



ADMINISTRATIVE RULES OF MONTANA



36.12.1016 MUSSELSHELL RIVER CLOSURE

- (1) The Musselshell River is located in hydrologic basins 40A and 40C, running from the headwaters of the North Fork and South Fork in Meagher County through Wheatland, Golden Valley, and Musselshell counties, and forming the east-west boundary for Petroleum, Garfield, and Rosebud counties. The closure area contains the mainstems of the North and South Fork of the Musselshell River and the Musselshell River down to the mouth of Flatwillow Creek located at a point in the SW $\frac{1}{4}$ Section 33, Township 14 North, Range 30 East, Petroleum County, Montana.
- (2) The department shall reject applications for surface water permits within the Musselshell River closure area for any diversions, including infiltration galleries, for consumptive uses of water during the period from July 1 through August 31. Applications for use from September 1 through September 30 shall be rejected, except, applications for supplemental irrigation during this period shall be accepted and processed.
- (3) Any permits issued 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) Emergency appropriations of water as defined in ARM 36.12.101(6) and 36.12.105 shall be exempt from these rules.
- (5) These rules apply only to applications received by the department after the date of adoption of these rules.
- (6) 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 and 85-2-319, MCA

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

History: NEW, 1992 MAR p. 1396, Eff. 6/26/92.