



ADMINISTRATIVE RULES OF MONTANA



36.12.1011 GRANT CREEK BASIN CLOSURE

- (1) Grant Creek Basin means the Grant Creek drainage area, a tributary of the Clark Fork River, located in hydrologic basin 76M in Missoula County, Montana. The Grant Creek Basin designated as the closure area is all that drainage and head waters originating in the Rattlesnake Mountains of Township 15 North, Range 19 West, MPM, flowing southwesterly through Township 14 North, Range 19 West, MPM and into the main valley of the Clark Fork River in Township 13 North, Ranges 19 and 20 West, MPM. The entire Grant Creek drainage, from its headwaters to its confluence with the Clark Fork River, including Grant Creek, East Fork of Grant Creek, and all unnamed tributaries is contained in the closure area, as outlined on Exhibit "A" (a copy of which is available for review from the department) .
- (2) The department shall reject applications for surface water permits within the Grant Creek Basin for any diversions, including infiltration galleries, for consumptive uses during the period from July 1 through September 30.
- (3) Permits 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) These rules apply to all surface water within the Grant Creek Basin.
- (5) Any application for a storage facility to impound water only outside the period from July 1 through September 30, and from which water could subsequently be used during any portion of the year, is exempt from these rules. Permit applications for storage, except applications for provisional permits for completed stockwater pits or reservoirs, form 605, will be received and processed. All form 605 permit applications will be rejected.
- (6) Emergency appropriations of water as defined in ARM 36.12.101(6) and 36.12.105 shall be exempt from these rules.
- (7) These rules apply only to applications received by the department after the date of adoption of these rules.
- (8) 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.

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

History: NEW, 1990 MAR p. 228, Eff. 1/26/90; AMD, 1990 MAR p. 1896, Eff. 10/12/90.