

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: SEPTEMBER 19, 2026. OBJECTIONS MUST BE FILED ON AN OBJECTION TO APPLICATION FORM, FORM 611, 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 AND THE \$50.00 FILING FEE TO: DNRC WATER RIGHTS BUREAU, PO BOX 201601, HELENA, MT 59620-1601. 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, OR REQUESTS 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.

Application Number: 41H 30129387

Applicant: MANHATTAN, TOWN OF
PO BOX 96
MANHATTAN, MT 59741 0096

WATER RIGHT NUMBER(S) BEING CHANGED

<u>Water Right Type</u>	<u>Water Right Number</u>	<u>Priority Date</u>
STATEMENT OF CLAIM	41H 30069634	OCTOBER 15, 1912
Historical Flow Rate: 7.75 CFS	Historical Consumptive Volume: 299.40 AC-FT	
	Historical Diverted Volume: 460.60 AC-FT	

PAST USE OF WATER

STATEMENT OF CLAIM 41H 30069634 WAS HISTORICALLY PART OF THE BAKER DITCH IRRIGATION RIGHTS. THE WATER RIGHT IS EQUAL TO 310 SHARES HISTORICALLY PART OF THE BAKER DITCH PROJECT. THE CLAIM WAS SPLIT FROM CLAIM 41H 119990-00, AND THE ACREAGE WAS REMOVED FROM ALL BAKER DITCH CLAIMS. CLAIM 41H 30069634 WAS HISTORICALLY DIVERTED AT THE BAKER DITCH HEADGATE IN THE NWNWSE SECTION 19, T1N, R4E, GALLATIN COUNTY FOR IRRIGATION OF 218.59 ACRES GENERALLY LOCATED IN THE NW AND SW OF SECTION 3, T1N, R3E, GALLATIN COUNTY. WATER WAS HISTORICALLY DIVERTED AT A MAXIMUM FLOW RATE OF 7.75 CFS FROM APRIL 15 TO NOVEMBER 4. THE HISTORICAL USE OF THE RIGHT IS A MAXIMUM DIVERTED VOLUME OF 460.6 AF, A MAXIMUM CONSUMED VOLUME OF 299.4 AF, AND A MAXIMUM FLOW RATE OF 7.75 CFS.

PROPOSED CHANGE

FLOW RATE: 7.75 CFS **VOLUME:** 409.80 AC-FT **ACRES:** 149.82

THE APPLICANT PROPOSES TO CHANGE THE PURPOSE AND PLACE OF USE OF A PORTION OF STATEMENT OF CLAIM 41H 30069634 TO MITIGATION USE. THE APPLICANT IS REMOVING 68.77 ACRES OF IRRIGATION TO ACCOUNT FOR THE NEW USE. THE PROPOSED CHANGE PROVIDES MITIGATION WATER FOR BENEFICIAL USE PERMIT NO. 41H 30021840. THE PLACE OF USE FOR THE NEW MITIGATION PURPOSE IS INSTREAM IN THE GALLATIN RIVER BEGINNING AT THE BAKER DITCH DIVERSION IN THE NWNWSE SECTION 19, T1N, R4E AND ENDING AT THE BACKLIN DITCH RETURN IN THE SW SECTION 28, T2N, R3E, ALL IN GALLATIN COUNTY. THE APPLICANT PROPOSES TO DIVERT 2.44 CFS AND UP TO 94.21 AF FROM MAY 15 TO SEPTEMBER 30 FOR THE NEW MITIGATION USE. THE APPLICANT PROPOSES TO CONTINUE IRRIGATION ON 149.82 ACRES GENERALLY LOCATED IN THE NW AND SW SECTION 3, T1N, R3E, GALLATIN COUNTY. THE APPLICANT PROPOSES TO DIVERT 5.31 CFS UP TO 315.6 AF FROM APRIL 15 TO NOVEMBER 4 FOR CONTINUED IRRIGATION USE. THE POINT OF DIVERSION WILL REMAIN THE BAKER DITCH DIVERSION IN THE NWNWSE SECTION 19, T1N, R4E, GALLATIN COUNTY. THE APPLICANT PROPOSES TO DIVERT A MAXIMUM FLOW RATE OF 7.75 CFS UP TO A MAXIMUM DIVERTED VOLUME OF 409.8 AF FOR IRRIGATION AND MITIGATION USE.

ADDITIONAL INFORMATION

IF ISSUED, THE FOLLOWING CONDITIONS WILL BE PLACED ON THIS AUTHORIZATION:
THE FOLLOWING OPERATION FOR PROTECTION REPRESENTS THE MITIGATION PLAN OF OPERATION FOR THE WATER RIGHT. THE PROTECTED REACH ENCOMPASSES THE STRETCH FROM THE BAKER DITCH HEADGATE ON THE WEST GALLATIN RIVER TO THE WHERE THE BACKLIN DITCH FLOWS INTO THE GALLATIN RIVER. THE APPROPRIATOR MAY PROTECT THE FOLLOWING AMOUNTS, WITH A VOLUME TOTAL OF 94.21 AF.

TIME PERIOD	AVG DAILY FLOW	MONTHLY VOL
5/15-5/31	249.05 GPM	18.71 AF
6/1-6/30	603.38 GPM	45.33 AF
7/1-7/15	137.50 GPM	10.33 AF
8/15-8/31	94.37 GPM	7.09 AF

9/1-9/24 169.71 GPM 12.75 AF

THIS CHANGE AUTHORIZATION PROVIDES MITIGATION WATER FOR BENEFICIAL USE PERMIT 41H 30021840. IF AT ANY TIME THE MITIGATION COMPONENT OF THIS CHANGE AUTHORIZATION IS NOT MET, WATER USE UNDER BENEFICIAL USE PERMIT 41H 30021840 MUST BE STOPPED. IF MITIGATION CANNOT BE MET, APPLICANTS WILL PROVIDE A REPORT TO DNRC DETAILING THE AMOUNT OF SHORTAGE OF MITIGATION WATER AND HOW THE PERMIT USE WAS STOPPED TO PREVENT ADVERSE EFFECT.

THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED MEASURING DEVICE AT THE CURRENT ACTIVE POINT OF DIVERSION FOR THESE RIGHTS TO ENSURE THE MITIGATION WATER REMAINS INSTREAM. THIS CHANGE SHALL NOT BE EXERCISED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN WEEKLY RECORD OF THE VOLUME OF MITIGATION WATER NOT DIVERTED AND LEFT INSTREAM, INCLUDING THE PERIOD OF TIME. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST BY THE DEPARTMENT AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT RECORDS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES BOZEMAN REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES THE VOLUME ACCURATELY.

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