

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: JUNE 20, 2026. PUBLIC COMMENTS MUST BE FILED ON A PUBLIC COMMENT FORM, FORM 654, 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 TO: DNRC WATER RIGHTS BUREAU, PO BOX 201601, HELENA, MT 59620-1601. SUBMIT ELECTRONIC COPIES OF THE COMPLETED FORM TO: DNRCWATERRIGHTSCOMMENTOBJECTION@MT.GOV. 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, OR REQUESTS TO OBTAIN THE DRAFT PD OR PUBLIC COMMENT 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.

Application Number: 76M 30165370

Applicant: MISSOULA, CITY OF
435 RYMAN ST
MISSOULA, MT 59802 4207

WATER RIGHT NUMBER(S) BEING CHANGED

| <u>Water Right Type</u> | <u>Water Right Number</u> | <u>Priority Date</u> |
|--------------------------------|---|--|
| STATEMENT OF CLAIM | 76M 118513-00 | JULY 28, 1919 |
| STATEMENT OF CLAIM | 76M 123868-00 | DECEMBER 1, 1902 |
| Historical Flow Rate: 40. CFS | Historical Consumptive Volume: 1,485.00 AC-FT | Historical Diverted Volume: 2,459.20 AC-FT |
| STATEMENT OF CLAIM | 76M 123869-00 | MAY 31, 1903 |
| Historical Flow Rate: 31. CFS | Historical Consumptive Volume: 1,152.60 AC-FT | Historical Diverted Volume: 1,908.90 AC-FT |
| STATEMENT OF CLAIM | 76M 123870-00 | MAY 31, 1903 |
| | Historical Consumptive Volume: 38.90 AC-FT | Historical Diverted Volume: 38.90 AC-FT |

PAST USE OF WATER

THE PAST USE OF WATER FOR IRRIGATION STATEMENT OF CLAIM NOS. 76M 123868-00 AND 76M 123869-00 WAS SPRINKLER/FLOOD IRRIGATION. WATER WAS DIVERTED FROM THE CLARK FORK RIVER AND PROVIDED IRRIGATION WATER TO A MAXIMUM OF 2,287.5 ACRES. THE PAST USE OF WATER FOR STOCK CLAIM NO. 76M 123870-00 WAS ,1800 CATTLE, 300 HORSES, 200 SHEEP AND 20 GOATS (TOTAL OF 2,294 ANIMAL UNITS). THE POINT OF DIVERSION FOR ALL CLAIMS WAS LOCATED IN THE SWNWNE OF SECTION 21, T13N, R19W AND THE PLACE OF USE IS LOCATED IN SECTIONS 17, 18 AND 19, T13N, R19W AND SECTIONS 1, 11, 12, 13, 14 AND 23 T13N, R20W, ALL IN MISSOULA COUNTY.

PROPOSED CHANGE

THE APPROPRIATOR IS AUTHORIZED TO CHANGE THE POINT OF DIVERSION, PLACE OF USE, AND PURPOSE OF STATEMENT OF CLAIMS 76M 123868 -00, 76M 123869-00 AND 76M 123870-00 TO MARKETING FOR MITIGATION AND MITIGATION USES. THE SOURCE IS THE CLARK FORK RIVER. THE APPROPRIATOR IS AUTHORIZED TO RETIRE 2,287.5 ACRES OF IRRIGATION AND THE ASSOCIATED CONVEYANCE DITCH (FLYNN LOWNEY DITCH) AS PART OF THIS CHANGE AUTHORIZATION. THE APPROPRIATOR IS AUTHORIZED TO LEAVE WATER INSTREAM IN THE CLARK FORK RIVER FOR MARKETING FOR THE MITIGATION PURPOSE. THE AUTHORIZED MARKETING FOR MITIGATION PLACE OF USE BEGINS AT THE HISTORICAL DIVERSION IN THE SWNWNE OF SECTION 21, T13N, R19W, MISSOULA COUNTY, AND ENDS AT THE NOXON RAPIDS POWERHOUSE IN THE S2S2 SECTION 33, T26N, R32W, SANDERS COUNTY. THE AUTHORIZED POINTS OF DIVERSION ARE AT THE START AND END OF THE AUTHORIZED MARKETING FOR MITIGATION REACH. WATER WILL BE LEFT IN THE RIVER TO MITIGATE ADVERSE EFFECTS OF FUTURE WATER APPROPRIATIONS. THE APPROPRIATOR IS AUTHORIZED TO PROTECT UP TO A MAXIMUM DIVERTED VOLUME OF 4,407.0 AF, A MAXIMUM CONSUMED VOLUME OF 2,676.5 AF, AND A FLOW RATE

OF 71 CFS FOR MARKETING FOR MITIGATION PURPOSE. OF THE HISTORIC 2,676.5 AF OF CONSUMED VOLUME, 383.1 AF WILL BE USED TO MITIGATE THREE SEPARATE BUT RELATED PROVISIONAL PERMIT APPLICATIONS. THE AUTHORIZED MITIGATION PLACE OF USE BEGINS AT THE UPPERMOST LOCATION OF DEPLETIONS RESULTING FROM THE PERMIT APPLICATIONS, LOCATED IN THE SWNW (GOVT. LOT 2) OF SECTION 19, T13N, R19W, MISSOULA COUNTY, AND ENDS AT THE NOXON RAPIDS POWERHOUSE IN THE S2S2 SECTION 33, T26N, R32W, SANDERS COUNTY.

ADDITIONAL INFORMATION

NO HISTORICAL USE WAS FOUND UNDER CLAIM 76M 118513-00.

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