

# 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: 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 FAX: 406-587-9726 PHONE: 406-586-3136.

**Application Number:** 43B 30110234

**Applicant:** MURPHYS OX YOKE RANCH LP  
%SEAN MURPHY  
PO BOX 1693  
EMIGRANT, MT 59027 1693

## WATER RIGHT NUMBER(S) BEING CHANGED

<u>Water Right Type</u>	<u>Water Right Number</u>	<u>Priority Date</u>
STATEMENT OF CLAIM	43B 193524-00	MARCH 1, 1878
Historical Flow Rate: 58. GPM	Historical Consumptive Volume: 2.88 AC-FT	Historical Diverted Volume: 4.11 AC-FT
STATEMENT OF CLAIM	43B 193532-00	MARCH 1, 1878
Historical Flow Rate: 4.5 GPM	Historical Consumptive Volume: 3.58 AC-FT	Historical Diverted Volume: 3.58 AC-FT

## PAST USE OF WATER

STATEMENT OF CLAIM NO. 43B 193524-00  
UNDER STATEMENT OF CLAIM NO. 43B 193524-00, THE APPROPRIATOR HISTORICALLY DIVERTED SURFACE WATER AT A RATE OF 58 GPM FROM AN UNNAMED TRIBUTARY OF THE YELLOWSTONE RIVER, KNOWN LOCALLY AS MURPHY SPRING, FOR FLOOD IRRIGATION BETWEEN MAY 15 AND OCTOBER 15. THE PLACE OF USE IS 3 ACRES IN THE SESESE OF SECTION 28 AND 0.4 ACRES IN THE NENENE OF SECTION 33, T05 S, R08 E, PARK COUNTY - FOR A TOTAL OF 3.4 ACRES. THE POINT OF DIVERSION IS LOCATED IN THE SWNWNE OF SECTION 33, AND WATER WAS ALSO DIVERTED TO A SMALL ON-STREAM RESERVOIR IN THE SWNWNE OF SECTION 33.

STATEMENT OF CLAIM NO. 43B 193532-00  
UNDER STATEMENT OF CLAIM NO. 43B 193532-00, A CLAIMED 214 ANIMAL UNITS DRANK DIRECTLY FROM AN UNNAMED SURFACE WATER TRIBUTARY OF THE YELLOWSTONE RIVER, KNOWN LOCALLY AS MURPHY SPRING, BETWEEN DECEMBER 1 AND MAY 31. THE HISTORICAL PLACE OF USE AND POINT OF DIVERSION ARE THE SAME: AN 80-ACRE PASTURE IN THE NWNE OF SECTION 33 AND THE SWSE OF SECTION 28, T05 S, R08 E, PARK COUNTY. WATER WAS ALSO DIVERTED TO A SMALL ON-STREAM RESERVOIR IN THE NWNE OF SECTION 33.

## PROPOSED CHANGE

**FLOW RATE:** 32.50 GPM                      **VOLUME:** 6.46 AC-FT

THE APPLICANT PROPOSES TO CHANGE THE PURPOSE AND PLACE OF USE FOR STATEMENTS OF CLAIM NOS. 43B 193524-00 AND 43B 193532-00. THE NEW PURPOSE WOULD BE MITIGATION OF DEPLETIONS CAUSED BY PROVISIONAL PERMIT NO. 43B 30066938.

IRRIGATION UNDER STATEMENT OF CLAIM NO. 43B 193524-00 WILL BE DISCONTINUED, AND UP TO 2.88 AF OF WATER AT A RATE OF 28 GPM WILL BE DIVERTED TO THE NEW PLACE OF USE, A WETLAND CELL LOCATED IN THE NENENE OF SECTION 33, T05 S, R08 E, PARK COUNTY, BETWEEN SEPTEMBER 1 AND OCTOBER 15. THE REMAINING 1.24 AF OF HISTORICALLY DIVERTED BUT NOT CONSUMED WATER WILL BE LEFT INSTREAM AND ALLOWED TO FLOW INTO THE YELLOWSTONE RIVER.

STOCK WILL NO LONGER WATER FROM THE SOURCE UNDER STATEMENT OF CLAIM NO. 43B 193532-00, AND INSTEAD WATER WILL REMAIN INSTREAM FROM THE SPRINGS TO THEIR CONFLUENCE WITH THE YELLOWSTONE RIVER TO MITIGATE UP TO 3.58 AF OF DEPLETIONS BETWEEN DECEMBER 1 AND MAY 31.

## ADDITIONAL INFORMATION

THIS CHANGE APPLICATION IS PART OF THE MURPHY OX YOKE MITIGATION PLAN TO OFFSET ADVERSE

EFFECTS RELATED TO PROVISIONAL PERMIT NO. 43B 30066938, WHICH PROPOSES TO IRRIGATE 14 ACRES WITH GROUNDWATER FROM A WELL. IF THIS CHANGE IS APPROVED, STATEMENTS OF CLAIM NOS. 43B 193524-00 AND 43B 193532-00 WILL HAVE THE SAME PURPOSE, PLACE OF USE, AND POINT OF DIVERSION. THE SECOND CHANGE APPLICATION INVOLVED IN THE MITIGATION PLAN IS 43B 30110235, WHICH PROPOSES TO CHANGE WATER FROM A DIFFERENT SOURCE, FRIDLEY CREEK, TO MITIGATION. UNDER CHANGE APPLICATION 43B 30119489 BY MT FWP, AN ADDITIONAL VOLUME OF 6.82 AF PER YEAR AT AN AVERAGE FLOW RATE OF 8.5 GPM WILL BE LEFT INSTREAM IN THE YELLOWSTONE RIVER.

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