

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 <https://dnrc.mt.gov/Water-Resources/Water-Rights/application-status-environmental-assessments/>.

OBJECTION DEADLINE: OCTOBER 4, 2024. THE DEPARTMENT CAN ONLY ACCEPT OBJECTIONS FILED ON AN OBJECTION TO APPLICATION, FORM 611. MAIL THE COMPLETED FORM AND THE \$50.00 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 30159989

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 Historical Flow Rate: 148. GPM | 43B 194222-00 Historical Consumptive Volume: 0.60 AC-FT Historical Diverted Volume: 5.30 AC-FT | OCTOBER 26, 1904 |
| STATEMENT OF CLAIM Historical Flow Rate: 1.5 CFS | 43B 194343-00 Historical Consumptive Volume: 13.80 AC-FT Historical Diverted Volume: 76.20 AC-FT | MAY 29, 1902 |
| STATEMENT OF CLAIM Historical Flow Rate: 2.26 CFS | 43B 194344-00 Historical Consumptive Volume: 44.90 AC-FT Historical Diverted Volume: 289.68 AC-FT | JULY 10, 1895 |
| STATEMENT OF CLAIM Historical Flow Rate: 1.5 CFS | 43B 194822-00 Historical Consumptive Volume: 13.80 AC-FT Historical Diverted Volume: 76.20 AC-FT | MAY 5, 1909 |
| STATEMENT OF CLAIM Historical Flow Rate: 1.5 CFS | 43B 194823-00 Historical Consumptive Volume: 13.80 AC-FT Historical Diverted Volume: 76.20 AC-FT | APRIL 24, 1906 |
| STATEMENT OF CLAIM Historical Flow Rate: 1.5 CFS | 43B 194824-00 Historical Consumptive Volume: 13.80 AC-FT Historical Diverted Volume: 76.20 AC-FT | OCTOBER 26, 1904 |
| STATEMENT OF CLAIM Historical Flow Rate: 2. CFS | 43B 194825-00 Historical Consumptive Volume: 39.80 AC-FT Historical Diverted Volume: 256.60 AC-FT | JUNE 1, 1909 |

PAST USE OF WATER

STATEMENTS OF CLAIM 43B 194822-00, 43B 194823-00, 43B 194824-00, 43B 194343-00, AND 43B 194222-00 WERE HISTORICALLY DIVERTED FROM ROCK CREEK THROUGH THE STEWART DITCH IN NENESW SECTION 19, T7S, R7E, PARK COUNTY, FOR IRRIGATION OF 69.02 TOTAL ACRES FROM MAY 1 TO OCTOBER 10. STATEMENTS OF CLAIM 43B 194344-00 AND 43B 194825-00 WERE HISTORICALLY DIVERTED FROM STOUGHTEN CREEK THROUGH THE PFOHL DITCH IN NENWNW SECTION 13, T7S, R7E, PARK COUNTY, FOR IRRIGATION OF 59.70 ACRES FROM MAY 1 TO OCTOBER 10. THE HISTORICAL USE OF THE WATER RIGHTS IS A MAXIMIM DIVERTED FLOW RATE OF 10.59 CFS, DIVERTED VOLUME OF 856.38 AF, AND CONSUMED VOLUME OF 140.50 AF.

PROPOSED CHANGE

FLOW RATE: 10.59 CFS **VOLUME:** 856.38 AC-FT

THIS APPLICATION IS FOR A TEMPORARY CHANGE TO THE POINT OF DIVERSION, PLACE OF USE, AND PURPOSE. THE CHANGE WILL MOVE WATER HISTORICALLY USED FOR 99.2 ACRES OF IRRIGATION TO

INSTREAM FLOW FOR BENEFIT OF FISHERY RESOURCE IN ROCK CREEK FROM MAY 1 TO OCTOBER 10 OF EACH YEAR. THE PROTECTED REACH OF ROCK CREEK WILL HAVE A POINT OF DIVERSION IN THE NENESW SECTION 19, T7S, R7E, PARK COUNTY. THE PROTECTED REACH PLACE OF USE WILL RUN APPROXIMATELY 0.44 MILES ALONG ROCK CREEK FROM THE POINT OF DIVERSION TO THE CONFLUENCE WITH THE YELLOWSTONE RIVER IN NENESE SECTION 19, T7S, R7E, PARK COUNTY. THIS CHANGE SEEKS TO PROTECT THE HISTORICALLY DIVERTED FLOW RATE OF 10.59 CFS AND THE COMBINED HISTORICALLY DIVERTED VOLUME OF 856.38 AF WILL BE PROTECTED AT THE POINT OF DIVERSION AND THE COMBINED HISTORICALLY CONSUMED FROM SOURCE VOLUME OF 816.8 AF AND FLOW RATE OF 2.54 CFS WILL BE PROTECTED WITHIN THE PROTECTED REACH BELOW THE POINT OF DIVERSION. THE APPLICANT PROPOSES THE TEMPORARY CHANGE FOR 30 YEARS, WITH AN OPTION FOR A TEN YEAR RENEWAL.

ADDITIONAL INFORMATION

WATER RIGHTS INCLUDED IN CHANGE APPLICATION 43B 30159989 ARE PART OF A 30-YEAR LEASE AGREEMENT BETWEEN MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS AND POINT OF ROCKS RANCH LLC.

PUBLISHED IN: LIVINGSTON ENTERPRISE ON AUGUST 21, 2024.