

# **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.

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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: MARCH 16, 2026.** 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. SUBMIT ELECTRONIC COPIES OF THE COMPLETED FORM TO: DNRCWATERRIGHTSCOMMENTOBJECTION@MT.GOV. IF YOU SUBMIT THE FORM ELECTRONICALLY, MAIL THE \$50.00 FILING FEE TO THE ADDRESS ABOVE OR PAY BY PHONE AT (406) 444-6610 BY THE DEADLINE SPECIFIED.

DIRECT ANY QUESTIONS PERTAINING TO THE APPLICATION, TO OBTAIN THE PD OR OBJECTION FORM TO THE WATER RESOURCES OFFICE AT 2273 BOOT HILL COURT, SUITE 110, BOZEMAN, MT 59715-7249 FAX: 406-587-9726 PHONE: 406-586-3136.

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**Application Number:** 41G 30159590

**Applicant:**  
JENNIFER B MITCHELL  
131 CARNEY LN  
WHITEHALL, MT 59759 9536  
  
ROSS P MITCHELL  
131 CARNEY LN  
WHITEHALL, MT 59759 9536

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

<b>Water Right Type</b>	<b>Water Right Number</b>	<b>Priority Date</b>
PROVISIONAL PERMIT	41G 30153029	APRIL 5, 1995
		Historical Consumptive Volume: 110.56 AC-FT
		Historical Diverted Volume: 138.20 AC-FT

### **PAST USE OF WATER**

PROVISIONAL PERMIT 41G 30153029 HAS BEEN USED TO IRRIGATE 63.1 ACRES IN THE E2NE SECTION 26, T1S, R5W, MADISON COUNTY, MONTANA. WATER WAS HISTORICALLY DIVERTED FROM A GROUNDWATER WELL FROM APRIL 15 TO OCTOBER 15. THE MAXIMUM HISTORICALLY DIVERTED VOLUME IS 138.2 AF AND THE MAXIMUM HISTORICALLY CONSUMED VOLUME IS 110.56 AF. PERMIT 41G 30153029 HAS NO FLOW RATE.

### **PROPOSED CHANGE**

THE APPLICANT PROPOSES TO CHANGE THE POINT OF DIVERSION FOR PERMIT 41G 30153029. THE PROPOSED POINT OF DIVERSION IS A WELL LOCATED IN THE NESENE SECTION 26, T1S, R5W, MADISON COUNTY. THE HISTORICAL POINT OF DIVERSION WILL NO LONGER BE USED BY 41G 30153029. WATER WILL CONTINUE TO BE USED FOR IRRIGATION OF 63.1 ACRES IN THE E2NE SECTION 26, T1S, R5W, MADISON COUNTY. NO CHANGES TO PLACE OF USE, PURPOSE, OR PLACE OF STORAGE IS PROPOSED. THE SOURCE WILL REMAIN GROUNDWATER AND THE PERIOD OF USE AND DIVERSION WILL REMAIN APRIL 15 TO OCTOBER 15. THE MAXIMUM DIVERTED VOLUME IS 138.2 AF AND MAXIMUM CONSUMED VOLUME IS 110.56 AF.

### **ADDITIONAL INFORMATION**

PERMIT 41G 30153029 WAS SPLIT FROM PARENT RIGHT PERMIT 41G 92516-00, WHICH WAS HISTORICALLY USED TO IRRIGATE 200 ACRES IN MADISON COUNTY FROM GROUNDWATER SOURCE. FOLLOWING A JANUARY 10, 2020, FIELD REPORT AND RECOMMENDATIONS FOR CERTIFICATION, PERMIT 41G 92516-00 WAS SPLIT CREATING PERMIT 41G 30153029. NO FLOW RATE WAS GIVEN, AS THE OWNER OF THIS PORTION DOES NOT HAVE ACCESS TO THE WELL. A NEW PERMIT FOR FLOW RATE WILL BE REQUIRED PRIOR TO USE.

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