

# **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: APRIL 2, 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](mailto: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 2705 SPURGIN RD, BLDG C, PO BOX 5004, MISSOULA, MT 59804-5004 FAX: 406-542-5899 PHONE: 406-721-4284.

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**Application Number:** 76H 30150414

**Applicant:** PEAK HEALTH MANAGEMENT COMPANY LLC  
3565 PATTEE CANYON RD  
MISSOULA, MT 59803 1826

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

<b><u>Water Right Type</u></b>	<b><u>Water Right Number</u></b>	<b><u>Priority Date</u></b>
STATEMENT OF CLAIM	76H 30122609	JUNE 30, 1958
Historical Flow Rate: 2.5 CFS	Historical Consumptive Volume: 10.30 AC-FT	
	Historical Diverted Volume: 12.87 AC-FT	

## **PAST USE OF WATER**

HISTORICALLY 2.5 CFS OF WATER WAS PUMPED FROM THE BITTERROOT RIVER AT A LOCATION IN THE NWSESE OF SEC 2, T12N, R20W FOR IRRIGATION OF 8 ACRES IN THE SWNENE OF SECTION 11, T12N, R20W, MISSOULA COUNTY.

## **PROPOSED CHANGE**

APPLICANT PROPOSES TO CHANGE THE POINT OF DIVERSION, PURPOSE AND PLACE OF USE. THE PROPOSED NEW POINT OF DIVERSION IS LOCATED IN THE SENWNE OF SEC 15, T12N, R20W. APPLICANT WILL PUMP UP TO 46.72 GPM AND 10.1 AF AT THIS LOCATION FOR THE PURPOSE OF AQUIFER RECHARGE. AN ADDITIONAL 0.38 GPM AND 0.20 AF OF MITIGATION WATER WILL BE LEFT INSTREAM AT THE HISTORICAL DIVERSION SITE IN THE NWSESE OF SEC 2, T12N, R20W. IRRIGATION OF THE 8.0 AC PLACE OF USE WILL BE DISCONTINUED. THE PLACE OF USE FOR AQUIFER RECHARGE AND MITIGATION IS THE BITTERROOT RIVER FROM THE SOUTHERN BOUNDARY OF SEC 2, T12N, R20W TO THE CONFLUENCE WITH THE CLARK FORK RIVER IN SEC 27, T13N, R20W. AQUIFER RECHARGE AND MITIGATION WILL OFFSET DEPLETIONS TO THE BITTERROOT RIVER CAUSED BY PROPOSED GROUNDWATER USE IN PERMIT APPLICATION 76H-30150412.

## **ADDITIONAL INFORMATION**

WATER MEASUREMENT-INLINE FLOW METER REQUIRED: THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED IN-LINE FLOW METER AT A POINT IN THE DELIVERY LINE APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE FLOW RATE AND VOLUME OF ALL WATER DIVERTED, INCLUDING THE PERIOD OF TIME. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. IN THE EVENT THAT AUTHORIZED FLOW RATES AND/OR VOLUMES HAVE BEEN EXCEEDED DURING PERFECTION OF THE CHANGE AUTHORIZATION OR THE APPROPRIATOR FAILS TO SUBMIT ANNUAL REPORTS, THE DEPARTMENT MAY CONTINUE TO REQUIRE ANNUAL SUBMISSIONS OF MONTHLY FLOW RATE AND VOLUME RECORDS. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE MISSOULA WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE AND VOLUME ACCURATELY.

THIS CHANGE AUTHORIZATION PROVIDES MITIGATION WATER FOR BENEFICIAL WATER USE PERMIT NO. 76H 30150412 IN CONJUNCTION WITH CHANGE AUTHORIZATION NO. 76H 30171414. THE BENEFICIAL USE CRITERION OF THIS CHANGE AUTHORIZATION IS CONDITIONED UPON THE AUTHORIZATION OF BENEFICIAL WATER USE PERMIT AUTHORIZATION NO. 76H 30150412 AND CHANGE AUTHORIZATION NO. 76H 30171414.

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