

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: AUGUST 5, 2016. 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 613 NE MAIN, SUITE E, LEWISTOWN, MT 59457-2020, PHONE: 406-538-7459, FAX: 406-538-7089.

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

Application Number: 40B 30070712

Owners: WILKS RANCH MONTANA LTD
PO BOX 790830
SAN ANTONIO, TX 78279 0830

Priority Date: SEPTEMBER 11, 2014 at 01:00 P.M.

Purpose (use): IRRIGATION

Maximum Flow Rate: 4.00 CFS

Maximum Volume: 151.40 AC-FT

Maximum Acres: 260.00

Source Name: DURFEE CREEK

Source Type: SURFACE WATER

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 | | SWNWNW | 21 | 12N | 23E | FERGUS |
| Period of Diversion: DECEMBER 1 TO MARCH 9 | | | | | | Flow Rate: 4.00 CFS |
| Diversion Means: HEADGATE | | | | | | |

Reservoir: OFF STREAM

| | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|---------------------------|------------------|----------------|------------|------------|------------|---------------|
| | | NWNENW | 21 | 12N | 23E | FERGUS |
| Depth: | 26.00 FEET | | | | | |
| Surface Area: | 11.00 ACRES | | | | | |
| Current Capacity: | 114.40 ACRE-FEET | | | | | |
| Original Capacity: | 8.96 ACRE-FEET | | | | | |

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Climatic Area: 3 - MODERATE

Volume: 151.40 AC-FT

Period of Use: APRIL 15 to OCTOBER 15

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 | 37.60 | | SW | 15 | 12N | 23E | FERGUS |
| 2 | 78.00 | | SE | 16 | 12N | 23E | FERGUS |
| 3 | 9.80 | | NE | 21 | 12N | 23E | FERGUS |
| 4 | 110.60 | | N2 | 22 | 12N | 23E | FERGUS |
| 5 | 13.30 | | SE | 23 | 12N | 23E | FERGUS |
| 6 | 10.70 | | SW | 24 | 12N | 23E | FERGUS |
| Total: | 260.00 | | | | | | |

Remarks:

IMPORTANT INFORMATION

THE APPROPRIATOR SHALL COMPLY WITH ALL OF THE FOLLOWING CONDITIONS TO EXERCISE THIS

PERMIT:

WATER MEASUREMENT RECORDS REQUIRED, WATER MONITORING REQUIRED, AND A WATER MEASURING/MONITORING PLAN REQUIRED.

A. INSTALL A MEASURING/MONITORING DEVICE IN FLATWILLOW CREEK UPSTREAM AND AS NEAR AS PRACTICAL TO PETROLIA RESERVOIR, AND MONITOR STREAM FLOWS. THE TYPE AND LOCATION OF THE DEVICE MUST BE APPROVED BY THE DEPARTMENT. THE APPROPRIATOR SHALL KEEP A DAILY WRITTEN RECORD OF THE FLOW RATE IN FLATWILLOW CREEK WHEN APPROPRIATIONS ARE OCCURRING FROM DURFEE CREEK. THE APPROPRIATOR SHALL DIVERT WATER ONLY DURING THE PERIOD OF APPROPRIATION WHEN STREAM FLOWS IN FLATWILLOW CREEK AT THE MEASURING STATION EXCEED THE MONTANA FISH, WILDLIFE & PARKS INSTREAM FLOW WATER RESERVATION OF 15 CUBIC FEET PER SECOND, PLUS THE FLOW RATE OF ANY EXISTING RIGHTS BETWEEN THE GAGE LOCATION AND PETROLIA RESERVOIR, INCLUDING THOSE OF THE PETROLIA IRRIGATION DISTRICT. APPROPRIATOR MUST CEASE DIVERSION ON DURFEE CREEK WHEN FLOWS AT THE MEASURING STATION ON FLATWILLOW CREEK DROP BELOW THE REQUIRED TRIGGER FLOW AND WHEN THE WATER RIGHTS HELD BY THE PETROLIA IRRIGATION DISTRICT OR OTHERS ARE NOT SATISFIED.

B. INSTALL A MEASURING DEVICE IN THE CONVEYANCE FACILITY FROM DURFEE CREEK, AS NEAR AS PRACTICAL TO THE HEADGATE ON THE SOURCE, IN ORDER TO MEASURE APPROPRIATIONS. FOR EACH DAY OF DIVERSION UNDER THIS PERMIT, THE APPROPRIATOR SHALL KEEP A WRITTEN RECORD OF THE FLOW RATE AND VOLUME OF WATER DIVERTED, INCLUDING THE PERIOD OF TIME OF DIVERSION. RECORDS MUST ACCOUNT SEPARATELY FOR ANY APPROPRIATIONS UNDER THIS PERMIT FROM APPROPRIATIONS UNDER ANY OTHER WATER RIGHT USING THE SAME DIVERSION WORKS AND CONVEYANCE FACILITY, IF APPLICABLE.

C. THE APPROPRIATOR SHALL DIVERT WATER ONLY IF STATEMENT OF CLAIM NO. 40B 119573, OWNED BY PETROLIA IRRIGATION DISTRICT, IS BEING MET, BASED ON DISCUSSIONS WITH AND AS DETERMINED BY THE PETROLIA IRRIGATION DISTRICT. THE PETROLIA IRRIGATION DISTRICT MUST GRANT PERMISSION TO THE APPROPRIATOR FOR IT TO APPROPRIATE WATER FROM DURFEE CREEK. IT IS THE RESPONSIBILITY OF THE APPROPRIATOR TO CONTACT THE PETROLIA IRRIGATION DISTRICT PRIOR TO DIVERTING, AND AT LEAST WEEKLY THEREAFTER, TO ENSURE THAT SUFFICIENT WATER IS FLOWING IN FLATWILLOW CREEK TO MEET THE DEMANDS OF THE DISTRICT. IF THE DISTRICT'S WATER RIGHT IS NOT BEING MET, THE APPROPRIATOR SHALL CEASE DIVERSIONS, INCLUDING ANY TIME THE DISTRICT MAKES A CALL ON WATER. THE APPROPRIATOR SHALL KEEP A RECORD OF THE DATE, TIME AND NAME OF THE INDIVIDUAL CONTACTED AT THE DISTRICT AND SUBMIT RECORDS UPON REQUEST OF THE DEPARTMENT.

D. THE PERMITTEE SHALL SUBMIT A PLAN INDICATING THE PROPOSED DESIGN OF EACH MEASURING OR MONITORING DEVICE AND A MAP OF THE SPECIFIC LOCATION OF EACH DEVICE. THE PLAN AND DEVICE TYPE AND LOCATION MUST BE APPROVED BY THE DEPARTMENT BEFORE WATER IS DIVERTED UNDER THIS PERMIT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING/MONITORING DEVICES ARE IN PLACE AND OPERATING.

E. RECORDS SHALL BE SUBMITTED BY MAY 1 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS AS REQUIRED BY THESE CONDITIONS MAY BE CAUSE FOR REVOCATION OF THE PERMIT. THE RECORDS MUST BE SENT TO THE LEWISTOWN WATER RESOURCES REGIONAL OFFICE AT THE ADDRESS BELOW. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING/MONITORING DEVICES SO THEY ALWAYS OPERATE PROPERLY AND MEASURE FLOW RATE AND VOLUME ACCURATELY DURING PERIODS OF APPROPRIATION UNDER THIS PERMIT.

SUBMIT RECORDS TO:

LEWISTOWN WATER RESOURCES REGIONAL OFFICE
613 NE MAIN ST, SUITE E
LEWISTOWN, MT 59457
PH: (406)538-7459
FAX: (406)538-7089

PUBLISHED IN: LEWISTOWN NEWS-ARGUS ON JUNE 22, 2016.