

PUBLIC NOTICE

Notice to Water Users
(Pursuant to Section 85-2-307, MCA)

The following application has been submitted to appropriate water in the State of Montana.

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION PROPOSES TO GRANT AN APPLICATION FOR BENEFICIAL WATER USE PERMIT. 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: OCTOBER 16, 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, PHONE: 406-538-7459, .

IF ISSUED, THE RIGHT WILL BE SUBJECT TO PRIOR EXISTING WATER RIGHTS.

Application Number: 40C 30123160
Owners: KITE CATTLE CO
664 FATTIG CREEK RD
ROUNDUP, MT 59072 6424
Priority Date: OCTOBER 21, 2019 at 12:00 A.M.
Purpose (use): IRRIGATION
Maximum Flow Rate: 5.57 CFS
Maximum Volume: 66.40 AC-FT
Maximum Acres: 66.40
Source Name: MUSSELSHELL RIVER
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESENE	33	9N	28E	MUSSELSHELL

Period of Diversion: MAY 1 TO JUNE 30
SEPTEMBER 1 TO OCTOBER 31
Flow Rate: 5.57 CFS

Diversion Means: PUMP

Purpose (Use): IRRIGATION
Irrigation Type: FLOOD
Climatic Area: 1 - HIGH
Volume: 66.40 AC-FT
Period of Use: SEPTEMBER 1 to OCTOBER 31
MAY 1 to JUNE 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	11.60		SENE	33	9N	28E	MUSSELSHELL
2	54.80		W2	34	9N	28E	MUSSELSHELL
Total:	66.40						

Remarks:

WATER MEASUREMENT INFORMATION

1. WATER MEASUREMENT RECORDS REQUIRED:
THE APPROPRIATOR SHALL INSTALL A DEPARTMENT-APPROVED WATER USE MEASURING DEVICE AT THE FOLLOWING POINT:

IN THE MEANS OF CONVEYANCE (PIPELINE) BETWEEN THE PUMP AND THE IRRIGATION SYSTEM, IN ORDER TO MEASURE APPROPRIATIONS FROM THE MUSSELSHELL RIVER. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. THE DEVICE TYPE AND LOCATION MUST BE APPROVED BY THE DEPARTMENT BEFORE WATER IS DIVERTED UNDER THIS PERMIT. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE FLOW RATE AND VOLUME OF WATER DIVERTED, INCLUDING THE PERIOD

OF TIME. RECORDS MUST ACCOUNT SEPARATELY FOR ANY APPROPRIATIONS UNDER THIS PERMIT FROM APPROPRIATIONS UNDER ANY OTHER WATER RIGHT (INCLUDING WATER ACQUIRED FROM DEADMANS BASIN).

RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT RECORDS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE LEWISTOWN WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE AND VOLUME ACCURATELY.

WATER MEASUREMENT INFORMATION

2. IMPORTANT INFORMATION:

THE APPROPRIATOR IS SUBJECT TO ENFORCEMENT OF WATER RIGHTS ADMINISTERED BY THE FOURTEENTH JUDICIAL DISTRICT COURT. AT TIMES WHEN THE DISTRIBUTION PROJECT IS NOT OCCURRING, THE APPROPRIATOR MUST ADHERE TO CERTAIN MINIMUM STREAM FLOW CONDITIONS PRIOR TO DIVERTING WATER. ALTHOUGH THE FOLLOWING CONDITION SPECIFIES CERTAIN STREAM FLOW LEVELS, IT IS THE APPROPRIATORS RESPONSIBILITY TO CEASE DIVERSIONS WHEN ITS WATER RIGHT IS "CALLED" BY SENIOR WATER USERS.

THE APPROPRIATOR SHALL DIVERT WATER DURING THE PERIOD OF APPROPRIATION ONLY WHEN THE FLOW RATE AT USGS GAUGING STATION NO. 06127500 (MUSSELSHELL RIVER AT MUSSELSHELL, MONTANA) INDICATES A FLOW IN EXCESS OF 80 CUBIC FEET PER SECOND. IN THE EVENT GAUGE NO. 06127500 IS NOT IN OPERATION, THE APPROPRIATOR SHALL USE USGS GAUGING STATION NO. 06126500 (MUSSELSHELL RIVER AT ROUNDUP) AS THE REFERENCE GAUGE, IN WHICH CASE THE ROUNDUP GAUGE MUST INDICATE A FLOW IN EXCESS OF 80 CUBIC FEET PER SECOND. THESE FLOWS MUST BE CHECKED DAILY WHEN APPROPRIATING WATER. THE CURRENT INTERNET ADDRESS IS: [HTTP://WATERDATA.USGS.GOV/MT/NWIS/CURRENT?TYPE=FLOW](http://waterdata.usgs.gov/mt/nwis/current?type=flow).

PUBLISHED IN: ROUNDUP RECORD TRIBUNE ON SEPTEMBER 2, 2020.