# 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.

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**Application Number :** 43B 30110235

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

## WATER RIGHT NUMBER(S) BEING CHANGED

| Water Right Type | Water Right Number | Priority Date |
|---|---|---|
| STATEMENT OF CLAIM | 43B-193540 | MARCH 1, 1878 |

## PAST USE OF WATER

UNDER STATEMENT OF CLAIM NO. 43B 193540-00, A CLAIMED 214 ANIMAL UNITS DRANK DIRECTLY FROM FRIDLEY CREEK, A TRIBUTARY OF THE YELLOWSTONE RIVER, BETWEEN DECEMBER 1 AND MAY 31. THE HISTORICAL PLACE OF USE AND POINT OF DIVERSION ARE THE SAME: THE S2NE OF SECTION 33, T05 S, R08 E, PARK COUNTY.

## PROPOSED CHANGE

**FLOW RATE:** 4.46 GPM **VOLUME:** 3.59 AC-FT

THE APPLICANT PROPOSES TO CHANGE THE PURPOSE AND PLACE OF USE FOR STATEMENT OF CLAIM NO. 43B 193540-00. THE NEW PURPOSE WOULD BE MITIGATION OF DEPLETIONS CAUSED BY PROVISIONAL PERMIT NO. 43B 30066938. STOCK WILL NO LONGER WATER FROM THE SOURCE, AND INSTEAD WATER WILL REMAIN INSTREAM ALONG A REACH OF FRIDLEY CREEK TO ITS 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. THE SECOND CHANGE APPLICATION INVOLVED IN THE MITIGATION PLAN IS 43B 30110234, WHICH PROPOSES TO CHANGE WATER FROM A DIFFERENT SOURCE, AN UNNAMED SURFACE WATER TRIBUTARY OF THE YELLOWSTONE RIVER, KNOWN LOCALLY AS MURPHY SPRING, 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