CREEK BY THE APPLICANT OR IT'S DESIGNEE FALLS BELOW 2.05 CFS WITHIN THE AFOREMENTIONED TIMEFRAME. THE RECORDED FLOW RATE MEASUREMENTS MUST BE SENT TO THE DNRC MISSOULA REGIONAL OFFICE BY NOVEMBER 30 EACH YEAR DURING THE TEMPORARY CHANGE AUTHORIZATION.

39. The Department finds the Applicant has met the additional criteria for a temporary change in appropriation right to maintain or enhance instream flow to benefit a fishery resource under the provisions of § 85-2-408, MCA.

CONCLUSIONS OF LAW

HISTORICAL USE AND ADVERSE EFFECT

40. Montana's change statute codifies the fundamental principles of the Prior Appropriation Doctrine. Sections 85-2-401 and -402(1)(a), MCA, authorize changes to existing water rights, permits, and water reservations subject to the fundamental tenet of Montana water law that one may change only that to which he or she has the right based upon beneficial use. A change to an existing water right may not expand the consumptive use of the underlying right or remove the well-established limit of the appropriator's right to water actually taken and beneficially used. An increase in consumptive use constitutes a new appropriation and is subject to the new water use permit requirements of the MWUA. *McDonald v. State*, 220 Mont. 519, 530, 722 P.2d 598, 605 (1986) (beneficial use constitutes the basis, measure, and limit of a water right); *Featherman v. Hennessy*, 43 Mont. 310, 316-17, 115 P. 983, 986 (1911) (increased consumption associated with expanded use of underlying right amounted to new appropriation rather than change in use); *Quigley v. McIntosh*, 110 Mont. 495, 103 P.2d 1067, 1072-74 (1940) (appropriator may not expand a water right through the guise of a change – expanded use constitutes a new use with a new priority date junior to intervening water uses); *Allen v. Petrick*, 69 Mont. 373, 222 P. 451(1924) ("quantity of water which may be claimed lawfully under a prior appropriation is limited to that quantity within the amount claimed which the appropriator has needed, and which within a reasonable time he has actually and economically applied to a beneficial use. . . . it may be said that the principle of beneficial use is the one of paramount importance . . . The appropriator does not own the water. He has a right of ownership in its use only"); *Town of Manhattan*, ¶ 10 (an

appropriator's right only attaches to the amount of water actually taken and beneficially applied).[2]

41. Sections 85-2-401(1) and -402(2)(a), MCA, codify the prior appropriation principles that Montana appropriators have a vested right to maintain surface and ground water conditions substantially as they existed at the time of their appropriation; subsequent appropriators may insist that prior appropriators confine their use to what was actually appropriated or necessary for their originally intended purpose of use; and, an appropriator may not change or alter its use in a manner that adversely affects another water user. *Spokane Ranch & Water Co. v. Beatty*, 37 Mont. 342, 96 P. 727, 731 (1908); *Quigley*, 110 Mont. at 505-11,103 P.2d at 1072-74; *Matter of Royston*, 249 Mont. at 429, 816 P.2d at 1057; *Hohenlohe*, ¶¶ 43-45.[3]

42. The cornerstone of evaluating potential adverse effect to other appropriators is the determination of the "historic use" of the water right being changed. *Town of Manhattan*, ¶10 (recognizing that the Department's obligation to ensure that change will not adversely affect other water rights requires analysis of the actual historic amount, pattern, and means of water use). A change Applicant must prove the extent and pattern of use for the underlying right proposed for change through evidence of the historic diverted amount, consumed amount, place of use, pattern of use, and return flow because a statement of claim, permit, or decree may not include the beneficial use information necessary to evaluate the amount of water available for change or potential for adverse effect.[4] A comparative analysis of the historic use of the water right to the proposed change in use is necessary to prove the change will not result in expansion of the original right, or adversely affect water users who are entitled to rely upon maintenance of conditions on the source of supply for their water rights. *Quigley*, 103 P.2d at 1072-75 (it is necessary to ascertain historic use of a decreed water right to determine whether a change in use expands the underlying right to the detriment of other water user because a decree only provides a limited description of the right); *Royston*, 249 Mont. at 431-32, 816 P.2d at 1059-60 (record could not sustain a conclusion of no adverse effect because the Applicant failed to provide the

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

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

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

Department with evidence of the historic diverted volume, consumption, and return flow); *Hohenlohe*, ¶ 44-45; Town of Manhattan v. DNRC, Cause No. DV-09-872C, Montana Eighteenth Judicial District Court, *Order Re Petition for Judicial Review,* Pgs. 11-12 (proof of historic use is required even when the right has been decreed because the decreed flow rate or volume establishes the maximum appropriation that may be diverted, and may exceed the historical pattern of use, amount diverted or amount consumed through actual use); Matter of Application For Beneficial Water Use Permit By City of Bozeman, *Memorandum*, Pgs. 8-22 (Adopted by DNRC *Final Order* January 9,1985)(evidence of historic use must be compared to the proposed change in use to give effect to the implied limitations read into every decreed right that an appropriator has no right to expand his appropriation or change his use to the detriment of juniors).[5]

43. An Applicant must also analyze the extent to which a proposed change may alter historic return flows for purposes of establishing that the proposed change will not result in adverse effect. The requisite return flow analysis reflects the fundamental tenant of Montana water law that once water leaves the control of the original appropriator, the original appropriator has no right to its use and the water is subject to appropriation by others. *E.g., Hohenlohe*, ¶ 44; *Rock Creek Ditch & Flume Co. v. Miller*, 93 Mont. 248, 17 P.2d 1074, 1077 (1933); *Newton v. Weiler*, 87 Mont. 164, 286 P. 133 (1930); *Popham v. Holloron*, 84 Mont. 442, 275 P. 1099, 1102 (1929); *Galiger v. McNulty*, 80 Mont. 339, 260 P. 401 (1927); *Head v. Hale*, 38 Mont. 302, 100 P. 222 (1909);

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

Spokane Ranch & Water Co., 37 Mont. at 351-52, 96 P. at 731; *Hidden Hollow Ranch v. Fields*, 2004 MT 153, 321 Mont. 505, 92 P.3d 1185; ARM 36.12.101(56) (Return flow - that part of a diverted flow which is not consumed by the appropriator and returns underground to its original source or another source of water - is not part of a water right and is subject to appropriation by subsequent water users).[6]

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

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

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

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

past beneficial use.

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

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

47. Applicant seeks to change existing water rights represented by its Water Right Claims. The "existing water rights" in this case are those as they existed prior to July 1, 1973, because with limited exception, no changes could have been made to those rights after that date without the Department's approval. Analysis of adverse effect in a change to an "existing water right" requires evaluation of what the water right looked like and how it was exercised prior to July 1, 1973. In *McDonald v. State*, the Montana Supreme Court explained:

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

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

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

ditch easement case); *Olsen v. McQueary*, 212 Mont. 173, 180, 687 P.2d 712, 716 (1984) (judicial notice taken of Water Resources Survey in water right dispute concerning branches of a creek).

49. While evidence may be provided that a particular parcel was irrigated, the actual amount of water historically diverted and consumed is critical. *E.g., In the Matter of Application to Change Water Right No. 41H 1223599 by MGRR #1, LLC.*, DNRC Proposal for Decision adopted by Final Order (2005). The Department cannot assume that a parcel received the full duty of water or that it received sufficient water to constitute full-service irrigation for optimum plant growth. Even when it seems clear that no other rights could be affected solely by a particular change in the location of diversion, it is essential that the change also not enlarge an existing right. *See MacDonald*, 220 Mont. at 529, 722 P.2d at 604; *Featherman*, 43 Mont. at 316-17, 115 P. at 986; *Trail's End Ranch, L.L.C. v. Colorado Div. of Water Resources*, 91 P.3d 1058, 1063 (Colo., 2004).

50. The Department has adopted a rule providing for the calculation of historic consumptive use where the Applicant proves by a preponderance of the evidence that the acreage was historically irrigated. ARM 36.12.1902(16). In the alternative an Applicant may present its own evidence of historic beneficial use. In this case Applicant has elected to proceed under ARM 36.12.1902. (FOF Nos.14-15).

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

52. Based upon the Applicant's evidence of historic use, the Applicant has proven by a preponderance of the evidence the historic use of 76M 30048497 to be a diverted volume of 208.15 AF, a historically consumed volume of 19.5 AF, and flow rate of 359.04 GPM. (FOF Nos. 14-17).

53. Based upon the Applicant's comparative analysis of historic water use and return flows to water use and return flows under the proposed change, the Applicant has proven that the

proposed change in appropriation right will not adversely affect the use of the existing water rights of other persons or other perfected or planned uses or developments for which a permit or certificate has been issued or for which a state water reservation has been issued. Section 85-2-402(2)(a), MCA. (FOF Nos. 18-28).

BENEFICIAL USE

54. A change Applicant must prove by a preponderance of the evidence the proposed use is a beneficial use. Sections 85-2-102(4) and -402(2)(c), MCA. Beneficial use is and has always been the hallmark of a valid Montana water right: "[T]he amount actually needed for beneficial use within the appropriation will be the basis, measure, and the limit of all water rights in Montana . . ." McDonald, 220 Mont. at 532, 722 P.2d at 606. The analysis of the beneficial use criterion is the same for change authorizations under §85-2-402, MCA, and new beneficial permits under §85-2-311, MCA. ARM 36.12.1801. The amount of water that may be authorized for change is limited to the amount of water necessary to sustain the beneficial use. *E.g., Bitterroot River Protective Association v. Siebel, Order on Petition for Judicial Review*, Cause No. BDV-2002-519 (Mont. 1st Jud. Dist. Ct.) (2003) (*affirmed on other grounds*, 2005 MT 60, 326 Mont. 241, 108 P.3d 518); *Worden v. Alexander*, 108 Mont. 208, 90 P.2d 160 (1939); *Allen v. Petrick*, 69 Mont. 373, 222 P. 451(1924); *Sitz Ranch v. DNRC*, DV-10-13390,, *Order Affirming DNRC Decision*, Pg. 3 (Mont. 5th Jud. Dist. Ct.) (2011) (citing *BRPA v. Siebel*, 2005 MT 60, and rejecting Applicant's argument that it be allowed to appropriate 800 acre-feet when a typical year would require 200-300 acre-feet); *Toohey v. Campbell*, 24 Mont. 13, 60 P. 396 (1900) ("The policy of the law is to prevent a person from acquiring exclusive control of a stream, or any part thereof, not for present and actual beneficial use, but for mere future speculative profit or advantage, without regard to existing or contemplated beneficial uses. He is restricted in the amount that he can appropriate to the quantity needed for such beneficial purposes."); § 85-2-312(1)(a), MCA (DNRC is statutorily prohibited from issuing a permit for more water than can be beneficially used).

55. The Applicant proposes to use water for instream flow which is a recognized beneficial use. Section 85-2-102(5), MCA. The Applicant has proven by a preponderance of the evidence instream flow is a beneficial use and that 208.15 AF of diverted volume and 359.04 GPM flow rate of water requested is the amount needed to sustain the beneficial use. Section 85-2-402(2)(c), MCA (FOF Nos. 29-32).

ADEQUATE MEANS OF DIVERSION

56. Pursuant to § 85-2-402 (2)(b), MCA, the Applicant is not required to prove that the proposed means of diversion, construction, and operation of the appropriation works are adequate because this application involves a temporary change in appropriation right for instream flow pursuant to § 85-2-408 MCA.

POSSESSORY INTEREST

57. Pursuant to § 85-2-402(2)(d), MCA, the applicant is not required to prove 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 because this application involves a temporary change in appropriation right for instream flow pursuant to § 85-2-408 MCA.

PRELIMINARY DETERMINATION

Subject to the terms and analysis in this Preliminary Determination Order, the Department preliminarily determines that this Application to Change Water Right No. 76M 30171923 should be GRANTED subject to the following.

The Department determines the Applicant may temporarily change the POD, POU and purpose of use for Statement of Claim 76M 30048497. The Applicant proposes to retire the historical POD and POU. The proposed change is temporary for a period of ten years as described in § 85-2-408, MCA. The proposed purpose is instream flow to benefit fishery resources. The proposed POU is a protected reach of Sixmile Creek from this historical POD in the SWSENW Section 7, Township 15 North, Range 21 West, Missoula County, approximately 1.12 miles downstream to the next diversion on the creek. This reach would encompass the proposed POD's and POU's, more specifically being the S2NE, SESENW, E2NESW, SWNESW, and NWSESW Section 12, Township 15 North, Rane 22 West. The period of use will remain April 1 through October 31 annually.

If granted, the following conditions would be added to the water right to satisfy the additional criteria for a temporary change to instream flow:

THE APPLICANT OR IT'S DESIGNEE SHALL MEASURE THE PROTECTED REACH OF SIXMILE CREEK BY TAKING FLOW MEASUREMENTS AT THE LEBERT – BISSONETTE DITCH HEADGATE WHICH IS LOCATED IN THE SWSENW, SEC 7, TWP 15N, RGE 21W, MISSOULA COUNTY. MEASUREMENTS WILL BE TAKEN MONTHLY FROM JUNE THROUGH SEPTEMBER. THIS CHANGE AUTHORIZATION, ALLOWS FOR A CALL FOR

WATER FROM UPSTREAM JUNIOR SIXMILE CREEK WATER USERS WHEN THE STREAM FLOW MEASURED ON SIXMILE CREEK BY THE APPLICANT OR IT'S DESIGNEE FALLS BELOW 2.05 CFS WITHIN THE AFOREMENTIONED TIMEFRAME. THE RECORDED FLOW RATE MEASUREMENTS MUST BE SENT TO THE DNRC MISSOULA REGIONAL OFFICE BY NOVEMBER 30 EACH YEAR DURING THE TEMPORARY CHANGE AUTHORIZATION.

NOTICE

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

DATED this 12 day of March 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 12 day of March, 2026, by first class United States mail.

LEE YELIN
5890 KERR DR
MISSOULA, MT 59803

Alex Dalgleish
Water Conservation Specialist
Missoula Regional Office
Alexander.dalgleish@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

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

January 12, 2026

Lee Yelin
5980 Kerr Dr
Missoula, MT 59803-3028

Subject: Correct and Complete Application for Change No. 76M 30171923

Dear Applicant,

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

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

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

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

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

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

Best,

Alex Dalgleish
Water Resource Specialist
Missoula Regional Office
(406)-542-5886
Alexander.dalgleish@mt.gov

Dalgleish, Alex

From: Dalgleish, Alex
Sent: Monday, January 12, 2026 10:44 AM
To: Water Rights Inc.
Subject: RE: [EXTERNAL] Lee's 606 Deficiency
Attachments: A2_Correct&Complete_Letter 76M 30171923.pdf

Categories: Changes

John,

Your responses look sufficient, and I can accept these documents as your response. You do not need to mail in a copy of the letter and maps.

Attached is the letter notifying you that the Application is correct and complete (I will not be mailing a physical copy).

Please reach out with any questions.

Alex Dalgleish | 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.dalgleish@mt.gov
Website | **Facebook** | **X (Twitter)** | **Instagram**
How did we do? Let us know here: Feedback Survey

From: Water Rights Inc. <waterrightsinc@gmail.com>
Sent: Friday, January 9, 2026 3:34 PM
To: Dalgleish, Alex <Alexander.Dalgleish@mt.gov>
Subject: Re: [EXTERNAL] Lee's 606 Deficiency

Alex,

Thanks for the heads up on that POU and the shapefile. I wanted to run my draft past you to make sure there was nothing else before we emailed/mailed the formal copies in to make it complete. Let me know. Thanks!

John Hackethorn III

On Fri, Jan 9, 2026 at 11:32 AM Dalgleish, Alex <Alexander.Dalgleish@mt.gov> wrote:

> Hey John,

In the Water Court's Masters Report detailing the split of parent right 76M 16758 00, on the bottom of page 2 the report mentions a color-coded map of the proposed acreage split. Looking back in the original file of 76M 116758 00, this color map shows the split of right 76M 116758 00 for all child rights. I've attached this map for reference.

I georeferenced the color map and outlined Lee's portion. Attached is my shapefile that you can use for your maps. While the Master's Report assigned 21.10 acres to child right 76M 30048497, the shapefile does not exactly match those acres. The map was the best representation of the 76M 30048497 acreage/portion.

Alex Dalgleish | 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.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: Water Rights Inc. <waterrightsinc@gmail.com>
Sent: Friday, January 9, 2026 10:09 AM
To: Dalgleish, Alex <Alexander.Dalgleish@mt.gov>
Subject: [EXTERNAL] Lee's 606 Deficiency

Alex,

I am looking at the deficiency you sent for Lee's 606 change for instream flow on child right 76M 30048497. Looking at question 17, you mention that the project overview map should only include the

POU of the child right. I represented the historical POU for the parent right as well as the instream flow "POU." If there is a place of use to represent for the child right, I would be happy to map it but I am not sure what that POU is given the abstract says it does not have a place of use in the remarks. Please let me know how to go about this. Thanks!

Sincerely,

--

John Hackethorn III

GIS Specialist

Water Rights, Inc.

Missoula, MT

Office: (406) 251-6100

WATER RIGHTS, INC.
Bus: (406) 251-6100
Fax: (406) 251-3191
E-mail: waterrightsinc@gmail.com
Web Site: waterrightsinc.net
P.O. Box 9285 • Missoula, Montana 59807

January 9, 2026

Project No. R25-067

Alex Dalgleish
Missoula Water Resources Regional Office
PO Box 5004
2705 Spurgin Road, Bldg. C
Missoula, MT 59806-5004

RE: Deficiency letter for Change Application No. 76M 30171923 (WR 76M 30048497)

Alex,

Thank you for the feedback on the change application (No. 76M 30171923) for Lee Yelin. Below is a response to all deficiencies noted.

Q 10: Thank you for the heads up. In the future we will make sure to attach all supporting documents, even if it is something already in the possession of the DNRC.

Q 17: Attached is a revised "Historical Use Map" and "Project Overview Map" focusing solely on the historical place of use for child right 76M 30048497 with the shapefile provided by the DNRC, rather than the historical POU for the parent right.

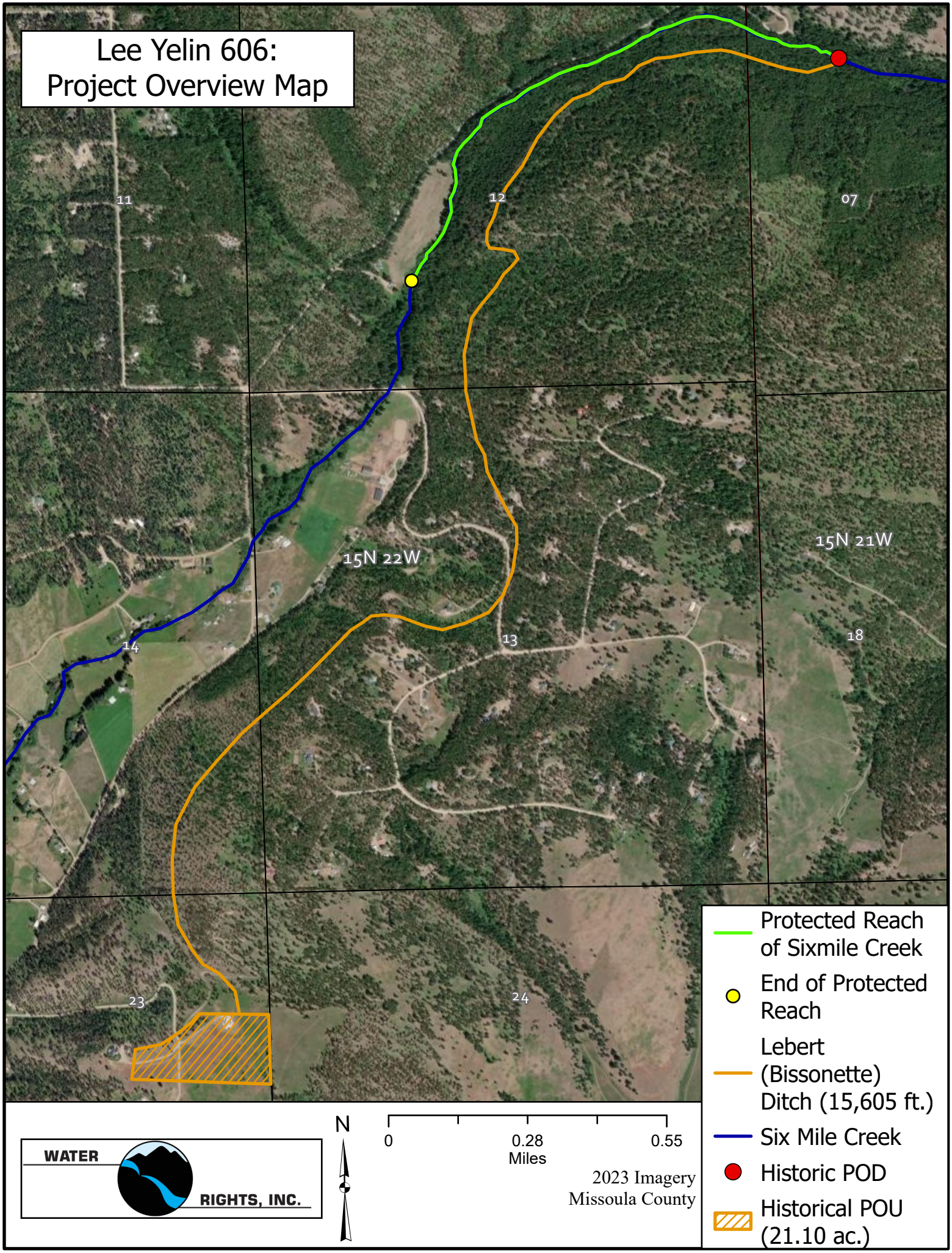
Q 36/606-IFA Q 5: We intend to use the Department's findings of diverted and consumed volumes as found in DNRC Technical Analysis.

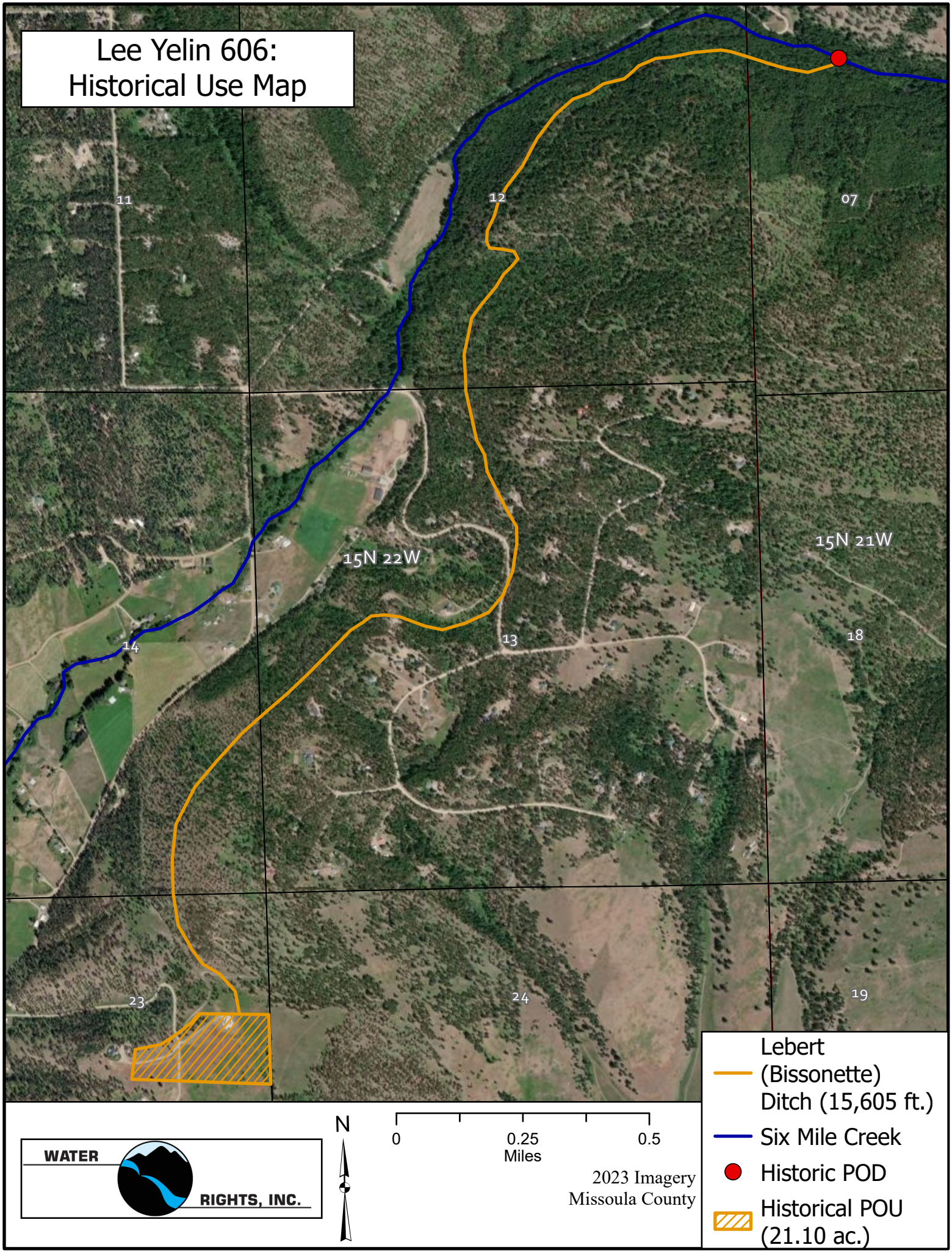
If there is anything else to be done to make this application complete, please let us know ASAP!

Sincerely,

Lee Yelin
Senior Water Rights Specialist

LY/jh


Lee Yelin 606:
Project Overview Map
11
12
07
15N 22W
15N 21W
14
13
18
23
24
Protected Reach of Sixmile Creek
End of Protected Reach
Lebert (Bissonette) Ditch (15,605 ft.)
Six Mile Creek
Historic POD
Historical POU (21.10 ac.)
WATER RIGHTS, INC.
N
0
0.28
Miles
0.55
2023 Imagery
Missoula County


Lee Yelin 606:
Historical Use Map
11
12
07
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14
13
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Lebert (Bissonette) Ditch (15,605 ft.)
Six Mile Creek
Historic POD
Historical POU (21.10 ac.)
N
0
0.25
0.5
Miles
2023 Imagery
Missoula County
WATER RIGHTS, INC.

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

January 5, 2026

Lee Yelin
5980 Kerr Dr
Missoula, MT 59803-3028

Subject: Deficiency letter for Change Application No. 76M 30171923

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):

- ☐ ***Question 10. If you propose to add a point of diversion or place of use on State of Montana Trust Land, submit documentation of consent from DNRC Trust Lands Management Division. If you propose to add a place of use on Trust Land with all***

points of diversion on private land, then, at a minimum, that component of the change authorization will be temporary for the duration of the lease term (85-2-441, MCA).
This question was marked as "S" which denotes that items are required to be submitted to the Department. While the Application documents did not include consent from DNRC Trust Lands Management Division, the preapplication materials did include correspondence between you, the Applicant, and DNRC Deputy Trust Lands Administrator Ryann Weiss. The Department will use the previously submitted correspondence as evidence of consent from the Trust Lands Division. While this question is not technically deficient, we wanted to note the inconsistency between the answer and the lack of submitted documentation with the Application.

- ❑ ***Question 17. Submit a historical use map created on an aerial photograph or topographic map that shows the following: section corners, township and range, scale bar, north arrow, all historic points of diversion (POD) labeled with a unique POD ID ("H" followed by a number), all historical places of use (POU), all historical conveyance structures, all historical places of storage, and historical place of use for all overlapping water rights. More than one map may be submitted, if necessary, to clearly convey all required information.***
  The historical map provided with the Application depicts the historic POU. However this POU appears to be of the entire POU associated with parent right 76M 116758 00 and not that of the child right proposed for change. Please submit a map showing the historical POU of water right 76M 30048497 proposed for change.
  In addition to the historic use map, the project overview map also appears to represent the larger historic POU of parent right 76M 116758 00. The project overview map should only the POU of child right 76M 30048497.

- ❑ ***Question 36. Describe your plan of operations, including specific information about how water is delivered within the place of use. This may include, where applicable, the range of flow rates needed for a pivot.***
  The answer to this question is inconsistent with the Department's findings. The prior change authorization (76M 30049150) and the Technical Analyses for this current change proposal found the historical and proposed diverted volume for the water right 76M 30048497 to be 208.15 AF. You describe a diverted volume of 402.2 AF. It is unclear if this figure designates the historical and/or proposed diverted volume.
  Next, in the Application, you describe the historically consumed volume to be 52.94 AF. Again, in the prior change authorization and the Technical Analyses for this current change, the Department found the historic consumptive use of right 76H 30048497 to be 19.5 AF.

  Please clarify if you intend to use the Department's findings of diverted and consumed volumes, as listed in the Technical Analyses for this change application. If not, and you propose to deviate from the previously completed Technical Analyses, you'll need to

submit Technical Analyses Addendum (Form 606-TAA) with the Application. Form 606-TAA would result in the loss of the preapplication meeting benefits (expedited timelines and reduced fees).

- ❑ ***Form 606-IFA – Question 5: Provide details about an operation plan, which included the proposed flow rate (GPM or CFS) to be protected up to the proposed volume (AF) and the period when protection is to occur. If there is a "trigger flow" associated with your operation plan, please explain.***
  The answer to this question is similar to the answer to Question 36 on the Application where different values are described for the diverted and consumed volumes of the water right proposed for change. Please clarify if you wish to use the diverted and consumed volumes determined in the Department's Technical Analyses. If you wish to use information different from the findings in the Technical Analyses, submit Form 606-TAA.

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 May 6, 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 Dalgleish
Water Resource Specialist
Missoula Regional Office
(406)-542-5886
Alexander.dalgleish@mt.gov

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 TO CHANGE A WATER RIGHT

§ 85-2-302, MCA

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

For Department Use Only

RECEIVED

DEC 30 2025

MONTANA D.N.R.C
MISSOULA REGIONAL OFFICE

Application # 30171923 Basin 76M
Priority Date 9/30/2025 Time _____ AM/PM
Rec'd By TS
Fee Rec'd $ 1500.00 Check # 4746
Deposit Receipt # MS52612841
Payor Yelin, Lee
Refund $ _____ Date _____

FILING FEE

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

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

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

INFORMATION

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

Applicant Information: *Add more as necessary.*

Applicant Name Lee Yelin
Mailing Address 5890 Kerr Dr City Missoula State MT Zip 59803-3028
Phone Numbers: Home _____ Work _____ Cell (406)396-3833
Email Address waterrightsinc@gmail.com

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

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

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

Contact/Representative is: ☐ Applicant ☑ Consultant ☐ Attorney ☐ Other
Contact/Representative Name Water Rights Inc.
Mailing Address PO Box 9285 City Missoula State MT Zip 59807
Phone Numbers: Home _____ Work (406)251-6100 Cell _____
Email Address waterrightsinc@gmail.com

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

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

PREAPPLICATION AND TECHNICAL ANALYSES INFORMATION

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

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

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

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

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

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

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

2.c.i. Please explain.

_____

_____

_____

_____

_____

_____

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

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

2.d.i. Please explain.

_____

_____

_____

_____

_____

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

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

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

APPLICATION ADDENDA AND REVIEW

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

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

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

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

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

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

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

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

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

APPLICATION DETAILS

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

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

Water Right No.	**Current Authorized Flow Rate**			**Flow Rate Needed for Project**			**Means of Diversion**
	Flow	*GPM*	*CFS*	*Flow*	*GPM*	*CFS*	
76M 30048497	359	☑	☐	359	☑	☐	HEADGATE
		☐	☐		☐	☐	
		☐	☐		☐	☐	
		☐	☐		☐	☐	
		☐	☐		☐	☐	

14. Is the source surface water or groundwater? SURFACE

15. What is the source name? SIX MILE CREEK

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

Water Right No.	76M 30048497				
Point of Diversion	☑	☐	☐	☐	☐
Place of Use	☑	☐	☐	☐	☐
Purpose of Use	☑	☐	☐	☐	☐
Place of Storage	☐	☐	☐	☐	☐

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

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

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

IF YES,

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

POD ID	¼	¼	¼	Sec.	Twp.	Rge.	County	Lot	Block	Tract	Subdivision	Gov. Lot	New or Unchanged
2	S2	NE		12	15N	22W	MISSOULA						NEW
3	SE	SE	Nw	12	15N	22W	MISSOULA						NEW
4	E2	NE	Sw	12	15N	22W	MISSOULA						NEW
5	Sw	NE	Sw	12	15N	22W	MISSOULA						NEW
6	Nw	SE	Sw	12	15N	22W	MISSOULA						NEW

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

POD ID	¼	¼	¼	Sec.	Twp.	Rge.	County	Lot	Block	Tract	Subdivision	Gov. Lot
1	SW	SE	NW	7	15N	21W	MISSOULA					

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

Instream flow. We are not really adding any points of diversion, this just lays out the protected reach.

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

IF YES,

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

NA - WATER RIGHT SEVERED AND USED	
FOR INSTREAM FLOW PURPOSE	

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

Acres	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County
				SAME	AS	POINTS	OF	DIVERSION
	Total							

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

IF YES,

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

IF YES,

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

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

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

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

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

IF QUESTION 23 IS NO,

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

IF QUESTION 23.a IS NO,

23.a.i. ☑ **Y** ☐ **N** List the water rights for which you do not own the entire historical place of use.
76M 30048497

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

IF QUESTION 23.a.ii IS YES,

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

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

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

IF QUESTION 23.a.iii IS NO,

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

ADVERSE EFFECT

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

N/A INSTREAM FLOW

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

The water stays in the stream, beneficially helping downstream water right holders and instream flow fisheries.

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

26.a. If yes, explain.

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

We can still call for water when it is not available at the point of diversion. If any junior rights are in use upstream we can call for water.

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

28.a. If yes, list the sources.

29. When was the last time each water right proposed for change was appropriated and used beneficially?
August 24, 2011 until expiration.

IF THERE HAS BEEN A PERIOD OF NONUSE,

29.a. Why was the water right not used?
Instream use expired and is now being refiled for another 10 years.

29.b. Why will a resumption of use not adversely affect other water users?
There will be no change. When the instream change expired, the water was not used to irrigate. For approximately two years while re-working on new change. We were unaware of the expiration and are working to renew this change.

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

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

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

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

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

31.a. Are the proposed points of diversion upstream or downstream of the historical points of diversion?
N/A INSTREAM FLOW

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

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

ADEQUATE MEANS OF DIVERSION AND OPERATION

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

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

N/A In Stream Flow

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.

N/A In Stream Flow

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

35.a. If yes, explain.

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

The proposed change will leave water instream, rather than the historic operation, which has been to divert and use this water for irrigation. The diverted volume of 402.2 AC-FT in this claim is calculated by multiplying 538.56 gpm x 1440 x 169 ÷ 325,851 = 402.2 AC-FT. We request that the 1.15-mile reach downstream of the POD, ending at the state land boundary, which is a section of road that passes over the culvert, is the protected stretch receiving the historically consumed volume of 52.94 AC-FT (31.7 acres X 1.67 ft/acre) be allowed to stay in-stream for fisheries enhancement.

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

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

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

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

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

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

IF YES,

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

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

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

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

BENEFICIAL USE

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

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

40.b. For any of the purposes with no Department standard or with proposed beneficial use that falls outside of Department standards, explain how the use is reasonable for that purpose.
The purpose of use is reasonable as it enhances instream flow, by leaving the water in the stream rather than pulling it and using it. There are no standards within ARM 36.12.112 or 36.12.115 for this purpose. This complies with MCA 85-2-408 (7) regarding maximum and minimum water quantities that maintain and enhance streamflows to benefit fisheries.

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

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

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

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

POSSESSORY INTEREST

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

43.a. If yes, explain.

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

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

PROPOSED COMPLETION PERIOD

45. How many years will be needed to complete this project and to submit to the DNRC a Project Completion Notice (Form 618)? 10 years or date of expiration.

46. Describe why this amount of time is needed to complete this project.
It is completed from previous 606 instream flow change application.

AFFIDAVIT & CERTIFICATION

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

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

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

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

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

Printed Name Lee Yelin

Applicant Signature _____ Date: 12-23-25

Printed Name _____

Applicant Signature _____ Date: _____

Printed Name _____

Applicant Signature _____ Date: _____

Form No. 606-IFA (02/2025) Applicant Name Lee Yelin

APPLICATION TO CHANGE A WATER RIGHT
CHANGE TO INSTREAM FLOW ADDENDUM
§§ 85-2-402, 85-2-436, MCA

It is highly recommended that Technical Analyses are complete before filling out this addendum. The operation plan must define the flow rate(s) and volume(s) protected instream over specific time intervals. The maximum quantity of water that can be changed to instream flow protected at the historical point of diversion, or the point where return flow historically accrued, is the amount historically diverted. However, only the amount historically consumed from the source, or a smaller amount if specified by the department, may be used to protect, maintain, or enhance streamflow below the historical point of diversion or the point where return flows historically accrued. The protected flow rate may be no higher than the historical flow rate at the historical point of diversion. The flow rate protected downstream of the historical point of diversion, when protected over the time interval defined for protection, cannot result in a volume that is higher than the protectable volume. The measurement plan should include one or more measurement points, sufficient to show beneficial use and lack of adverse effect. Ideally, measurement points are located as close as possible to the start and end of the protected reach.

Answer every question and applicable follow-up questions. Use the checkboxes to denote yes ("Y") or no ("N"). 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 Technical Analyses Addendum. 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, mark the "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. Label all units in narrative responses.

1. ☑ **S** Submit a map labeling all historical points of diversion, the protected reach, the locations where historical return flows accrued, and all water rights diverted from the source between the upstream-most historical point of diversion and the end of the protected reach.

2. ☐ **Y** ☐ **N** ☑ **NA** Do all historical return flows go back to the source of supply?

   If no,

   2.1. What is the name of the other sources where historical return flows accrued?

   _____

   2.2. What are the monthly volumes of return flows that do not return to the source of supply?

   _____

   2.3. ☐ **Y** ☐ **N** Are any water rights diverted from the sources identified in question 2.1 within the Area of Potential Adverse Effect identified in the Extended Return Flow Analysis: Evaluation of Impacts to Identified Water Rights? **If yes**, add these water rights to the map submitted for question 1.

3. Explain how this change will not adversely affect the water rights identified on the map submitted for question 1, which include, if applicable, all water rights 1) diverted from the source between the upstream-most historical point of diversion and the end of the protected reach and 2) diverted from other sources where historical return flows accrued that are located within the Area of Potential Adverse Effect identified in the Extended Return Flow Analysis: Evaluation of Impacts to Identified Water Rights.

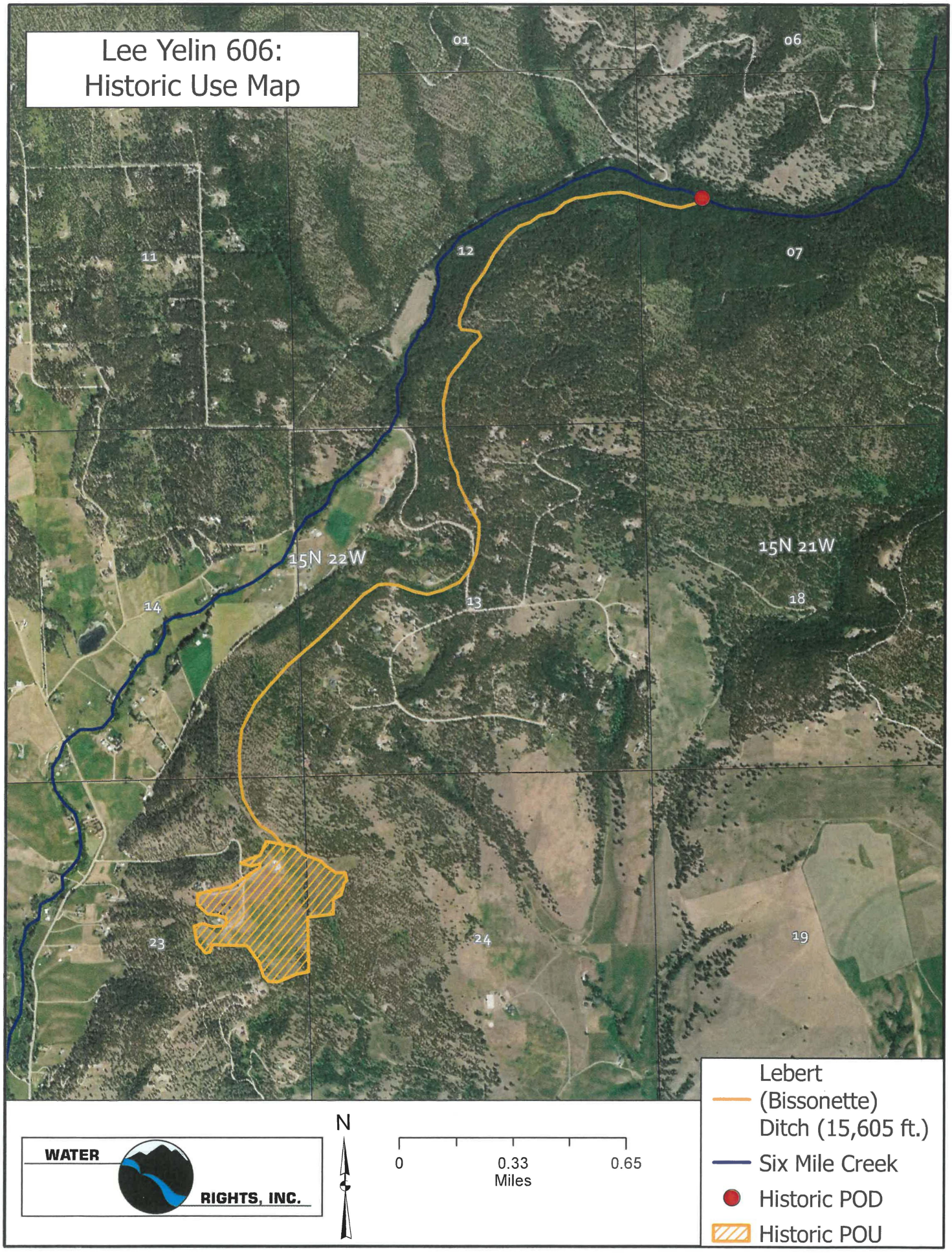
There are no other users accessing the historic POD due to no water being diverted. The 1.15 miles of stream will be protected as the POU for instream flows from the POD to the State of Montana POD. Water users in the drainage will be not be adversely affected because leaving water instream will allow for more carriage water to all downstream users, whether junior or senior. Changing to non-consumptive use will benefit all users in the drainage, especially the aquatic species. The 1.15 mile portion of stream is a continuation of the flows coming from 4 miles up at the headwaters, through federal lands, then through state lands. It is an ideal area for fisheries because it is state leased ground that cannot be subdivided. After the State of Montana POD (the end of the protected stretch) there are an abundant series of diversions all the way to the Clark Fork River. So, the 1.15 mile stretch was selected for optimal pool and riffle ratios for spawning and juvenile habitat accommodations that serve to extend the viable habitats of the communities further upstream, i.e., trout populations, in Sixmile Creek..

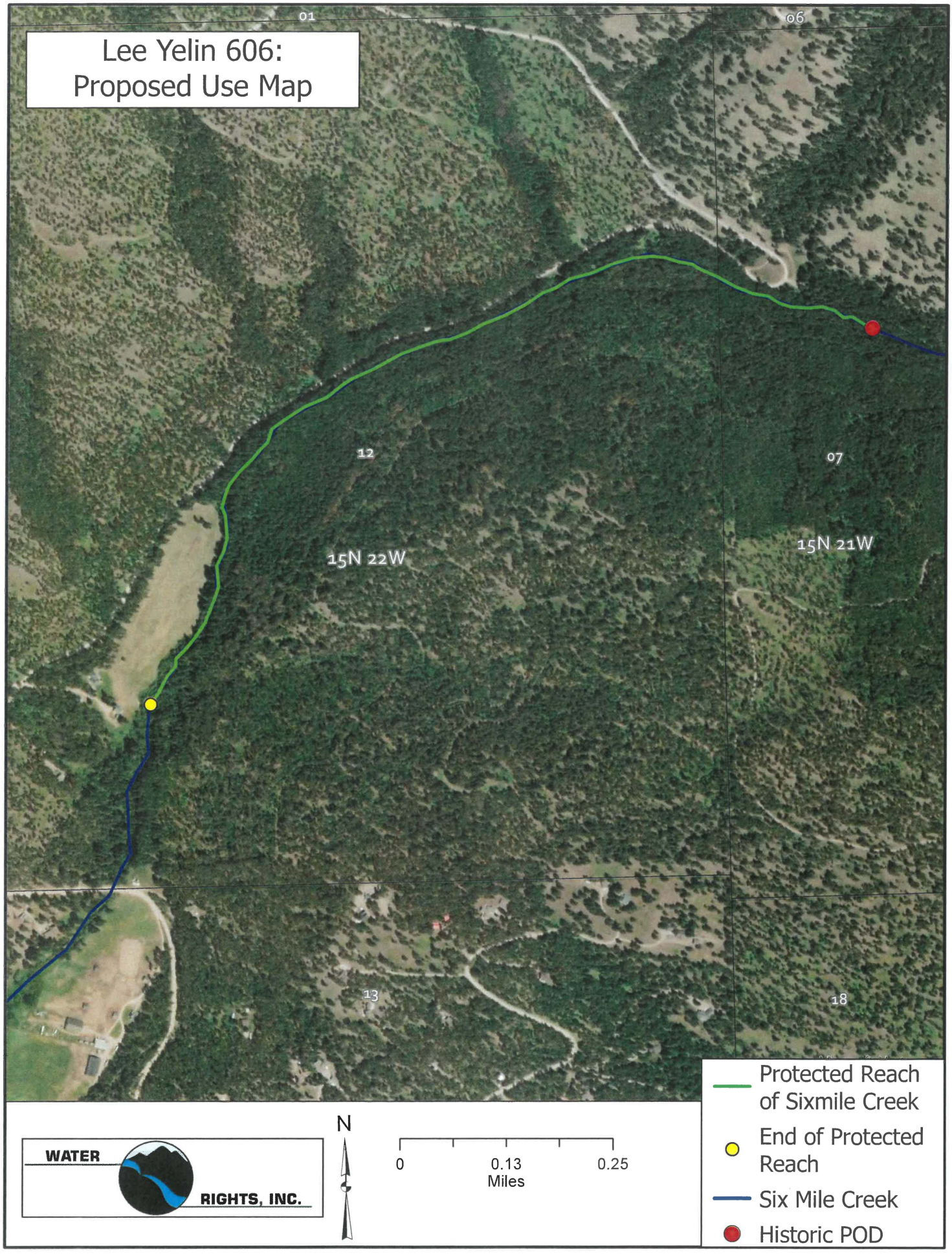
4. Provide a detailed measurement plan, which includes the point(s) where measurements occur, the interval of measurement, the methods and equipment used, and explain how this plan is sufficient to evaluate for adverse effect and show beneficial use.

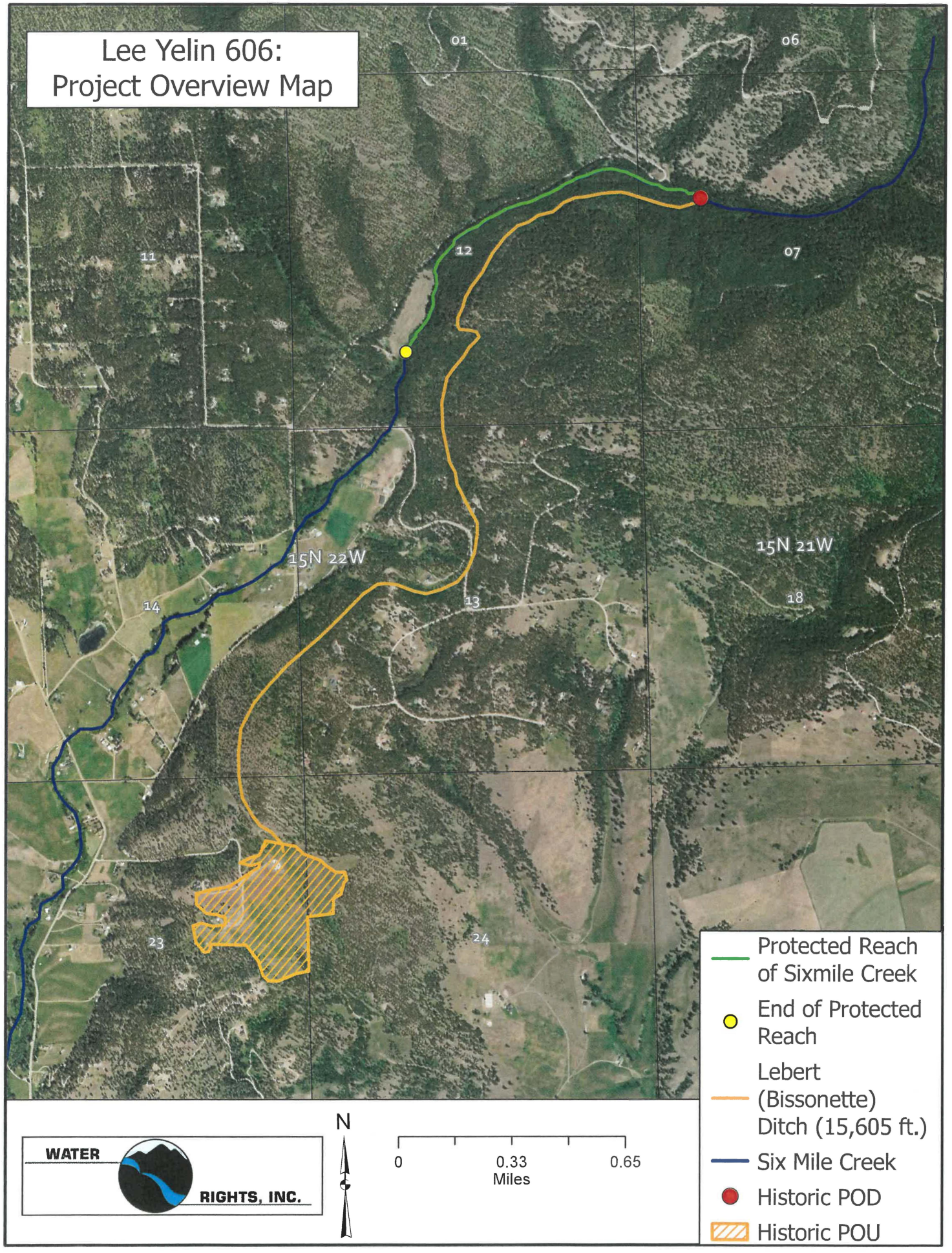
The measurement method being employed is at the two (2) staff gauges locations (at the headgate, SWSENW of Section 7, T15N R21W, and the state land boundary, S2NE and E2SW of Section 12, T15N R22W. The staff gauges will be measured using a Marsh McBirney flow meter and after that has been completed, the gauges can be visually read and the flow rate known without the use of a current meter. Rating charts will be supplied to DNRC upon completion. Staff gauge readings will occur quarterly to verify compliance and more often during extreme low flow periods, if necessary.

5. Provide details about an operation plan, which include the proposed flow rate (GPM or CFS) to be protected up to the proposed volume (AF) and the period when protection is to occur. If there is a "trigger flow" associated with your operation plan, please explain.

The proposed change will leave water instream, rather than the historic operation, which has been to divert and use this water for irrigation. The diverted volume of 402.2 AC-FT in this claim is calculated by multiplying 538.56 gpm x 1440 x 169 ÷ 325,851 = 402.2 AC-FT. We request that the 1.15-mile reach downstream of the POD, ending at the state land boundary, which is a section of road that passes over the culvert, is the protected stretch receiving the historically consumed volume of 52.94 AC-FT (31.7 acres X 1.67 ft/acre) be allowed to stay in-stream for fisheries enhance.


Lee Yelin 606:
Historic Use Map
01
06
11
12
07
15N 22W
15N 21W
14
13
18
23
24
19
N
0
0.33
Miles
0.65
WATER
RIGHTS, INC.
Lebert
(Bissonette)
Ditch (15,605 ft.)
Six Mile Creek
Historic POD
Historic POU


Lee Yelin 606:
Proposed Use Map
01
06
12
07
15N 22W
15N 21W
13
18
WATER
RIGHTS, INC.
N
0
0.13
0.25
Miles
Protected Reach of Sixmile Creek
End of Protected Reach
Six Mile Creek
Historic POD


Lee Yelin 606:
Project Overview Map
01
06
11
12
07
15N 22W
15N 21W
14
13
18
23
24
Protected Reach of Sixmile Creek
End of Protected Reach
Lebert (Bissonette) Ditch (15,605 ft.)
Six Mile Creek
Historic POD
Historic POU
WATER RIGHTS, INC.
N
0
0.33
Miles
0.65

Preapplication Materials

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

Preapplication Materials

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

October 21, 2025

Lee Yelin
5890 Kerr Dr.
Missoula, MT 59803-3028

Subject: Complete Preapplication Form for Change Application No. 76M 30171923

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 15, 2025 and the Department deemed the submitted Preapplication Meeting Form to be successfully completed per ARM 36.12.1302 on October 21, 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 21, 2025.

Please let me know if you have any questions.

Sincerely,

Alex Dalgleish
Water Resource Specialist
Missoula Regional Office
(406)-542-5886
Alexander.dalgleish@mt.gov

PREAPPLICATION MEETING FORM: PART B
CHANGE

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

For Department Use Only

Application # 30171923 Basin 76M
Form Received 10/15/2025
Fee Rec'd $ 500.00 Check # 26914
Deposit Receipt # MSS2606652
Payor Water Rights Inc
Form Returned
Refund $ Date

RECEIVED

OCT 15 2025

MONTANA D.N.R.C
MISSOULA REGIONAL OFFICE

PREAPPLICATION MEETING FEE
$ 500

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

The Applicant is responsible for providing a "Follow-up Responses" document for all follow-up identified in Preapplication Meeting Form Part A (Form 606P-A). The Applicant may not alter Form 606P-A. If a response has changed to a question answered at the preapplication meeting, the Applicant can provide a new response in a separate document entitled "Amended Responses" with the question number labeled.

The following guidelines are applicable to both the "Follow-up Responses" and "Amended Responses" documents. Clearly label all question numbers. Answer questions in the same format as Form 606P-A. For responses in the form of checkboxes, write "Y", "N", or "S". Constrain narrative responses to the specific question as is asked on the form; do not respond to multiple questions in one narrative. Label units in narrative responses and tables. Tables must have the exact headings found on the form. Questions that require items to be submitted to the Department may be marked "S" when the required item is included with the document.

1. ☐ Y ☑ N Are you submitting this form in response to a determination by the Department that a previously submitted Form 606P-B was inadequately completed?

   If yes,

   a. Date form was returned ("Form Returned" date found in "For Department Use Only" box on the previously submitted Form 606P-B): _____

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

2. ☑ Y ☐ N Were any questions identified as requiring follow-up on Form 606P-A?

   If yes,

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

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

If yes,

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

Question No.	Question No.	Question No.	Question No.
20.1.a	61	153.a*	

FOLLOW-UP AND AMENDED RESPONSES AFFIDAVIT & CERTIFICATION

"I attest that this preapplication meeting form (Form 606P-A and Form 606P-B), follow-up, and amended responses accurately portray the proposed project. I am aware that my application for this project will not qualify for a discounted filing fee and expedited timelines if, upon submittal of the application to the department, I change any element of the proposed application from the preapplication meeting form, amended responses, or follow-up materials (ARM 36.12.1302(6)(a))."

Applicant Signature — Date: 10/10/25

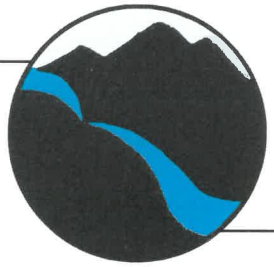
Applicant Signature — Date

"We confirm that the preapplication form (Form 606P-A and Form 606P-B), amended responses, and follow-up information are adequate for the Department to proceed with technical analyses in ARM 36.12.1303. Or, if the Applicant has elected to complete technical analyses, we confirm they have submitted each required element of technical analysis based on the proposed project and the Department is able to proceed with the scientific credibility review (ARM 36.12.1303(8))."

Department Signature — Date: 10/21/2025

Department Signature — Date

WATER
Bus: (406) 251-6100
Fax: (406) 251-3191
E-mail: waterrightsinc@gmail.com
Web Site: waterrightsinc.net



RIGHTS, INC.
P.O. Box 9285 • Missoula, Montana 59807

October 10, 2025

DNRC Water Resources – Missoula
Attn: Jim Nave
2705 Spurgin Road, Building C
PO Box 5004
Missoula, Montana 59806-5004

RE: Lee Yelin 606-B Follow Up Responses: WR 76M 30048497

20.a.i.: Documentation of consent from the DNRC Trust Lands Management Division will be required at application submittal.

See attached.

61: How many acres, if any, will be retired from the historical place of use?

According to a Master's report in fellow child right (76M 30048498) claim files, the place of use to be retired for in-stream flow associated with claim 76M 30048497 is 21.10 acres. Attached is the Master's report with the evidence to support this acreage.

153.b.i.ii.*: Send in flow measurements to the Department, collected by Water Rights Inc.

No longer required, but see attached.

Please don't hesitate to contact us if you have any questions or need clarification on any discussion within in this response.

Sincerely,

Lee Yelin

Senior Water Resource Specialist

LY/jh

Attachments:

- Email Response from DNRC Trust Lands Management Division
- Master's Report from WR 76M 30048498 Claim File
- Flow Measurements from Six Mile Creek from 2012-2017

Gmail

Water Rights Inc. <waterrightsinc@gmail.com>

Consent for In-Stream Flow

3 messages

Lee Yelin <waterrightsinc@gmail.com>
To: landboard@mt.gov, ryanweiss@mt.gov
Cc: Jim Nave <jnave@mt.gov>

Fri, Oct 3, 2025 at 11:18 AM

Ryan; I believe this is for you but if not please forward to whoever is responsible for this.

We are working with the water rights division to complete a 606 change application to change water right claim 76M 30048497 to in-stream flow. This change (change no. 3017923) has a place of use on state lands, within Sixmile Creek. The term (10 years) expired and we are filing for another 10 years. Attached is a map showing the legal range of the proposed protected reach. On the 606-A form, question 20.a.i. requires written consent from the DNRC Trust Lands Management Division by the time we submit the follow up. Also enclosed is the previous change authorization so you can see nothing has changed since the previous approval. Please let us know if this is acceptable so we can proceed. Thank you!

Sincerely,
--
Lee Yelin
Senior Water Resource Specialist
Water Rights, Inc.
Missoula, MT
(406) 251-6100 (Office)
(406) 396-3833 (Cell)

2 attachments

Change76M30049150.pdf
913K

ProposedUse.pdf
1186K

Weiss, Ryan <ryanweiss@mt.gov>
To: Lee Yelin <waterrightsinc@gmail.com>, DNRC Land Board <landboard@mt.gov>
Cc: "Nave, Jim" <jnave@mt.gov>

Fri, Oct 3, 2025 at 12:05 PM

Lee,

This email is to confirm receipt of your request. I'll review the materials and get back to you no later than early next week.

Best Regards,

Ryan

[Quoted text hidden]

Weiss, Ryan <ryanweiss@mt.gov> Thu, Oct 9, 2025 at 1:20 PM
To: Lee Yelin <waterrightsinc@gmail.com>, DNRC Land Board <landboard@mt.gov>
Cc: "Nave, Jim" <jnave@mt.gov>

Lee,

Thank you for the inquiry. A lease with state trust lands is not required to temporarily convert the purpose, place of use and point of diversion of your historical irrigation water right to instream flow in Six mile Creek as it flows through state trust lands in T 15N R 22W S12. Trust lands raises no concern with your change application.

Best Regards,

Ryan

[Quoted text hidden]

FILE

STATEMENT OF CLAIM

*76M *

30048498

Current File Location: RECORDS UNIT

Box Bar Code _____

File Bar Code _____

Date/Initials _____

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
(406) 586-4364
1-800-624-3270 (In-state only)
Fax: (406) 522-4131

30048498

IN THE WATER COURT OF THE STATE OF MONTANA
CLARK FORK DIVISION - CLARK FORK RIVER BETWEEN THE BLACKFOOT RIVER AND FLATHEAD RIVER BASIN (76M)

* *

CLAIMANT: John and Brenda K. Dudik;
Ralph E. Sievers and Charlotte J. Sievers;
Lee Yelin;
Six Mile Water Rights Purchasing Association

ON MOTION OF WATER COURT

76M 116758-00
76M 30048497
76M 30048498
76M 30048499

ORDER ADOPTING MASTER'S REPORT

Pursuant to Montana Code Annotated, § 85-2-233(5), the above entitled case was assigned to Water Master Peter Fritsch. The Water Master filed a report containing Findings of Fact and Conclusions of Law with the Clerk of Court. Copies of the report were served upon the parties on May 5, 2011. Over ten (10) days have elapsed since service, and no objections to the Findings and Conclusions have been filed by any party.

The Court has reviewed the Water Master's Findings, Conclusions, and Recommendations, and each Post Decree Abstract of Water Right Claim served with the report. Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the Master's Report and its Recommendations, and **APPROVES** the changes to the centralized computer record system that are reflected on each abstract served with the report.

DATED this 27 day of May, 2011.

C. Bruce Loble
Chief Water Judge

CERTIFICATE OF SERVICE

I, Patricia J. Gunderson, Deputy Clerk of Court of the Montana Water Court, hereby certify that a true and correct copy of the above **ORDER ADOPTING MASTER'S REPORT** was duly served upon the persons listed below by depositing the same, postage prepaid, in the United States mail.

John & Brenda Dudik
PO Box 460123
Huson, MT 59846

Lee Yelin
5890 Kerr Drive
Missoula, MT 59846

Ralph and Charlotte J. Sievers
PO Box 697
Anaconda, MT 59711

Six Mile Water Rights Purchaser's Association
% Paul Long Jr.
24765 Brookview Drive
Huson, MT 59846

DATED this 27 day of May, 2011.

Patricia J. Gunderson
Deputy Clerk of Court

S:\Share\WC-BASIN FOLDERS\76M\CLAIMS\116758\76M 116758 OA 5-5-11.wpd

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
(406) 586-4364
1-800-624-3270 (In-state only)
Fax: (406) 522-4131

IN THE WATER COURT OF THE STATE OF MONTANA
CLARK FORK DIVISION - CLARK FORK RIVER BETWEEN THE BLACKFOOT RIVER AND FLATHEAD RIVER BASIN (76M)

* *

CLAIMANT: John and Brenda K. Dudik;
Ralph E. Sievers and Charlotte J. Sievers;
Lee Yelin;
Six Mile Water Rights Purchasing Association

ON MOTION OF WATER COURT

76M 116758-00
76M 30048497
76M 30048498
76M 30048499

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Clerk of the Montana Water Court on the above stamped date. Please carefully review this Report.

If you disagree with the Master's Findings of Fact, Conclusions of Law, or Recommendations; or if there are errors in the Report, you may file a written objection to the Report within **10 days** from the above stamped date. (Rule 23, Water Right Adjudication Rules.) If you file an objection, you must also mail a copy of the objection to all the other parties on the Service List found at the end of the Master's Report. The original objection and a certificate of mailing to the parties on the Service List must be filed with the Water Court. If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

On February 3, 2011, Amy Groen, Department of Natural Resources and Conservation Compliance Technician for the Missoula Water Resources Regional Office, filed a memorandum detailing documents filed by co-claimants of water right claim 76M 116758-00 pertaining to a request to split the claim into four claims, the original "parent" claim and three "child" claims.

This split request was missing some information regarding the acreage to be removed from claim 76M 116758-00 and resulted in a very high quantified volume remaining on the claim. The Master scheduled a telephonic conference to discuss the issues.

Prior to the conference, claimants John Dudik and Lee Yelin submitted information to the Court that resolved the volume issue for all claims and the acreage issue for the Dudik claim.

The Master was able to discern the appropriate acreage split for the rest of the claims through the following analysis. The original Six Mile Creek Water Purchasers' Association (SMCWPA) 641 form provided complete acreage information for their claim. The Master was able to discern that a proportional acreage split was instituted for both the SMCWPA and Dudik claims, so the Master assumed a proportional split was appropriate for the Yelin claim as well, which provided an acreage figure, but no legal description. The SMCWPA 641 split form also provided complete acreage details for the Siever's after removing the acreage for the Yelin and SMCWPA splits, but not the Dudiks. Using this information, the Master was able to ascertain the legal description for Yelin's split acreage.

The Master's analysis was augmented by a DNRC filing that confirmed the proposed acreage split with a color-coded map submitted for Change Authorization filings already filed at the Missoula Regional Office. The Findings of Fact below set out the agreed upon parameters of the ownership split. If the Master's acreage analysis is

incorrect, the affected claimants should file an objection to this Report.

FINDINGS OF FACT

1. Based on the DNRC Memorandum and the Claimants' submissions, three new water right claim numbers should be created. Those numbers are 76M 30048497, belonging to Lee Yelin's portion of the original claim, 76M 30048498, belonging to John and Brenda Dudik's portion of the original claim, and 76M 30048499, belonging to the Six Mile Water Rights Purchaser's Association's portion of the original claim. Ralph and Charlotte Sievers shall retain ownership of the original claim number 76M 116758-00.

2. After the split, the following corrections should be made to claim 76M 116758-00:

OWNERS: RALPH & CHARLOTTE SIEVERS (Sole Owners)

FLOW RATE: 1.25 CFS

VOLUME: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

MAXIMUM ACRES: 33.08

PLACE OF USE:

ID	ACRES	QTRSEC	SEC	TWP	RGE	COUNTY
1	5.18	S2NENE	23	15N	22W	MISSOULA
2	0.40	S2NE	23	15N	22W	MISSOULA
3	12.50	E2SWNE	23	15N	22W	MISSOULA
4	15.00	N2NESE	23	15N	22W	MISSOULA
Total:	33.08					

3. The place of use taken out of irrigation under claim 76M 116758-00 in lieu of the transfer of water to Lee Yelin, creating claim 76M 30048497, is:

ID	ACRES	QTRSEC	SEC	TWP	RGE	COUNTY
1	21.10	S2NE	23	15N	22W	MISSOULA

4. The place of use taken out of irrigation under claim 76M 116758-00 in lieu

of the transfer of water to John and Brenda Dudik, creating claim 76M 30048498, is:

ID	ACRES	QTRSEC	SEC	TWP	RGE	COUNTY
2	1.32	S2NENE	23	15N	22W	MISSOULA

5. The place of use taken out of irrigation under claim 76M 116758-00 in lieu of the transfer of water to Six Mile Creek Water Purchasers' Association, creating claim 76M 30048499, is:

ID	ACRES	QTRSEC	SEC	TWP	RGE	COUNTY
1	18.50	S2NE	23	15N	22W	MISSOULA

6. On May 12, 1986, a Stipulation was filed with the Court resolving the objections to claim 76M 116758-00 in case 76M-78. On February 18, 1992, the Court issued a Master's Report ratifying the Stipulation, correcting the place of use as well, even though it did not specifically appear on the objection list. The correction in the Report resulted in a decrease mirroring the Stipulation submitted in the case. An issue remark was added to the claim to notice this correction for the next decree. The issue remark should be removed.

7. On November 22, 2010, Phyllis Ballard withdrew her late objection to the priority date of claim 76M 116758-00 originally filed on October 9, 1987. Because several other water users also filed the same objection to priority date, the issue remark on the claim should be corrected to read:

> LATE OBJECTIONS WERE FILED BY ELEVEN OTHER SIX MILE CREEK WATER RIGHT OWNERS ALLEGING THAT THE PRIORITY DATE SHOULD BE CHANGED.

This same issue remark should be added to claims 76M 30048497, 76M 30048498, and 76M 30048499.

7. The elements of claim 76M 30048497, after the split, are:

OWNER: LEE YELIN

PRIORITY DATE: OCTOBER 9, 1880

FLOW RATE: 359.04 GPM

VOLUME: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

SOURCE: SURFACE WATER

PURPOSE (USE): IRRIGATION - FLOOD

PERIOD OF USE: APRIL 1 TO OCTOBER 31

POINT OF DIVERSION:

	QTRSEC	SEC	TWP	RGE	COUNTY
001	SWSENW	7	15N	22W	MISSOULA

MEANS OF DIVERSION: HEADGATE

PLACE OF USE:

ACRES	QTRSEC	SEC	TWP	RGE	COUNTY

8. The elements of claim 76M 30048498, after the split, are:

OWNER: JOHN & BRENDA DUDIK

PRIORITY DATE: OCTOBER 9, 1880

FLOW RATE: 22.44 GPM

VOLUME: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

SOURCE: SURFACE WATER

PURPOSE (USE): IRRIGATION - FLOOD

PERIOD OF USE: APRIL 1 TO OCTOBER 31

POINT OF DIVERSION:

	QTRSEC	SEC	TWP	RGE	COUNTY
001	SWSENW	7	15N	22W	MISSOULA

MEANS OF DIVERSION: HEADGATE

PLACE OF USE:

ACRES	QTRSEC	SEC	TWP	RGE	COUNTY

9. The elements of claim 76M 30048499, after the split, are:

OWNER: SIX MILE WATER RIGHTS PURCHASERS' ASSOCIATION

PRIORITY DATE: OCTOBER 9, 1880

FLOW RATE: 314.16 GPM

VOLUME: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

SOURCE: SURFACE WATER

PURPOSE (USE): IRRIGATION - FLOOD

PERIOD OF USE: APRIL 1 TO OCTOBER 31

POINT OF DIVERSION:

	QTRSEC	SEC	TWP	RGE	COUNTY
001	SWSENW	7	15N	22W	MISSOULA

MEANS OF DIVERSION: HEADGATE

PLACE OF USE:

ACRES	QTRSEC	SEC	TWP	RGE	COUNTY

10. The following remark should be added to the abstract of claim 76M 116758-00:

THE SPLIT CLAIMS LISTED FOLLOWING THIS STATEMENT WERE AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM. 76M 30048497, 76M 30048498, AND 76M 30048499.

11. The following remarks should be added to the abstract of claim 76M 30048497:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 76M 116758-00.

THIS CLAIM WAS NOT INCLUDED IN THE BASIN 76M TEMPORARY PRELIMINARY DECREE ISSUED 11/29/84.

THIS SPLIT PORTION OF WATER RIGHT 76M 116758-00 HAS NO PLACE OF USE. THE CURRENT CLAIMANT DOES NOT OWN ANY OF THE HISTORIC PLACE OF USE FOR CLAIM 76M 116758-00. UNTIL THE MONTANA DNRC APPROVES A CHANGE OF USE FOR THIS CLAIM, IT MAY NOT BE USED BY THE CLAIMANT.

12. The following remarks should be added to the abstract of claim 76M 30048498:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 76M 116758-00.

THIS CLAIM WAS NOT INCLUDED IN THE BASIN 76M TEMPORARY PRELIMINARY DECREE ISSUED 11/29/84.

THIS SPLIT PORTION OF WATER RIGHT 76M 116758-00 HAS NO PLACE OF USE. THE CURRENT CLAIMANT DOES NOT OWN ANY OF THE HISTORIC PLACE OF USE FOR CLAIM 76M 116758-00. UNTIL THE MONTANA DNRC APPROVES A CHANGE OF USE FOR THIS CLAIM, IT MAY NOT BE USED BY THE CLAIMANT.

13. The following remarks should be added to the abstract of claim 76M 30048499:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 76M 116758-00.

THIS CLAIM WAS NOT INCLUDED IN THE BASIN 76M TEMPORARY PRELIMINARY DECREE ISSUED 11/29/84.

THIS SPLIT PORTION OF WATER RIGHT 76M 116758-00 HAS NO PLACE OF USE. THE CURRENT CLAIMANT DOES NOT OWN ANY OF THE HISTORIC PLACE OF USE FOR CLAIM 76M 116758-00. UNTIL THE MONTANA DNRC APPROVES A CHANGE OF USE FOR THIS CLAIM, IT MAY NOT BE USED BY THE CLAIMANT.

CONCLUSIONS OF LAW

1. The Montana Water Court has jurisdiction over all matters relating to the determination of existing water rights and may consider any matter within the Court's

jurisdiction on its own motion, or on the motion of an interested party. Section 3-7-224, MCA.

2. Montana law allows claimants to amend their statements of claim, and objectors to amend their timely filed objections after the objection period in a basin has closed. Motions to amend a claim or objection are governed by Section 85-2-233(6), MCA:

> (6) After the issuance of a temporary preliminary decree or preliminary decree, notice of any motion to amend a statement of claim or a timely filed objection that may adversely affect other water rights must be published for 3 consecutive weeks in two newspapers of general circulation in the basin where the statement of claim or objection was filed. The notice must specify that any response or objection to the proposed amendment must be filed within 45 days of the date of the last notice. The water judge may order any additional notice of the motion as the water judge considers necessary. The cost of notice required pursuant to this subsection must be borne by the moving party.

3. The splitting of claim 76M 116758-00 does not constitute an increase to any of the claim's elements. The split only serves to reflect, more accurately, the current proportional ownership of the claimed place of use and flow rate. As a result, the notice requirements found in Section 85-2-233(6), MCA do not apply.

4. The quantified volume for claim 76M 116758-00, which was stipulated to in case 76M-78 was exceedingly high. The total volume equated to 9.4 Ac-Ft/Acre, or almost twice the standard volume (5.0 Ac-Ft/Acre) for flood irrigation in Climatic Area 3. (See DNRC Claim Examination Manual Ch.7(C)(3)(c)). Further, every co-owner of the claim has filed DNRC change authorizations, which will provide for more constrictive volume quantifications than the previously stipulated volume. Therefore, correcting the volume for claim 76M 116758-00 to the standard "historic and beneficial use" volume remark from the previously quantified volume is proper and does not require notice per Section 85-2-233(6), MCA.

5. When the Master's Report was written in case 76M-78, it included corrections to the place of use. An objection to place of use for claim 76M 116758-00 was not explicitly noticed in the Basin 76M Decree. However, an objection to irrigated acres was noticed. The Court's policy regarding corrections to elements not noticed in the objection list at the time was to make the correction and then place an issue remark on the claim to notice the correction in the next decree.

Since the passage of Section 85-2-233(6), MCA, the Court's position on notice to the public of post-Decree corrections has evolved substantially. The Court no longer holds to the position that material decreases in quantifiable elements such as flow rate or place of use require notice to the public. Moreover, irrigated acres and place of use are actually one and the same, the place of use element simply providing more detail of what exactly the irrigated acreage is. It is, therefore, not unreasonable to find constructive notice that potential corrections to place of use could occur in resolving a properly noticed objection to irrigated acres. The place of use issue remark should be removed from claim 76M 116758-00 and not added to any of the split child claims in this proceeding.

6. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves an element of the prima facie proof is incorrect. This is the standard of proof for every assertion that a claim is incorrect including claimants objecting to their own claims. Rule 19 W.R.Adj.R.

7. The evidence entered into the record regarding the current ownership of the claimed flow rate and historically irrigated acreage to be taken out of irrigation is sufficient to justify splitting claim 76M 116758-00 as stated in the Findings of Fact.

RECOMMENDATIONS

Therefore, pursuant to section 85-2-233(6), MCA and Rule 15, M.R.Civ.P., it is recommended that

1. The Motion to Split statement of claim 76M 116758-00 be GRANTED;

3. The changes to this claim, as stated in the Findings of Fact, should be adopted by the Water Court to correct the Temporary Preliminary Decree for this Basin.

4. New **Post Decree Abstracts of Water Right Claim** 76M 30048497, 76M 30048498, and 76M 30048499 be created to reflect the proportional use of the above identified co-owners.

5. **All Updated Post Decree Abstracts of Water Right Claims** be served with this Report to confirm the recommended changes have been made in the state's centralized water right record system.

DATED this 5th day of May, 2011.

Peter Fritsch
Water Master

CERTIFICATE OF SERVICE

I, Patricia J. Gunderson, Deputy Clerk of Court of the Montana Water Court, hereby certify that a true and correct copy of the above **NOTICE OF FILING OF MASTER'S REPORT** and **MASTER'S REPORT** was duly served upon the persons listed below by depositing the same, postage prepaid, in the United States mail.

John & Brenda Dudik
PO Box 460123
Huson, MT 59846

Lee Yelin
5890 Kerr Drive
Missoula, MT 59846

Ralph and Charlotte J. Sievers
PO Box 697
Anaconda, MT 59711

Six Mile Water Rights Purchaser's Association
%Paul Long Jr.
24765 Brookview Drive
Huson, MT 59846

DATED this 5 day of May, 2011.

Patricia J. Gunderson
Deputy Clerk of Court

S:\Share\WC-BASIN FOLDERS\76M\CLAIMS\116758\76M 116758 Split MR 3-24-11.wpd

Sixmile Creek Below Siever POD

Flow measurement for May 14, 2012					
Water Rights, Inc.			Staff Guage Reading	27	
Station	Distance (ft)	Depth (ft)	Velocity (ft/sec)	Discharge (cfs)	Comments
1	2	0	0	0	bank
2	2.5	0.2	0.8	0.08	
3	3	0.3	1.26	0.189	
4	3.5	0.35	2.11	0.36925	
5	4	0.425	1.66	0.35275	
6	4.5	0.55	2.43	0.66825	
7	5	0.6	1.48	0.444	
8	5.5	0.6	1.68	0.504	
9	6	0.6	2.01	0.603	
10	6.5	0.65	2.87	0.93275	
11	7	0.7	3.32	1.162	
12	7.5	0.75	2.04	0.765	
13	8	0.85	1.6	0.68	
14	8.5	1	1.54	0.77	
15	9	1.1	1.26	0.693	
16	9.5	1.35	1.13	0.76275	
17	10	1.1	1.22	0.671	
18	10.5	0.5	0.91	0.2275	
19	11	0	0	0	bank
			Total	7.52	

Sixmile Creek at Road Crossing

Flow measurement May 4, 2012					
Water Rights, Inc.			Staff Guage Reading:	20.5	
Station	Distance (ft)	Depth (ft)	Velocity (ft/sec)	Discharge (cfs)	Comments
1	2	0	0	0	bank
2	2.5	0.575	1.39	0.399625	
3	3	0.6	1.72	0.516	
4	3.5	0.5	2.18	0.545	
5	4	0.8	2.54	1.016	
6	4.5	1	2.72	1.36	
7	5	0.9	2.53	1.1385	
8	5.5	1.2	2.57	1.542	
9	6	1.2	2.57	1.542	
10	6.5	1.2	1.09	0.654	
11	7	1.5	1.14	0.855	
12	7.5	1	1.61	0.805	
13	8	0.8	0.79	0.316	
14	8.5	0.6	0.4	0.12	rock
15	9	0.65	0.17	0.05525	
16	9.5	0.35	0.12	0.021	
17	10	0.25	0.1	0.0125	
18	10.5	0.1	0	0	
19	11	0	0	0	bank
			Total	10.897875	

Sixmile Creek Below Siever POD

Flow measurement for July 25, 201					
Water Rights, Inc.			Staff Guage Reading:	30.75	
Station	Distance (ft)	Depth (ft)	Velocity (ft/sec)	Discharge (cfs)	Comments
1	3	0	0	0	bank
2	3.5	0.2	0.25	0.025	
3	4	0.225	0.24	0.027	
4	4.5	0.325	0.55	0.089375	
5	5	0.325	1.19	0.193375	
6	5.5	0.35	1.27	0.22225	
7	6	0.4	1.8	0.36	
8	6.5	0.425	1.92	0.408	
9	7	0.5	1.97	0.4925	
10	7.5	0.55	2.22	0.6105	
11	8	0.625	1.96	0.6125	
12	8.5	0.75	1.37	0.51375	
13	9	0.875	1.49	0.651875	
14	9.5	1.05	1.66	0.8715	
15	10	0.4	1.91	0.382	overbank
16	10.5	0.1	0	0	overbank
17	11	0	0	0	bank
			Total	5.077625	

Sixmile Creek at Road Crossing

F w meas ement f J y 25, 2012					
Water Rights, Inc.			Staff Guage Reading:	27	
Station	Distance (ft)	Depth (ft)	Velocity (ft/sec)	Discharge (cfs)	Comments
1	2	0	0	0	bank
2	2.5	0.3	0.96	0.144	rock
3	3	0.35	0	0	rock
4	3.5	0.55	2.96	0.814	
5	4	0.6	2.34	0.702	
6	4.5	0.7	1.77	0.6195	rock
7	5	1	2.37	1.185	
8	5.5	1.05	2.24	1.176	
9	6	0.7	1.57	0.5495	rock
10	6.5	0.9	0.74	0.333	
11	7	0.55	0.83	0.22825	
12	7.5	0.5	0.57	0.1425	
13	8	0.4	0.41	0.082	
14	8.5	0.2	0	0	
15	9	0	0	0	bank
			Total	5.97575	

Sixmile Creek Below Siever POD

Flow measurement for Oct ber 25, 2012					
Water Rights, Inc.			Staff Guage Reading:	32	
Station	Distance (ft)	Depth (ft)	Velocity (ft/sec)	Discharge (cfs)	Comments
1	3	0	0	0	bank
2	3.5	0.1	0	0	
3	4	0.15	0	0	
4	4.5	0.175	0.48	0.042	
5	5	0.2	0.49	0.049	
6	5.5	0.25	1.63	0.20375	
7	6	0.3	1.7	0.255	
8	6.5	0.3	1.84	0.276	
9	7	0.3	1.76	0.264	
10	7.5	0.45	1.86	0.4185	
11	8	0.5	1.71	0.4275	
12	8.5	0.55	1.55	0.42625	
13	9	0.7	1.12	0.392	
14	9.5	0.85	1.47	0.62475	
15	10	0.35	1.48	0.259	
16	10.5	0	0	0	bank
			Total	3.37875	

Sixmile Creek at Road Crossing

Fl w m asu nt fo Oc b 25, 201					
Water Rights, Inc.			Staff Guage Reading:	28	
Station	Distance (ft)	Depth (ft)	Velocity (ft/sec)	Discharge (cfs)	Comments
1	1.5	0	0	0	bank
2	2	0.25	0.3	0.0375	
3	2.5	0.275	0.33	0.045375	
4	3	0.2	2.44	0.244	
5	3.5	0.375	2.38	0.44625	
6	4	0.8	2.1	0.84	
7	4.5	0.75	2.13	0.79875	
8	5	0.55	1.81	0.49775	
9	5.5	0.5	1.03	0.2575	
10	6	0.35	0.8	0.14	
11	6.5	0.4	0.56	0.112	
12	7	0.2	0.39	0.039	
13	7.5	0.1	0	0	
14	8	0	0	0	bank
			Total	3.458125	

Sixmile Creek Below Siever POD

Flow measurement for July 15, 2013					
Water Rights, Inc.			Staff Guage Reading:	31	
Station	Distance (ft)	Depth (ft)	Velocity (ft/sec)	Discharge (cfs)	Comments
1	3	0	0	0	bank
2	3.5	0.175	0.04	0.0035	
3	4	0.2	0.15	0.015	
4	4.5	0.275	0.41	0.056375	
5	5	0.275	0.66	0.09075	
6	5.5	0.3	1.01	0.1515	
7	6	0.35	1.33	0.23275	
8	6.5	0.4	1.67	0.334	
9	7	0.4	1.73	0.346	
10	7.5	0.5	2.01	0.5025	
11	8	0.525	1.63	0.427875	
12	8.5	0.675	1.21	0.408375	
13	9	0.7	1.01	0.3535	
14	9.5	0.8	1.03	0.412	
15	10	0.7	0.91	0.3185	
16	10.5	0.4	1.03	0.206	
17	11	0.2	0.34	0.034	
18	11.5	0	0	0	
			Total	3.892625	

Sixmile Creek at Road Crossing

Flow measurement for July 15, 2013					
Water Rights, Inc.			Staff Guage Reading:	27.25	
Station	Distance (ft)	Depth (ft)	Velocity (ft/sec)	Discharge (cfs)	Comments
1	2	0.2	0.88	0.088	
2	2.5	0.2	0.71	0.071	
3	3	0.3	1.22	0.183	
4	3.5	0.4	1.89	0.378	
5	4	0.5	1.99	0.4975	
6	4.5	0.7	2.03	0.7105	
7	5	0.75	1.98	0.7425	
8	5.5	0.75	1.31	0.49125	
9	6	0.675	1.05	0.354375	
10	6.5	0.725	0.85	0.308125	
11	7	0.5	0.72	0.18	
12	7.5	0.45	0.61	0.13725	
13	8	0.35	0.22	0.0385	
14	8.5	0.225	0.03	0.003375	
15	9	0	0	0	
			Total	4.183375	

Sixmile Creek Below Siever POD

o m asu m n fo J y 9, 2014					
Water Rights, Inc.			Staff Guage Reading:		
Station	Distance (ft)	Depth (ft)	Velocity (ft/sec)	Discharge (cfs)	Comments
1	3	0	0	0	bank
2	3.5	0.1	0	0	
3	4	0.2	0	0	
4	4.5	0.25	1.13	0.14125	
5	5	0.3	1.22	0.183	
6	5.5	0.3	1.71	0.2565	
7	6	0.3	1.73	0.2595	
8	6.5	0.325	1.96	0.3185	
9	7	0.3	1.61	0.2415	rock
10	7.5	0.45	2.02	0.4545	
11	8	0.45	2.58	0.5805	
12	8.5	0.625	1.79	0.559375	
13	9	0.7	1.1	0.385	
14	9.5	0.825	1.47	0.606375	
15	10	0.95	2.1	0.9975	
16	10.5	0.55	1.73	0.47575	
17	11	0.4	1.38	0.276	
18	11.5	0.325	1.15	0.186875	
19	12	0	0	0	
			Total	5.922125	

Sixmile Creek at Road Crossing

m asu m n fo Ju y 9, 20 4					
Water Rights, Inc.			Staff Guage Reading:	27	
Station	Distance (ft)	Depth (ft)	Velocity (ft/sec)	Discharge (cfs)	Comments
1	2	0	0	0	
2	2.5	0.45	1.11	0.24975	
3	3	0.3	1.25	0.1875	rock
4	3.5	0.75	1.84	0.69	
5	4	0.65	2.35	0.76375	
6	4.5	0.725	2.66	0.96425	
7	5	0.75	3.37	1.26375	
8	5.5	0.8	2.64	1.056	
9	6	0.65	1.87	0.60775	rock
10	6.5	0.85	1.44	0.612	
11	7	0.6	1.4	0.42	
12	7.5	0.4	1.1	0.22	
13	8	0.3	0.85	0.1275	
14	8.5	0.2	0.5	0.05	
15	9	0.1	0	0	
			Total	7.21225	

Sixmile Creek Below Siever POD

Flow measurement for October 1, 2015					
Water Rights, Inc.			Staff Guage Reading:	28.5	
Station	Distance (ft)	Depth (ft)	Velocity (ft/sec)	Discharge (cfs)	Comments
1	3	0	0	0	bank
2	3.5	0.1	0.25	0.0125	Flowing
3	4	0.1	0.25	0.0125	Flowing
4	4.5	0.1	0.5	0.025	Flowing
5	5	0.1	0.5	0.025	Flowing
6	5.5	0.1	0.75	0.0375	Flowing
7	6	0.1	0.75	0.0375	Flowing
8	6.5	0.2	1.01	0.101	
9	7	0.3	1.48	0.222	
10	7.5	0.35	1.28	0.224	
11	8	0.5	1.21	0.3025	
12	8.5	0.6	1.47	0.441	
13	9	0.8	1.32	0.528	
14	9.5	0.75	1.66	0.6225	
15	10	0.3	1.47	0.2205	
16	10.5	0.2	0.83	0.083	
17	11	0	0	0	bank
			Total	2.8945	

*note Station 2-7 were below m asur m nt constric ions of Ma sha McBi n y Flow Me e , bu flow wa e ima ed.

Sixmile Creek at Road Crossing

Flow m asu m nt fo Octob 1, 2015					
Water Rights, Inc.			Staff Guage Reading:	29.5	
Station	Distance (ft)	Depth (ft)	Velocity (ft/sec)	Discharge (cfs)	Comments
1	0.5	0	0	0	bank
2	1	0.275	0.13	0.017875	
3	1.5	0.3	0.03	0.0045	rock
4	2	0.5	0.97	0.2425	rock
5	2.5	0.45	0.85	0.19125	
6	3	0.625	2.1	0.65625	rock
7	3.5	0.6	1.21	0.363	
8	4	0.55	1.36	0.374	
9	4.5	0.55	0.77	0.21175	
10	5	0.6	0.84	0.252	
11	5.5	0.475	0.74	0.17575	
12	6	0.3	0.87	0.1305	
13	6.5	0.2	0.71	0.071	
14	7	0	0	0	
			Total	2.690375	

Sixmile Creek Below Siever POD

Flow measurement for August 8, 2017					
Water Rights, Inc.			Staff Guage Reading:		26.25
Station	Distance (ft)	Depth (ft)	Velocity (ft/sec)	Discharge (cfs)	Comments
1	1	0	0	0	bank
2	1.5	0.3	0.1	0.015	rock
3	2	0.4	1.65	0.33	
4	2.5	0.45	1.79	0.40275	
5	3	0.5	1.84	0.46	
6	3.5	0.425	2.27	0.482375	
7	4	0.55	1.93	0.53075	rock
8	4.5	0.5	1.82	0.455	rock
9	5	0.55	2.75	0.75625	
10	5.5	0.5	2.51	0.6275	
11	6	0.45	2.53	0.56925	
12	6.5	0.55	2.14	0.5885	
13	7	0.3	1.78	0.267	
14	7.5	0.3	0.12	0.018	rock
15	8	0.1	0	0	
16	8.5	0	0	0	
			Total	5.502375	

Sixmile Creek at Road Crossing

Flow measurement for August 8, 2017					
Water Rights, Inc.			Staff Guage Reading:		Missing
Station	Distance (ft)	Depth (ft)	Velocity (ft/sec)	Discharge (cfs)	Comments
1	1	0	0	0	
2	1.5	0.2	1.3	0.13	
3	2	0.3	0.24	0.036	rock
4	2.5	0.5	2.61	0.6525	
5	3	0.5	2.94	0.735	
6	3.5	0.6	3	0.9	
7	4	0.6	3.27	0.981	
8	4.5	0.7	2.64	0.924	
9	5	0.7	1.72	0.602	
10	5.5	0.75	1.42	0.5325	
11	6	0.55	1.06	0.2915	
12	6.5	0.45	0.8	0.18	
13	7	0.3	0.5	0.075	
14	7.5	0.25	0	0	
15	8	0.15	0	0	
16	8.5	0	0	0	
			Total	6.0395	

Sixmile Creek Flow Measurements

Date	Flow at Siever POD (cfs)	Flow at Crossing (cfs)
5/14/2012	7.52	10.9
7/25/2012	5.08	5.98
10/25/2012	3 38	3 46
7/15/2013	3	4 1
7/ /2014	5.92	7 21
0/ /20 5	2.89	2.6
8/8/20 7	5.5	6 4
Averages:	***4.88***	***5.78***

From: Lee Yelin
To: Dalgleish, Alex
Subject: [EXTERNAL] Re: In Stream Flow Change 76M 30171923
Date: Sunday, October 5, 2025 9:50:23 AM
Attachments: image001.png
image001.png

Thanks Alex but we did find them and will forward anyway to prove we did continue to obtain them.

On Fri, Oct 3, 2025, 3:26 PM Dalgleish, Alex <Alexander.Dalgleish@mt.gov> wrote:

> Hey Lee,
>
> We received some additional clarification from the Water Sciences Bureau (WSB) regarding the preapplication meeting we had earlier this week for your in-stream flow change. The WSB will not need to do an extended return-flow analysis for this application. Therefore, you do not need to dig up prior stream-flow measurements. Please disregard follow-up question 153.a from the Additional Return Flow Source Sheet.
>
> The WSB will complete a light return-flow analysis, consisting of an evaluation of the annual volume and location of return flows. The Department will still need to know the number of acres historically irrigated by child right 76M 30048497.
>
> Thanks,
>
> **Alex Dalgleish** | Water Conservation Specialist II
>
> Water Resources Division, Missoula Regional Office
>
> Montana Department of Natural Resources and Conservation
>
> 2705 Spurgin Road, Bldg C [google.com]
>
> **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]

PREAPPLICATION MEETING FORM: PART A

CHANGE

§ 85-2-302(3)(b)

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

For Department Use Only

Application # 30171923 Basin 76M

Meeting Date 9/30/2025 Time 13:00

Variance Request Deadline 2/15/2026

Completed Form Deadline 3/29/2026

PREAPPLICATION MEETING FEE

$ 500

FILING FEE REDUCTION & EXPEDITED TIMELINE

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

The Department will fill out Form 606P-A and will identify items for follow-up during the preapplication meeting. The Department and Applicant will sign the Preapplication Meeting Affidavit and Certification within 10 business days. Within 180 days of the preapplication meeting, the Applicant will complete Preapplication Meeting Form Part B (Form 606P-B), including identified follow-up, any amended responses, and the Follow-up and Amended Responses Affidavit & Certification.

Applicant Information: *Add more as necessary.*

Applicant Name Lee Yelin

Mailing Address 5890 Kerr Dr City Missoula State MT Zip 59803-3028

Phone Numbers: Home _____ Work _____ Cell (406) 396-3833

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 (describe) _____

Contact/Representative Name _____

Mailing Address _____ City _____ State _____ Zip _____

Phone Numbers: Home _____ Work _____ Cell _____

Email Address _____

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

Meeting Attendees: *Add more as necessary.*

Name	Organization	Position
Jim Nave	DNRC	Missoula Regional Manager
Alex Dalgleish	DNRC	New Appropriations Specialist
Benjamin Thomas	DNRC	New Appropriations Specialist
Lee Yelin	Water Rights Inc	Applicant
Pat Lauridson	Water Rights Inc	Water Rights Specialist
John Hackethorn	Water Rights Inc	GIS Specialist

Table of Contents

Application Details

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

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

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

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

Questions, Narrative Responses, and Tables	Check-boxes	Follow-Up
1. Do you elect to have DNRC conduct technical analyses?	☑ Y ☐ N	☐ F
2. How many change applications will be needed for this project? Please refer to ARM 36.12.1305 for more information. 1		☐ F
3. Which water right(s) are proposed for change?	☐ A	☐ F

Water Right No.	Current Authorized Flow Rate			Flow Rate Needed for Project			Means of Diversion
	Flow	*GPM*	*CFS*	*Flow*	*GPM*	*CFS*	
76M 30048497	359.04	☑	☐	359.04	☑	☐	HEADGATE
		☐	☐		☐	☐	
		☐	☐		☐	☐	
		☐	☐		☐	☐	
		☐	☐		☐	☐	

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

5. Is the source surface water or groundwater? SURFACE WATER		
6. What is the source name? SIXMILE CREEK		
7. Identify the water right elements proposed for change, with a checkmark, for each water right proposed for change.	☐ A	☐ F

Water Right #	76M 30048497					
Point of diversion	☑	☐	☐	☐	☐	☐
Place of use	☑	☐	☐	☐	☐	☐
Purpose of use	☑	☐	☐	☐	☐	☐
Place of storage	☐	☐	☐	☐	☐	☐

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

POD ID	¼	¼	¼	Sec	Twp	Rge	County	Lot	Block	Tract	Subdivision	Gov. Lot	New or Unchanged
2	S2	NE		12	15N	22W	MISSOULA						NEW
3	SE	SE	NW	12	15N	22W	MISSOULA						NEW
4	E2	NE	SW	12	15N	22W	MISSOULA						NEW
5	SW	NE	SW	12	15N	22W	MISSOULA						NEW
6	NW	SE	SW	12	15N	22W	MISSOULA						NEW

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

POD ID	¼	¼	¼	Sec.	Twp.	Rge	County	Lot	Block	Tract	Subdivision	Gov. Lot
1	SW	SE	NW	7	15N	21W	MISSOULA					

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

13. Does the change involve a change in place of use? ☑ Y ☐ N ☐ F

a. If yes,

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

NA - WATER RIGHT SEVERED AND USED FOR	
INSTREAM FLOW PURPOSE	

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

Acres	Gov't Lot	¼	¼	¼	Sec	Twp	Rge	County
SAME	AS	POINTS	OF	DIVERSION				
	Total							

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

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

14. Does the proposed change include a change in purpose of use? If yes, answer questions 101 to 108 for change in purpose of use and question 13.a.iii for supplemental or overlapping water rights.	☑ Y ☐ N	☐ F
15. Are conveyance ditches used for historical or proposed uses? If yes, answer ditch-specific questions 109 to 115.	☑ Y ☐ N	☐ F
16. Do you propose to add or modify one or more places of storage? This does not include reservoirs, pits, pit-dams, or ponds with a capacity less than 0.1 AF; water tanks; or cisterns (ARM 36.12.113(6)). If yes, answer mandatory questions 116 to 123. Additionally, you may choose to answer non-mandatory questions 175 to 179. A Change Storage Addendum (Form 606-SA) will be required at application submittal.	☐ Y ☑ N	☐ F
17. Is the proposed use temporary? If yes, answer questions 94 to 100 for temporary changes.	☑ Y ☐ N	☐ F
18. Are you filing on behalf of another entity? If yes, describe. _____ _____	☐ Y ☑ N	☐ F

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

21. Will your system be designed to discharge water from the project?	☐ Y ☑ N	☐ F
a. If yes, explain the wastewater disposal method. A discharge permit may be required to comply with §§ 75-5-410 and 85-2-364, MCA. _____ _____ _____	☐ A	☐ F
22. Is the application to change the purpose of use or place of use of an appropriation of 4,000 or more acre-feet (AF) of water a year and 5.5 or more cubic feet per second (CFS)? If yes, you must submit a Reasonable Use Addendum (Form 606-B) with the application. The reasonable use criteria are found in §85-2-402(4-5), MCA.	☐ Y ☑ N	☐ F
23. Will you be transporting water for use outside of Montana? If yes, you will need to submit an Out-of-State Use Addendum (Form 600/606-OSA) with the application. The out-of-state use criteria are outlined in §85-2-402(6), MCA.	☐ Y ☑ N	☐ F
24. Is the project located in designated sage grouse habitat? If yes, a review letter from the Montana Sage Grouse Habitat Conservation Program will be required at application submittal.	☐ Y ☑ N	☐ F
25. Does the application include a mitigation, aquifer recharge, or marketing for mitigation/aquifer recharge purpose? If yes, answer mandatory questions 124 to 129. Additionally, you may choose to answer non-mandatory questions 185 to 190. A Mitigation Addendum (Form 600/606-MIT) will be required with application submittal.	☐ Y ☑ N	☐ F
26. Does the application include the water marketing purpose? This does not include marketing for mitigation/aquifer recharge. If yes, answer the following question. Additionally, you may choose to answer non-mandatory questions 191 to 195. A Water Marketing Purpose Addendum (Form 600/606-WMA) will be required with application submittal.	☐ Y ☑ N	☐ F
a. For what purposes will the marketed water be used? _____ _____ _____	☐ A	☐ F
27. Does the proposed purpose include instream flow? If yes, answer mandatory questions for instream flow changes 130 to 136. Additionally, you may choose to answer non-mandatory questions 180 to 184. A Change to Instream Flow Addendum (Form 606-IFA) will be required with application submittal.	☑ Y ☐ N	☐ F
28. Will the proposed use include water made available through creation of a “water saving method” (i.e., salvage water) as defined in ARM 36.12.101? If yes, answer questions 137 to 141 for Salvage Water.	☐ Y ☑ N	☐ F

Historical Use

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

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

Statement of Claim Number	Previous Change Authorization Number	Project Completion Notice Date	Previous Historical Use Analysis Quality
76M 30048497	76M 30049150	12/31/2021	GOOD (COMPLETED IN 2011)

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

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

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

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

33. Are there previous Montana Water Court approved stipulations, Water Master reports, or prior Montana Water Court or Department decisions related to the water right(s) being changed?	☑ Y ☐ N	☐ F
a. If yes, explain. WATER MASTER'S REPORT DATED 5/27/2011 CREATED CHILD RIGHT. WATER COURT CASE NO. WC-2012-01 CHANGED PRIORITY DATE.	☐ A	☐ F
34. Fill in the table below based on ARM 36.12.1902(1) and the information provided in questions 29 to 33. In column "Water Right Number", list all water rights proposed for change. Select one of the three historical use analysis options and fill in the required information associated with that option. Select "Full Historical Use Analysis N/A" only if an unperfected Provisional Permit will be used to serve as historical use in lieu of analysis. If the "Existing Historical Use Analysis" or "Full Historical Use Analysis N/A" option is selected, skip to question 57 because this section is complete.	☐ A	☐ F

Water Right No. Proposed for Change	**Historical Use Analysis Options**
76M 30048497	☐ New Historical Use Analysis. Date for which historical use will be analyzed: _____
	☑ Existing Historical Use Analysis. Change authorization number with existing Historical Use Analysis: 76M 30049150
	☐ Full Historical Use Analysis N/A. Water right number serving as historical use in lieu of analysis: _____

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

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

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

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

Historical Use: Place of Use

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

Water Right No.	Priority Date	Reason Not Included in Change

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

Historical Use: Point of Diversion

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

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

POD ID	Means	Location (¼ ¼ ¼ Section)	Proposed for Change?
			☐ Y ☐ N
			☐ Y ☐ N
			☐ Y ☐ N
			☐ Y ☐ N

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

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

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

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

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

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

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

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

Historical Use: Period of Diversion

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

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

Start Date (Month (MM)/Day (DD))	**End Date (MM/DD)**

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

Historical Use: Historical Diverted Volume

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

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

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

Historical Use: Historical Consumed Volume

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

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

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

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

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

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

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

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

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

Historical Use: Historical Places of Storage

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

56. Did the historical use include one or more places of storage? This does not include reservoirs, pits, pit-dams, or ponds with a capacity less than 0.1 AF; water tanks; or cisterns (ARM 36.12.113(6)).	☐ Y ☐ N	☐ F
a. If yes, for each historical place of storage please provide the surface area in acres (AC), capacity (AF), annual net evaporation (FT/YR), and number of times per year the place of storage was filled.	☐ A	☐ F

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

Surface Water

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

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

Return Flow Analysis

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

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

Extended Return Flow Analysis

64. Based on the preliminary data provided by the Department at this preapplication meeting, to what surface water sources do return flows accrue before and after the proposed change? **Return flow data provided by the Department at the preapplication meeting is preliminary and is subject to change during technical analyses. If the source or location of return flow data changes during technical analyses, then the analysis of impacts to identified surface water rights will reflect the technical analyses; this will not constitute a change of any element to the proposed application pursuant to ARM 36.12.1302(6)(a).* CLARK FORK RIVER & SIX MILE CREEK (BEFORE) AFTER CHANGE NO RETURN FLOWS	☐ A	☐ F
65. If an extended return flow analysis is necessary to analyze impacts to identified surface water rights for the purpose of evaluating adverse effect, do you elect to answer non-mandatory questions 149 to 154 to provide information required for this extended analysis?	☑ Y ☐ N	☐ F
a. If yes, go to question 149. This information will be used if an extended return flow analysis is necessary to analyze impacts to identified surface water rights for the purpose of evaluating adverse effect.		
b. If no, did you elect in question 1 for the Department to conduct technical analyses?	☐ Y ☐ N	☐ F
i. If yes, do you elect for the Department to use publicly available water quantity data for the extended return flow analysis? If the extended return flow analysis is needed and sufficient publicly available water quantity data are not available, then the Department will not be able to conduct the extended analysis. You will still have to prove a lack of adverse effect from the proposed change.	☐ Y ☐ N	☐ F
ii. If no, you may still include the extended return flow analysis with your technical analyses. The Department will include the extended analysis in its scientific credibility review of your technical analyses. You will still need to prove a lack of adverse effect from the proposed change.		

GROUNDWATER

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

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

Groundwater Analysis for Changes

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

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

Groundwater Analysis: Well/Pumping Pit

☐ Applicable ☐ Not Applicable

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

68. Submit Aquifer Test Data Form (Form 633) for each *new* well/pumping pit that will be constructed prior to technical analyses or *existing* well/pumping pit that is added by the change. If an aquifer test was already conducted for an *existing* well/pumping pit, and you would like to use that instead of conducting a new aquifer test, describe this in question 67.a. If a variance is requested, Form 633 must be submitted on or before the Variance Request Deadline. If no variance is requested, Form 633 is due by the time the preapplication meeting form is complete but may be submitted earlier. However, if the Department determines a variance is needed and the Variance Request Deadline has passed, to submit the Form 653 you must reschedule the preapplication meeting or submit the application without expedited fees and timelines (ARM 36.12.1302(6)).	☐ S	☐ F
69. Submit the Aquifer Testing Addendum (Form 600/606-ATA) and associated materials (e.g., well logs). If you request a variance, Form 600/606-ATA must be submitted on or before the Variance Request Deadline. If no variance is requested, Form 600/606-ATA is due by the time the preapplication meeting form is complete but may be submitted earlier. However, if the Department determines a variance is needed and the Variance Request Deadline has passed, to submit the Form 653 you must reschedule the preapplication meeting or submit the application without expedited fees and timelines (ARM 36.12.1302(6)).	☐ S	☐ F
70. Are you requesting a variance from ARM 36.12.121? If you are unsure if a variance request will be needed, mark follow-up and answer this question once Form 600/606-ATA and Form 633 are complete. A variance must be requested by the Variance Request Deadline.	☐ Y ☐ N	☐ F
a. If yes, submit Form 653, Form 600/606-ATA, and Form 633 together on or before the Variance Request Deadline.	☐ S	☐ F
b. If no, you may choose to submit Form 600/606-ATA and Form 633 before the Variance Request Deadline, and the Department will review these two forms. If the Department determines a variance is needed after the Variance Request Deadline, to submit the Form 653 you must reschedule the preapplication meeting or submit the application without expedited fees and timelines (ARM 36.12.1302(6)).		
71. Have all the wells/pumping pits been constructed?	☐ Y ☐ N	☐ F
a. If no,		
i. Submit a list of the POD IDs for all wells/pumping pits and mark whether they have or have not been constructed.	☐ S	☐ F
ii. When will the proposed wells/pumping pits be constructed? _____		☐ F

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

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

Groundwater Analysis: Developed Spring

☐ Applicable ☐ Not Applicable

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

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

Groundwater Analysis: Pond

☐ Applicable ☐ Not Applicable

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

Surface Water Depletion Analysis for Changes

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

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

Surface Water Depletion Analysis: Well/Pumping Pit

☐ Applicable ☐ Not Applicable

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

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

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

(Before) POD ID				**(After) POD ID**			
☐ Diverted volume/# of Days ☐ 80% dry year IWR ☐ N/A				☐ Diverted volume/# of Days ☐ 80% dry year IWR ☐ N/A			
Month	**Volume (AF)**	**Month**	**Volume (AF)**	**Month**	**Voume (AF)**	**Month**	**Volume (AF)**
January		July		January		July	
February		August		February		August	
March		September		March		September	
April		October		April		October	
May		November		May		November	
June		December		June		December	

Surface Water Depletion Analysis: Developed Spring

☐ Applicable ☐ Not Applicable

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

Surface Water Depletion Analysis: Pond

☐ Applicable ☐ Not Applicable

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

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

(Before) POD ID				**(After) POD ID**			
☐ Diverted volume/# of Days ☐ 80% dry year IWR ☐ N/A				☐ Diverted volume/# of Days ☐ 80% dry year IWR ☐ N/A			
Month	**Diversions for Out-of-Pond Use Volume (AF)**	**Month**	**Diversions for Out-of-Pond Use Volume (AF)**	**Month**	**Diversions for Out-of-Pond Use Volume (AF)**	**Month**	**Diversions for Out-of-Pond Use Volume (AF)**
January		July		January		July	
February		August		February		August	
March		September		March		September	
April		October		April		October	
May		November		May		November	
June		December		June		December	

Extended Surface Water Depletion Analysis

83. Based on the preliminary net depletion data provided by the Department at this preapplication meeting, what are the hydraulically connected surface water sources before and after the proposed change? **Net depletion data provided by the Department at the preapplication meeting are preliminary and are subject to change during the technical analyses. If the source or location of net depletion data changes during the technical analyses, then the extended surface water depletion analysis will reflect the technical analyses; this will not constitute a change of any element to the proposed application pursuant to ARM 36.12.1302(6)(a).* _____ _____ _____	☐ A	☐ F

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

Return Flow Analysis

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

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

Extended Return Flow Analysis

92. Based on the preliminary data provided by the Department at this preapplication meeting, to what surface water sources do return flows accrue before and after the proposed change? **Return flow data provided by the Department at the preapplication meeting are preliminary and are subject to change during technical analyses. If the source or location of return flow data changes during technical analyses, then the analysis of impacts to identified surface water rights will reflect the technical analyses; this will not constitute a change of any element to the proposed application pursuant to ARM 36.12.1302(6)(a).* _____ _____	☐ A	☐ F
93. If an extended return flow analysis is necessary to analyze impacts to identified surface water rights for the purpose of evaluating adverse effect, do you elect to answer non-mandatory questions 149 to 155 to provide information required for this extended analysis?	☐ Y ☐ N	☐ F
a. If yes, go to question 149. This information will be used if an extended return flow analysis is necessary to analyze impacts to identified surface water rights for the purpose of evaluating adverse effect.		
b. If no, did you elect in question 1 for the Department to conduct technical analyses?	☐ Y ☐ N	☐ F
i. If yes, do you elect for the Department to use publicly available water quantity data for the extended return flow analysis? If the extended return flow analysis is needed and sufficient publicly available water quantity data are not available, then the Department will not be able to conduct the extended analysis. You will still have to prove a lack of adverse effect from the proposed change.	☐ Y ☐ N	☐ F
ii. If no, you may still include the extended return flow analysis with your technical analyses. The Department will include the extended analysis in its scientific credibility review of your technical analyses. You will still need to prove a lack of adverse effect from the proposed change.		

Mandatory Project-Specific Questions

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

Temporary Change

Questions, Narrative Responses, and Tables	Check-boxes	Follow-Up
94. Does the proposal include a temporary change? *This includes proposing to add a place of use on State of Montana Trust Land, with all points of diversion on private land, because the change authorization will be temporary for the duration of the lease term.* If yes, answer the questions in this section (questions 95 to 100). If no, this section is complete; skip to question 100.	☑ Y ☐ N	☐ F
95. What elements of the water rights are being temporarily changed? PURPOSE, PLACE OF USE, POINT OF DIVERSION		☐ F
96. For what purpose will the water rights be temporarily used? INSTREAM FLOW		☐ F
97. For how many years will the water rights be temporarily changed? 10		☐ F
98. Will the temporary change be intermittent over the years?	☐ Y ☑ N	☐ F
a. If yes, explain.	☐ A	☐ F
99. Is the quantity of water subject to the temporary change being made available from the development of a new water conservation or storage project?	☐ Y ☑ N	☐ F
a. If yes, explain the water conservation or storage project.	☐ A	☐ F
100. If you are answering Project-Specific Questions as they are referenced in Application Details, return to question 17 if you are proposing to add a place of use on State of Montana Trust Land and question 20.a.ii if you are proposing a temporary change that does not involve State of Montana Trust Land. If you are answering in consecutive order, go to question 101.		

Change in Purpose

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

Purpose	**New or Unchanged?**	**Period of Diversion** *(MM/DD-MM/DD)*	**Period of Use** *(MM/DD-MM/DD)*	**Flow Rate** *Flow Rate*	*GPM*	*CFS*	**Volume** *(AF)*
INSTREAM FLOW	NEW	04/01 TO 10/31	04/01 TO 10/31	359.04	☑	☐	208.15
					☐	☐	
					☐	☐	
					☐	☐	
					☐	☐	
			Total		☐	☐	

103. Answer the questions specific to each new and unchanged purpose identified in question 102.							
Lawn and garden	Question 104	**Stock**	Question 105	**Domestic and multiple domestic**	Question 106	**Other purpose**	Question 107

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

106. Domestic and multiple domestic		
a. How many households will be served? _____		☐ F
b. Will the Department standard of 1 acre-foot per household be used to determine consumptive use?	☐ Y ☐ N	☐ F
i. If no, what standard will be used? _____	☐ A	☐ F
c. Will the proposed use include wastewater disposal and treatment?	☐ Y ☐ N	☐ F
i. If yes, which of the following best describes the wastewater disposal and treatment system? Individual drain fields, central treatment facility with minimal consumption, or evaporation basin or land application? _____		☐ F
107. Other purpose		
a. What is the other purpose (e.g., municipal, commercial)? INSTREAM FLOW		☐ F
b. What is the percentage of consumption for the proposed use? Please explain. 0%	☐ A	☐ F
108. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 14 and if you are answering in consecutive order, go to question 109.		

Ditch-Specific Questions

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

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

111. Answer question 111.a to 111.h one time for each historical conveyance ditch. If there is more than one historical conveyance ditch, use an "Additional Historical Ditch (606P)" sheet for each additional ditch.		
a. What is the ditch name? LEBERT (BISSONETTE)		☐ F
b. List the water rights proposed for change that were conveyed by the ditch. 76M 30048497		☐ F
c. What is the distance water was historically carried by the conveyance ditch? Only include segments between the POD and start of the POU; do not include segments within the POU. 15,700 FT	☐ A	☐ F
d. Provide at least one set of ditch measurements, which include width (FT), depth (FT), and slope (%). Discuss ditch characteristics with DNRC to determine the minimum number of ditch measurements. Include the location of each measurement, labeled with the 2-digit measurement ID number, used on the map submitted for question 110.	☐ S	☐ F

ID #	Width (FT)	Depth (FT)	Slope (%)	Date of Measurement
1	6	3	1.1	5/2/2011

e. What is a reasonable Manning's n value? List the factors used for estimation. If you do not know this value, please work through estimation with the Department. 0.035 (GRAVEL BOTTOM DITCH)	☐ A	☐ F
f. What type of soils compose the historical conveyance ditch? For lined ditches, write "lined" instead. Winkler gravelly loam, followed in order of magnitude, Bignell-Winkler complex cool, Bignell-Winkler complex warm, Winkler very gravelly sandy loam, and Argixerolls-Haploxerolls complex.	☐ A	☐ F

g. Are other water rights conveyed by the historical conveyance ditch?	☑ Y ☐ N	☐ F
i. If yes,		
1. List the water right numbers and their flow rates. 76M 116758-00 (Parent Right) (Ditch is no longer in use for this or following rights) 76M 30048499 76M 30048498	☐ A	☐ F
2. What is the sum of the flow rates, including the water rights proposed for change? 2.8 CFS	☐ A	☐ F
3. Submit a map with your best estimate of the historical POUs for the other water rights conveyed by the historical conveyance ditch. Include only POUs between the historical POD and your historical POU. If you do not know this information, the Department can help you create the map. The map should be created on an aerial photograph or topographic map and show the following: section corners, township and range, scale bar, and north arrow.	☑ S	☐ F
h. Were any water rights proposed for change part of one historical water right that was split?	☑ Y ☐ N	☐ F
i. If yes, were all split water rights split in such a way to ensure each post-split water right could stand alone and not be reliant on the others for carriage water?	☑ Y ☐ N	☐ F
1. If no, do any of the water rights proposed for change have a carriage water requirement?	☐ Y ☐ N	☐ F
a. If yes,		
i. List the water rights with a carriage water requirement		☐ F
ii. Update your Historical Use Ditch Map (question 110) to label the ditch segments where a carriage water requirement exists for a water right proposed for change. Also, use your best estimate to label the POUs for all water rights included in the carriage water requirement. If you do not know this information, the Department can help you update the map.	☐ S	☐ F
112. Does the proposed use include at least one existing or new conveyance ditch? If yes, answer questions 113 to 114. If no, or if you answered these questions earlier in the preapplication meeting, this section is complete; skip to question 115.	☐ Y ☑ N	☐ F

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

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

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

Change in Place of Storage

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

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

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

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

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

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

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

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

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

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

Instream Flow

130. Does the project involve an instream flow change? If yes, answer the questions in this section (questions 131 to 136). If no, this section is complete; skip to question 136.	☑ Y ☐ N	☐ F
131. What is the source name where streamflow will be maintained or enhanced? SIX MILE CREEK		☐ F
132. What is the location (¼ ¼ ¼ section of start and end of reach) and length (FT) of the protected reach? N2SWNW SECTION 7 T15N R21W TO NWSESW SECTION 12 T15N R22W. LENGTH: 1.12 MILES	☐ A	☐ F
133. Describe the way the streamflow is to be maintained or enhanced. Water will be left instream and no longer be diverted for irrigation	☐ A	☐ F
134. Do you propose to retire all water use associated with the historical purposes throughout the entire period of use? This includes conveyance loss associated with historical ditches.	☑ Y ☐ N	☐ F
a. If no, describe the proposed change to existing purposes, including flow rate, volume, and, if applicable, acres.	☐ A	☐ F
135. Do historical and proposed return flows accrete to the source of supply? The Department provides an initial estimate of the source(s) that historical and proposed returns flows accrete to at the preapplication meeting.	☑ Y ☑ N	☐ F

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

Salvage Water

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

Non-Mandatory Questions for Criteria Analysis

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

Adverse Effect

Questions, Narrative Responses, and Tables	Check-boxes
142. Describe your plan to ensure that existing water rights will be satisfied during times of water shortage.	☐ A
143. Explain how you can control your diversion in response to call being made.	☐ A
144. Are you aware of any calls that have been made on any source of supply or depleted surface water source?	☐ Y ☐ N
a. If yes, explain.	☐ A
145. Does a water commissioner distribute water or oversee water distribution on your proposed source or depleted surface water source?	☐ Y ☐ N
a. If yes, list the sources and explain.	☐ A
146. Describe how the change will or will not affect your ability to make call.	☐ A

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

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

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

149. Respond to questions in this section if you elected in questions 65 or 93 to answer optional questions 150 to 154. Answer one time for each surface water source receiving return flows. Use "Additional Return Flow Source (606P)" sheet if there is more than one source. If you did not elect to answer these questions or answered these questions earlier in the preapplication meeting, this section is complete; skip to question 155.	
150. What is the surface water source for which you are answering questions 151 to 154? CLARK FORK RIVER	
151. Are stream gage data available?	☑ Y ☐ N
a. If yes, answer question 152.	
b. If no, answer question 153.	
152. Stream gage data are available	
a. Is one stream gage located above, and one stream gage located below the location where return flows accrue?	☑ Y ☐ N
i. If no, is only one stream gage located near the location where return flows accrue?	☐ Y ☐ N
1. If yes, is the stream gage upstream or downstream? _____	
b. List the gage name(s). Write "N/A" for Gage 2 if one gage available. Gage 1: CLARK FORK BELOW MISSOULA (UPSTREAM) USGS 12353000 Gage 2: CLARK FORK AT ST REGIS (DOWNSTREAM) USGS 12354500	

c. What is the distance between the gage(s) and the location where return flows accrue? Write "N/A" for Gage 2 if one gage available. Gage 1: ~20 MILES UPSTREAM Gage 2: ~58 MILES DOWNSTREAM	
d. Is there a limiting or controlling factor on the source between the stream gage(s) and the location where return flows accrue? This includes dams that control the flow and streams with large gaining and/or losing reaches.	☐ Y ☑ N
i. If yes, explain. _____ _____	☐ A
e. How long is the period of record? Write "N/A" for Gage 2 if one gage is available. Gage 1: 10/1/1929 - PRESENT Gage 2: 11/1/1910 - PRESENT	
f. Who operates and maintains the gage(s)? Write "N/A" for Gage 2 if one gage is available. Gage 1: USGS Gage 2: USGS	
g. Is each available stream gage operated and maintained by USGS or DNRC?	☑ Y ☐ N
i. If yes, skip to question 152.h.	
ii. If no, answer the following questions for each gage not operated and maintained by USGS or DNRC.	
1. How frequently are stage data recorded? Write "N/A" for Gage 2 if only one gage is not operated or maintained by USGS. Gage 1: _____ Gage 2: _____	
2. If data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?	☐ Y ☐ N
a. Gage 1.	☐ Y ☐ N
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	☐ Y ☐ N

3. Was the rating curve established and maintained throughout the duration of the period of record using measurements taken near the reference gage and stage recorder according to USGS protocols?	☐ Y ☐ N
a. Gage 1.	☐ Y ☐ N
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	☐ Y ☐ N
4. Were there requirements for maintaining a permanent gage datum and meeting specified accuracy limits?	☐ Y ☐ N
a. Gage 1.	☐ Y ☐ N
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	☐ Y ☐ N
h. Do the data for one or more available stream gages meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the months when return flows accrue?	☑ Y ☐ N
i. If yes, record how many meet the standard, then skip to question 155 because this section is complete. BOTH GAGES	
ii. If no, answer question 153.	
153. If no gage data are available or if available gage data do not meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the months when return flows accrue, is the source otherwise measured?	☐ Y ☐ N
a. If no, measurements may be necessary. The Department cannot deem the preapplication meeting form adequately completed until the Department receives gage data and/or measurements that meet the Department's measurement standards or, in combination with an approved request to deviate from the Department's standards, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria. Skip to question 154.	
b. If yes,	
i. Submit measurements to the Department.	☐ S
ii. Who collected the measurements? _____	☐ A

iii. With what method were the data collected? _____ _____	☐ A
iv. What is the period of record? _____	
v. What is the frequency of measurement? _____	
vi. Are there gaps in the data?	☐ Y ☐ N
1. If yes, what is the nature of the gaps and how are gaps handled to ensure data quality? _____ _____	☐ A
vii. Is there a process for maintaining the data and meeting specified accuracy limits?	☐ Y ☐ N
1. If yes, explain. _____ _____	
viii. Do available measurement data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the months when return flows accrue?	☐ Y ☐ N
1. If yes, this section is complete. Skip to question 155.	
2. If no, answer question 154.	
154. Do the available measurement data, gage and/or otherwise measured, meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for calibration of a Department-accepted estimation technique?	☐ Y ☐ N
a. If yes,	
i. Describe how the measurements are representative of high, moderate, and low flows. _____ _____ _____	☐ A

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

c. If no, because no Department-accepted estimation technique will be appropriate for the source receiving return flows:	
i. Describe why no Department-accepted estimation technique is appropriate for the source characteristics. _____ _____ _____	☐ A
ii. Do the available measurement data, gage and/or otherwise measured, meet the Department's standard for monthly measurements throughout the months when return flows accrue?	☐ Y ☐ N
1. If no, will measurements be collected prior to submission of a completed Form 606P that meet the Department's standard of monthly measurements throughout the months when return flows accrue?	☐ Y ☐ N
a. If yes, with what method will the data be collected? _____ _____	☐ A
b. If no, do you plan on requesting a variance to deviate from the Department's standard for monthly measurements throughout the months when return flows accrue? The Department's technical analyses or scientific credibility review of your technical analyses cannot commence until the Department receives measurements that meet Department measurement standards, or in combination with a request for a variance from these standards are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.	☐ Y ☐ N
155. If you went straight to this section when referenced, go back to question 65 for surface water changes and question 93 for groundwater changes. If you waited to answer in consecutive order and have completed all prior sections, move to question 156.	

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

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

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

f. Who operates and maintains the gage(s)? Write "N/A" for Gage 2 if one gage is available. Gage 1: _____ Gage 2: _____	
g. Is each available stream gage operated and maintained by USGS or DNRC?	☐ Y ☐ N
i. If yes, skip to question 159.h.	
ii. If no, answer the following questions for each gage not operated and maintained by USGS or DNRC.	
1. How frequently are stage data recorded? Write "N/A" for Gage 2 if only one gage is not operated or maintained by USGS. Gage 1: _____ Gage 2: _____	
2. If data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?	☐ Y ☐ N
a. Gage 1.	☐ Y ☐ N
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	☐ Y ☐ N
3. Was the rating curve established and maintained throughout the duration of the period of record using measurements taken near the reference gage and stage recorder according to USGS protocols?	☐ Y ☐ N
a. Gage 1.	☐ Y ☐ N
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	☐ Y ☐ N
4. Were there requirements for maintaining a permanent gage datum and meeting specified accuracy limits?	☐ Y ☐ N
a. Gage 1.	☐ Y ☐ N
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	☐ Y ☐ N

h. Do the data for one or more available stream gages meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the months with net depletions?	☐ Y ☐ N
i. If yes, record how many meet the standard, then skip to question 162 because this section is complete. _____	
ii. If no, answer question 160.	
160. If no gage data are available or if available gage data do not meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the months with net depletions, is the source otherwise measured?	☐ Y ☐ N
a. If no, measurements may be necessary. The Department cannot deem the preapplication meeting form adequately completed until the Department receives gage data and/or measurements that meet the Department's measurement standards or, in combination with an approved request to deviate from the Department's standards, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria. Skip to question 161.	
b. If yes,	
i. Submit measurements to the Department.	☐ S
ii. Who collected the measurements? _____	☐ A
iii. With what method were the data collected? _____ _____	☐ A
iv. What is the period of record? _____	
v. What is the frequency of measurement? _____	
vi. Are there gaps in the data?	☐ Y ☐ N
1. If yes, what is the nature of the gaps and how are gaps handled to ensure data quality? _____ _____	☐ A

vii. Is there a process for maintaining the data and meeting specified accuracy limits?	☐ Y ☐ N
1. If yes, explain. _____ _____	
viii. Do available measurement data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the months with net depletions?	☐ Y ☐ N
1. If yes, this section is complete. Skip to question 162.	
2. If no, answer question 161.	
161. Do the available measurement data, gage and/or otherwise measured, meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for calibration of a Department-accepted estimation technique?	☐ Y ☐ N
a. If yes,	
i. Describe how the measurements are representative of high, moderate, and low flows. _____ _____ _____	☐ A
ii. Describe the estimation technique. _____ _____ _____ _____ _____	☐ A
b. If no, but a Department-accepted estimation technique will be appropriate for the hydraulically connected source:	
i. Will measurements be collected prior to submission of a completed Form 606P-B that meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for calibration of a Department-accepted estimation technique?	☐ Y ☐ N
1. If yes,	
a. With what method will the data be collected? _____ _____	☐ A

b. What will be the interval of measurement? _____	
c. Describe the proposed estimation technique. _____ _____ _____ _____	☐ A
2. If no, do you plan on requesting to deviate from the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for calibration of a Department-accepted estimation technique? The Department's technical analyses or scientific credibility review of your technical analyses cannot commence until the Department receives measurements that meet Department measurement standards, or in combination with a request to deviate, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.	☐ Y ☐ N
c. If no, because no Department-accepted estimation technique will be appropriate for the hydraulically connected source:	
i. Describe why no Department-accepted estimation technique is appropriate for the source characteristics. _____ _____ _____	☐ A
ii. Do the available measurement data, gage and/or otherwise measured, meet the Department's standard for monthly measurements throughout the months with net depletions?	☐ Y ☐ N
1. If no, will measurements be collected prior to submission of a completed Form 606P that meet the Department's standard of monthly measurements throughout the months with net depletions?	☐ Y ☐ N
a. If yes, with what method will the data be collected? _____ _____	☐ A

b. If no, do you plan on requesting to deviate from the Department's standard for monthly measurements throughout the months with net depletions? The Department's technical analyses or scientific credibility review of your technical analyses cannot commence until the Department receives measurements that meet Department measurement standards, or in combination with a to deviate, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.	☐ Y ☐ N
162. If you went straight to this section when referenced, go back to question 84. If you waited to answer in consecutive order and have completed all prior sections, move to question 163.	

Adequate Means of Diversion and Operation

163. Submit a diagram of how you will operate your system from the point of diversion to the place of use.	☐ S
164. Describe specific information about the capacity of the diversionary structure(s). This may include, where applicable: pump curves and total dynamic head calculations, headgate design specifications, and dike or dam height and length.	☐ A
165. Describe the size, materials, capacity, and configuration of infrastructure to convey water from point of diversion to place of use.	☐ A
166. Does the proposed conveyance require easements?	☐ Y ☐ N
a. If yes, explain.	☐ A
167. Do you propose to add a point of diversion?	☐ Y ☐ N
a. If yes, do you own the land where all proposed points of diversion are located?	☐ Y ☐ N
i. If no, documentation to show you have the right to use all points of diversion located on each property you do not own will be required upon application submittal. This may include, but is not limited to, a well agreement, an easement, or permission of the party that owns the property where the proposed point(s) of diversion are located.	

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

Beneficial Use

170. Does the Department have a standard for any of the purposes for which water is used? Department standards can be found in ARM 36.12.112 and ARM 36.12.115.	☐ Y ☐ N
a. If yes, list the purposes for which the Department has a standard and note whether the water use falls within or outside the standard. _____ _____	
171. If no standard exists for any proposed purpose or if any proposed purpose falls outside of Department standards, explain how the use is reasonable for that purpose. _____ _____ _____ _____	☐ A
172. Will your proposed project be subject to DEQ requirements for a public water supply (PWS) system or Certificate of Subdivision Approval (COSA)?	☐ Y ☐ N
a. If yes, have you researched or consulted with DEQ regarding those requirements?	☐ Y ☐ N
173. Are you proposing to use surface water for in-house domestic use?	☐ Y ☐ N
a. If yes, does a COSA exist for the proposed place of use?	☐ Y ☐ N
i. If yes, please submit the COSA.	☐ S
ii. If no, have you researched or consulted with DEQ regarding their requirements?	☐ Y ☐ N

Possessory Interest

174. Do you meet one of the exceptions to possessory interest requirements, pursuant to ARM 36.12.1802? Exceptions include cases where the application is for sale, rental, distribution, or is a municipal use, or in any other context in which water is being supplied to another and it is clear that the ultimate user will not accept the supply without consenting to the use of water on the user's place of use.	☐ Y ☐ N
a. If yes, explain. _____ _____ _____ _____	☐ A
b. If no, do you own all proposed places of use?	☐ Y ☐ N
i. If no, explain. Documentation that shows you either have possessory interest or written permission of the parties with possessory interest of the place of use will be required at application submittal. _____ _____ _____	☐ A

Non-Mandatory Project-Specific Questions

Change in Place of Storage

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

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

Instream Flow Change

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

Mitigation, Aquifer Recharge, and Marketing for Mitigation

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

Water Marketing

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

192. How will you control or limit access to the water? _____ _____	☐ A
193. Do you have contracts for the entire volume and flow rate sought?	☐ Y ☐ N
194. Submit a service area map. Create map on an aerial photograph or topographic map and show the following: general service area boundary, section corners, township and range, scale bar, and north arrow.	☐ S
195. If you are answering Project Specific Questions as they are referenced in Application Details, return to question 26 and if you are answering in consecutive order, go to Follow-Up section.	

FOLLOW-UP

The table below will identify all questions marked for follow-up. Applicant follow-up will be submitted with the completed Preapplication Meeting Form: Part B (Form 606P-B). Applicant will provide all responses to questions marked for follow-up on a separate document entitled "Follow-up Responses." At the preapplication meeting, the Department may offer to provide the Applicant with information pertinent to identified follow-up. In this case, record in the notes column what information the Department will provide and the date by which the Department will email this information to the Applicant. This information will supplement but not replace Applicant follow-up. It is the responsibility of the Applicant to provide all follow-up, including questions supplemented by Department information, in the "Follow-up Responses" document.

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

***The Applicant may not alter the Preapplication Meeting Form: Part A (Form 606P-A) signed at the Preapplication Meeting**. Instead, the Applicant must use the Amended Responses procedure defined in Form 606P-B. Do not include additional information for questions that were not marked for follow-up on this table; instead include any additional information pursuant to the process for amending responses defined in Form 606P-B.*

QUESTION #	NOTES
20.1.a	Need consent from DNRC Trust Lands Management Division at application submittal
61	Clarify how many acres will be retired from the historical POU. Water Science Bureau needs info for return flow analysis
153.a.*	Submit Sixmile flow measurements if available. * This question is from the Additional Flow Source Sheet (606P)

PREAPPLICATION MEETING AFFIDAVIT & CERTIFICATION

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

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

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

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

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

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

Applicant Signature	Date 9-30-2025
Applicant Signature	Date 9-30-2025
Department Signature	Date

APPLICATION TO CHANGE A WATER RIGHT

ADDITIONAL RETURN FLOW SOURCE SHEET (606P)

§ 85-2-402, MCA

Answer every question and applicable follow-up questions. Use the checkboxes to denote yes ("Y") or no ("N"). 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 606P-Preapplicaction Meeting Form: Part A. 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 on this form must be marked. Label all units in narrative responses and tables. Label all attachments and submitted items with the question number.

Use one sheet per return flow source.

What additional return flow source is the sheet for (enter return flow source/ identifier)? SIX MILE CREEK

Assign a three-character identifier for the return flow source (for example, "YEL" or "TMC"): SMC

When referencing question numbers in attachments, submittals, follow-ups, and amended responses, use the following format:

- ***Question number - three-character identifier. For example, "152.d.i-YEL" or "152.d.i-TMC".***

150. What is the surface water source for which you are answering questions 151 to 154? CLARK FORK RIVER	
151. Are stream gage data available?	☑ Y ☐ N
a. If yes, answer question 152.	
b. If no, answer question 153.	

152.	Stream gage data are available	
	a. Is one stream gage located above, and one stream gage located below the location where return flows accrue?	☑ Y ☐ N
	i. If no, is only one stream gage located near the location where return flows accrue?	☐ Y ☐ N
	1. If yes, is the stream gage upstream or downstream? _____	
	b. List the gage name(s). Write "N/A" for Gage 2 if one gage available. Gage 1: CLARK FORK BELOW MISSOULA (UPSTREAM) USGS 12353000 Gage 2: CLARK FORK AT ST REGIS (DOWNSTREAM) USGS 12354500	
	c. What is the distance between the gage(s) and the location where return flows accrue? Write "N/A" for Gage 2 if one gage available. Gage 1: ~20 MILES UPSTREAM Gage 2: ~58 MILES DOWNSTREAM	
	d. Is there a limiting or controlling factor on the source between the stream gage(s) and the location where return flows accrue? This includes dams that control the flow and streams with large gaining and/or losing reaches.	☐ Y ☐ N
	i. If yes, explain. WATER MASTER'S REPORT DATED 5/27/2011 CREATED CHILD RIGHT. WATER COURT CASE NO. WC-2012-01 CHANGED PRIORITY DATE.	☐ A
	e. How long is the period of record? Write "N/A" for Gage 2 if one gage is available. Gage 1: 10/1/1929 - PRESENT Gage 2: 11/1/1910 - PRESENT	
	f. Who operates and maintains the gage(s)? Write "N/A" for Gage 2 if one gage is available. Gage 1: USGS Gage 2: USGS	
	g. Is each available stream gage operated and maintained by USGS or DNRC?	☐ Y ☑ N
	i. If yes, skip to question 152.h.	
	ii. If no, answer the following questions for each gage not operated and maintained by USGS or DNRC.	
	1. How frequently are stage data recorded? Write "N/A" for Gage 2 if only one gage is not operated or maintained by USGS.	

Gage 1: _____ Gage 2: _____	
2. If data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?	☐ Y ☐ N
a. Gage 1.	☐ Y ☐ N
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	☐ Y ☑ N
3. Was the rating curve established and maintained throughout the duration of the period of record using measurements taken near the reference gage and stage recorder according to USGS protocols?	☐ Y ☑ N
a. Gage 1.	☐ Y ☑ N
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	☐ Y ☐ N
4. Were there requirements for maintaining a permanent gage datum and meeting specified accuracy limits?	☐ Y ☐ N
a. Gage 1.	☐ Y ☐ N
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	☐ Y ☑ N
h. Do the data for one or more available stream gages meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the months when return flows accrue?	☐ Y ☑ N
i. If yes, record how many meet the standard, then this section is complete. _____	
ii. If no, answer question 153.	
153. If no gage data are available or if available gage data do not meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the months when return flows accrue, is the source otherwise measured?	☐ Y ☐ N
a. If no, measurements may be necessary. The Department cannot deem the preapplication meeting form adequately completed until the Department receives gage data and/or measurements that meet the Department's measurement standards or, in combination with an approved request to deviate from the	

Department's standards, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria. Skip to question 154.	
b. If yes,	
i. Submit measurements to the Department.	☐ S
ii. Who collected the measurements? LEE YELIN (WATER RIGHTS INC)	☐ A
iii. With what method were the data collected?	☐ A
iv. What is the period of record?	
v. What is the frequency of measurement?	
vi. Are there gaps in the data?	☐ Y ☑ N
1. If yes, what is the nature of the gaps and how are gaps handled to ensure data quality?	☐ A
vii. Is there a process for maintaining the data and meeting specified accuracy limits?	☐ Y ☐ N
1. If yes, explain.	
viii. Do available measurement data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the months when return flows accrue?	☐ Y ☐ N
1. If yes, this section is complete.	
2. If no, answer question 154.	
154. Do the available measurement data, gage and/or otherwise measured, meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for calibration of a Department-accepted estimation technique?	☑ Y ☐ N

a. If yes,	
i. Describe how the measurements are representative of high, moderate, and low flows. _____ _____ _____	☐ A
ii. Describe the estimation technique. _____ _____ _____ _____ _____	☑ A
b. If no, but a Department-accepted estimation technique will be appropriate for the source receiving return flows:	
i. Will measurements be collected prior to submission of a completed Form 606P-B that meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for calibration of a Department-accepted estimation technique?	☐ Y ☐ N
1. If yes,	
a. With what method will the data be collected? _____ _____	☐ A
b. What will be the interval of measurement? _____	
c. Describe the proposed estimation technique. _____ _____ _____ _____	☐ A

2. If no, do you plan on requesting to deviate from the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for calibration of a Department-accepted estimation technique? Neither the Department's technical analyses nor scientific credibility review of your technical analyses can commence until the Department receives measurements that meet Department measurement standards, or in combination with an approved request for variance from these standards, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.	☐ Y ☑ N
c. If no, because no Department-accepted estimation technique will be appropriate for the source receiving return flows:	
i. Describe why no Department-accepted estimation technique is appropriate for the source characteristics. _____ _____ _____	☐ A
ii. Do the available measurement data, gage and/or otherwise measured, meet the Department's standard for monthly measurements throughout the months when return flows accrue?	☐ Y ☑ N
1. If no, will measurements be collected prior to submission of a completed Form 606P that meet the Department's standard of monthly measurements throughout the months when return flows accrue?	☐ Y ☐ N
a. If yes, with what method will the data be collected? _____ _____	☐ A
b. If no, do you plan on requesting a variance to deviate from the Department's standard for monthly measurements throughout the months when return flows accrue? The Department's technical analyses or scientific credibility review of your technical analyses cannot commence until the Department receives measurements that meet Department measurement standards, or in combination with a request for a variance from these standards are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.	☑ Y ☐ N

REQUEST FOR PREAPPLICATION MEETING

ARM 36.12.1302(2)

(Revised 02/2025)

For Department Use Only

Date Received _____

Received By _____

Scheduled Meeting Date _____

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.

---

1. **Applicant Name** Lee Yelin

Mailing Address 5890 Kerr Dr

City Missoula State MT Zip 59803-3028

Home Phone 406-396-3833 Other Phone _____

Email: waterrightsinc@gmail.com

2. **Representative Name** (if other than Applicant) _____

☑ Representative is Consultant ☐ Representative is Attorney ☑ Representative is Other

Mailing Address _____

City _____ State _____ Zip _____

Home Phone _____ Other Phone _____

Email: _____

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

☐ Permit ☐ Change

4. **Describe your project:**

SMC

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

a) The flow rate and volume of water required:

Flow Rate 359.04 ☐ GPM ☐ CFS Volume 33.08 Acre-Feet

b) The point of diversion:

Point of Diversion #1 SW 1/4 SE 1/4 NW 1/4 Section 7, Township 15 ☐ N ☐ S, Range 21 ☑ 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	N2	1/4	SW	1/4	NW	1/4 Sec	7	, Twp	15	☑ N ☐	S, Rge 21 ☑ E ☐ W
____	Acres	____	Lot	____	Block	____	1/4	S2	1/4	NE	1/4 Sec	12	, Twp	15	☑ N ☐	S, Rge 22 ☐ E ☐ W
____	Acres	____	Lot	____	Block	SE	1/4	SE	1/4	NW	1/4 Sec	12	, Twp	15	☐ N ☐	S, Rge 22 ☐ E ☐ W
____	Acres	____	Lot	____	Block	E2	1/4	NE	1/4	SE	1/4 Sec	12	, Twp	15	☑ N ☐	S, Rge 22 ☑ E ☐ W
____	Acres	____	Lot	____	Block	SW	1/4	NE	1/4	SW	1/4 Sec	12	, Twp	15	☐ N ☐	S, Rge 22 ☐ E ☐ W
						NW		SE		SW		12		15 N		22 W

d) The source of water: Sixmile Creek

e) The proposed purpose: In-Stream Flow

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

Type of water right Statement of Claim Basin 76M Water Right # 116758-00
Type of water right Statement of Claim Basin 76M Water Right # 300484-00
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 #	76M 116758	00	76M 300484	97	
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:

The irrigation claims, 76M 116758 00 and its child right 76M 3004849 , historically irrigates 74 acres out of Sixmile Creek, with a flow rate of 2.80 cfs, up to 695.6 ac.ft/annum. The period of use is from April 1 to October 31 of each year and the priority date is October 9, 1880. The POD is located in the SWSENW of Section 7, T15N R21W, and the claimed POU is located in the NE of Section 23, T15N R21W. Historically, the water flowed through the Lebert-Bisonette Ditch and was conveyed to the property. In 2011, both rights were changed temporarily to instream flow for fisheries, but since then both have expired and reverted back to the original claims.

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 _____

1/4 _____1/4 ___1/4 Section _____, Township _____ ☐N ☐S, Range _____ ☐E ☐W

County _____

Lot/Tract _____ Block_____ Subdivision Name_____

Estimated Well Depth _____ Feet

Well #2 ☐ New Well ☐ Existing Well

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

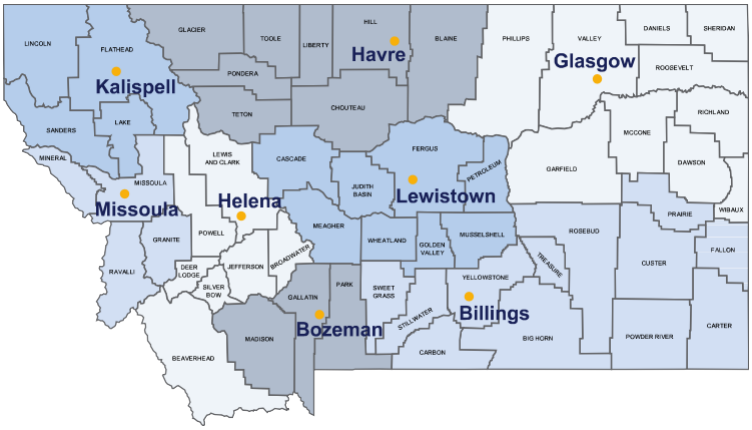
_____1/4 ___1/4 ____1/4 Section _____, Township _____ ☐N ☐S, Range _____ ☐E ☐W

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
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