

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 30110235

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 Historical Flow Rate: 4.5 GPM	43B 193540-00 Historical Consumptive Volume: 3.58 AC-FT Historical Diverted Volume: 3.58 AC-FT	MARCH 1, 1878

PAST USE OF WATER

UNDER STATEMENT OF CLAIM NO. 43B 193540-00, A CLAIMED 214 ANIMAL UNITS DRANK DIRECTLY FROM FRIDLEY CREEK, A TRIBUTARY OF THE YELLOWSTONE RIVER, BETWEEN DECEMBER 1 AND MAY 31. THE HISTORICAL PLACE OF USE AND POINT OF DIVERSION ARE THE SAME: THE S2NE OF SECTION 33, T05 S, R08 E, PARK COUNTY.

PROPOSED CHANGE

FLOW RATE: 4.50 GPM **VOLUME:** 3.58 AC-FT

THE APPLICANT PROPOSES TO CHANGE THE PURPOSE AND PLACE OF USE FOR STATEMENT OF CLAIM NO. 43B 193540-00. THE NEW PURPOSE WOULD BE MITIGATION OF DEPLETIONS CAUSED BY PROVISIONAL PERMIT NO. 43B 30066938. STOCK WILL NO LONGER WATER FROM THE SOURCE, AND INSTEAD WATER WILL REMAIN INSTREAM ALONG A REACH OF FRIDLEY CREEK TO ITS 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. THE SECOND CHANGE APPLICATION INVOLVED IN THE MITIGATION PLAN IS 43B 30110234, WHICH PROPOSES TO CHANGE WATER FROM A DIFFERENT SOURCE, AN UNNAMED SURFACE WATER TRIBUTARY OF THE YELLOWSTONE RIVER, KNOWN LOCALLY AS MURPHY SPRING, 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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