

**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: AUGUST 9, 2025.** THE DEPARTMENT CAN ONLY ACCEPT PUBLIC COMMENTS FILED ON A PUBLIC COMMENT FORM, FORM 654. MAIL THE COMPLETED FORM TO THE DNRC, PO BOX 201601, HELENA, MT 59620-1601 BY THE DEADLINE SPECIFIED. THE FORM IS AVAILABLE ON THE DEPARTMENT'S WEBSITE. 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, TO OBTAIN THE DRAFT PD OR COMMENT FORM TO THE WATER RESOURCES OFFICE AT 1371 RIMTOP DRIVE, BILLINGS, MT 59105-1978 FAX: 406-247-4416 PHONE: 406-247- 4415.

**Application Numbers:** 42J 30164475  
42J 30165246

**Applicant:** DEBRA L HAYES  
1093 THREE RUNS PLANTATION DR  
AIKEN SC 29803 1237

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

<u>Water Right Type</u>	<u>Water Right Number</u>	<u>Priority Date</u>
POWDER RIVER DECLARATION	42J 772-00	DECEMBER 31, 1943

**PAST USE OF WATER**

HISTORICALLY, POWDER RIVER DECLARATION 42J 772-00 IS FOR STOCK USE AT 1 TANK FROM A WELL LOCATED IN THE SWSENW SEC 2, T8S, R50E, POWDER RIVER COUNTY. APPROPRIATED AT A FLOW RATE OF 15GPM, UP TO 1.5 AF/YR.

POWDER RIVER DECLARATION 42J 772-00 ADDED 6 PERMANENT STOCK TANKS THROUGH CHANGE APPLICATION 42J 30164475, MAKING A TOTAL OF 7 PERMANENT STOCK TANKS.

**PROPOSED CHANGE**

THE APPLICANT PROPOSES TO ADD 7 STOCK TANKS TO POWDER RIVER DECLARATION 42J 772-00. THE TANKS WILL BE CONNECTED BY TWO PIPELINES ORIGINATING AT THE HISTORICAL POINT OF DIVERSION LOCATED AT SWSENW SEC 2, T8S, R50E, POWDER RIVER COUNTY.

THROUGH PERMANENT CHANGE APPLICATION NO. 42J 30164475, THE APPLICANT PROPOSES TO PERMANENTLY ADD 6 STOCK TANKS ASSOCIATED WITH 6 PLACES OF USE ON PRIVATE PROPERTY TO WATER RIGHT 42J 772-00 LOCATED IN THE NESENE OF SECTION 9, T8S, R50E; THE NENENW AND SESENW OF SECTION 10, T8S, R50E; THE NWSWSW AND SESWNE OF SECTION 2, T8S, R50E; AND THE NW OF LOT 1 (NWNENE), SECTION 1, T8S, R50E. THE HISTORICAL PLACE OF USE IN SWSENW SEC 2, T8S, R50E WILL REMAIN.

THROUGH TEMPORARY CHANGE APPLICATION NO. 42J 30165246, THE APPLICANT PROPOSES TO TEMPORARILY ADD 1 STOCK TANK IN THE NESESW SEC 36, T7S, R50E, POWDER RIVER COUNTY ON LAND OWNED BY THE STATE OF MONTANA, DEPARTMENT OF STATE LANDS.

THERE WILL BE A TOTAL OF 8 STOCK TANKS ON POWDER RIVER DECLARATION 42J 772-00: 7 PERMANENT AND 1 TEMPORARY, DEFINED BY THE LEASE AGREEMENT BETWEEN THE OWNER AND THE STATE.

**ADDITIONAL INFORMATION**

42J 30165246 IS A TEMPORARY CHANGE; 42J 30164475 IS A PERMANENT CHANGE. SHOULD TEMPORARY CHANGE 42J 30165246 BE AUTHORIZED, THE FOLLOWING CONDITION WILL BE APPLIED:

IN THE PRESENT CASE, THE APPLICANT IS THE OWNER OF POWDER RIVER DECLARATION 42J 772-00. THE APPLICANT PROPOSES TO TAKE WATER DIVERTED FROM THE WELL LOCATED ON PRIVATE PROPERTY AND TEMPORARILY USE IT FOR STOCK USE ON STATE TRUST LAND FOR THE DURATION OF AGRICULTURAL & GRAZING LEASE OF STATE LANDS AGREEMENT NO 827. THE APPLICANT OBTAINED WRITTEN CONSENT FROM THE DNRC TRUST LAND MANAGEMENT DIVISION TO TEMPORARILY USE POWDER RIVER DECLARATION 42J 772-00 ON THE STATE TRUST LAND FOR THE DURATION OF THE AGRICULTURAL & GRAZING LEASE OF STATE LANDS AGREEMENT NO. 827. EXPIRATION OR TERMINATION OF AGRICULTURAL & GRAZING LEASE OF STATE LANDS AGREEMENT NO. 827 WILL RESULT IN THE REVOCATION OF TEMPORARY CHANGE AUTHORIZATION 42J 30165246, AND POWDER RIVER DECLARATION 42J 772-00 WILL REVERT TO THE PERMANENT CHANGE VERSION AUTHORIZED BY CHANGE AUTHORIZATION 42J 30164475.