

PUBLIC NOTICE

PUBLIC COMMENT PERIOD

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 DRAFT 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/>.

PUBLIC COMMENT DEADLINE: MAY 17, 2026. PUBLIC COMMENTS MUST BE FILED ON A PUBLIC COMMENT FORM, FORM 654, AND MUST BE RECEIVED BY THE STATED DEADLINE. THE FORM IS AVAILABLE ON THE DEPARTMENT'S WEBSITE OR CAN BE OBTAINED FROM ANY WATER RESOURCES REGIONAL OFFICE. MAIL PAPER COPIES OF THE COMPLETED FORM TO: DNRC WATER RIGHTS BUREAU, PO BOX 201601, HELENA, MT 59620-1601. SUBMIT ELECTRONIC COPIES OF THE COMPLETED FORM TO: DNRCWATERRIGHTSCOMMENTOBJECTION@MT.GOV. PER 85-2-307(5)(C), MCA, IF NO PUBLIC COMMENTS ARE RECEIVED, THE DRAFT PD WILL BE ADOPTED AS FINAL AND THERE WILL BE NO OPPORTUNITY TO OBJECT TO THIS APPLICATION.

DIRECT ANY QUESTIONS PERTAINING TO THE APPLICATION, OR REQUESTS TO OBTAIN THE DRAFT PD OR PUBLIC COMMENT FORM TO THE WATER RESOURCES OFFICE AT 1371 RIMTOP DRIVE, BILLINGS, MT 59105-1978 FAX: 406-247-4416 PHONE: 406-247-4415.

Application Number: 40C 30170690

Applicant: NATALIE C BOYD
PO BOX 188
MELSTONE, MT 59054 0188

PAUL J BOYD
PO BOX 188
MELSTONE, MT 59054 0188

WATER RIGHT NUMBER(S) BEING CHANGED

<u>Water Right Type</u>	<u>Water Right Number</u>	<u>Priority Date</u>
STATEMENT OF CLAIM Historical Flow Rate: 3.12 CFS	40C 19338-00 Historical Consumptive Volume: 36.86 AC-FT Historical Diverted Volume: 46.07 AC-FT	DECEMBER 31, 1947
STATEMENT OF CLAIM Historical Flow Rate: 1.71 CFS	40C 167385-00 Historical Consumptive Volume: 44.92 AC-FT Historical Diverted Volume: 69.11 AC-FT	OCTOBER 1, 1908
STATEMENT OF CLAIM Historical Flow Rate: 273.77 GPM	40C 167386-00 Historical Consumptive Volume: 15.97 AC-FT Historical Diverted Volume: 24.57 AC-FT	OCTOBER 1, 1908
STATEMENT OF CLAIM Historical Flow Rate: 2.05 CFS	40C 167387-00 Historical Consumptive Volume: 53.90 AC-FT Historical Diverted Volume: 82.93 AC-FT	JULY 13, 1963
STATEMENT OF CLAIM Historical Flow Rate: 1.82 CFS	40C 167389-00 Historical Consumptive Volume: 36.93 AC-FT Historical Diverted Volume: 56.82 AC-FT	MAY 12, 1969

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 SWNE, NWSENE, 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 NESENE SEC. 29, T12N, R31E, AND THE PLACE OF USE WAS 37 ACRES IN THE S2NENW, SENWNW, N2SENE, 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 FOR IRRIGATION.

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 9/30.

THE PROPOSED PLACE OF USE IS 102 ACRES IN THE W2 SEC. 28, 44 ACRES IN THE NE, 37.2 ACRES IN THE SE, AND 2.5 ACRES IN THE E2NESW SEC. 29, T12N, R31E, ROSEBUD COUNTY FROM 5/1 TO 9/30.

ADDITIONAL INFORMATION

THE PROPOSED CHANGE WILL TAKE FIVE SEPARATE IRRIGATION SYSTEMS WHICH HAD DIFFERENT POINTS OF DIVERSION AND DIFFERENT PLACES OF USE AND COMBINE THEM INTO A SINGLE SYSTEM WITH ONE TRANSITORY PUMP SYSTEM AND ONE OVERLAPPING PLACE OF USE.

PUBLISHED IN: ROUNDUP RECORD TRIBUNE ON APRIL 17, 2026.