

# 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 FEBRUARY 13, 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.

**Application Number :** 43B 30110234

**Applicant :** MURPHYS OX YOKE RANCH LP  
%JAMES L MURPHY  
PO BOX 1693  
EMIGRANT, MT 59027 1693

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

<b>Water Right Type</b>	<b>Water Right Number</b>	<b>Priority Date</b>
STATEMENT OF CLAIM	43B-193524	MARCH 1, 1878
STATEMENT OF CLAIM	43B-193532	MARCH 1, 1878

## **PAST USE OF WATER**

STATEMENT OF CLAIM NO. 43B 193524-00  
UNDER STATEMENT OF CLAIM NO. 43B 193524-00, THE APPROPRIATOR HISTORICALLY DIVERTED SURFACE WATER AT A RATE OF 0.13 CFS FROM AN UNNAMED TRIBUTARY OF THE YELLOWSTONE RIVER, KNOWN LOCALLY AS MURPHY SPRING, FOR FLOOD IRRIGATION BETWEEN MAY 15 AND OCTOBER 15. THE PLACE OF USE IS 3 ACRES IN THE SESESE OF SECTION 28 AND 0.4 ACRES IN THE NENENE OF SECTION 33, T05 S, R08 E, PARK COUNTY -- FOR A TOTAL OF 3.4 ACRES. THE POINT OF DIVERSION IS LOCATED IN THE SWNWNE OF SECTION 33, AND WATER WAS ALSO DIVERTED TO A SMALL ON-STREAM RESERVOIR IN THE SWNWNE OF SECTION 33.

STATEMENT OF CLAIM NO. 43B 193532-00  
UNDER STATEMENT OF CLAIM NO. 43B 193532-00, A CLAIMED 214 ANIMAL UNITS DRANK DIRECTLY FROM AN UNNAMED SURFACE WATER TRIBUTARY OF THE YELLOWSTONE RIVER, KNOWN LOCALLY AS MURPHY SPRING, BETWEEN DECEMBER 1 AND MAY 31. THE HISTORICAL PLACE OF USE AND POINT OF DIVERSION ARE THE SAME: AN 80-ACRE PASTURE IN THE NWNE OF SECTION 33 AND THE SWSE OF SECTION 28, T05 S, R08 E, PARK COUNTY. WATER WAS ALSO DIVERTED TO A SMALL ON-STREAM RESERVOIR IN THE NWNE OF SECTION 33.

## **PROPOSED CHANGE**

**FLOW RATE:** 62.81 GPM

**VOLUME:** 32.49 AC-FT

THE APPLICANT PROPOSES TO CHANGE THE PURPOSE AND PLACE OF USE FOR STATEMENTS OF CLAIM NOS. 43B 193524-00 AND 43B 193532-00. THE NEW PURPOSE WOULD BE MITIGATION OF DEPLETIONS CAUSED BY PROVISIONAL PERMIT NO. 43B 30066938.

IRRIGATION UNDER STATEMENT OF CLAIM NO. 43B 193524-00 WILL BE DISCONTINUED, AND UP TO 3.00 AF OF WATER AT A RATE OF 28 GPM WILL BE DIVERTED TO THE NEW PLACE OF USE, A WETLAND CELL LOCATED IN THE NWNENE OF SECTION 33, T05 S, R08 E, PARK COUNTY, BETWEEN AUGUST 1 AND SEPTEMBER 30. THE REMAINING 34 GPM WOULD BE LEFT INSTREAM FROM THE SPRINGS TO THEIR CONFLUENCE WITH THE YELLOWSTONE RIVER BETWEEN MAY 15 AND OCTOBER 15.

STOCK WILL NO LONGER WATER FROM THE SOURCE UNDER STATEMENT OF CLAIM NO. 43B 193532-00, AND INSTEAD WATER WILL REMAIN INSTREAM FROM THE SPRINGS TO THEIR CONFLUENCE WITH THE YELLOWSTONE RIVER TO MITIGATE UP TO 3.57 AF OF LATENT DEPLETIONS BETWEEN DECEMBER 1 AND MAY 31.

## **ADDITIONAL INFORMATION**

THIS CHANGE APPLICATION IS PART OF THE MURPHY OX YOKE MITIGATION PLAN TO OFFSET ADVERSE EFFECTS RELATED TO PROVISIONAL PERMIT NO. 43B 30066938, WHICH PROPOSES TO IRRIGATE 14 ACRES WITH GROUNDWATER FROM A WELL. IF THIS CHANGE IS APPROVED, STATEMENTS OF CLAIM NOS. 43B 193524-00 AND 43B 193532-00 WILL HAVE THE SAME PURPOSE, PLACE OF USE, AND POINT OF DIVERSION. THE SECOND CHANGE APPLICATION INVOLVED IN THE MITIGATION PLAN IS 43B 30110235, WHICH PROPOSES TO CHANGE WATER FROM A DIFFERENT SOURCE, FRIDLEY CREEK, TO MITIGATION.

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