

# **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.

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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 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: MAY 14, 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](mailto: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.

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**Application Number:** 76M 30171923

**Applicant:** LEE YELIN  
5890 KERR DR  
MISSOULA, MT 59803 3028

### **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	76M 30048497	APRIL 28, 1921
Historical Flow Rate: 359.04 GPM	Historical Consumptive Volume: 19.50 AC-FT	
	Historical Diverted Volume: 208.15 AC-FT	

### **PAST USE OF WATER**

PRIOR TEMPORARY CHANGE AUTHORIZATION 76M 30049150 WAS ISSUED BY THE DEPARTMENT IN 2011 FOR A PERIOD OF 10 YEARS . CLAIM 76M 30048497 WAS SPLIT FROM PARENT CLAIM 76M 116758 00. THE PARENT CLAIM AUTHORIZED A FLOW RATE OF 2.80 CFS DIVERTED FROM SIX MILE CREEK USING THE LEBERT-BISONETTE DITCH TO IRRIGATE 58 ACRES FROM APRIL 1 TO OCTOBER 31 ANNUALLY. THE PLACE OF USE IS LOCATED IN SECTION 23, T15N, R22W, MISSOULA COUNTY.

### **PROPOSED CHANGE**

THIS AUTHORIZATION ALLOWS THE APPLICANT TO TEMPORARILY CHANGE THE PURPOSE, PLACE OF USE AND POINT OF DIVERSION FROM IRRIGATION TO INSTREAM FLOW FOR FISHERIES IN SIX MILE CREEK. THE HISTORIC IRRIGATION FLOW RATE AND DIVERTED VOLUME OF 359.04 GPM AND 208.15 AF WILL BE PROTECTED AT THE ORIGINAL HEADGATE FROM APRIL 1 TO OCTOBER 31 ANNUALLY. THE HISTORIC FLOW RATE AND CONSUMED VOLUME OF 359.04 GPM AND 19.5 AF WILL BE PROTECTED IN A REACH OF SIX MILE CREEK FROM THE ORIGINAL HEADGATE TO A LOCATION DOWNSTREAM 1.2 MILES IN THE NWSEW SEC 12, T15N, R22W, FROM APRIL 1 TO OCTOBER 31 ANNUALLY. THE HISTORIC DITCH WILL BE DECOMMISSIONED AND THE PLACE OF USE NO LONGER IRRIGATED. THE TEMPORARY CHANGE IS FOR A PERIOD OF 10 YEARS.

### **ADDITIONAL INFORMATION**

THE APPLICANT OR IT'S DESIGNEE SHALL MEASURE THE PROTECTED REACH OF SIXMILE CREEK BY TAKING FLOW MEASUREMENTS AT THE LEBERT – BISSONETTE DITCH HEADGATE WHICH IS LOCATED IN THE SWSNW, SEC 7, TWP 15N, RGE 21W, MISSOULA COUNTY. MEASUREMENTS WILL BE TAKEN MONTHLY FROM JUNE THROUGH SEPTEMBER. THIS CHANGE AUTHORIZATION, ALLOWS FOR A CALL FOR WATER FROM UPSTREAM JUNIOR SIXMILE CREEK WATER USERS WHEN THE STREAM FLOW MEASURED ON SIXMILE CREEK BY THE APPLICANT OR IT'S DESIGNEE FALLS BELOW 2.05 CFS WITHIN THE AFOREMENTIONED TIMEFRAME. THE RECORDED FLOW RATE MEASUREMENTS MUST BE SENT TO THE DNRC MISSOULA REGIONAL OFFICE BY NOVEMBER 30 EACH YEAR DURING THE TEMPORARY CHANGE AUTHORIZATION.

**PUBLISHED IN:** MISSOULIAN ON APRIL 14, 2026.