

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 MARCH 3, 2025. 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: 43D 30165001
Applicant: RONALD M HENRY
930 BLACKBERRY WAY
BILLINGS, MT 59106 2276

WATER RIGHT NUMBER(S) BEING CHANGED

Water Right Type	Water Right Number	Priority Date
STATEMENT OF CLAIM	43D-30155507	JUNE 1, 1889
STATEMENT OF CLAIM	43D-30155511	SEPTEMBER 1, 1888

PAST USE OF WATER

STATEMENT OF CLAIM 43D 30155507 HISTORICALLY DIVERTED 0.87 CFS FROM WEST FORK ROCK CREEK TO FLOOD IRRIGATE 123.79 ACRES FROM APRIL 10 TO NOVEMBER 1 WITH A PRIORITY DATE OF JUNE 1, 1889. STATEMENT OF CLAIM 43D 30155511 HISTORICALLY DIVERTED 1.92 CFS FROM WEST FORK ROCK CREEK TO IRRIGATE 123.79 ACRES FROM APRIL 10 TO NOVEMBER 1 WITH A PRIORITY DATE OF SEPTEMBER 1, 1888. BOTH WATER RIGHTS USED THE MCDONALD DITCH HEADGATE IN THE NENWNW SEC. 7, T8S, R20E, CARBON COUNTY AS A POD AND THE MCDONALD DITCH AS A MEANS OF CONVEYANCE. BOTH WATER RIGHTS HAVE A POU OF 23.74 AC IN THE SENE SEC. 28; 40.02 AC IN THE SWNE SEC. 28; AND 60.03 AC IN THE SE SEC. 28, T7S, R20E, CARBON COUNTY.

PROPOSED CHANGE

FLOW RATE: 2.79 CFS **VOLUME:** 255.30 AC-FT

THE APPLICANT PROPOSES TO TEMPORARILY CHANGE THE POINT OF DIVERSION (POD), PLACE OF USE (POU), AND PURPOSE FOR STATEMENTS OF CLAIM 43D 30155507 AND 43D 30155511. THE PROPOSED CHANGE IS TEMPORARY FOR A PERIOD OF TEN YEARS AS DESCRIBED IN 85-2-408, AND 85-2-436, MCA. THE PROPOSED PURPOSE IS INSTREAM FLOW TO BENEFIT FISHERY RESOURCES AND THE PROPOSED PLACE OF USE IS WEST FORK ROCK CREEK FROM THE HISTORICAL POINT OF DIVERSION IN THE NENWNW SEC. 7, T8S, R20E, TO THE CONFLUENCE WITH ROCK CREEK, THEN ROCK CREEK FROM THE CONFLUENCE WITH WEST FORK ROCK CREEK TO A POINT DOWNSTREAM IN GOV'T LOT 5 (SENESE) SEC. 36, T3S, R23E. THE PROJECT IS IN CARBON COUNTY AND THE SOURCE IS WEST FORK ROCK CREEK.

In general, the Department will make a draft preliminary determination to grant or deny this application within 60 or 120 days of the date the application is deemed and correct and complete (60 days if a preapplication meeting was held, 120 days if a preapplication meeting was not held). That date is currently unknown as the application has not yet been determined to be correct and complete. If the draft 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 30 days to submit a public comment about this application under §85-2-307, MCA, after the application has been published in the newspaper. If public comments are received, the Department will consider the public comments and update the preliminary determination. If the preliminary determination is to grant the application, the application will again be published in a local newspaper and a notice will be sent to anyone who submitted a public comment, along with appropriators who, according to the department records may be affected by the proposed appropriation. Individuals will have 30 days 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, 1371 RIMTOP DRIVE, BILLINGS, MT 59105-1978 FAX: 406-247-4416 PHONE: 406-247-4419