

# NOTICE OF RECEIPT WATER RIGHT APPLICATION

(Pursuant to Section § 85-2-307(1), MCA)

Summarized below are the application details as described in an Application to Change of Appropriation Water Right received by the Department of Natural Resources & Conservation on DECEMBER 19, 2025. This notice reflects the application details only as originally submitted. The notice does not reflect changes to the application details made during the review process.

**Application Number:** 40C 30170690  
**Applicant:**  
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## **WATER RIGHT NUMBER(S) BEING CHANGED**

Water Right Type	Water Right Number	Priority Date
STATEMENT OF CLAIM	40C-19338	DECEMBER 31, 1947
STATEMENT OF CLAIM	40C-167385	OCTOBER 1, 1908
STATEMENT OF CLAIM	40C-167386	OCTOBER 1, 1908
STATEMENT OF CLAIM	40C-167387	JULY 13, 1963
STATEMENT OF CLAIM	40C-167389	MAY 12, 1969

Historical Flow Rate: 1.82 CFS      Historical Consumptive Volume: 36.93 AC-FT  
Historical Diverted Volume: 56.82 AC-FT

## **PAST USE OF WATER**

THE HISTORICAL DIVERSION FOR 40C 167385-00 WAS 1.71 CFS FROM THE SWSESE SEC. 29, T12N, R31E, AND THE PLACE OF USE WAS 45 ACRES IN THE W2NESE, NWSE, NWSESE, AND E2NESW SEC. 29, T12N, R31E, ROSEBUD COUNTY. THE HISTORICAL DIVERSION FOR 40C 167386-00 WAS 0.61 CFS FROM THE SWSESE SEC. 29, T12N, R31E, NWSWNW SEC. 33, T12N, R31E, AND NWSWNW SEC. 33, T12N, R31E, AND THE PLACE OF USE WAS 16 ACRES IN THE SWNENE, NWSNE, AND SWSENE SEC. 32, T12N, R31E, ROSEBUD COUNTY. THE HISTORICAL DIVERSION FOR 40C 167387-00 WAS 2.05 CFS FROM THE NWNWSE SEC. 20, T12N, R31E, AND THE PLACE OF USE WAS 54 ACRES IN THE SWNE, SENW, AND NWSE SEC. 20, T12N, R31E, PETROLEUM COUNTY. THE HISTORICAL DIVERSION FOR 40C 167389-00 WAS 1.82 CFS FROM THE NESENW SEC. 29, T12N, R31E, AND THE PLACE OF USE WAS 37 ACRES IN THE S2NENW, SENWNW, N2SENW, AND SWNW SEC. 29, T12N, R31E, ROSEBUD COUNTY. THE HISTORICAL DIVERSION FOR 40C 19338-00 WAS 3.12 CFS FROM THE SESENE SEC. 32, T12N, R31E, AND THE PLACE OF USE WAS 35 ACRES IN THE NE SEC. 32, T12N, R31E, AND W2NWNW SEC. 33, T12N, R31E, ROSEBUD COUNTY. THE PERIOD OF DIVERSION AND USE FOR 40C 167385-00, 40C 167386-00, 40C 167387-00, AND 40C 167389-00 IS FROM 5/1 TO 10/15 EACH YEAR. THE PERIOD OF DIVERSION AND USE FOR 40C 19338-00 IS 5/1 TO 9/30 EACH YEAR. ALL ARE DIVERTED FROM THE MUSSELSHELL RIVER.

## **PROPOSED CHANGE**

THE APPLICANTS PROPOSE TO CHANGE THE POINTS OF DIVERSION AND PLACES OF USE FOR WATER RIGHT NOS. 40C 167385-00, 40C 167386-00, 40C 167387-00, 40C 167389-00, AND 40C 19338-00. THE PROPOSED DIVERSION IS A TRANSITORY PUMP IN THE MUSSELSHELL RIVER THAT MAY BE MOVED ANYWHERE ALONG THE APPLICANT'S PROPERTY BOUNDARY BETWEEN THE W2SESE SEC. 29 AND THE NWNESW SEC. 29, T12N, R31E, ROSEBUD COUNTY. THE PROPOSED FLOW RATE IS 3.7 CFS FROM 5/1 TO 10/15. THE PROPOSED PLACE OF USE IS 102 ACRES IN THE W2 SEC. 28, AND 84.4 ACRES IN THE E2 SEC. 29, T12N, R31E, ROSEBUD COUNTY FROM 5/1 TO 10/15.

In general, the Department will make a draft preliminary determination to grant or deny this application within 60 or 120 days of the date the application is deemed and correct and complete (60 days if a preapplication meeting was held, 120 days if a preapplication meeting was not held). That date is currently unknown as the application has not yet been determined to be correct and complete. If the draft preliminary determination is to grant the application, the application will be published in the local newspaper and a notice will be sent to appropriators who, according to the department records, may be affected by the proposed appropriation. Individuals will have 30 days to submit a public comment about this application under §85-2-307, MCA, after the application has been published in the newspaper. If public comments are received, the Department will consider the public comments and update the preliminary determination. If the preliminary determination is to grant the application, the application will again be published in a local newspaper and a notice will be sent to anyone who submitted a public comment, along with appropriators who, according to the department records may be affected by the proposed appropriation. Individuals will have 30 days to submit an objection under §85-2-308, MCA, after the application has been published in the newspaper.