

# 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: AUGUST 2, 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 FAX: 406-587-9726 PHONE: 406-586-3136.

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**Application Number:** 43B 30156179

**Applicant:** MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS  
PO BOX 200701  
HELENA, MT 59620 0701

## WATER RIGHT NUMBER(S) BEING CHANGED

| <u>Water Right Type</u>        | <u>Water Right Number</u>                  | <u>Priority Date</u>                     |
|--------------------------------|--------------------------------------------|------------------------------------------|
| STATEMENT OF CLAIM             | 43B 30110714                               | JUNE 30, 1882                            |
| Historical Flow Rate: 0.88 CFS | Historical Consumptive Volume: 20.40 AC-FT | Historical Diverted Volume: 93.60 AC-FT  |
| STATEMENT OF CLAIM             | 43B 30110715                               | JUNE 30, 1873                            |
| Historical Flow Rate: 3.5 CFS  | Historical Consumptive Volume: 81.80 AC-FT | Historical Diverted Volume: 792.90 AC-FT |

## PAST USE OF WATER

CLAIM NO. 43B 30110714 DIVERTED 93.6 AF VOLUME (20.4 AF CONSUMPTIVE VOLUME) AT A FLOW RATE OF 0.88 CFS FOR THE PURPOSE OF IRRIGATION OF 72 ACRES FROM 4/15-11/01. THE PLACE OF USE WAS GOVT LOT 5 SWSW SEC 13; GOVT LOT 1 NENE SEC 23; GOVT LOT 6 NESE SEC 23; NESW SEC 23; GOVT LOT 3 NWNW SEC 23; GOVT LOT 2 SENE SEC 23; SWNE 23; GOVT LOT 1 NWNW SEC 24; ALL IN T6S R7E, PARK COUNTY. THE POINTS OF DIVERSION WERE HEADGATES AT SENWNE SEC 22 AND SWSW SEC 23, T6S R7E, PARK COUNTY. ACCORDING TO CHANGE AUTHORIZATION NO. 43B 19526500, CLAIM NO. 43B 30110715 PROTECTED FOR AN INSTREAM FISHERY PURPOSE AT 2.8 CFS FROM 5/1-11/01. THE UNCHANGED PORTION OF CLAIM NO. 43B 30110715, 0.7 CFS, REMAINED WITH AN IRRIGATION PURPOSE.

## PROPOSED CHANGE

**FLOW RATE: 1.58 CFS                      VOLUME: 886.50 AC-FT**

APPLICANT PROPOSES TO TEMPORARILY CHANGE THE PURPOSE, PLACE OF USE, AND POINT OF DIVERSION OF CLAIM NO. 43B 30110714 AND CLAIM NO. 43B 30110715. APPLICANT PROPOSES TO TEMPORARILY CHANGE THE 0.7 CFS OF CLAIM NO. 43B 30110715 REMAINING WITH AN IRRIGATION PURPOSE AND THE ENTIRE VOLUME OF CLAIM NO. 43B 30110715, TOTALING THE DECREED VOLUME OF 792.9 AF. APPLICANT PROPOSES TO TEMPORARILY CHANGE THE PREVIOUSLY UNCHANGED CLAIM NO. 43B 30110714, TOTALING 0.88 CFS AND THE DECREED VOLUME OF 93.6 AF.

APPLICANT PROPOSES TO TEMPORARILY CHANGE THE PURPOSE OF CLAIM NO. 43B 30110715 AND CLAIM NO. 43B 30110714 TO AN INSTREAM FISHERY PURPOSE. APPLICANT PROPOSES TO RETIRE ALL HISTORICAL DITCHES AND TO CEASE IRRIGATING THE ENTIRE 72-ACRE HISTORICAL PLACE OF USE WITH CLAIM NO. 43B 30110715 AND CLAIM NO. 43B 30110714. APPLICANT PROPOSES TO TEMPORARILY CHANGE THE POINTS OF DIVERSION AND PLACES OF USE FOR CLAIM NO. 43B 30110715 AND CLAIM NO. 43B 30110714 TO A PROTECTED REACH ON BIG CREEK THAT IS 5518.2 FT IN LENGTH BETWEEN SENWNE SEC 22 T6S R7E PARK COUNTY AND SWNE SEC 23 T6S R7E PARK COUNTY. THIS IS THE SAME PROTECTED REACH THAT RUNS BETWEEN THE UPSTREAM-MOST HISTORICAL POINT OF DIVERSION AND THE CONFLUENCE WITH YELLOWSTONE RIVER, WHICH WAS DEFINED IN CHANGE AUTHORIZATION NO. 43B 19526500 AS N2 SEC 22 T6S R7E PARK COUNTY TO SEC 23 T6S R7E PARK COUNTY.

## ADDITIONAL INFORMATION

THIS CHANGE IS ASSOCIATED WITH CHANGE AUTHORIZATION NO. 43B 19526500, WHICH AUTHORIZED 10 CFS INSTREAM FLOWS FOR CLAIM NO. 43B 195265-00. THE WATER COURT SPLIT THIS CLAIM AND PARENT RIGHT 43B 195265-00 RECEIVED 7.2 CFS OF CHANGE AUTHORIZATION NO. 43B 19526500 AND CHILD RIGHT 43B 30110715 RECEIVED 2.8 CFS OF CHANGE AUTHORIZATION NO. 43B 19526500. THE FLOW RATE WITH AN INSTREAM FLOW PURPOSE, ACCOUNTING FOR CHANGE AUTHORIZATION NOS. 43B 19526500 AND 43B

30156179, IS 3.5 CFS FOR 43B 30110715 AND 0.88 CFS FOR 43B 30110714.

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