

# 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 30116557

**Applicant :** THORSON RANCH LLC  
418 SMITH RIVER RD  
WHITE SULPHUR SPRINGS, MT 59645 9618

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

<b>Water Right Type</b>	<b>Water Right Number</b>	<b>Priority Date</b>
STATEMENT OF CLAIM	41J 29452-00	JUNE 27, 1890
Historical Flow Rate: 7.5 CFS	Historical Consumptive Volume: 208.70 AC-FT	Historical Diverted Volume: 1,853.70 AC-FT

**PAST USE OF WATER**

(MEAGHER COUNTY) STATEMENT OF CLAIM NO. 41J 29452-00 IS AN ADAMS CREEK RIGHT CLAIMED WITH A FLOW RATE OF 7.5 CFS TO IRRIGATE 222 ACRES IN SECTIONS 25, 26 & 27, T12N R7E. THIRTY ACRES OF THE 222 ACRES ARE SUPPLEMENTAL WITH 41J 29449-00. THE POINTS OF DIVERSION ARE HEADGATES IN THE SENENE AND NENENE SECTION 26 T12N R7E WITH AN ASSOCIATED PERIOD OF DIVERSION AND USE OF MAY 1 TO SEPTEMBER 30. THE SOURCE IS ALSO KNOWN AS DEER CREEK AND HAS A CLAIMED PRIORITY DATE OF JUNE 27, 1890.

**PROPOSED CHANGE**

THE APPLICANT SEEKS TO CHANGE STATEMENT OF CLAIM NO. 41J 29452 BY ADDING TWO PURPOSES AND A PLACE OF USE FOR EACH ADDITIONAL PURPOSE. THE PROPOSAL INCLUDES THE ADDITIONAL PURPOSES OF MARKETING FOR MITIGATION AND AQUIFER RECHARGE. THE PROPOSED FLOW RATE FOR MARKETING FOR MITIGATION IS 7.5 CUBIC FEET PER SECOND (CFS) AND THE VOLUME IS COMMENSURATE WITH THE CONSUMPTION ASSOCIATED WITH THE HISTORIC WATER USE FOR IRRIGATION (208.7 ACRE-FEET (AF)). THE PROPOSED FLOW RATE FOR AQUIFER RECHARGE IS 1.39 CFS, OR 626 GALLONS PER MINUTE (GPM), AND THE VOLUME IS 83.0 AF. WATER ASSOCIATED WITH AQUIFER RECHARGE IS NON-CONSUMED, AS IT RETURNS TO THE STREAM IN THE NON-IRRIGATION SEASON. AQUIFER RECHARGE IS FOR PURPOSES OF REPLICATING OR MAINTAINING THE HISTORIC RETURN FLOW PATTERN IN TIMING, AMOUNT AND LOCATION. THE PRINCIPLE REASON THE WATER RIGHT IS PROPOSED FOR CHANGE IS BECAUSE APPLICANT HAS 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 ADDITIONAL PLACE OF USE FOR MARKETING FOR MITIGATION IS AT APPLICANT'S LOWER EXISTING POINT OF DIVERSION IN THE NWSENE SECTION 26 T12N R7E (THE DIVERSION STRUCTURE IS CONSIDERED TO BE 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: SHEEP CREEK, BLACK BUTTE CREEK, AND COON CREEK. THE PLACE OF USE FOR AQUIFER RECHARGE IS IN SECTION 26 T12N R7E (THE LOCATION OF AQUIFER RECHARGE BASINS).

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