

# **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.

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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 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 28, 2025.** THE DEPARTMENT CAN ONLY ACCEPT PUBLIC COMMENTS FILED ON A PUBLIC COMMENT FORM, FORM 654. MAIL THE COMPLETED FORM TO THE DNRC, PO BOX 201601, HELENA, MT 59620-1601 BY THE DEADLINE SPECIFIED. THE FORM IS AVAILABLE ON THE DEPARTMENT'S WEBSITE. 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 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 30165219

**Applicant:** TOLLEFSON PROPERTIES LLC  
15311 TYSON WAY  
FRENCHTOWN, MT 59834 8535

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

<b><u>Water Right Type</u></b>	<b><u>Water Right Number</u></b>	<b><u>Priority Date</u></b>
STATEMENT OF CLAIM	76H 30165310	JUNE 30, 1958

### **PAST USE OF WATER**

THE PAST USE OF WATER IS FOR IRRIGATION. THE SUBJECT CLAIM APPROPRIATED WATER FROM THE BITTERROOT RIVER, WITH A POINT OF DIVERSION IN THE NWSESE SEC. 2, T12N, R20W FOR IRRIGATION OF 82 ACRES IN THE S2SE SEC. 2 AND NENE IN SEC. 11, T12N, R20W. THE HISTORICAL USE OF THIS WATER RIGHT IS A MAXIMUM DIVERTED FLOW RATE OF 2.5 CFS, A DIVERTED VOLUME OF 131.96 AF, AND A CONSUMED VOLUME OF 105.57 AF.

### **PROPOSED CHANGE**

THIS APPLICATION IS FOR A CHANGE TO THE POINT OF DIVERSION, PLACE OF USE, AND PURPOSE. THE CHANGE WILL RETIRE ALL 82 IRRIGATED ACRES ON THE SUBJECT WATER RIGHT, AND THE NEW USE OF WATER WILL BE AQUIFER RECHARGE. THE POINT OF DIVERSION WILL BE CHANGED FROM THE NWSESE SEC. 2 T12N, R20W TO THE SENWNE SEC. 15, T12N, R20W. FROM THE NEW POD, A VOLUME OF 101.1 AF WILL BE CONVEYED VIA A PIPELINE TO TO A POINT ON MILLER CREEK IN THE SESWNW SEC. 14, T12N, R20W, WHERE THE WATER WILL BE DISCHARGED FOR AQUIFER RECHARGE PURPOSES TO MITIGATE THE DEPLETIONS FROM PERMIT APPLICATION 76H 30163647.

### **ADDITIONAL INFORMATION**

THE FOLLOWING CONDITIONS ARE PROPOSED:

WATER MEASUREMENT-INLINE FLOW METER REQUIRED: THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED IN-LINE FLOW METER AT A POINT IN THE DELIVERY LINE APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE FLOW RATE AND VOLUME OF ALL WATER DIVERTED, INCLUDING THE PERIOD OF TIME. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. IN THE EVENT THAT AUTHORIZED FLOW RATES AND/OR VOLUMES HAVE BEEN EXCEEDED DURING PERFECTION OF THE CHANGE AUTHORIZATION OR THE APPROPRIATOR FAILS TO SUBMIT ANNUAL REPORTS, THE DEPARTMENT MAY CONTINUE TO REQUIRE ANNUAL SUBMISSIONS OF MONTHLY FLOW RATE AND VOLUME RECORDS. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE MISSOULA WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE AND VOLUME ACCURATELY.

THIS CHANGE AUTHORIZATION PROVIDES MITIGATION WATER FOR BENEFICIAL WATER USE PERMIT NO. 76H 30163647. THE BENEFICIAL USE CRITERION OF THIS CHANGE AUTHORIZATION IS CONDITIONED UPON THE AUTHORIZATION OF BENEFICIAL WATER USE PERMIT AUTHORIZATION NO. 76H 30163647.

**PUBLISHED IN: MISSOULIAN ON JUNE 28, 2025.**