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.

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 http://www.dnrc.mt.gov/wrd/.

OBJECTION DEADLINE: SEPTEMBER 30, 2016. THE DEPARTMENT CAN ONLY ACCEPT OBJECTIONS FILED ON AN OBJECTION TO APPLICATION, FORM 611. MAIL THE COMPLETED FORM AND THE $25.00 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 2273 BOOT HILL COURT, SUITE 110, BOZEMAN, MT 59715-7249 FAX: 406-587-9726 PHONE: 406-586-3136.

Application Number : 41H 30102910

Applicant :

J & D FAMILY LP
270 AUTOMOTIVE AVE
BOZEMAN, MT 59718 7797

NORTON RANCH HOMES LLC
63026 LOWER MEADOW DR SUITE 230
BEND, OR 97701 6984

NORTON PROPERTIES LLC
63020 LOWER MEADOW DR
BEND, OR 97701

RECEIVED
AUG 17 2016
LEGISLATIVE ENVIRONMENTAL POLICY OFFICE

WATER RIGHT NUMBER(S) BEING CHANGED

Water Right Type	Water Right Number	Priority Date
STATEMENT OF CLAIM	41H 138898-00	SEPTEMBER 15, 1919
Historical Flow Rate: 1.25 CFS	Historical Consumptive Volume: 12.36 AC-FT	
	Historical Diverted Volume: 17.65 AC-FT	
STATEMENT OF CLAIM	41H 138899-00	SEPTEMBER 15, 1919
Historical Flow Rate: 1.25 CFS	Historical Consumptive Volume: 12.36 AC-FT	
	Historical Diverted Volume: 17.65 AC-FT	
STATEMENT OF CLAIM	41H 138902-00	SEPTEMBER 15, 1919
Historical Flow Rate: 1.25 CFS	Historical Consumptive Volume: 12.36 AC-FT	
	Historical Diverted Volume: 17.65 AC-FT	
STATEMENT OF CLAIM	41H 138903-00	SEPTEMBER 15, 1919
Historical Flow Rate: 1.25 CFS	Historical Consumptive Volume: 12.36 AC-FT	
	Historical Diverted Volume: 17.65 AC-FT	
STATEMENT OF CLAIM	41H 30023118	OCTOBER 15, 1866
Historical Flow Rate: 372.5 GPM	Historical Consumptive Volume: 69.22 AC-FT	
	Historical Diverted Volume: 119.45 AC-FT	
STATEMENT OF CLAIM	41H 30023119	JUNE 15, 1881
Historical Flow Rate: 168.75 GPM	Historical Consumptive Volume: 31.33 AC-FT	
	Historical Diverted Volume: 54.11 AC-FT	
STATEMENT OF CLAIM	41H 30023120	JUNE 1, 1867
Historical Flow Rate: 561. GPM	Historical Consumptive Volume: 104.23 AC-FT	
	Historical Diverted Volume: 179.90 AC-FT	

PAST USE OF WATER

SUBJECT WATER RIGHTS

THE SUBJECT WATER RIGHTS WERE HISTORICALLY EXERCISED FOR IRRIGATION ON 138.63 ACRES AT A COMBINED FLOW RATE OF 1,102.25 GALLONS PER MINUTE. THE SOURCE OF WATER IS THE WEST GALLATIN RIVER, AND WATER WAS DIVERTED AT THE FARMER'S CANAL HEADGATE AND CONVEYED THROUGH THE FARMER'S CANAL TO THE E. MINDER LATERAL. THE HISTORIC PLACE OF USE IS THE NORTON RANCH, LOCATED JUST WEST OF BOZEMAN IN SECTION 9 OF T02 S, R05 E. A 1988 CHANGE WAS AUTHORIZED FOR ONE OF THE THREE SUBJECT RIGHTS.

GROUNDWATER CLAIMS

THE GROUNDWATER CLAIMS WERE HISTORICALLY EXERCISED FOR IRRIGATION ON 44.5 ACRES AT A COMBINED FLOW RATE OF 1.25 CUBIC FEET PER SECOND. THE SOURCES OF WATER ARE UNNAMED TRIBUTARY TO BAXTER CREEK; AND WASTE AND SEEPAGE, UNNAMED TRIBUTARY OF BAXTER CREEK -- BOTH GROUNDWATER. WATER WAS DIVERTED BY A SYSTEM OF DRAIN TILES AND SUNKEN CONCRETE HEADGATES. THE HISTORIC PLACE OF USE IS ALSO THE NORTON RANCH.

PROPOSED CHANGE

FLOW RATE: 62.00 GPM **VOLUME:** 48.75 AC-FT

SUBJECT WATER RIGHTS

THIS APPLICATION PROPOSES TO PARTIALLY CHANGE THE PURPOSE AND PLACE OF USE OF STATEMENTS OF CLAIM 41H 30023118, 41H 30023119, AND 41H 30023120 (THE "SUBJECT WATER RIGHTS"). THIS APPLICATION PROPOSES TO RETIRE 26.4 ACRES FROM IRRIGATION UNDER THE SUBJECT WATER RIGHTS IN ORDER TO PROVIDE MITIGATION FOR A BIG SKY-AREA DEVELOPMENT'S MUNICIPAL USE OF WATER UNDER PROVISIONAL PERMIT 41H 30025398. UNDER THE SUBJECT RIGHTS, 39.0 ACRE-FEET OF WATER AT A RATE OF 47.58 GALLONS PER MINUTE WOULD BE LEFT INSTREAM IN THE WEST GALLATIN RIVER AT THE FARMER'S CANAL HEADGATE FROM MAY 1 TO OCTOBER 31. THE FARMER'S CANAL HEADGATE IS LOCATED IN THE SWNWNW OF SECTION 11, T03 S, R04 E, GALLATIN COUNTY. WATER WOULD BE LEFT INSTREAM ALONG THE REACH FROM THE FARMER'S CANAL HEADGATE TO THE POINT WHERE INTERSTATE 90 CROSSES THE WEST GALLATIN RIVER IN THE N1/2NWSE OF SECTION 19, T01 N, R03 E.

GROUNDWATER CLAIMS

IN ADDITION, THIS APPLICATION PROPOSES TO PARTIALLY CHANGE THE PURPOSE, PLACE OF USE, AND POINT OF DIVERSION OF STATEMENTS OF CLAIM 41H 138898-00, 41H 138899-00, 41H 138902-00, AND 41H 138903-00 (THE "GROUNDWATER CLAIMS"). THIS APPLICATION PROPOSES TO RETIRE 8.78 ACRES FROM IRRIGATION UNDER THE GROUNDWATER CLAIMS IN ORDER TO PROVIDE MITIGATION FOR THE LOSS OF RETURN FLOWS DUE TO THE RETIREMENT OF 26.4 ACRES FROM THE SUBJECT WATER RIGHTS. UNDER THE GROUNDWATER CLAIMS, 9.75 ACRE-FEET AT A RATE OF 14.42 GALLONS PER MINUTE WOULD BE LEFT IN THE SUBSURFACE AS GROUNDWATER AND NO LONGER DIVERTED FROM JUNE 1 TO OCTOBER 31. THE NEW PLACE OF USE WOULD BE THE SAME AS THE NEW POINT OF DIVERSION: TWO POINTS, ONE ON AAJKER CREEK AND ONE ON BAXTER CREEK, AT THE DOWNSTREAM END OF NORTON PROPERTIES. THESE POINTS ARE LOCATED IN THE NWSENW AND NESWNE OF SECTION 9, T02 S, R05 E, FOR AAJKER AND BAXTER CREEKS, RESPECTIVELY.

ADDITIONAL INFORMATION

THE REMAINING ACREAGE UNDER THE SUBJECT RIGHTS IS PROPOSED FOR CHANGE TO A NEW PLACE OF USE AT THE CITY OF BOZEMAN SPORTS COMPLEX IN SUBSEQUENT CHANGE APPLICATION 41H 30103245. THE REMAINING ACREAGE UNDER THE GROUNDWATER CLAIMS IS PROPOSED FOR CHANGE TO MITIGATION TO PREVENT ANY ADVERSE EFFECT FROM THE LOSS OF RETURN FLOWS DUE TO THE RETIREMENT OF THE REMAINING ACREAGE FROM THE SUBJECT WATER RIGHTS.

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