



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
CORPS OF ENGINEERS, OMAHA DISTRICT  
HELENA REGULATORY OFFICE  
10 WEST 15TH STREET, SUITE 2200  
HELENA, MONTANA 59626-9

DATE HERE

Regulatory Branch  
Montana State Program  
Corps No. **NWO-2016-xxxx**

Subject: xxxx Diversion and Headgate Replacement

Address

Dear xxxx

We have reviewed the Montana joint application submitted on behalf of xx for Department of the Army (DA) authorization for the xxx located near xxxx

We have determined that no DA authorization is required for the project based on the exemption found at 33 CFR 323.4(a)(3), which reads:

"(3) Construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance (but not construction) of drainage ditches. Discharges associated with siphons, pumps, headgates, wingwalls, weirs, diversion structures and such other facilities as are appurtenant and functionally related to irrigation ditches are included in this exemption."

Although this office has determined that no DA permit is required for this project, this does not eliminate the requirement to obtain other applicable federal, state, tribal and local permits. Be advised that this exemption is not valid if the work you are proposing will convert an area into a use to which it was not previously subject, and if the river channel will be significantly altered.

The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at <https://regulatory.ops.usace.army.mil/>. If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.

Please contact xxx if you have any questions and reference the Corps File Number listed above.

Sincerely,  
Montana Program Manager