

PUBLIC NOTICE

Notice to Water Users
(Pursuant to Section 85-2-307, MCA)
The following application has been submitted to appropriate water in the State of Montana.

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION PROPOSES TO GRANT AN APPLICATION FOR BENEFICIAL WATER USE PERMIT. 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 22, 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 2273 BOOT HILL COURT, SUITE 110, BOZEMAN, MT 59715-7249, PHONE: 406-586-3136, FAX: 406-587-9726.

IF ISSUED, THE RIGHT WILL BE SUBJECT TO PRIOR EXISTING WATER RIGHTS.

| | | | | | | | | |
|--|--|-----------------|------------|--|------------|------------|---------------|----------|
| Application Number: | 41H 30159301 | | | | | | | |
| Owners: | HOME 40 HOMEOWNERS ASSN LLC 1668 BUCKRAKE AVE BOZEMAN, MT 59718-6105 | | | | | | | |
| Priority Date: | JANUARY 20, 2023 at 04:00 P.M. | | | | | | | |
| Purpose (Use): | FISHERY | | | | | | | |
| Maximum Flow Rate: | 2.24 CFS | | | | | | | |
| Maximum Volume: | 192.43 AC-FT | | | | | | | |
| Source Name: | HYALITE CREEK | | | | | | | |
| Source Type: | SURFACE WATER | | | | | | | |
| Point of Diversion and Means of Diversion: | | | | | | | | |
| <u>ID</u> | | <u>Govt Lot</u> | <u>Qtr</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> | |
| 1 | | | SEN | WNW | 14 | 3S | 5E | GALLATIN |
| Period of Diversion: | MAY 1 TO NOVEMBER 1 | | | | | | | |
| Diversion Means: | HEADGATE | | | | | | | |
| Ditch Name: | HOY DITCH | | | | | | | |
| Reservoir: | OFF STREAM Reservoir Name: POND 1 | | | | | | | |
| | | <u>Govt Lot</u> | <u>Qtr</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> | |
| | | | SE | SESW | 2 | 3S | 5E | GALLATIN |
| Depth: | 8.00 FEET | | | | | | | |
| Surface Area: | 1.20 ACRES | | | | | | | |
| Current Capacity: | 4.00 ACRE-FEET | | | | | | | |
| | | | | | | | | |
| Reservoir: | OFF STREAM Reservoir Name: POND 2 | | | | | | | |
| | | <u>Govt Lot</u> | <u>Qtr</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> | |
| | | | | SW | 2 | 3S | 5E | GALLATIN |
| Depth: | 14.00 FEET | | | | | | | |
| Surface Area: | 3.40 ACRES | | | | | | | |
| Current Capacity: | 19.00 ACRE-FEET | | | | | | | |
| | | | | | | | | |
| Purpose (Use): | FISHERY | | | Purpose Clarification: NON-CONSUMPTIVE | | | | |
| Volume: | 192.43 AC-FT | | | | | | | |
| Period of Use: | JANUARY 1 to DECEMBER 31 | | | | | | | |
| Place of Use: | | | | | | | | |
| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> | |
| 1 | | | NESW | 2 | 3S | 5E | GALLATIN | |
| 2 | | | NWSW | 2 | 3S | 5E | GALLATIN | |
| 3 | | | SESW | 2 | 3S | 5E | GALLATIN | |

Remarks:

IMPORTANT INFORMATION

THE FLOW RATE, VOLUME, AND TIMING OF WATER USED FOR FISHERIES PURSUANT TO THIS PERMIT IS SECONDARY AND ENTIRELY DEPENDENT ON THE HOME 40 LLC DIVERSION AND STORAGE OF WATER FOR IRRIGATION IN ACCORDANCE WITH CHANGE AUTHORIZATION 41H 30143744 FOR CLAIMS 41H 15358-00 AND 41H 15849-00. THE VOLUME AND FLOW RATE FOR THIS PERMIT SHALL NOT EXCEED THE AUTHORIZED FLOW RATE AND VOLUME ASSOCIATED WITH CHANGE AUTHORIZATION 41H 30143744 FOR CLAIMS 41H 15358-00 AND 41H 15849-00.

IMPORTANT INFORMATION

BASIN CLOSURE INFORMATION: THIS PERMIT IS SUBJECT TO THE CONDITION THAT THE TIMING AND QUANTITY OF WATER AVAILABLE WILL BE AT THE SOLE DISCRETION OF THE HOME 40 LLC IN ACCORDANCE WITH CHANGE AUTHORIZATION 41H 30143744 FOR CLAIMS 41H 15358-00 AND 41H 15849-00. FISHERIES USE MAY ONLY OCCUR AS A RESULT OF THE APPROPRIATION OF WATER ASSOCIATED WITH CHANGE AUTHORIZATION 41H 30143744 FOR CLAIMS 41H 15358-00 AND 41H 15849-00 FOR THIS USE TO BE CONSIDERED NON-CONSUMPTIVE PURSUANT TO §85-2-343 (2)(B), MCA.

IMPORTANT INFORMATION

FISH WILDLIFE AND PARKS FISHPOND LICENSE REQUIREMENT: THE APPROPRIATOR SHALL ENSURE THAT THE POND IS PLANTED WITH LEGALLY OBTAINED FISH AND THAT A PRIVATE FISHPOND LICENSE IS OBTAINED AND SUBMITTED AT PROJECT COMPLETION, AFTER WHICH THIS CONDITION WILL BE REMOVED.

IMPORTANT INFORMATION

THIS PERMIT IS A NON-CONSUMPTIVE, BOOTSTRAPPING PERMIT. THIS PERMIT REQUIRES NO ADDITIONAL WATER USE AS IT ADDS A FISHERY PURPOSE TO EXISTING PONDS.

PUBLISHED IN: BOZEMAN DAILY CHRONICLE ON FEBRUARY 7, 2024.