



ADMINISTRATIVE RULES OF MONTANA



36.16.106 APPLICATION CONTENT - MANAGEMENT PLANS

- (1) A management plan shall accompany all reservation applications for diversionary uses. Plans for diversionary uses shall contain the technical information needed to adequately define project size and function. The plan must be accompanied by maps or drawings showing the project locations, including, where applicable, point(s) of diversion, place(s) of storage, main delivery systems, and place(s) of water use, indicated to an accuracy of the nearest $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ section. Such maps shall include section, township, and range numbers. All project plans shall demonstrate a consideration of water conservation measures.
 - (a) Plans for storage facilities shall include prefeasibility studies estimating firm yield of the proposed reservoir. If the reservoir is planned to supply the demand on a non-firm basis, information shall be included to estimate how often the demand is successfully met. Consideration of Montana dam safety laws and federal dam safety funding requirements shall also be demonstrated in the storage facility plans. Ownership of lands that would be inundated by a proposed storage facility must be indicated.
 - (b) The management plan shall include an analysis of the financial feasibility of the project(s). The ability to finance project costs through bond sales, commercial loans, project revenues, or other means must be addressed. If the project is not financially feasible using these means, the application shall contain a discussion of how financial feasibility might be achieved. Among the factors to be considered are the availability of subsidies, or changes in interest rates, commodity prices, and production and installation costs.
 - (c) For applications involving irrigation, the following must be clearly identified:
 - (i) north arrow;
 - (ii) scale bar;
 - (iii) section corners and numbers;
 - (iv) township and range numbers;
 - (v) all proposed points of diversion;
 - (vi) all proposed places of use;
 - (vii) proposed reservoir locations;
 - (viii) proposed water distribution systems;
 - (ix) proposed drainage systems;

- (x) the location of irrigated and irrigable lands in the project areas. For irrigable lands, the map shall delineate soil classifications using the U.S. Soil Conservation Service's soil mapping units, the department's land classification standards, or other methods acceptable to the department. A narrative describing the criteria used for selecting irrigable lands shall be included in the application. Soil suitability for irrigation must be based on standards acceptable to the department; and
 - (xi) the ownership of land proposed to be irrigated with reserved water and lands underlying project of facilities. A table that lists ownership locations may be substituted for this requirement. Additional maps must be submitted if the information on one map cannot convey the required information clearly and must be of the same scale so that they can be overlain.
- (d) Municipal applicants must submit preliminary engineering feasibility plans that define the service area, project design, water system capacity, and location. The plan must include preliminary plans or designs for metering the system.
 - (e) Capability of proceeding with reasonable diligence must be documented by presenting a schedule of activities needed to apply reserved water to beneficial use including target dates or years when financing will be available, facilities built, and the water applied to beneficial use.
 - (f) Where individual users or groups of users will be responsible for applying reserved water to beneficial use, the applicant must present a set of administrative procedures that describes who shall qualify to use the reserved water, the steps such users must take to apply the reserved water to beneficial use and, as appropriate, the means by which the reserved waters would be allocated during shortages.
- (2) A management plan shall accompany all reservation applications for instream use(s), as defined in ARM 36.16.102(14), and shall include an explanation of how reserved instream flows will be protected from future depletions by later priority users.

Authorizing statute(s): 85-2-113, MCA

Implementing statute(s): 85-2-316, 85-2-331, 85-2-605, MCA

History: NEW, Eff. 3/7/76; AMD, 1986 MAR p. 1584, Eff. 9/26/86; AMD, 1988 MAR p. 2396, Eff. 11/11/88; AMD, 1994 MAR p. 1297, Eff. 5/13/94; AMD, 2015 MAR p. 1909, Eff. 10/30/15.