



ADMINISTRATIVE RULES OF MONTANA



36.12.1019 TRUMAN CREEK BASIN CLOSURE

- (1) The Truman Creek Basin means the Truman Creek drainage area, a tributary of Ashley Creek in hydrologic basin 76LJ, in Flathead County, Montana. The Truman Creek Basin designated as the closure area is all that drainage and headwaters originating in the Salish Mountains, Township 26 North, Range 21 and 22 West, MPM, and flowing northwesterly to its confluence with Ashley Creek at a point in Section 18, Township 27 North, Range 22 West, MPM, Flathead County, Montana. The entire Truman Creek drainage, from its headwaters to its confluence with Ashley Creek, including Bales Creek, Emmons Creek, Wild Bill Creek, and all unnamed tributaries, is contained in the enclosure area as outlined on file map page 6.
- (2) The department shall reject all surface water applications to appropriate water within the Truman Creek Basin for any diversions, including infiltration galleries, for any consumptive uses of water during the period from July 15 through August 31.
- (3) Applications for nonconsumptive uses during the closure period shall be received and processed. Any permit if issued shall be modified or conditioned to provide that there will be no decrease in the source of supply, no disruption in the stream conditions, and no adverse effect to prior appropriators within the reach of stream between the point of diversion and the point of return. The applicant for a nonconsumptive use shall provide sufficient factual information upon which the department can determine the applicant's ability to meet the conditions imposed by this rule.
- (4) Applications for groundwater shall be accepted, however the applicant shall provide sufficient factual information upon which the department can determine whether or not the source of the groundwater is part of or substantially or directly connected to surface water. If it is found that the proposed diversion of groundwater would cause a calculable reduction in the surface water flow during the closure period the application shall be rejected. A calculable reduction means a theoretical reduction based on credible information as opposed to a measured reduction. If the applicant fails to submit sufficient factual information as required, the application shall be considered defective and shall be processed pursuant to 85-2-302, MCA.
- (5) Any application which would utilize a storage facility to impound water only outside the period from July 15 through August 31 and from which water could subsequently be used during any portion of the year, is exempt from these rules. Permit applications for storage, except applications for provisional permits for completed stockwater pits or reservoirs, form no. 605, will be received and processed. All form no. 605 permit applications will be rejected.
- (6) Temporary emergency appropriations of water as defined in ARM 36.12.101 and 36.12.105 shall be exempt from this rule.
- (7) This rule applies only to applications received by the department after the date of adoption of this rule.

- (8) The department may, if it determines changed circumstances justify it, reopen the basin to additional appropriations and amend this rule accordingly after public notice and hearing.

Authorizing statute(s): Sec. 85-2-112, MCA

Implementing statute(s): Sec. 85-2-319, MCA

History: NEW, 1995 MAR p. 222, Eff. 2/10/95.