

# **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 <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.

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**Application Number:** 41G 30152637

**Applicant:** RICHARD W MCCABE  
12 SUNFLOWER LN  
LIVINGSTON, MT 59047  
LARGEY P A ESTATE  
PO BOX 931  
POLSON, MT 59860 0931

## **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 Historical Flow Rate: 95. GPM	41G 197170-00 Historical Consumptive Volume: 5.60 AC-FT Historical Diverted Volume: 29.50 AC-FT	AUGUST 29, 1912

## **PAST USE OF WATER**

WATER RIGHT CLAIM NO. 41G 197170-00 IS FOR THE VOLUME PUT TO HISTORICAL AND BENEFICIAL USE, UP TO 95 GALLONS PER MINUTE (GPM) FROM HELLS CANYON CREEK FOR THE PURPOSE OF FLOOD IRRIGATION WITH A PRIORITY DATE OF 08/29/1912. THE HISTORIC DIVERTED VOLUME IS 29.5 ACRE-FEET AND THE HISTORIC CONSUMPTIVE VOLUME FOR IRRIGATING 5.5 ACRES IS 5.6 ACRE-FEET. THE PERIOD OF USE AND PERIOD OF DIVERSION ARE FROM 4/30-10/15. THE PLACE OF USE IS 5.5 ACRES. THE FIRST PLACE OF USE ("POU 1") IS 2.25 ACRES IN THE NENWNW SECTION 34, TOWNSHIP 2 SOUTH, RANGE 6 WEST, MADISON COUNTY. THE SECOND PLACE OF USE ("POU 2") IS 3.25 ACRES IN THE S2NENW SECTION 34, TOWNSHIP 2 SOUTH, RANGE 6 WEST, MADISON COUNTY. THE POINTS OF DIVERSION ARE AT THE SWSWSW SECTION 27 ("POD 1", WHICH SERVES POU 1) AND NWNENW SECTION 34 ("POD 2", WHICH SERVES POU 2), TOWNSHIP 2 SOUTH, RANGE 6 WEST, MADISON COUNTY. THE LEGAL LAND DESCRIPTION OF POD 2 DOES NOT ACCURATELY REPRESENT THE MAP LOCATION. THE ORIGINAL CLAIM MAP AND THE MAP SUBMITTED BY THE APPLICANT (DEFICIENCY RESPONSE, DATED 3/26/2022) BOTH SHOW POD 2 TO BE IN THE NENWNW SECTION 34, TOWNSHIP 2 SOUTH, RANGE 6 WEST, MADISON COUNTY, RATHER THAN NWNENW SECTION 34, TOWNSHIP 2 SOUTH, RANGE 6 WEST, MADISON COUNTY. THE MEANS OF DIVERSION FOR BOTH POINTS OF DIVERSION IS A HEADGATE, AND THE WATER IS CONVEYED BY DITCHES, ONE FROM EACH POINT OF DIVERSION TO EACH PLACE OF USE. THE PLACE OF USE IS 5 MILES NORTH OF TWIN BRIDGES NEAR MONTANA HIGHWAY 41.

## **PROPOSED CHANGE**

**FLOW RATE:** 95.00 GPM

THE TWO POINTS OF DIVERSION ARE CHANGED TO PUMPS IN HELLS CANYON CREEK, ONE AT EACH OF THE TWO PLACES OF USE, RATHER THAN THE TWO DITCHES THAT HISTORICALLY CONVEYED WATER. EACH PUMP OPERATES AT 30 GALLONS PER MINUTE. A HOSE/ABOVE GROUND PIPE CONVEYS WATER FROM EACH POINT OF DIVERSION TO A SPRINKLER SYSTEM AT EACH PLACE OF USE. THE POINTS OF DIVERSION ARE MOBILE AND LOCATED AT NENWNW AND SENWNW SECTION 34 TOWNSHIP 2 SOUTH RANGE 6 WEST IN MADISON COUNTY. THE PLACE OF USE, PERIOD OF DIVERSION, PERIOD OF USE, AND PURPOSE ARE NOT CHANGED. THE CONSUMPTIVE AND DIVERTED VOLUME FOR IRRIGATING 5.5 ACRES WILL BE 5.6 ACRE-FEET.

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