

# **PUBLIC NOTICE**

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

The following application has been submitted to change a water right in the State of Montana.

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION PROPOSES TO GRANT AN APPLICATION TO CHANGE A WATER RIGHT. 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: MAY 27, 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 1424 9TH AVENUE, PO BOX 201601, HELENA, MT 59620-1601 FAX: 406-444-9317 PHONE: 406-444-6999.

**Application Number :** 411 30071610

**Applicant :** PRICKLY PEAR SIMMENTAL RANCH INC  
% GARY BURNHAM  
2515 CANYON FERRY RD  
HELENA, MT 59602 1214

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

<b>Water Right Type</b>	<b>Water Right Number</b>	<b>Priority Date</b>
STATEMENT OF CLAIM	411 89799-00	MAY 24, 1875
STATEMENT OF CLAIM	411 89800-00	MAY 10, 1866
STATEMENT OF CLAIM	411 89803-00	OCTOBER 25, 1866
STATEMENT OF CLAIM	411 89804-00	APRIL 1, 1865
STATEMENT OF CLAIM	411 89819-00	OCTOBER 16, 1918
STATEMENT OF CLAIM	411 89820-00	OCTOBER 10, 1918
STATEMENT OF CLAIM	411 89821-00	OCTOBER 12, 1918
STATEMENT OF CLAIM	411 89822-00	OCTOBER 2, 1918

**PAST USE OF WATER**

THE PAST USE OF WATER FOR THE RIGHTS PROPOSED FOR CHANGE WAS IRRIGATION FROM PRICKLY PEAR CREEK WITH A POINT OF DIVERSION IN THE NENWSE OF SECTION 36, TOWNSHIP 10 NORTH, RANGE 3 WEST, LEWIS AND CLARK COUNTY. THE TOTAL FLOW RATE WAS 17.96 CFS, THE DIVERTED VOLUME WAS 2457 ACRE- FEET, AND THE CONSUMED VOLUME WAS 233.5 ACRE- FEET. THE PERIOD OF USE FOR THESE RIGHTS WAS 4/1 THROUGH 10/31.

**PROPOSED CHANGE**

THE APPLICANT PROPOSES TO CHANGE THE POINT OF DIVERSION FOR EIGHT IRRIGATION RIGHTS ON PRICKLY PEAR CREEK IN LEWIS AND CLARK COUNTY. THE HISTORIC POINT OF DIVERSION IS A HEADGATE IN THE NENWSE OF SECTION 36, TOWNSHIP 10 NORTH, RANGE 3 WEST, AND THE PROPOSED POINT OF DIVERSION IS AN EXISTING HEADGATE IN THE NWNWNW OF SECTION 25, TOWNSHIP 10 NORTH, RANGE 3 WEST. THE CHANGE IS BEING REQUESTED DUE TO THE ELIMINATION OF THE HISTORIC POINT OF DIVERSION AS A RESULT OF ONGOING REMEDIATION WORK AT THE FORMER ASARCO SMELTER SITE IN EAST HELENA.

**PUBLISHED IN:** INDEPENDENT RECORD ON APRIL 13, 2016.