

# 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: JUNE 15, 2020.** 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 :** 41J 30116554

**Applicant :** BAR Z RANCH INC  
122 BIRCH CREEK RD  
WHITE SULPHUR SPRINGS, MT 59645

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

<b>Water Right Type</b>	<b>Water Right Number</b>	<b>Priority Date</b>
STATEMENT OF CLAIM	41J 198907-00	FEBRUARY 3, 1903
Historical Flow Rate: 1.25 CFS	Historical Consumptive Volume: 14.60 AC-FT	Historical Diverted Volume: 111.40 AC-FT

**PAST USE OF WATER**

(MEAGHER COUNTY) STATEMENT OF CLAIM NO. 41J 198907 00 IS AN UNNAMED TRIBUTARY OF SHEEP CREEK RIGHT CLAIMED WITH A FLOW RATE OF 1.25 CFS TO IRRIGATE 25 ACRES IN SECTIONS 24 & 25 T12N R6E AND SECTIONS 19 & 30 T12N R7E. NINETEEN OF THE 25 ACRES ARE SUPPLEMENTAL WITH 41J 198908-00. THE POINT OF DIVERSION IS A HEADGATE IN THE SE NE NE SECTION 25 T12N R6E WITH AN ASSOCIATED PERIOD OF DIVERSION AND USE OF MAY 1 TO OCTOBER 15. THE SOURCE IS ALSO KNOWN AS COON CREEK AND HAS A CLAIMED PRIORITY DATE OF FEBRUARY 3, 1903.

**PROPOSED CHANGE**

APPLICANT SEEKS TO CHANGE STATEMENT OF CLAIM NO. 41J 198907 BY ADDING A PURPOSE OF USE AND PLACE OF USE. THE PROPOSAL INCLUDES THE ADDITIONAL PURPOSE OF MARKETING FOR MITIGATION, AT A FLOW RATE OF UP TO 1.25 CUBIC FEET PER SECOND (CFS) AND VOLUME COMMENSURATE WITH THE CONSUMPTION ASSOCIATED WITH THE HISTORIC WATER USE FOR IRRIGATION (14.6 ACRE-Feet (AF)). THE PRINCIPLE REASON THE WATER RIGHT IS PROPOSED FOR CHANGE AT THIS TIME IS BECAUSE APPLICANTS HAVE ENTERED AN AGREEMENT WITH TINTINA MONTANA, INC., TO SUPPLY WATER TO TINTINA'S BLACK BUTTE COPPER PROJECT, A PROPOSED UNDERGROUND COPPER MINE. UNDER APPLICANT'S PROPOSAL, IT WILL HAVE THE OPTION TO MARKET THE WATER RIGHT FOR MITIGATION PURPOSES DURING ANY GIVEN YEAR OR CONTINUE USE UNDER THE HISTORIC PURPOSE OF IRRIGATION. THE PLACE OF USE FOR MARKETING FOR MITIGATION IS AT THE EXISTING POINT OF DIVERSION IN THE SENENE SECTION 25 T12N R6E (THE POINT OF SALE FOR THE WATER RIGHT). THE SERVICE AREA FOR MARKETING FOR MITIGATION INCLUDES PORTIONS OF THE FOLLOWING SOURCES, GENERALLY LOCATED IN T12N R5E; T12N R6E; AND T12N R7E: COON CREEK AND SHEEP CREEK.

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