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 APRIL 15, 2016. 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 30106099

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-194242	MAY 29, 1894
STATEMENT OF CLAIM	43B-194243	JUNE 11, 1971
STATEMENT OF CLAIM	43B-194244	APRIL 7, 1972

PAST USE OF WATER

UNDER THE STATEMENTS OF CLAIM, WATER WAS HISTORICALLY DIVERTED FROM CEDAR CREEK FOR FLOOD IRRIGATION OF 52.8 ACRES LOCATED IN THE NE OF SECTION 11 AND THE SWNW OF SECTION 12, T08 S, R07 E, PARK COUNTY. THE HISTORICAL HEADGATE IS LOCATED IN THE NWNENE OF SECTION 13, T08 S, R07 E. THE MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS HAS LEASED THESE THREE WATER RIGHTS FOR INSTREAM FLOW TO BENEFIT FISHERIES SINCE A TEMPORARY CHANGE AUTHORIZATION WAS ISSUED IN 2004. THIS APPLICATION WOULD MAKE THAT TEMPORARY CHANGE A PERMANENT ONE.

PROPOSED CHANGE

FLOW RATE: 1.70 CFS **VOLUME:** 606.80 AC-FT

THE APPLICANT PROPOSES TO PERMANENTLY CHANGE THE PURPOSE OF STATEMENTS OF CLAIM 43B 194242-00, 43B 194243-00, AND 43B 194244-00 TO INSTREAM FLOW FOR THE BENEFIT OF FISHERIES IN CEDAR CREEK. WATER IN THE AMOUNT OF 1.7 CFS UP TO 606.8 AF PER YEAR WOULD BE LEFT INSTREAM. THE POINT OF DIVERSION REMAINS THE HISTORICAL HEADGATE, LOCATED IN THE NWNENE OF SECTION 13, T08 S, R07 E, PARK COUNTY. THE NEW PLACE OF USE IS THE REACH OF CEDAR CREEK FROM THE HISTORICAL HEADGATE TO THE CREEK'S CONFLUENCE WITH THE YELLOWSTONE RIVER AT A POINT IN THE N2SENW, SECTION 13, T08 S, R07 E, PARK COUNTY.

ADDITIONAL INFORMATION

THE PROPOSED PERMANENT CHANGE WOULD COMPLEMENT A TEMPORARY CHANGE TO INSTREAM FLOW, 43B 12253900, WHICH IS ALSO HELD BY FWP AND PROTECTS AND ADDITIONAL 1.3 CFS IN CEDAR CREEK FOR INSTREAM FLOW FOR FISHERIES.

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