

# NOTICE OF RECEIPT WATER RIGHT APPLICATION

(Pursuant to Section § 85-2-307(1), MCA)

Summarized below are the application details as described in an Application to Change of Appropriation Water Right received by the Department of Natural Resources & Conservation on DECEMBER 27, 2023. This notice reflects the application details only as originally submitted. The notice does not reflect changes to the application details made during the review process.

**Application Number:** 40F 30162714  
**Applicant:** TRIANGLE LAND LLC  
5938 RUSSELL RD  
CARTER, MT 59420 8231

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

<b>Water Right Type</b>	<b>Water Right Number</b>	<b>Priority Date</b>
STATEMENT OF CLAIM	40F-124626	OCTOBER 10, 1912
STATEMENT OF CLAIM	40F-124627	DECEMBER 17, 1914
STATEMENT OF CLAIM	40F-124628	DECEMBER 31, 1960
STATEMENT OF CLAIM	40F-124629	AUGUST 21, 1908
STATEMENT OF CLAIM	40F-124635	APRIL 1, 1893
STATEMENT OF CLAIM	40F-124638	OCTOBER 1, 1900

**PAST USE OF WATER**

- IRRIGATION TYPE: FLOOD/SPRINKLER  
- ACRES:143  
- HISTORIC VOLUME:  
DIVERTED VOLUME (AC FT): 357.09  
CONSUMPTIVE VOLUME (AC FT): 109.76

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POINT OF DIVERSION:  
40F 124626 00 -  
SWSENE S28 T37N 2E TOOLE

40F 124638 00 -  
SWSENE 28 37N 2E TOOLE

40F 124635 00 -  
SWNWSE 12 37N 2E TOOLE  
SENE SW 12 37N 2E TOOLE  
NWSE SW 12 37N 2E TOOLE  
NESW SW 12 37N 2E TOOLE

40F 124629 00 -  
SWNWSE 12 37N 2E TOOLE  
SENE SW 12 37N 2E TOOLE  
NWSE SW 12 37N 2E TOOLE  
NESW SW 12 37N 2E TOOLE

40F 124627 00 -  
SWNWSE 12 37N 2E TOOLE  
SENE SW 12 37N 2E TOOLE  
NWSE SW 12 37N 2E TOOLE  
NESW SW 12 37N 2E TOOLE

40F 124628 00 -  
SENE SW 12 37N 2E TOOLE

PLACE OF USE:  
40F 124626 00 -  
SWSW 7 37N 3E TOOLE, W2W2 18 37N 3E TOOLE

40F 124638 00 -  
SWS 7 37N 3E TOOLE, W2W2 18 37N 3E TOOLE

40F 124635 00 -  
NE 12 37N 2E TOOLE  
SENE W 12 37N 2E TOOLE  
W2NW 7 37N 3E TOOLE  
NE SW 12 37N 2E TOOLE

40F 124629 00 -  
NE 12 37N 2E TOOLE  
SESW 12 37N 2E TOOLE  
NESW 12 37N 2E TOOLE  
W2NW 7 37N 3E TOOLE

40F 124627 00 -  
NE 12 37N 2E TOOLE  
SESW 12 37N 2E TOOLE  
NESW 12 37N 2E TOOLE  
W2NW 7 37N 3E TOOLE

40F 124628 00 -  
SWSWNE 12 37N 2E TOOLE  
SESESW 12 37N 2E TOOLE  
NENESW 12 37N 2E TOOLE  
NWNESW 12 37N 2E TOOLE

**ACRES:**

40F 124626 00 - 78 AC  
40F 124638 00 - 78 AC  
40F 124635 00 - 65 AC  
40F 124629 00 - 65 AC  
40F 124627 00 - 65 AC  
40F 124628 00 - 13 AC

**PROPOSED CHANGE**

APPLICANT IS PROPOSING TO CHANGE THE PLACE OF USE AND ADD 2 POINTS OF DIVERSION TO EACH STATEMENT OF CLAIM TO ALLOW FOR SPRINKLER PIVOT IRRIGATION FROM FLOOD/SPRINKLER. TOOLE COUNTY.

40F 124626 00  
40F 124638 00  
40F 124635 00  
40F 124629 00  
40F 124627 00 FLOW RATE INCREASE REQUESTED  
40F 124628 00

- POINT OF DIVERSION  
2 PODS WILL BE ADDED TO EACH WR  
POD #1: SW SE NE S28 T37N R2E TOOLE  
POD #2: N2 SE SW S12 T37N R2E TOOLE  
- PROPOSED PLACE OF USE  
S2 SW S13 T37N R2E GEO: 21495824101010000 70.75 AC  
N2 NW S24 T37N R2E GEO: 21495813101010000 70.75 AC

- PROPOSED PLACE OF STORAGE  
ON STREAM RESERVOIR (DAM)  
- REDUCE ACRES FROM 143AC TO 141.5AC  
PROPOSED VOLUME:  
APPLICANT PLANS TO LIMIT DIVERTED VOLUME OF WATER TO ENSURE CONSUMPTIVE USE DOES NOT INCREASE  
DIVERTED VOLUME (AC FT) 137.2  
CONSUMPTIVE VOLUME (AC FT) 109.76

**ADDITIONAL INFORMATION**

- PLACE OF STORAGE ADDENDUM REQUIRED (RECEIVED)  
- SUPPLEMENTAL WATER RIGHTS ASSOCIATED WITH EVERY STATEMENT OF CLAIM ABOVE.  
- NOT ALL WR'S ASSOCIATED WITH PLACE OF USE ARE BEING CHANGED. 40F 124633 00 AND 40F 124534 00 ARE NOT BEING CHANGED BECAUSE THEY ARE APART OF MINORS COULEE AND CANNOT REACH THE PRIMARY OR SECONDARY POINTS OF DIVERSION ON FRED AND GEORGE CREEK WITHOUT INFRASTRUCTURE.

In general, the department will make a preliminary determination to grant or deny this application within 120 days of the date the application is deemed correct and complete. That date is currently unknown. If the preliminary determination is to grant the application, the application will be published in the local newspaper and a notice will be sent to appropriators who, according to the department records may be affected by the proposed appropriation. Individuals will have at least 15 days and no more than 60 days (specific deadline will be identified at time of notice) to submit an objection under § 85-2-308, MCA, after the application has been published in the newspaper.

Direct questions regarding this application to the Water Resources Regional Office, 210 SIXTH AVE., PO BOX 1828, HAVRE, MT 59501-1828 FAX: 406-265-2225 PHONE: 406-265-5516