

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 74002-00 PROVISIONAL PERMIT
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: MEADOW LAKE GOLF RESORT
490 ST ANDREWS DR
COLUMBIA FALLS, MT 59912

Priority Date: FEBRUARY 23, 1990 at 08:45 A.M.

Enforceable Priority Date: FEBRUARY 23, 1990 at 08:45 A.M.

Purpose (use): IRRIGATION

Maximum Flow Rate: 100.00 GPM

Maximum Volume: 6.00 AC-FT

Maximum Acres: 137.00

Source Name: GARNIER CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESW	6	30N	20W	FLATHEAD

Period of Diversion: MARCH 15 TO MAY 15

Diversion Means: HEADGATE

Reservoir: OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENESW	6	30N	20W	FLATHEAD

Surface Area: 0.50 ACRES

Current Capacity: 3.00 ACRE-FEET

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

Volume: 6.00 AC-FT

Period of Use: APRIL 1 to OCTOBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	9.00		NENW	6	30N	20W	FLATHEAD
2	10.00		SESW	6	30N	20W	FLATHEAD
3	14.00		NWNE	6	30N	20W	FLATHEAD
4	14.00		SWNE	6	30N	20W	FLATHEAD
5	26.00		NESW	6	30N	20W	FLATHEAD
6	28.00		SESW	6	30N	20W	FLATHEAD
7	13.00		NWSE	6	30N	20W	FLATHEAD
8	23.00		SWSE	6	30N	20W	FLATHEAD

Total: 137.00

Geocodes/Valid: 07-4186-06-1-01-13-0000 - Y 07-4186-06-3-26-01-0000 - Y
07-4186-06-4-10-01-0000 - Y 07-4186-06-4-10-75-0000 - Y

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME PLACE OF USE.

8080-00 26716-00 26723-00 71015-00 74002-00 131493-00

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME PLACE OF USE.

26716-00 26723-00 28809-00 71015-00 74002-00 131493-00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME PLACE OF USE.

71015-00 74002-00 131493-00

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26716-00 71015-00 74002-00

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26723-00 71015-00 74002-00

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8080-00 74002-00

ASSOCIATED RIGHT

THIS PERMIT IS ASSOCIATED TO WATER RIGHT NO. 76LJ-C008080-00, 76LJ-P026716-00, 76LJ-P026723-00, 76LJ-P071015-00, AND 76LJ-W131493-00. THEY HAVE OVERLAPPING PLACES OF USE. THE COMBINED TOTAL VOLUME DIVERTED EACH YEAR UNDER THESE APPROPRIATIONS MUST NOT EXCEED THE AMOUNT NECESSARY FOR THE PERMITTED BENEFICIAL USE.

FINAL ORDER

THIS WATER RIGHT IS SUBJECT TO THE FINAL ORDER OF THE DEPARTMENT.

IMPORTANT INFORMATION

THE PERMITTEE SHALL PREVENT THE INFLOW OF SUBSURFACE GARNIER CREEK WATER INTO THE POND. A PLAN THAT ASSURES AN ADEQUATE MEANS OF DIVERSION AND STORAGE OF THE WATER FROM GARNIER CREEK SHALL BE PREPARED BY A PROFESSIONAL ENGINEER. THE PLAN SHALL INCLUDE AN INITIAL DESIGN AS WELL AS A PLAN FOR DESIGN CONSULTATION DURING CONSTRUCTION AND INITIAL OPERATION OF THE DIVERSION. THE PERMITTEE'S ENGINEER IS REQUIRED TO MONITOR THE INSTALLATION OF THE LINING MATERIAL TO ASSURE THAT THE DESIGN IS FOLLOWED, THE ORIGINAL DESIGN ASSUMPTIONS ARE YET SATISFACTORY, AND PROPER CHANGES IN CONSTRUCTION TECHNIQUES AND MATERIALS ARE MADE IF NECESSARY. ALSO THE PLAN SHALL INCLUDE OPERATION AND MAINTENANCE INSTRUCTIONS TO ASSURE THE CONTINUED INTEGRITY OF THE LINING MATERIAL IN THE STORAGE POND DURING ITS USE. THE PLANS FOR THE METHOD SHALL BE PRESENTED TO THE KALISPELL WATER RESOURCES REGIONAL OFFICE OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR APPROVAL. THE PERMITTEE SHALL SUBMIT COPIES OF THE PLAN TO THE OBJECTORS IN THIS PROCEEDING AND THE DEPARTMENT SHALL CONSIDER THE OBJECTORS' COMMENTS PRIOR TO APPROVAL.

IMPORTANT INFORMATION

PRIOR TO DIVERTING WATER FROM GARNIER CREEK INTO THE POND, THE PERMITTEE MUST PERMANENTLY PREVENT OR OBSTRUCT THE FLOW OF WATER INTO THE POND THROUGH THE EXISTING RUSTED PIPE. PRIOR TO DIVERSION OF WATER INTO THE POND FROM GARNIER CREEK, PERMITTEE MUST OBTAIN CONFIRMATION OF COMPLIANCE WITH THIS CONDITION FROM THE KALISPELL WATER RESOURCES REGIONAL OFFICE.

OBJECTION INFORMATION

13-283

WATER MEASUREMENT REQUIREMENT - UNIQUE TYPE

PERMITTEE SHALL INSTALL ADEQUATE FLOW METERING DEVICES ON THE DIVERSION INTO THE STORAGE POND AND ON ANY DIVERSION OR OUTFLOW DEVICES THAT TAKE OR RELEASE WATER FROM THE POND IN ORDER TO ALLOW THE FLOW RATE AND VOLUME OF WATER DIVERTED AND USED OR RELEASED TO BE RECORDED. THE PERMITTEE SHALL KEEP A WRITTEN RECORD OF THE FLOW RATE AND VOLUME OF ALL WATERS DIVERTED, USED, OR RELEASED INCLUDING THE PERIOD OF TIME, AND SHALL SUBMIT SAID RECORDS TO THE KALISPELL WATER RESOURCES REGIONAL OFFICE OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION UPON DEMAND AND BY NOVEMBER 30 OF EACH YEAR.

POSSIBLE COMPLAINT RECEIVED

IF AT ANY TIME AFTER THIS RIGHT IS ISSUED, A WRITTEN COMPLAINT IS RECEIVED BY THE DEPARTMENT ALLEGING THAT DIVERTING FROM THIS SOURCE IS ADVERSELY AFFECTING A PRIOR WATER RIGHT, THE DEPARTMENT MAY MAKE A FIELD INVESTIGATION OF THE PROJECT. IF DURING THE FIELD INVESTIGATION THE DEPARTMENT FINDS SUFFICIENT EVIDENCE SUPPORTING THE ALLEGATION, IT MAY CONDUCT A HEARING IN THE MATTER ALLOWING THE APPROPRIATOR TO SHOW CAUSE WHY THE RIGHT SHOULD NOT BE MODIFIED OR REVOKED. THE DEPARTMENT MAY THEN MODIFY OR REVOKE THIS RIGHT TO PROTECT EXISTING RIGHTS OR LEAVE THIS RIGHT UNCHANGED IF THE HEARING OFFICER DETERMINES NO EXISTING WATER RIGHTS ARE BEING ADVERSELY

Remarks:

AFFECTED.

LIABILITY WAIVER

THE ISSUANCE OF THIS RIGHT BY THE DEPARTMENT SHALL NOT REDUCE THE APPROPRIATOR'S LIABILITY FOR DAMAGES CAUSED BY THE APPROPRIATOR'S EXERCISE OF THIS RIGHT. NOR DOES THE DEPARTMENT IN ISSUING THE RIGHT IN ANY WAY ACKNOWLEDGE LIABILITY FOR DAMAGE CAUSED BY THE APPROPRIATOR'S EXERCISE OF THIS RIGHT.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 7717 RECEIVED 11/27/2002.