

# 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 16, 2017. 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.

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**Application Number :** 41C 30109863

**Applicant :** TOLSON, MARY TRUST  
793 ORCHARD DR  
HAMILTON, MT 59840

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

<b>Water Right Type</b>	<b>Water Right Number</b>	<b>Priority Date</b>
STATEMENT OF CLAIM Historical Flow Rate: 1.88 CFS	41C-103758	OCTOBER 31, 1865

**PAST USE OF WATER**

WATER WAS HISTORICALLY DIVERTED OUT OF MILL CREEK THROUGH THE ELLINGHOUSE DITCH #2 FOR THE PURPOSE OF FLOOD IRRIGATION IN MADISON COUNTY. WATER WAS DIVERTED AT 1.88 CFS UNDER A ROTATIONAL USE AGREEMENT TO FLOOD IRRIGATE 44 ACRES FROM APRIL 1 TO OCTOBER 31.

**PROPOSED CHANGE**

THE APPLICANT PROPOSES TO CHANGE THE PLACE OF USE FOR STATEMENT OF CLAIM NO. 41C 103758-00. THE HISTORIC PLACE OF USE HAS BEEN SUBDIVIDED, MAKING IT CHALLENGING TO MAINTAIN THE HISTORIC PATTERN OF IRRIGATION. THE PROPOSED PLACE OF USE IS LOCATED DIRECTLY EAST OF THE EXISTING PLACE OF USE ON AGRICULTURAL LAND OWNED BY THE APPLICANT. THE HISTORIC FLOW RATE OF 1.88 CFS WILL CONTINUE TO BE DIVERTED UNDER THE EXISTING ROTATIONAL USE AGREEMENT. THE POINT OF DIVERSION AND THE MEANS OF DIVERSION WILL NOT CHANGE. THE APPLICANT IS NOT PROPOSING TO CHANGE THE METHOD OF IRRIGATION.

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 45 days 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