

PUBLIC NOTICE

Notice to Water Users
(Pursuant to Section 85-2-307, MCA)

The following application has been submitted to appropriate water in the State of Montana.

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION PROPOSES TO GRANT AN APPLICATION FOR BENEFICIAL WATER USE PERMIT. DESCRIBED BELOW ARE THE PERTINENT FACTS WHICH SUMMARIZE THE APPLICATION. THE PRELIMINARY DETERMINATION (PD) DOCUMENTING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ANY CONDITIONS ATTACHED TO THE WATER RIGHT ARE AVAILABLE ON THE INTERNET AT <http://www.dnrc.mt.gov/wrd/>.

OBJECTION DEADLINE: FEBRUARY 19, 2021. THE DEPARTMENT CAN ONLY ACCEPT OBJECTIONS FILED ON AN OBJECTION TO APPLICATION, FORM 611. MAIL THE COMPLETED FORM AND THE \$25.00 FILING FEE TO THE DNRC, PO BOX 201601, HELENA, MT 59620-1601 BY THE DEADLINE SPECIFIED. THE FORM IS AVAILABLE ON THE DEPARTMENT'S WEBSITE.

DIRECT ANY QUESTIONS PERTAINING TO THE APPLICATION, TO OBTAIN THE PD OR OBJECTION FORM TO THE WATER RESOURCES OFFICE AT 2273 BOOT HILL COURT, SUITE 110, BOZEMAN, MT 59715-7249, PHONE: 406-586-3136, FAX: 406-587-9726.

IF ISSUED, THE RIGHT WILL BE SUBJECT TO PRIOR EXISTING WATER RIGHTS.

Application Number: 43B 30066938
Owners: MURPHYS OX YOKE RANCH LP
 %SEAN MURPHY
 PO BOX 1693
 EMIGRANT, MT 59027 1693
Priority Date: FEBRUARY 13, 2017 at 09:00 A.M.
Purpose (Use): IRRIGATION
Maximum Flow Rate: 200.00 GPM
Maximum Volume: 45.08 AC-FT
Maximum Acres: 14.00
Source Name: GROUNDWATER
Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		SESWNE	33	5S	8E	PARK	
Period of Diversion:	MAY 1 TO SEPTEMBER 30					Flow Rate:	200.00 GPM
Diversion Means:	WELL						
Well Depth:	236.00 FEET						
Static Water Level:	5.00 FEET						
Casing Diameter:	8.00 INCHES						
Well Location:	3050 US HIGHWAY 89 S						

Purpose (Use): IRRIGATION
Irrigation Type: SPRINKLER
Climatic Area: 4 - MODERATELY LOW
Volume: 45.08 AC-FT
Period of Use: MAY 1 to SEPTEMBER 30
Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	14.00		NE	33	5S	8E	PARK
Total:	14.00						

Remarks:

IMPORTANT INFORMATION

IMPORTANT INFORMATION - MITIGATION REQUIRED (43B 193524-00)
 THE APPROPRIATOR'S USE OF WATER UNDER PERMIT 43B 30066938 IS CONDITIONED ON THE MITIGATION OF 2.88 AF PER ANNUM OF HISTORICALLY CONSUMED VOLUME UNDER WATER RIGHT 43B 193524-00 AND CHANGE AUTHORIZATION 43B 30110234. THE 2.88 AF OF WATER SHALL BE DIVERTED TO A WETLAND CELL LOCATED IN THE NENENE OF SECTION 33, T5 S, R8 E, PARK COUNTY, BETWEEN SEPTEMBER 1 AND OCTOBER 15 OF EACH YEAR. THE HISTORICAL PLACE OF USE OF 3.4 ACRES SHALL NO LONGER BE IRRIGATED USING 43B 19324-00. DIVERSION UNDER PERMIT 43B 30066938 MUST STOP IF MITIGATION AS HEREIN REQUIRED IN AMOUNT, LOCATION, AND DURATION CEASES.

IMPORTANT INFORMATION

IMPORTANT INFORMATION - MITIGATION REQUIRED (43B 193532-00 AND 43B 193540-00)
THE APPROPRIATOR'S USE OF WATER UNDER PERMIT 43B 30066938 IS CONDITIONED ON THE MITIGATION OF 3.58 AF PER ANNUM. A COMBINED TOTAL OF 3.58 AF OF WATER FROM MURPHY SPRING UNDER WATER RIGHT 43B 193532-00 AND CHANGE AUTHORIZATION 43B 30110234 AND FROM FRIDLEY CREEK UNDER WATER RIGHT 43B 193540-00 AND CHANGE AUTHORIZATION 43B 30110235 MUST BE LEFT INSTREAM AND ALLOWED TO FLOW INTO THE YELLOWSTONE RIVER. THE COMBINED TOTAL BETWEEN BOTH SOURCES IN ANY ONE YEAR IS 3.58 AF. NO STOCK MAY WATER FROM MURPHY SPRINGS UNDER 43B 193532-00, AND NO STOCK MAY WATER FROM FRIDLEY CREEK UNDER 43B 193540-00. THE MITIGATION PLACE OF USE FOR 43B 193532-00 IS THE REACH FROM WHERE MURPHY SPRING SURFACES AT A POINT IN THE SESESE OF SECTION 28 TO ITS CONFLUENCE WITH THE YELLOWSTONE RIVER AT A POINT IN THE W2SESW OF SECTION 27, BOTH T5 S, R8 E, PARK COUNTY. THE MITIGATION PLACE OF USE FOR 43B 193540-00 IS THE REACH FROM THE START OF THE RESTORED PORTION OF FRIDLEY CREEK AT A POINT IN THE SWSWNE OF SECTION 33 TO ITS CONFLUENCE WITH THE YELLOWSTONE RIVER AT A POINT IN THE SESENE OF SECTION 33, BOTH T5 S, R8 E, PARK COUNTY. DIVERSION UNDER PERMIT 43B 30066938 MUST STOP IF MITIGATION AS HEREIN REQUIRED IN AMOUNT, LOCATION, AND DURATION CEASES.

IMPORTANT INFORMATION

IMPORTANT INFORMATION - MITIGATION REQUIRED (CHANGE 43B 30119489)
THE APPROPRIATOR'S USE OF WATER UNDER PERMIT 43B 30066938 IS CONDITIONED ON THE MITIGATION OF 6.82 AF PER ANNUM BEING LEFT INSTREAM UNDER CHANGE AUTHORIZATION 43B 30119489 AND ALLOWED TO FLOW INTO THE YELLOWSTONE RIVER. THE MONTHLY BREAKDOWN BY VOLUME AND INSTANTANEOUS FLOW RATE THAT MUST BE LEFT INSTREAM IS SHOWN BELOW.

MONTH	DAYS	AF	GPM
JANUARY	31	1.17	8.5
FEBRUARY	28	1.24	10.0
MARCH	31	1.19	8.7
APRIL	30	1.21	9.1
OCTOBER	31	0.86	6.3
DECEMBER	31	1.15	8.4

DIVERSION UNDER PERMIT 43B 30066938 MAY NOT COMMENCE UNTIL THE MITIGATION SPECIFICALLY DESCRIBED IN THIS DECISION AND APPROVED THROUGH CHANGE AUTHORIZATION 43B 30119489 IS IMPLEMENTED. DIVERSION UNDER PERMIT 43B 30066938 MUST STOP IF MITIGATION AS HEREIN REQUIRED IN AMOUNT, LOCATION, AND DURATION CEASES.

PUBLISHED IN: LIVINGSTON ENTERPRISE ON JANUARY 6, 2021.