



ADMINISTRATIVE RULES OF MONTANA



36.12.1020 SIXMILE CREEK BASIN CLOSURE

- (1) Sixmile Creek Basin means the Sixmile Creek drainage area, a tributary to the Clark Fork River located in hydrologic basin 76M, in Missoula County, Montana. The Sixmile Creek Basin designated as the closure area is all that drainage and headwaters originating in Township 16 North, Range 21 and 22 West, MPM flowing southwesterly through Township 15 North, Range 21 and 22 West, MPM to its confluence with the Clark Fork River in Section 27, Township 15 North, Range 22 West, MPM. The entire Sixmile Creek drainage, including the West Fork of Sixmile Creek and 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 Sixmile Creek Basin for any diversions, including infiltration galleries, for consumptive uses of water during the period from June 1 through September 15.
- (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 storage to appropriate water only outside the closure period from which water could subsequently be used during any portion of the year shall be received and processed except for form no. 605, application for provisional permit for completed stockwater pit or reservoir. Form no. 605 shall be rejected.
- (5) 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

History: NEW, 1995 MAR p. 2693, Eff. 12/8/95.