

# 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.

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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: FEBRUARY 17, 2025.** 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 2705 SPURGIN RD, BLDG C, PO BOX 5004, MISSOULA, MT 59804-5004 FAX: 406-542-5899 PHONE: 406-721-4284.

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**Application Number:** 76H 30161311

**Applicant:** TIN CUP WATER & SEWER DISTRICT  
PO BOX 292  
DARBY, MT 59829

## WATER RIGHT NUMBER(S) BEING CHANGED

<u>Water Right Type</u>	<u>Water Right Number</u>	<u>Priority Date</u>
STATEMENT OF CLAIM	76H 111251-00	AUGUST 20, 1906

## PAST USE OF WATER

THE PAST USE OF WATER IS FOR IRRIGATION, USING WATER FROM TIN CUP CREEK DIVERTED AND STORED AT TIN CUP DAM, WHICH IS LOCATED IN THE NESESE SEC. 1 T2N, R23W. WATER RELEASED FROM TIN CUP DAM USED TIN CUP CREEK AS A NATURAL CARRIER TO THE MML DITCH, A SECONDARY DIVERSION WHOSE HEADGATE IS LOCATED IN THE SWSWSW OF SECTION 16, T3N, R21W. WATER IS DIVERTED FROM THE MML DITCH TO THE FINAL PLACES OF USE. A VOLUME OF 1500 AF OF STORED WATER WAS HISTORICALLY USED TO ANNUALLY IRRIGATE 1607 ACRES WITHIN A 2219-ACRE SERVICE AREA, LOCATED IN SECTIONS 3, 4, 8, 9, 10, 15, 16, 21, AND 22 T3N, R21W. THE HISTORICAL CONSUMPTIVE USE FOR THIS WATER RIGHT IS 828.63 AF. THE HISTORICAL PERIOD OF USE IS FROM JULY 1 TO SEPTEMBER 30. THIS CLAIM WAS ORIGINALLY FILED WITHOUT A PERIOD OF DIVERSION LISTED. THE WATER COURT ASSIGNED IT A PERIOD OF DIVERSION OF JULY 1 TO SEPTEMBER 30 BY DEFAULT. THE APPLICANT HAS FILED AN EXHIBIT C FORM TO AMEND THIS PERIOD OF DIVERSION TO YEAR-ROUND.

## PROPOSED CHANGE

**FLOW RATE:** 3.30 CFS                      **VOLUME:** 1,500.00 AC-FT                      **ACRES:** 2,219.00

THIS APPLICATION IS FOR A 10-YEAR TEMPORARY CHANGE TO THE PURPOSE AND PLACE OF USE OF STATEMENT OF CLAIM 76H 111251-00. THIS APPLICATION WILL CHANGE THE PURPOSE OF 400 AF OF WATER FROM IRRIGATION TO INSTREAM FISHERY. THE CLARK FORK COALITION HAS LEASED 400 AF OF WATER FROM THE TIN CUP WATER & SEWER DISTRICT FOR THE PURPOSE OF PROTECTING INSTREAM FLOWS. THIS CHANGE WILL PROTECT UP TO 400 AF AND 3.3 CFS FROM THE TIN CUP DAM IN THE NESESE SEC. 1, T2N, R23W TO THE MML HEADGATE IN THE SWSWSW SEC. 16, T3N, R21W, AND UP TO 372 AF AND 3.07 CFS FROM THE MML HEADGATE TO THE CONFLUENCE OF TIN CUP CREEK AND THE BITTERROOT RIVER IN THE SWSWNW SEC. 14, T3N, R21W.

## ADDITIONAL INFORMATION

THE APPLICANT IS HELD TO THE FOLLOWING CONDITION:

THE APPLICANT WILL MEASURE STREAM FLOWS TO MONITOR FOR COMPLIANCE OF THE LEASE AGREEMENT AND INSTREAM FLOWS THROUGH THE PROTECTED REACH. THE APPLICANT WILL MEASURE RELEASED STORED WATER FOR INSTREAM FLOW AT THE OUTLET OF TIN CUP DAM. FLOWS IN TIN CUP CREEK BELOW THE DAM WILL BE MEASURED USING STAFF GAGES ABOVE AND BELOW ALL IRRIGATION DIVERSIONS. STAFF GAGES WILL BE MONITORED REGULARLY DURING THE AUGUST 1 THROUGH SEPTEMBER 30 PERIOD OF USE FOR INSTREAM FLOW. THE APPROPRIATOR SHALL REPORT TO THE DEPARTMENT THE STREAMFLOW DATA COLLECTED IN IMPLEMENTATION OF THE STREAMFLOW MEASUREMENT PLAN REQUIRED BY MCA 85-2-408(1) (B) AND DESCRIBED IN THE CHANGE APPLICATION. DOCUMENTATION OF THE LOCATION OF THE MEASURING POINTS AND MEASUREMENT METHODOLOGY MUST BE PRESENTED WITH THE FLOW MEASUREMENT RECORDS. THE MEASUREMENT REPORT SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE. FAILURE TO SUBMIT RECORDS MAY BE CAUSE FOR REVOCATION OF THIS TEMPORARY CHANGE AUTHORIZATION.

**PUBLISHED IN:** RAVALLI REPUBLIC ON JANUARY 2, 2025.