

# 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: SEPTEMBER 2, 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 FAX: 406-538-7089 PHONE: 406-538-7459.

**Application Number :** 41S 30103036  
  
**Applicant :** BOS TERRA LP  
PO BOX 169  
HOBSON, MT 59452 0169

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

<b>Water Right Type</b>	<b>Water Right Number</b>	<b>Priority Date</b>
STATEMENT OF CLAIM Historical Flow Rate: 7.5 CFS	41S 7479-00 Historical Consumptive Volume: 162.30 AC-FT Historical Diverted Volume: 247.50 AC-FT	APRIL 20, 1890
STATEMENT OF CLAIM Historical Flow Rate: 3.75 CFS	41S 11663-00 Historical Consumptive Volume: 39.20 AC-FT Historical Diverted Volume: 59.80 AC-FT	MAY 7, 1890
STATEMENT OF CLAIM Historical Flow Rate: 825. GPM	41S 16518-00 Historical Consumptive Volume: 60.70 AC-FT Historical Diverted Volume: 92.60 AC-FT	MAY 7, 1890
STATEMENT OF CLAIM Historical Flow Rate: 825. GPM	41S 16519-00 Historical Consumptive Volume: 214.50 AC-FT Historical Diverted Volume: 327.00 AC-FT	APRIL 20, 1890
STATEMENT OF CLAIM Historical Flow Rate: 0.75 CFS	41S 16521-00 Historical Consumptive Volume: 60.70 AC-FT Historical Diverted Volume: 92.60 AC-FT	MAY 7, 1890

**PAST USE OF WATER**

SINCE THE INITIAL CHANGE IN POINT OF DIVERSION WAS AUTHORIZED IN 1977, STATEMENT OF CLAIM NOS. 41S 7479-00, 41S 11663-00, 41S 16518-00, 41S 16519-00 AND 41S 16521-00 HAVE HISTORICALLY DIVERTED A COMBINED PUMP CAPACITY FROM THE JUDITH RIVER OF 7.5 CUBIC FEET PER SECOND (CFS), A DIVERTED VOLUME OF UP TO 819.5 ACRE FEET (AF) AND A CONSUMED VOLUME OF UP TO 537.4 AF. THE CLAIMS WERE USED TO ACCOMODATE 427.6 ACRES OF PIVOT IRRIGATION IN SECTIONS 34 AND 35 T15N R15E AND SECTIONS 2 AND 3 T14N R15E, ALL IN JUDITH BASIN COUNTY. THE POINT OF DIVERSION IS LOCATED IN THE NWSWSE SECTION 32 T15N R15E WITH AN ASSOCIATED PERIOD OF DIVERSION AND USE FROM MAY 1 TO SEPTEMBER 1 ANNUALLY.

**PROPOSED CHANGE**

APPLICANT PROPOSES TO ADD OR CHANGE THE POINT OF DIVERSION AND CHANGE THE PLACE OF USE OF STATEMENT OF CLAIM NOS. 41S 7479-00, 41S 11663-00, 41S 16518-00, 41S 16519-00 & 41S 16521-00. THE PROPOSED POINT OF DIVERSION WILL DIVERT UP TO 7.5 CFS WITH AN ASSOCIATED VOLUME OF UP TO 597.1 AF AND IS LOCATED IN THE SENESE SECTION 27, T15N R15E. THE PLACES OF USE FOR CENTER PIVOT IRRIGATION ARE GENERALLY LOCATED IN THE SE1/4 SECTION 34 AND W2 SECTION 35, T15N R15E, AND N2 SECTION 3 AND E2 SECTION 4, T14N R15E, ALL IN JUDITH BASIN COUNTY. COLLECTIVELY, THE PLACES OF USE FOR THE FOUR PROPOSED CENTER PIVOTS ENCOMPASS 633.6 IRRIGATED ACRES, REPLACING AN EXISTING 427.6 IRRIGATED ACRES UNDER THREE CENTER PIVOTS. THE APPLICANT PROPOSES THAT THERE WILL BE AN EXPANSION OF ACRES IRRIGATED UNDER THE CHANGE, BUT NOT THE AMOUNT OF WATER HISTORICALLY CONSUMED (537.4 AF). ADDITIONALLY, ONLY 3 OF THE 4 CENTER PIVOTS WILL OPERATE SIMULTANEOUSLY.

**ADDITIONAL INFORMATION**

BOS TERRA LP, GREGORY AND KAREN GROVE, EARL AND ERNESTINA HARGROVE ARE ALL IDENTIFIED IN THE DEPARTMENTS RECORDS AS SHARED OWNERS OF TWO OF THE FIVE WATER RIGHTS PROPOSED TO BE CHANGED (41S 7479-00 & 41S 11663-00). HOWEVER, BOS TERRA LP IS THE ONLY WATER USER THAT HAS PROPOSED TO CHANGE ITS WATER RIGHTS IN THIS MATTER.

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