

# **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: MARCH 4, 2022.** 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 1424 9TH AVENUE, PO BOX 201601, HELENA, MT 59620-1601 FAX: 406-444-9317 PHONE: 406-444-6999.

**Application Number:** 411 30115516

**Applicant:** MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS  
PO BOX 200701  
HELENA, MT 59620 0701

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

<b><u>Water Right Type</u></b>	<b><u>Water Right Number</u></b>	<b><u>Priority Date</u></b>
STATEMENT OF CLAIM	411 37797-00	MAY 1, 1868
Historical Flow Rate: 2.75 CFS	Historical Consumptive Volume: 219.70 AC-FT	Historical Diverted Volume: 450.70 AC-FT
STATEMENT OF CLAIM	411 37798-00	MAY 1, 1868
Historical Flow Rate: 1.88 CFS	Historical Consumptive Volume: 171.20 AC-FT	Historical Diverted Volume: 350.50 AC-FT
STATEMENT OF CLAIM	411 37799-00	MARCH 1, 1870
Historical Flow Rate: 3. CFS	Historical Consumptive Volume: 201.40 AC-FT	Historical Diverted Volume: 413.60 AC-FT

## **PAST USE OF WATER**

THE THREE WATER RIGHTS PROPOSED FOR CHANGE IN THIS APPLICATION HISTORICALLY IRRIGATED THE SAME 476 ACRE PLACE OF USE IN THE SWSW SEC 10, W2W2 SEC 15, AND THE NE, E2NW, N2SE SEC 16, 6N, 2E, BROADWATER CO. THE HISTORIC POINT OF DIVERSION IS LOCATED ON DEEP CREEK IN THE SWSWSE OF SECTION 3, T6N, R2E, BROADWATER COUNTY. THE HISTORIC DIVERTED VOLUME WAS 1214.8 AF AND THE HISTORIC DIVERTED FLOW RATE WAS 4.25 CFS

## **PROPOSED CHANGE**

APPLICANT PROPOSES TO CEASE FLOOD IRRIGATION OF 476 ACRES FROM DEEP CREEK. UNDER A LEASE AGREEMENT WITH MONTANA FISH, WILDLIFE, AND PARKS, 4.15 CFS OF THE CLAIMED HISTORIC DIVERTED FLOW RATE UP TO 1186.7 ACRE-FEET IN VOLUME IS PROPOSED TO BE PROTECTED INSTREAM FOR FISHERIES FROM THE HISTORIC DIVERSION IN THE SWSWSE OF SECTION 3, T6N, R2E, BROADWATER COUNTY FOR 4.5 MILES TO THE CONFLUENCE WITH THE MISSOURI RIVER IN THE NENWSE OF SECTION 7, T6N, R2E, BROADWATER COUNTY. THE PROPOSED PERIOD OF DIVERSION IS MAY 3 THROUGH SEPTEMBER 23. THE PROPOSED CHANGE IS TEMPORARY FOR A 10 YEAR PERIOD.

**PUBLISHED IN:** INDEPENDENT RECORD ON JANUARY 19, 2022.