

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: OCTOBER 10, 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 2705 SPURGIN RD, BLDG C, PO BOX 5004, MISSOULA, MT 59804-5004 FAX: 406-542-5899 PHONE: 406-721-4284.

Application Number : 76H 30102839

Applicant : MACK CAPERS
PO BOX 372
VICTOR, MT 59875 0372

WATER RIGHT NUMBER(S) BEING CHANGED

Water Right Type	Water Right Number	Priority Date
STATEMENT OF CLAIM Historical Flow Rate: 3.4 CFS	76H 10110-00 Historical Consumptive Volume: 267.90 AC-FT Historical Diverted Volume: 1,267.70 AC-FT	SEPTEMBER 1, 1882
STATEMENT OF CLAIM Historical Flow Rate: 2.96 CFS	76H 10111-00 Historical Consumptive Volume: 232.80 AC-FT Historical Diverted Volume: 1,103.70 AC-FT	JUNE 1, 1874

PAST USE OF WATER

HISTORICALLY, STATEMENT OF CLAIM NOS. 76H-10110-00 AND 76H-10111-00 WERE USED TO DIVERT A CUMULATIVE FLOW RATE OF 6.36 CFS UP TO 2,371.4 AF OF WATER FROM FRED BURR CREEK TO PROVIDE FLOOD IRRIGATION ON 352 ACRES. THE POINT OF DIVERSION ON FRED BURR CREEK IS IN THE SENWSE OF SECTION 14, T7N, R21W, RAVALLI COUNTY. THE 352-ACRE PLACE OF USE IS OVERLAPPING FOR BOTH STATEMENTS OF CLAIM: 154 ACRES IN THE SE OF SECTION 13, T7N, R21W; 50 ACRES IN THE E2SW OF SECTION 13 AND 148 ACRES IN THE SW OF SECTION 18, T7N, R20W, RAVALLI COUNTY. THE PERIOD OF DIVERSION AND USE FOR BOTH STATEMENTS OF CLAIM IS APRIL 15TH TO OCTOBER 19TH.

PROPOSED CHANGE

APPLICANT PROPOSES TO ADD A PLACE OF STORAGE AND CHANGE A PORTION OF THE PLACE OF USE FOR IRRIGATION STATEMENT OF CLAIM NOS. 76H-10110-00 AND 76H-10111-00. THE APPLICANT OWNS 61 OF THE 352 HISTORICALLY IRRIGATED ACRES AND PROPOSES TO ADD A 0.52 ACRE STORAGE RESERVOIR AND REDUCE THEIR PORTION OF THE PLACE OF USE FROM 61 TO 58 ACRES. THE STORAGE RESERVOIR AND 58-ACRE PLACE OF USE ARE ALL LOCATED WITHIN THE HISTORICAL PLACE OF USE FOR IRRIGATION IN THE SW OF SECTION 18, T7N, R20W, RAVALLI COUNTY. THE PERIOD OF DIVERSION AND USE WILL REMAIN UNCHANGED FOR BOTH STATEMENTS OF CLAIM.

PUBLISHED IN: RAVALLI REPUBLIC ON AUGUST 25, 2016.