

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 17, 2023. 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 2705 SPURGIN RD, BLDG C, PO BOX 5004, MISSOULA, MT 59804-5004 FAX: 406-542-5899 PHONE: 406-721-4284.

Application Number: 76M 30150596

Applicant: MLH MONTANA LLC
1457 130TH AVE NE
BELLEVUE, WA 98005 2253

WATER RIGHT NUMBER(S) BEING CHANGED

<u>Water Right Type</u>	<u>Water Right Number</u>	<u>Priority Date</u>
PROVISIONAL PERMIT Historical Flow Rate: 6,000. GPM	76M 2789-00 Historical Consumptive Volume: 1,557.00 AC-FT Historical Diverted Volume: 6,768.50 AC-FT	JULY 2, 1974
STATEMENT OF CLAIM Historical Flow Rate: 2,000. GPM	76M 118475-00 Historical Consumptive Volume: 93.90 AC-FT Historical Diverted Volume: 208.80 AC-FT	APRIL 21, 1966
STATEMENT OF CLAIM Historical Flow Rate: 2,000. GPM	76M 118477-00 Historical Consumptive Volume: 425.00 AC-FT Historical Diverted Volume: 2,047.30 AC-FT	APRIL 21, 1966
STATEMENT OF CLAIM Historical Flow Rate: 2,000. GPM	76M 118478-00 Historical Consumptive Volume: 425.00 AC-FT Historical Diverted Volume: 2,047.30 AC-FT	APRIL 21, 1966
STATEMENT OF CLAIM Historical Flow Rate: 2,000. GPM	76M 118480-00 Historical Consumptive Volume: 93.90 AC-FT Historical Diverted Volume: 208.80 AC-FT	APRIL 21, 1966
STATEMENT OF CLAIM Historical Flow Rate: 2,000. GPM	76M 118484-00 Historical Consumptive Volume: 93.90 AC-FT Historical Diverted Volume: 208.80 AC-FT	APRIL 21, 1966
STATEMENT OF CLAIM Historical Flow Rate: 2,000. GPM	76M 118485-00 Historical Consumptive Volume: 425.00 AC-FT Historical Diverted Volume: 2,047.30 AC-FT	APRIL 21, 1966
STATEMENT OF CLAIM Historical Flow Rate: 2,000. GPM	76M 118490-00 Historical Consumptive Volume: 93.90 AC-FT Historical Diverted Volume: 208.80 AC-FT	APRIL 21, 1966
STATEMENT OF CLAIM Historical Flow Rate: 2,000. GPM	76M 118491-00 Historical Consumptive Volume: 425.00 AC-FT Historical Diverted Volume: 2,047.30 AC-FT	APRIL 21, 1966
STATEMENT OF CLAIM Historical Flow Rate: 2,000. GPM	76M 118492-00 Historical Consumptive Volume: 425.00 AC-FT Historical Diverted Volume: 2,047.30 AC-FT	JUNE 12, 1973
STATEMENT OF CLAIM	76M 118494-00 Historical Consumptive Volume: 425.00 AC-FT Historical Diverted Volume: 2,047.30 AC-FT	JUNE 12, 1973

Historical Flow Rate: 2,000. GPM	Historical Consumptive Volume: 93.90 AC-FT
	Historical Diverted Volume: 208.80 AC-FT
STATEMENT OF CLAIM	76M 118495-00 AUGUST 12, 1961
Historical Flow Rate: 2,000. GPM	Historical Consumptive Volume: 425.00 AC-FT
	Historical Diverted Volume: 2,047.30 AC-FT
STATEMENT OF CLAIM	76M 118497-00 AUGUST 12, 1961
Historical Flow Rate: 2,000. GPM	Historical Consumptive Volume: 93.90 AC-FT
	Historical Diverted Volume: 208.80 AC-FT

PAST USE OF WATER

9 GROUNDWATER WELLS WERE HISTORICALLY USED AT THE FORMER SMURFIT-STONE CONTAINER MILL FOR THE PURPOSES OF INDUSTRIAL AND POWER GENERATION AT A COMBINED RATE OF 16,000 GPM UP 20,305.1 AF OF DIVERTED VOLUME. THE POINTS OF DIVERSION ARE LOCATED IN THE SW 1/4 OF SECTION 25, T14N, R21W

PROPOSED CHANGE

THE APPLICANT WILL NO LONGER DIVERT 16,000 GPM UP TO A VOLUME OF 20,305.1 AF OF WATER FROM THE 9 WELLS, REDUCING THEIR CONSUMPTIVE USE BY 4,671.0 AF. THIS PROPOSED CHANGE WILL CHANGE THE POINT OF DIVERSION OF EACH WATER RIGHT SUCH THAT ALL THE WELLS IN THE FAIRBANKS WELL FIELD ARE INCLUDED AS POINTS OF DIVERSION ON ALL OF THE WATER RIGHTS THAT ARE ASSOCIATED WITH THAT WELL FIELD. THE PURPOSE OF EACH WATER RIGHT WILL BE CHANGED FROM INDUSTRIAL OR POWER GENERATION TO MARKETING FOR MITIGATION. THE PLACE OF USE FOR MARKETING FOR MITIGATION PURPOSE CONSISTS OF A REACH OF THE CLARK FORK RIVER BEGINNING IN THE SE OF SECTION 36, T14N, R21W, AND ENDS AT THE NOXON RAPIDS DAM LOCATED IN THE S2S2 OF SECTION 33, T26N, R32W, SANDERS COUNTY.

PUBLISHED IN: MISSOULIAN ON JANUARY 4, 2023.