



ADMINISTRATIVE RULES OF MONTANA



36.12.1015 TOWHEAD GULCH BASIN CLOSURE

- (1) Towhead Gulch basin means the Towhead Gulch drainage area, a tributary of the Missouri River at Upper Holter Lake, located in hydrologic basin 41I in Lewis and Clark County, Montana. The entire Towhead Gulch drainage, from its headwaters in Section 33, Township 14 north, Range 3 west, MPM to its confluence with the Missouri River, including Beartooth Creek, and all unnamed tributaries are contained in the closure area. Excluded from the basin closure are Rattlesnake Gulch, McLeod Gulch, and their unnamed tributaries.
- (2) The department shall reject applications for surface water permits in Towhead Gulch, Beartooth Creek, and their unnamed tributaries for any diversions, including infiltration galleries, for consumptive uses during any time of the year.
- (3) Applications for nonconsumptive purposes shall be received and processed. Any permit granted for nonconsumptive uses 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, 85-2-319, MCA

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

History: NEW, 1992 MAR p. 52, Eff. 1/17/92.