

PUBLIC NOTICE

PUBLIC COMMENT PERIOD

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 DRAFT 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/>.

PUBLIC COMMENT DEADLINE: JULY 17, 2026. PUBLIC COMMENTS MUST BE FILED ON A PUBLIC COMMENT FORM, FORM 654, AND MUST BE RECEIVED BY THE STATED DEADLINE. THE FORM IS AVAILABLE ON THE DEPARTMENT'S WEBSITE OR CAN BE OBTAINED FROM ANY WATER RESOURCES REGIONAL OFFICE. MAIL PAPER COPIES OF THE COMPLETED FORM TO: DNRC WATER RIGHTS BUREAU, PO BOX 201601, HELENA, MT 59620-1601. SUBMIT ELECTRONIC COPIES OF THE COMPLETED FORM TO: DNRCWATERRIGHTSCOMMENTOBJECTION@MT.GOV. PER 85-2-307(5)(C), MCA, IF NO PUBLIC COMMENTS ARE RECEIVED, THE DRAFT PD WILL BE ADOPTED AS FINAL AND THERE WILL BE NO OPPORTUNITY TO OBJECT TO THIS APPLICATION.

DIRECT ANY QUESTIONS PERTAINING TO THE APPLICATION, OR REQUESTS TO OBTAIN THE DRAFT PD OR PUBLIC COMMENT FORM TO THE WATER RESOURCES OFFICE AT 1424 9TH AVENUE, PO BOX 201601, HELENA, MT 59620-1601 FAX: 406-444-9317 PHONE: 406-444-6999.

Application Number: 76G 30165115

Applicant: CLARK FORK COALITION
PO BOX 7593
MISSOULA, MT 59807 7593

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: 0.28 CFS	76G 5191-00 Historical Consumptive Volume: 2.83 AC-FT Historical Diverted Volume: 16.95 AC-FT	APRIL 1, 1866
STATEMENT OF CLAIM Historical Flow Rate: 0.28 CFS	76G 5192-00 Historical Consumptive Volume: 2.83 AC-FT Historical Diverted Volume: 16.95 AC-FT	NOVEMBER 7, 1879
STATEMENT OF CLAIM Historical Flow Rate: 0.58 CFS	76G 5193-00 Historical Consumptive Volume: 5.87 AC-FT Historical Diverted Volume: 34.57 AC-FT	APRIL 1, 1871
STATEMENT OF CLAIM Historical Flow Rate: 1.99 CFS	76G 215144-00 Historical Consumptive Volume: 20.14 AC-FT Historical Diverted Volume: 105.98 AC-FT	MARCH 3, 1906

PAST USE OF WATER

THE PAST USE OF WATER WAS FOR IRRIGATION FROM COTTONWOOD CREEK. THE POINT OF DIVERSION WAS IN THE SWSWSE S34, T8N, R9W, POWELL COUNTY AND THE PLACE OF USE WAS 31.07 ACRES IN THE NWSW AND S2SWNW S34, T8N, R9W, POWELL COUNTY. THE HISTORICAL DIVERTED FLOW RATE WAS 3.13 CFS, THE HISTORICAL DIVERTED VOLUME WAS 174.45 AF, AND THE HISTORICAL CONSUMED VOLUME WAS 31.67 AF. THE HISTORICAL PERIOD OF DIVERSION AND PERIOD OF USE FOR CLAIMS 76G 5191-00, 76G 5192, AND 76G 5193 WAS 5/1 - 10/1. THE HISTORICAL PERIOD OF DIVERSION AND PERIOD OF USE FOR CLAIM 76G 215144-00 WAS 3/10 - 7/10.

PROPOSED CHANGE

THE APPLICANT PROPOSES TO TEMPORARILY CHANGE FOR A PERIOD OF 10 YEARS WITH THE OPTION TO RENEW THE PLACE OF USE (POU) AND PURPOSE FOR STATEMENTS OF CLAIM 76G 5191-00, 76G 5192-00, 76G 5193-00, AND 76G 215144-00. THE PROPOSED PURPOSE IS INSTREAM FLOW FOR FISHERIES. THE PROPOSED PLACE OF USE IS THE REACH OF COTTONWOOD CREEK STARTING AT THE HISTORICAL POINT OF DIVERSION (POD) FOR THESE CLAIMS IN THE SWSWSE SECTION (S) 34 AND ENDING AT THE CONFLUENCE WITH THE CLARK FORK RIVER IN THE NWNWSW S33, ALL TOWNSHIP (T) 8 NORTH (N), RANGE (R) 9 WEST (W). THE PROJECT IS IN POWELL COUNTY AND THE SOURCE IS COTTONWOOD CREEK. AFTER THIS CHANGE, THE APPLICANT PROPOSES TO TEMPORARILY PROTECT UP TO 1.99 CFS BETWEEN JUNE 13 AND JULY 10, AND UP TO 1.14 CFS BETWEEN JULY 11 AND AUGUST 10, UP TO A TOTAL PROTECTED VOLUME OF 174.45 AF. THE PROPOSED PERIOD OF DIVERSION AND PERIOD OF USE IS JUNE 13 TO AUGUST 10. THE APPLICANT PROPOSES

TO PROTECT THE FULL HISTORICAL DIVERTED VOLUME OF 174.45 AF FROM THE HISTORICAL POD TO THE POINT AT WHICH RETURN FLOWS FROM HISTORICAL IRRIGATION PRACTICES BEGAN TO ACCRETE TO COTTONWOOD CREEK IN THE NWSESW S34, T8N, R9W, POWELL COUNTY. BELOW THIS POINT TO THE CONFLUENCE WITH THE CLARK FORK RIVER, THE APPLICANT PROPOSES TO PROTECT THE HISTORICAL CONSUMED VOLUME OF 31.67 AF.

ADDITIONAL INFORMATION

FLOW WILL BE PROTECTED INSTREAM UP TO 1.99 CFS BETWEEN JUNE 13 AND JULY 10, AND UP TO 1.14 CFS BETWEEN JULY 11 AND AUGUST 10, UP TO A TOTAL PROTECTED VOLUME OF 174.45 AF. THE APPLICANT OR DESIGNEE SHALL MEASURE THE FLOWS AT THE DNRC GAGE BELOW THE HISTORICAL POD. MEASUREMENTS WILL BE TAKEN MONTHLY DURING THE PERIOD OF USE FOR INSTREAM FLOW USING DEPARTMENT APPROVED MEASURING DEVICES. ALL MEASUREMENTS WILL BE REPORTED TO THE DNRC HELENA REGIONAL OFFICE BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR DURING THE TEMPORARY CHANGE AUTHORIZATION. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A CHANGE.

PUBLISHED IN: ANACONDA LEADER ON JUNE 17, 2026.