



ADMINISTRATIVE RULES OF MONTANA



36.12.1013 ROCK CREEK BASIN CLOSURE

- (1) Rock Creek Basin means the Rock Creek drainage area located in hydrologic Basin 43D, a tributary of the Clarks Fork of the Yellowstone River in Carbon County, Montana. The entire Rock Creek drainage, from its headwaters to its confluence with the Clarks Fork of the Yellowstone, including Red Lodge Creek, Spring Creek, Dry Creek, Willow Creek, Clear Creek, West Fork of Rock Creek, and all unnamed tributaries is contained in the closure area, as outlined on Exhibit "A" (a copy of which is available for review from the department) .
- (2) The department shall reject applications for surface water permits within the Rock Creek Basin for any diversions for consumptive uses, including infiltration galleries, during the period from June 1 through September 30.
- (3) Permits for nonconsumptive uses during the closure period shall be modified or conditioned to provide that there will be no decrease in the source of supply, no disruption in the stream conditions below the point of return, 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 prove by substantial credible evidence its ability to meet the conditions imposed by this rule.
- (4) These rules apply to all surface water within the Rock Creek Basin.
- (5) Any applications which would utilize a storage facility to impound water only outside the period from June 1 through September 30, 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) Emergency appropriations of water as defined in ARM 36.12.101(6) and 36.12.105 shall be exempt from these rules.
- (7) These rules apply only to applications received by the department after the date of adoption of these rules.
- (8) The department may, if it determines changed circumstances justify it, reopen the basin to additional appropriations and amend these rules accordingly after public notice and hearing.

Authorizing statute(s): Sec. 85-2-112, 319, MCA

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

History: NEW, 1990 MAR p. 301, Eff. 2/9/90; AMD, 1990 MAR p. 1896, Eff. 10/12/90.