

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 JULY 29, 2014. 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 : 41F 30070322

Applicant : BRAXTON RANCH CORP
PO BOX 1377
ENNIS, MT 59729 1377

MT MOONLIGHT BASIN WATER & SEWER LLC
1271 AVE OF THE AMERICAS, 38TH FLOOR
NEW YORK, NY 10020

WATER RIGHT NUMBER(S) BEING CHANGED

Water Right Type	Water Right Number	Priority Date
STATEMENT OF CLAIM	41F-14211	APRIL 1, 1865
STATEMENT OF CLAIM	41F-15336	APRIL 15, 1883
STATEMENT OF CLAIM	41F-15345	MAY 1, 1888
STATEMENT OF CLAIM	41F-15348	OCTOBER 1, 1865

PAST USE OF WATER

WATER FROM THESE FOUR STATEMENTS OF CLAIM WAS HISTORICALLY USED TO IRRIGATE LAND ON THE JUMPING HORSE RANCH. JACK CREEK WATER HAS BEEN USED TO SUPPLY THREE PIVOT SYSTEMS AS WELL AS A SYSTEM OF DITCHES FOR FLOOD IRRIGATION. TYPICAL CROPS CONSIST OF A GRASS-ALFAFA MIX, WHICH SERVES AS FEED FOR THE COW-CALF OPERATION AND A NUMBER OF WORKING HORSES.

DNRC PREVIOUSLY AUTHORIZED CHANGE APPLICATION 41F 30031144, WHICH ALSO RETIRED ACREAGE FROM JUMPING HORSE RANCH IN ORDER TO PROVIDE MITIGATION WATER FOR MOONLIGHT BASIN. THESE FOUR SAME STATEMENTS OF CLAIM WERE INVOLVED. A TOTAL OF 56.3 ACRES AND 65.87 ACRE-FEET WAS RETIRED.

PROPOSED CHANGE

FLOW RATE: 179.50 GPM

VOLUME: 148.89 AC-FT

THIS CHANGE APPLICATION WOULD CHANGE THE PURPOSE AND PLACE OF USE FOR A PORTION OF THE FLOW RATE AND VOLUME OF FOUR STATEMENTS OF CLAIM: 41F 14211 00, 41F 15336 00, 41F 15345 00, AND 41F 15348 00. THESE STATEMENTS OF CLAIM ARE SURFACE WATER FROM JACK CREEK, TRIBUTARY TO THE MADISON RIVER, WITH PRIORITY DATES OF 1865, 1865, 1883, AND 1888. THIS CHANGE APPLICATION IS PART OF A MITIGATION PLAN SUBMITTED BY MOONLIGHT BASIN IN ORDER TO OFFSET THE CONSUMPTIVE VOLUME REQUESTED IN THEIR CONCURRENT APPLICATION FOR BENEFICIAL WATER USE PERMIT NO. 41F 30070321, WHICH WOULD SUPPLY WATER FROM A MANIFOLDED WELL SYSTEM TO DEVELOPMENTS AT MOONLIGHT BASIN. THE WATER FROM THESE FOUR STATEMENTS OF CLAIM WOULD BE LEFT INSTREAM AT JACK CREEK DURING THE IRRIGATION SEASON, WHICH IS WHEN PEAK DEMAND OCCURS. THIS APPLICATION PROPOSES TO RETIRE 127.26 ACRES FROM PRODUCTION FOR A REDUCTION IN CONSUMPTIVE VOLUME OF 148.89 ACRE-FEET, WHICH IS THE CALCULATED CONSUMPTIVE VOLUME FOR MOONLIGHT BASIN'S CONCURRENT APPLICATION NO. 41F 30070321.

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