

NOTICE OF RECEIPT WATER RIGHT APPLICATION

(Pursuant to Section § 85-2-307(1), MCA)

Summarized below are the application details as described in an Application to Change of Appropriation Water Right received by the Department of Natural Resources & Conservation on JUNE 9, 2023. This notice reflects the application details only as originally submitted. The notice does not reflect changes to the application details made during the review process.

Application Number: 43B 30159989

Applicant: MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS
PO BOX 200701
HELENA, MT 59620 0701

WATER RIGHT NUMBER(S) BEING CHANGED

Water Right Type	Water Right Number	Priority Date
STATEMENT OF CLAIM	43B-194222	OCTOBER 26, 1904
STATEMENT OF CLAIM	43B-194343	MAY 29, 1902
STATEMENT OF CLAIM	43B-194344	JULY 10, 1895
STATEMENT OF CLAIM	43B-194822	MAY 5, 1909
STATEMENT OF CLAIM	43B-194823	APRIL 24, 1906
STATEMENT OF CLAIM	43B-194824	OCTOBER 26, 1904
STATEMENT OF CLAIM	43B-194825	JUNE 1, 1909

PAST USE OF WATER

WR NO. 43B 194344-00 WAS HISTORICALLY USED TO FLOOD IRRIGATE 59.7 ACRES IN SESESE S08, SW S09, NWNW S16, & NE S17 OF T07S R07E IN PARK COUNTY FROM MAY 1 TO NOVEMBER 1. WATER WAS HISTORICALLY DIVERTED AT 2.26 CFS FROM STOUGHTEN CREEK THROUGH THE PFOHL DITCH HEADGATE IN THE NENWNW S13 T07S R06E PARK COUNTY FROM 5/1-11/1.

WR NO. 43B 194825-00 WAS HISTORICALLY USED TO FLOOD IRRIGATE 59.7 ACRES IN SESESE S08, SW S09, NWNW S16, & NE S17 OF T07S R07E IN PARK COUNTY FROM MAY 1 TO NOVEMBER 1. WATER WAS HISTORICALLY DIVERTED AT 2.00 CFS FROM STOUGHTEN CREEK THROUGH THE PFOHL DITCH HEADGATE IN THE NENWNW S13 T07S R06E PARK COUNTY FROM 5/1-11/1.

WR NO. 43B 194822-00, 194823-00, & 194824-00 WERE HISTORICALLY USED TO FLOOD IRRIGATE 26 ACRES IN THE NE S19 T07S R07E IN PARK COUNTY FROM MAY 1 TO NOVEMBER 1. WATER WAS HISTORICALLY DIVERTED FROM ROCK CREEK THROUGH THE STEWART DITCH HEADGATE AT A FLOW OF 444.31 GPM IN THE NENESW SEC19 T07S R07E, PARK COUNTY, FROM 5/1-11/1.

WR NO. 43B 194343-00 WAS HISTORICALLY USED TO FLOOD IRRIGATE 39.50 ACRES IN THE SESE S18, NE S19, NWNW S20 T07S R07E IN PARK COUNTY FROM MAY 1 TO NOVEMBER 1. WATER WAS HISTORICALLY DIVERTED FROM ROCK CREEK THROUGH THE STEWART DITCH HEADGATE AT A FLOW OF 1.5 CFS IN THE SESWNW SEC19 T07S R07E, PARK COUNTY, FROM 5/1-11/1.

WR NO. 43B 194222-00 WAS HISTORICALLY USED TO FLOOD IRRIGATE 8.70 ACRES IN THE S2NENE S19 & S2NWNW S20 T07S R07E IN PARK COUNTY FROM MAY 1 TO NOVEMBER 1. WATER WAS HISTORICALLY DIVERTED FROM ROCK CREEK THROUGH THE STEWART DITCH HEADGATE AT A FLOW OF 148 GPM IN THE SESWNW SEC19 T07S R07E, PARK COUNTY, FROM 5/1-11/1.

PROPOSED CHANGE

THIS APPLICATION TO CHANGE A WATER RIGHT PROPOSES A TEMPORARY CHANGE TO THE POINT OF DIVERSION, PLACE OF USE, AND PURPOSE OF 7 STATEMENTS OF CLAIM. THE APPLICANT PROPOSES TO CHANGE THE POINT OF DIVERSION FROM THE IRRIGATION POINT OF DIVERSION TO A DIVERSION INSTREAM IN ROCK CREEK. THE PROPOSED PURPOSE IS FOR INSTREAM FLOW IN ROCK CREEK. THE APPLICANT PROPOSES TO CHANGE THE FULL HISTORICALLY CONSUMED VOLUME TO AN INSTREAM FLOW PURPOSE FROM MAY 1 TO OCTOBER 10 AT THE HISTORIC FLOW RATE OF 2.57 CFS. THE PROPOSED PLACE OF USE WOULD BE IN T07S R07E, PARK COUNTY. WATER RIGHTS NO. 43B 194825-00 & 43B 194344-00 HAVE A SOURCE OF STOUGHTEN CREEK AND WATER RIGHTS NO. 43B 194822-00, 194283-00, 194824-00, 194343-00, & 194222-00 HAVE A SOURCE OF ROCK CREEK. THE APPLICANT PROPOSES THE TEMPORARY CHANGE FOR 30 YEARS OR MORE.

In general, the department will make a preliminary determination to grant or deny this application within 120 days of the date the application is deemed correct and complete. That date is currently unknown. If the preliminary determination is to grant the application, the application will be published in the local newspaper and a notice will be sent to appropriators who, according to the department records may be affected by the proposed appropriation. Individuals will have at least 15 days and no more than 60 days (specific deadline will be identified at time of notice) to submit an objection under § 85-2-308, MCA, after the application has been published in the newspaper.

Direct questions regarding this application to the Water Resources Regional Office, 2273 BOOT HILL COURT, SUITE 110, BOZEMAN, MT 59715-7249 FAX: 406-587-9726 PHONE: 406-586-3136