

# 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 MAY 11, 2020. 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 :** 40B 30148100

**Applicant :** NED N TRANEL  
3130 ZIMMERMAN PL  
BILLINGS, MT 59106  
  
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BILLINGS, MT 59106  
  
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KIHEI, HI 96753

**WATER RIGHT NUMBER(S) BEING CHANGED**

<b>Water Right Type</b>	<b>Water Right Number</b>	<b>Priority Date</b>
STATEMENT OF CLAIM	40B-123794	SEPTEMBER 21, 1882
STATEMENT OF CLAIM	40B-123803	MARCH 14, 1916
STATEMENT OF CLAIM	40B-123804	OCTOBER 25, 1882
STATEMENT OF CLAIM	40B-130947	AUGUST 16, 1926

**PAST USE OF WATER**

FOUR IRRIGATION RIGHTS ARE INVOLVED IN THE PROPOSED CHANGE PROCEEDING. THE WATER RIGHTS ARE 40B 123794, 123803, 123804, & 130947-00. ALL FOUR IRRIGATION RIGHTS DIVERT WATER FROM FLATWILLOW CREEK AND USE THE GRAVES DITCH TO CONVEY WATER TO FLOOD IRRIGATE THE EXISTING PLACES OF USE. THE EXISTING DIVERSION FOR ALL FOUR RIGHTS IS IN THE SENENE SEC 29 TWP 12N RGE 24E FERGUS COUNTY. 40B 123794 HAS A PRIORITY DATE OF SEPTEMBER 21, 1882, A FLOW RATE OF 3.2 CUBIC FEET PER SECOND (CFS) AND PLACE OF USE OF 326 ACRES. 40B 123804 HAS A PRIORITY DATE OF OCTOBER 25, 1882, A FLOW RATE OF 2.22 CFS AND PLACE OF USE OF 304 ACRES. 40B 123803 HAS A PRIORITY DATE OF MARCH 14, 1916, A FLOW RATE OF 2 CFS AND PLACE OF USE OF 304 ACRES. 40B 130947 HAS A PRIORITY DATE OF AUGUST 16, 1926, A FLOW RATE OF 11.51 CFS AND PLACE OF USE OF 304 ACRES. ALL FOUR CLAIMS' HISTORICAL PLACES OF USE ARE IN SEC 21, 22, 27, & 28 IN TWP 12N RGE 24E FERGUS COUNTY AND THEIR PERIODS OF USE ARE APRIL 1 THROUGH OCTOBER 1. THEY ARE ALSO ALL SUPPLEMENTAL WITH ONE ANOTHER.

**PROPOSED CHANGE**

THE APPLICANT PROPOSES TO CHANGE THE POINT OF DIVERSION, PLACE OF USE, AND METHOD OF IRRIGATION OF FOUR WATER RIGHTS (40B 123794, 123803, 123804, & 130947-00). THE APPLICANT PROPOSES TO REPLACE THE EXISTING DIVERSION WITH TWO PORTABLE PUMPS AND OPERATE THREE NEW CENTER PIVOTS. THE TWO PORTABLE PUMPS ARE PROPOSED TO BE LOCATED IN THE NWSNW SEC 28, TWP 12N, RGE 24E FERGUS COUNTY. THE THREE NEW CENTER PIVOTS PROPOSED WILL BE LOCATED MOSTLY WITHIN THE EXISTING PLACES OF USE AND WILL SPRINKLE IRRIGATE 280.3 ACRES. APPLICANT PROPOSES TO CONTINUE TO FLOOD IRRIGATE 5.57 ACRES WITHIN THE HISTORICAL PLACE OF USE. THE PROPOSED PROJECT CAN GENERALLY BE DESCRIBED TO BE LOCATED IN SEC 21, 22, 27, & 28 IN TWP 12N RGE 24E FERGUS COUNTY.

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 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, 613 NE MAIN, SUITE E, LEWISTOWN, MT 59457-2020 PHONE: 406-538-7459