

# 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: JUNE 15, 2020.** 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 613 NE MAIN, SUITE E, LEWISTOWN, MT 59457-2020 FAX: 406-538-7089 PHONE: 406-538-7459.

**Application Number :** 41J 30116553  
  
**Applicant :** JOHN M HANSON  
122 BIRCH CREEK RD  
WHITE SULPHUR SPRINGS, MT 59645 9629  
  
TERRI K HANSON  
122 BIRCH CREEK RD  
WHITE SULPHUR SPRINGS, MT 59645 9629  
  
BAR Z RANCH INC  
122 BIRCH CREEK RD  
WHITE SULPHUR SPRINGS, MT 59645

**WATER RIGHT NUMBER(S) BEING CHANGED**

Water Right Type	Water Right Number	Priority Date
STATEMENT OF CLAIM	41J 198908-00	SEPTEMBER 30, 1888
Historical Flow Rate: 6.5 CFS	Historical Consumptive Volume: 41.80 AC-FT	
	Historical Diverted Volume: 1,149.70 AC-FT	

**PAST USE OF WATER**

(MEAGHER COUNTY) STATEMENT OF CLAIM NO. 41J 198908 00 IS A LITTLE SHEEP CREEK RIGHT WITH A FLOW RATE OF 6.50 CFS TO IRRIGATE 54 ACRES IN SECTION 24 T12N R6E AND SECTIONS 19 & 30 T12N R7E. NINETEEN ACRES OF THE 54 ACRES ARE SUPPLEMENTAL WITH STATEMENT OF CLAIM NO. 41J 198907 00. THE POINT OF DIVERSION IS A HEADGATE IN THE SE SE NW SECTION 30 T12N R7E WITH AN ASSOCIATED PERIOD OF DIVERSION AND USE OF MAY 1 TO OCTOBER 15. THE CLAIMED PRIORITY DATE IS SEPTEMBER 30, 1888.

**PROPOSED CHANGE**

APPLICANTS SEEK TO CHANGE STATEMENT OF CLAIM NO. 41J 198908 BY ADDING TWO PURPOSES OF USE, TWO PLACES OF USE, A POINT OF DIVERSION AND A PLACE OF STORAGE. THE PROPOSAL INCLUDES THE ADDITIONAL PURPOSES OF MARKETING FOR MITIGATION AND MITIGATION. THE PROPOSED FLOW RATE FOR MARKETING FOR MITIGATION IS 6.5 CUBIC FEET PER SECOND (CFS) AND THE VOLUME IS COMMENSURATE WITH THE CONSUMPTION ASSOCIATED WITH THE HISTORIC WATER USE FOR IRRIGATION (41.8 ACRE-Feet (AF)). THE MITIGATION PURPOSE IS FOR REPLICATING OR MAINTAINING THE HISTORIC RETURN FLOW PATTERN IN TIMING AND AMOUNT FOR THE WATER RIGHT PROPOSED FOR CHANGE, AS WELL AS MITIGATING RETURN FLOWS ASSOCIATED WITH A PROPOSED CHANGE TO STATEMENT OF CLAIM NO. 41J 198907. THE PROPOSED, COMBINED FLOW RATE RANGE FOR MITIGATION (MITIGATION OF CHANGES TO RETURN FLOWS FOR BOTH WATER RIGHTS) IS 6 - 83 GALLONS PER MINUTE (GPM) UP TO 29.5 AF. WATER ASSOCIATED WITH MITIGATION IS NON-CONSUMED, AS IT WILL BE TEMPORARILY STORED IN A RESERVOIR AND RELEASED BACK TO THE STREAM IN THE NON-IRRIGATION SEASON. THE PRINCIPLE REASON THE WATER RIGHT IS PROPOSED FOR CHANGE IS BECAUSE APPLICANTS HAVE ENTERED INTO AN AGREEMENT WITH TINTINA MONTANA, INC., TO SUPPLY WATER TO TINTINA'S BLACK BUTTE COPPER PROJECT, A PROPOSED UNDERGROUND COPPER MINE. UNDER APPLICANTS' PROPOSAL, THEY WILL HAVE THE OPTION TO MARKET THE WATER RIGHT FOR MITIGATION PURPOSES DURING ANY GIVEN YEAR OR CONTINUE USE UNDER THE HISTORIC PURPOSE OF IRRIGATION.

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