

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 <https://dnrc.mt.gov/Water-Resources/Water-Rights/application-status-environmental-assessments/>.

OBJECTION DEADLINE: AUGUST 9, 2024. THE DEPARTMENT CAN ONLY ACCEPT OBJECTIONS FILED ON AN OBJECTION TO APPLICATION, FORM 611. MAIL THE COMPLETED FORM AND THE \$50.00 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.

Application Number: 40C 30160642

Applicant: R & S GOFFENA RANCH INC
18335 US HIGHWAY 12 E
ROUNDUP, MT 59072 6116

WATER RIGHT NUMBER(S) BEING CHANGED

<u>Water Right Type</u>	<u>Water Right Number</u>	<u>Priority Date</u>
STATEMENT OF CLAIM	40C 215290-00	JUNE 30, 1973
Historical Flow Rate: 2.01 CFS	Historical Consumptive Volume: 43.60 AC-FT	
	Historical Diverted Volume: 169.00 AC-FT	
STATEMENT OF CLAIM	40C 30154264	MAY 31, 1904

PAST USE OF WATER

PAST USE OF WATER FOR STATEMENT OF CLAIM NO. 40C 30154264 WAS FOR IRRIGATION. APPROPRIATED WATER WAS SOURCED FROM THE MUSSELSHELL RIVER AT A POINT IN THE SENWNW OF GOVT LOT 1 SENWNW SECTION 1, TOWNSHIP 8 NORTH RANGE 27 EAST MUSSELSHELL COUNTY. DIVERSION OCCURED FROM APRIL 1 TO SEPTEMBER 30 AT A MAXIMUM RATE OF 5.00 CFS FOR FLOOD IRRIGATION OF A 18.32 ACRE PLACE OF USE IN THE S2NESE OF SECTION 36 AND A 7.59 ACRE PLACE OF USE IN THE S2NWSE OF SECTION 36, BOTH IN MUSSELSHELL COUNTY. PERIOD OF DIVERSION AND PERIOD OF USE WERE BOTH APRIL 1 TO SEPTEMBER 30. THE HISOTRICAL USE OF STATEMENT OF CLAIM NO. 40C 30154264 IS A DIVERTED VOLUME OF 104.6 AF AND A CONSUMED VOLUME OF 31.40 AF.

PAST USE OF WATER FOR STATEMENT OF CLAIM NO. 40C 215290-00 WAS ALSO FOR IRRIGATION, SOURCED FROM THE MUSSLESHELL RIVER IN THE NESESE SECTION 35 TOWNSHIP 9 NORTH RANGE 27 EAST MUSSELSHELLLL COUNTY. THIS WATER RIGHT WAS FILED FOR 2.01 CFS FLOW RATE ON A MAXIMUM 36.00 AC. HISTORICAL DIVERTED VOLUME IS 145.30 AF AND HISTORICAL CONSUMPTIVE VOLUME IS 43.60 AF. WATER IS SOURCED FROM THE MUSSELSHELL RIVER, VIA MEANS OF A PUMP, FOR THE PURPOSE OF FLOOD IRRIGATION. THE SINGLE PLACE OF USE IS IN THE SW OF SECTION 36 TOWNSHIP 9 NORTH RANGE 27 EAST IN MUSSELSHELL COUNTY. THE PERIOD OF USE AND PERIOD OF DIVERSION IS APRIL 1 TO OCTOBER 15. WATER WAS CONVEYED TO THE PLACE OF USE BY MEANS OF PIPELINE. PERIOD OF DIVERSION AND PERIOD OF USE ARE BOTH APRIL 1 TO OCTOBER 15. THE HISOTRICAL USE OF STATEMENT OF CLAIM NO. 40C 215290-00 IS A DVIVERTED VOLUME OF 145.3 AF AND A CONSUMED VOLUME OF 43.60 AF.

THE APPLICANT EXPLAINED THAT HISTORICALLY DIVERSION/IRRIGATION HAS OCCURED IN THREE, 10-DAY INTERVALS, IN EARLY JUNE, LATE JULY, AND AUGUST. HISTORIC CONSUMPTIVE USE FOR STATEMENT OF CLAIM NO. 40C 30154264'S HISTORIC PLACES OF USE WAS CALCULATED AS PART OF THIS CHANGE AUTHORIZATION, PER ARM 36.12.1902(16). THE HISTORIC CONSUMPTIVE USE FOR STATEMENT OF CLAIM NO. 40C 215290-00 WAS CALCULATED WHEN THE CLAIM UNDERWENT CHANGE AUTHORIZATION 40C 30155439. THE COMBINED DIVERTED VOLUME IS 249.90 AF AND THE COMBINED CONSUMED VOLUME IS 75.00 AF.

PROPOSED CHANGE

FLOW RATE: 5.00 CFS **VOLUME:** 249.90 AC-FT **ACRES:** 61.91

THE APPLICANT'S PROPOSED CHANGE IS TO REPLACE THE RESPECTIVE POINTS OF DIVERSION FOR THE SUBJECT WATER RIGHTS WITH A SINGLE, COMMON POINT OF DIVERSION IN THE SENESW SECTION 36 TOWNSHIP 9 NORTH RANGE 27E MUSSELSHELL COUNTY. THE SUBJECT RIGHTS WILL BECOME ASSOCIATED RIGHTS BASED ON THIS SHARED POINT OF DIVERSION AND MEANS OF CONVEYANCE. THE CHANGE IS BEING PROPOSED DUE TO CHANNEL SHIFTING AND FLOOD WASHOUTS TO THE MUSSELSHELL RIVER, WHICH HAVE RENDERED THE CURRENT POINTS OF DIVERSION UNUSABLE. THE NEW POINT OF DIVERSION WILL BE A PUMP IN THE MUSSELSHELL RIVER. THE PROPOSED POINT OF DIVERSION IS 1.5-MILES DOWNSTREAM OF THE HISTORIC POINT OF DIVERSION FOR STATEMENT OF CLAIM NO. 40C 30154264 AND 0.8-MILES DOWNSTREAM OF STATEMENT OF CLAIM NO. 40C 215290-00'S HISTORIC POINT OF DIVERSION. FROM THE PUMP, APPROXIMATELY 500-FEET OF BURIED 15-INCH PIPELINE WILL TIE INTO ROUGHLY 8,400-FEET OF 12-INCH

GATED-PIPE. THE GATED PIPE WILL IRRIGATE THE TWO SUBJECT WATER RIGHTS' SEPARATE, BUT ADJACENT HISTORIC PLACES OF USE, WHICH WILL REMAIN UNCHANGED. THE NEW PUMP SITE WILL CONVEY UP TO 5.00 CFS FOR THE FLOOD IRRIGATION OF THE 61.91 CUMULATIVE ACRES (25.91 AC FOR STATEMENT OF CLAIM NO. 40C 30154264; 36.00 AC FOR STATEMENT OF CLAIM NO. 40C 215290-00) COMPRISING THE TWO SUBJECT WATER RIGHTS' ADJOINING PLACES OF USE. THE REQUESTED FLOW RATE FOR CLAIM NO. 40C 30154264 IS 3.50 CFS, A REDUCTION FROM THE CURRENT MAXIMUM FLOW RATE OF 5.00 CFS. THE NEEDED FLOW RATE FOR STATEMENT OF CLAIM NO. 40C 215290-00 WAS STATED BY THE APPLICANT TO BE 1.50 CFS, A REDUCTION FROM 2.01 CFS. THE CHANGE SEEKS TO PROTECT THE COMBINED HISTORICALLY DIVERTED VOLUME OF 249.90 AF. PERIODS OF DIVERSION AND PERIODS OF USE FOR BOTH SUBJECT RIGHTS ARE PROPOSED TO REMAIN THE SAME AS THE HISTORICAL PERIODS.

ADDITIONAL INFORMATION

THE APPROPRIATOR SHALL INSTALL A MEASURING DEVICE IN THE CONVEYANCE FACILITY AS NEAR AS PRACTICAL TO THE PUMP SITE, IN ORDER TO MEASURE APPROPRIATIONS. THE TYPE AND LOCATION OF THE DEVICE MUST BE APPROVED BY THE DEPARTMENT. THE APPROPRIATOR SHALL KEEP A WRITTEN RECORD OF THE FLOW RATE AND VOLUME OF WATER DIVERTED, INCLUDING THE PERIOD OF TIME OF DIVERSION. RECORDS MUST ACCOUNT SEPARATELY FOR ANY APPROPRIATIONS UNDER THIS AUTHORIZATION FROM APPROPRIATIONS UNDER ANY OTHER WATER RIGHT USING THE SAME DIVERSION WORKS AND CONVEYANCE FACILITY. RECORDS SHALL BE SUBMITTED BY DECEMBER 31 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS AS REQUIRED BY THESE CONDITIONS MAY BE CAUSE FOR REVOCATION OF THE CHANGE. THE RECORDS MUST BE SENT TO THE LEWISTOWN WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING/MONITORING DEVICE, SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE ACCURATELY DURING PERIODS OF APPROPRIATION.

THE SUBJECT RIGHTS WILL BECOME ASSOCIATED AS BOTH WATER RIGHTS ARE DIVERTED INTO THE SAME POINT OF DIVERSION. THE MAXIMUM FLOW RATE THAT MAY BE DIVERTED AT THIS POINT OF DIVERSION WITH BOTH WATER RIGHTS CANNOT EXCEED 5.00 CFS.

PUBLISHED IN: ROUNDUP RECORD TRIBUNE ON JULY 10, 2024.