



ADMINISTRATIVE RULES OF MONTANA



36.12.1021 HOULE CREEK BASIN CLOSURE

- (1) The Houle Creek Basin means the entire Houle Creek drainage area located in hydrologic basin 76M in Missoula County, Montana. The Houle Creek Basin designated as the closure area is all that drainage and headwaters originating in Sections 4 and 8, Township 15 North, Range 21 West, MPM flowing southwesterly to its confluence with the Frenchtown Irrigation District ditch in the SENENE Section 30, Township 15 North, Range 21 West, MPM. The entire Houle Creek drainage including all unnamed tributaries is contained in the closure area as outlined on file map page 4.
- (2) The department shall reject all surface water applications to appropriate water within the Houle Creek Basin for any diversions, including infiltration galleries, for consumptive uses of water during any time of the year.
- (3) Applications for nonconsumptive uses shall be accepted 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 ground water shall be accepted however the applicant shall provide sufficient factual information upon which the department can determine whether or not the source of the ground water is part of or substantially or directly connected to surface water. If it is found that the proposed diversion of ground water 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) Temporary emergency appropriations of water as defined in ARM 36.12.101(6) and 36.12.105 shall be exempt from these rules.
- (6) These rules apply only to applications received by the department after the date of adoption of these rules.
- (7) 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): 85-2-319, MCA

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



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History: NEW, 1996 MAR p. 2432, Eff. 9/20/96.