

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: FEBRUARY 24, 2023. 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 30155148

Applicant: CLYDE E BANTER
265 FLESHMAN CREEK RD
LIVINGSTON, MT 59047
IRENE R BANTER
265 FLESHMAN CREEK RD
LIVINGSTON, MT 59047

WATER RIGHT NUMBER(S) BEING CHANGED

<u>Water Right Type</u>	<u>Water Right Number</u>	<u>Priority Date</u>
STATEMENT OF CLAIM Historical Flow Rate: 2.5 CFS	43B 193277-00 Historical Consumptive Volume: 55.98 AC-FT Historical Diverted Volume: 90.46 AC-FT	JULY 1, 1883

PAST USE OF WATER

STATEMENT OF CLAIM 43B 193277-00 HAS HISTORICALLY BEEN USED FOR IRRIGATION OF 67 ACRES WITH A MAXIMUM FLOW RATE OF 2.5 CFS. THE POINT OF DIVERSION IS LOCATED AT THE CLARK DITCH IN THE SESENE SECTION 8, T02S R09E, PARK COUNTY. THE SOURCE IS FLESHMAN CREEK.

PROPOSED CHANGE

THE APPLICANT PROPOSES TO ADD A POINT OF DIVERSION TO STATEMENT OF CLAIM 43B 193277-00. THE PROPOSED POINT OF DIVERSION CONSISTS OF A PORTABLE PUMP LOCATED WITHIN A 1,400-FOOT TRANSITORY PUMP REACH OF FLESHMAN CREEK IN THE NWSW SECTION 9, T02S R09E, PARK COUNTY. NO CHANGE IN PURPOSE, PLACE OF STORAGE, OR PLACE OF USE IS PROPOSED. THE PLACE OF USE WILL REMAIN IN THE SW AND S2SE SECTION 9 AND N2NE SECTION 16, T02S R09E, PARK COUNTY FOR IRRIGATION OF 67 ACRES. THE APPLICANT IS RETAINING THE HISTORICAL POINT OF DIVERSION AT THE CLARK DITCH LOCATED IN THE SESENE SECTION 8, T02S R09E, PARK COUNTY. THE SOURCE IS FLESHMAN CREEK, AND THE PROJECT IS LOCATED IN PARK COUNTY.

ADDITIONAL INFORMATION

THE APPLICANT OWNS 8 ACRES OF THE TOTAL HISTORICAL PLACE OF USE LOCATED IN THE NWSW SECTION 9, T02S R09E, PARK COUNTY. THE DEPARTMENT'S RECORDS SHOW 6 OTHER OWNERS LISTED ON THE WATER RIGHT, AND THE CHANGE PROPOSAL IS FOR ONLY THE PORTION OF THE WATER RIGHT APPURTENANT TO THE 8 ACRES OWNED BY THE APPLICANT.

PUBLISHED IN: LIVINGSTON ENTERPRISE ON JANUARY 11, 2023.