

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.

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 <http://www.dnrc.mt.gov/wrd/>.

OBJECTION DEADLINE: NOVEMBER 14, 2022. THE DEPARTMENT CAN ONLY ACCEPT OBJECTIONS FILED ON AN OBJECTION TO APPLICATION, FORM 611. MAIL THE COMPLETED FORM AND THE \$25.00 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.

Application Number: 43B 30119489

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 134019-00	JULY 24, 1903
Historical Flow Rate: 2.5 CFS	Historical Consumptive Volume: 60.93 AC-FT	Historical Diverted Volume: 60.93 AC-FT
STATEMENT OF CLAIM	43B 194641-00	DECEMBER 31, 1876
Historical Flow Rate: 22.5 CFS	Historical Consumptive Volume: 548.41 AC-FT	Historical Diverted Volume: 8,165.00 AC-FT

PAST USE OF WATER

AN AMOUNT OF 2.5 CFS UP TO 60.94 AF OF WATER WAS HISTORICALLY DIVERTED FROM PINE CREEK UNDER 43B 134019-00. AN AMOUNT OF 22.5 CFS UP TO 8165 AF OF WATER WAS HISTORICALLY DIVERTED FROM BEAR CREEK UNDER 43B 194641-00. BOTH OF THESE WATER RIGHTS WERE FOR MINING USE IN SECTIONS 4, 9, AND 19 (43B 194641-00 ONLY) OF TOWNSHIP 9 SOUTH, RANGE 9 EAST, PARK COUNTY, NEAR THE TOWN OF JARDINE, MONTANA.

PROPOSED CHANGE

FLOW RATE: 10.98 CFS **VOLUME:** 8,225.94 AC-FT

THE APPLICANT WILL CHANGE PERMANENTLY THE PURPOSE, PLACE OF USE, AND POINT OF DIVERSION FOR STATEMENTS OF CLAIM 43B 134019-00 AND 43B 194641-00. THE NEW PURPOSE WILL BE FOR INSTREAM FISHERY AND MITIGATION TO BENEFIT THE FISHERY RESOURCE OF BEAR CREEK AND THE YELLOWSTONE RIVER. THE INSTREAM FISHERY PURPOSE WILL INCLUDE TWO PROTECTED REACHES IN BEAR CREEK. THE APPLICANT WILL DEDICATE A MAXIMUM OF 10.0 GPM UP TO 6.82 AF PER ANNUM FOR PROVISIONAL PERMIT NO. 43B 30066938 TO A MITIGATION PURPOSE TO OFFSET DEPLETIONS TO THE YELLOWSTONE RIVER, DOWNSTREAM OF FRIDLEY CREEK AT THE MURPHY'S OX YOKE RANCH (SESENE SECTION 33, TOWNSHIP 5 SOUTH, RANGE 8 EAST, PARK COUNTY). THE POINT OF DIVERSION FOR THE INSTREAM FISHERY AND MITIGATION PURPOSES IS THE START OF PROTECTED REACH 1 (SWNESE SECTION 8, TOWNSHIP 9 SOUTH, RANGE 9 EAST, PARK COUNTY) AND THE SECOND POINT OF DIVERSION FOR THE INSTREAM FISHERY IS THE START OF PROTECTED REACH 2 (NWNWSE SECTION 19, TOWNSHIP 9, SOUTH RANGE 9 EAST, PARK COUNTY). THE PLACE OF USE IS CHANGED TO TWO PROTECTED REACHES FOR THE INSTREAM FISHERY AND A MITIGATION PLACE OF USE. PROTECTED REACH ONE IS ON BEAR CREEK FROM SWNESE SECTION 8, TOWNSHIP 9, SOUTH RANGE 9 EAST, PARK COUNTY TO NWNWSE SECTION 19, TOWNSHIP 9, SOUTH RANGE 9 EAST, PARK COUNTY. PROTECTED REACH TWO IS ON BEAR CREEK FROM NWNWSE SECTION 19, TOWNSHIP 9, SOUTH RANGE 9 EAST, PARK COUNTY TO NWSWSE, SECTION 19, TOWNSHIP 9, SOUTH RANGE 9 EAST, PARK COUNTY. A MAXIMUM OF 10.98 CFS AND 3658.08 AF IS PROTECTED FROM 05/01-10/15 AND A MAXIMUM OF 10.83 CFS AND 4229.93 AF IS PROTECTED FROM 10/16-04/30. THE MITIGATION PLACE OF USE IS THE STRETCH OF BEAR CREEK AND YELLOWSTONE RIVER BETWEEN THE MITIGATION POINT OF DIVERSION AT THE START OF PROTECTED REACH 1 (SWNESE SECTION 8, TOWNSHIP 9 SOUTH, RANGE 9 EAST, PARK COUNTY) AND A POINT IDENTIFIED BY THE DEPARTMENT WHERE DEPLETIONS FROM 43B 30066938 OCCUR (SESENE SECTION 33, TOWNSHIP 5 SOUTH, RANGE 8 EAST, PARK COUNTY).

PUBLISHED IN: LIVINGSTON ENTERPRISE ON SEPTEMBER 28, 2022.