

PETITION FOR CLOSURE OF A HIGHLY APPROPRIATED BASIN

This is a petition to request the Department of Natural Resources and Conservation (DNRC) to adopt rules to reject water use permit applications, or modify or condition permits issued in a highly appropriated basin or sub-basin.

NOTICE	
<p>This form must be filled by the Department of Environmental Quality or by at least 25% or 10, whichever is less, of the users of water in the source of supply within the basin or sub-basin for which the rules are requested. An incomplete or non-qualifying petition will be returned.</p> <p>A fee of \$3000 must accompany this petition. Petitioners must also pay reasonable costs of giving notice, holding the hearing, conducting investigations, and making records pursuant to Section 85-2-319, MCA.</p>	<p>For Department Use Only</p> <p>Basin _____</p> <p>Date Received _____</p> <p>Fee Received _____</p> <p>Check No. _____</p> <p>Transmittal No. _____</p> <p>Received By _____</p> <p>Refund \$ _____</p> <p>Date _____</p>

(Please type or print)

1. BASIN OR SUBBASIN IDENTIFICATION AND DESCRIPTION

A. Stream Name _____

Unnamed Source, tributary to: _____

B. Tributary sources in subbasin. List the names of all of the sources to be included in the requested closure are.

C. Map: A U.S. Geological Survey quadrangle map, or one of similar size, scale and detail level **must** accompany the closure application. In addition to the information provided on the USGS map, the map **must** also show the following:

- (1) Accurate outline of total basin or subbasin subject to this petition.
- (2) Name all streams and tributaries flowing in or through the basin or subbasin.
- (3) Location of any known water gaging stations
- (4) Dams, bridges, or other instream structures.
- (5) Point of diversion and type of diversion of **all** water users in DNRC records in the closure area.



2. BASIN OR SUBBASIN WATER RIGHTS IDENTIFICATION

A. Attach a copy of DNRC listing of all water rights in the basin or subbasin (available at your local DNRC Water Resources Regional Office or online at <http://www.dnrc.mt.gov/wrd/>)

B. Complete the following if the source has been adjudicated.

1. Decree: _____
Case No. _____
Date: _____
Judicial Dist. _____
County _____
2. Total flow decreed:
Miners inches _____
Cubic feet per second (CFS) _____
3. Total volume included in Decree (if available):
Acre-feet _____
4. Total area of Decree (if available):
Sections (or portions thereof) _____
Acres _____

3. BASIN OR SUBBASIN SUPPLEMENTAL DATA

The following information must be submitted before the DNRC can process the petition. Attach this information to the petition.

- A. Geology and climate:
 - (1) Soils. Use SCS or other reports or analyses which classify or describe the soil characteristics of the basin.
 - (2) Vegetation type. List the major crop types being grown in the closure area. Indicate which is the primary crop type and primary irrigation method.
 - (3) Precipitation. Identify the average annual precipitation in the basin including what percent as snow.
- B. Water measurement records.
 - (1) Stream gaging records
 - (2) Court appointed water Commissioner (ditch rider) records.
 - (3) Other published or unpublished reports relative to water availability in the source.
- C. Any other information or data that would support this petition.

4. SECTION 85-2-319, MCA, REQUIREMENTS

Statute requires that a petition must allege facts showing that throughout or at certain times of the year or for certain beneficial uses, that at least one of the following, A., B., or C. is occurring in the basin.

A petition filed by the Department of Environmental Quality (DEQ) must contain facts and information showing that at least one under D. is occurring. Address the appropriate issue(s) in this basin and fully explain the alleged facts in the space below or attach additional sheets.

A. There are no unappropriated waters in the basin. Explain

B. The rights of prior appropriators will be adversely affected. Explain.

C. Further uses will interfere unreasonably with other planned uses or developments for which a water use permit has been issued, or which water has been reserved. Explain.

D. In the case of a DEQ petition:

(1) The water quality of an appropriator will be adversely affected by the issuance of permits.

Explain.

(2) Further use will not be substantially in accordance with the classification of water set for the source of supply pursuant to Section 75-5-301(1), MCA. Explain.

(3) The ability of a discharge permit holder to satisfy effluent limitations of a permit issued in accordance with Title 75, chapter 5, part 4, will be adversely affected by the issuance of permits.

Explain.

5. **CONDITIONS OR MODIFICATIONS REQUESTED**

E. Period of Closure: Identify the "period" during which you believe the source should be closed or during which a permit should be modified or conditioned (e.g. during the irrigation season from April to October; all year-round; or during certain months e.g., July and August)

From date: _____

To date: _____

Season description: _____

F. Types of uses to be rejected, modified or conditioned: Identify the type(s) or use(s) to which the source should be closed, or permits modified or conditioned.

G. Closure request: Identify the type of closure you are requesting to be considered>

_____ Rejection

_____ Modification (describe)

_____ Conditioning (describe)

H. Explain the factual reasons why the sources should be closed, or permits modified or conditioned as requested in 5, A, B, and C above.

6. **SIGNATURES**

This petition can be filed by the Department of Environmental Quality **or** by at least 25% or 10, whichever is less, of the water users in the source of supply described in Section 1. **Print or type the full name of the water user and mailing address and sign on the appropriate line. Attach additional sheets if necessary.**

WE THE UNDERSIGNED WATER USERS IN THE SOURCE OF SUPPLY, PETITION THE DEPARTMENT OF NATURLA RESOURCES AND CONSERVATION TO INITIATE RULE-MAKING PROCEEDINGS IN ACCORDANCE WITH SECTION 85-2-319, MCA AND THIS PETITION.

	Name (print)	Signature
1.		/
	Mail Address	Phone
2.		/
	Mail Address	Phone
3.		/
	Mail Address	Phone
4.		/
	Mail Address	Phone
5.		/
	Mail Address	Phone
6.		/
	Mail Address	Phone
7.		/
	Mail Address	Phone
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	Mail Address	Phone
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