

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: 40A 80862-00 PROVISIONAL PERMIT
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: DENNIS D MCDONALD
PO BOX 196
MELVILLE, MT 59055-0196

Priority Date: MAY 4, 1992 at 10:45 A.M.
Enforceable Priority Date: MAY 4, 1992 at 10:45 A.M.

Purpose (use): IRRIGATION

Maximum Flow Rate:

Maximum Volume: 50.00 AC-FT

Maximum Acres: 458.00

Source Name: TONY 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		NWSE	17	5N	16E	SWEET GRASS

Period of Diversion: OCTOBER 15 TO JUNE 15

Diversion Means: DAM

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSE	17	5N	16E	SWEET GRASS

Original Capacity: 150.00 ACRE-FEET

Purpose (Use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD
Volume: 50.00 AC-FT
Period of Use: JUNE 15 to OCTOBER 15

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	401.00			17	5N	16E	SWEET GRASS
2	54.00		SE	18	5N	16E	SWEET GRASS
3	3.00		SESENE	18	5N	16E	SWEET GRASS
Total:	458.00						

Geocodes/Valid: -- NO VALID GEOCODES --

Remarks:

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

17907-00 80862-00

Remarks:

ASSOCIATED RIGHT

THIS PERMIT AND 40A-G(P)017907-00 HAVE THE SAME PLACE OF USE. THEY ALSO USE THE SAME RESERVOIR. THE COMBINED VOLUME IS 200 ACRE-FEET PER YEAR. THIS PERMIT AND 40A-W192615-00, 40A-W192616-00 AND 40A-W192617-00 HAVE OVERLAPPING PLACES OF USE.

IMPORTANT INFORMATION

THE PERMITTEE SHALL NOT IMPOUND AND RETAIN ANY WATER IN THE RESERVOIR DURING THE PERIOD FROM JUNE 15 TO OCTOBER 15 INCLUSIVE OF EACH YEAR. THE RESERVOIR SHALL BE CONSTRUCTED WITH A CONTROL STRUCTURE ON THE RESERVOIR SUCH THAT THE FLOW OF WATER ENTERING THE RESERVOIR IS ALLOWED TO BE PASSED THROUGH THE RESERVOIR AND NOT RETAINED. THUS, DURING THE PERIOD FROM JUNE 15 TO OCTOBER 15 INCLUSIVE OF EACH YEAR, THE FLOW OF WATER ENTERING THE RESERVOIR SHALL BE EQUAL TO THE RATE OF FLOW OF WATER LEAVING THE RESERVOIR.

IMPORTANT INFORMATION

FROM OCTOBER 15 TO JUNE 15 THE PERMITTEE SHALL ALLOW A SUFFICIENT AMOUNT OF WATER TO FLOW DOWN TONY CREEK TO SATISFY EXISTING STOCKWATER RIGHTS.

IMPORTANT INFORMATION

THE PERMITTEE SHALL CEASE EXERCISING THE PERMITTED APPROPRIATION UPON NOTICE WHEN THE FLOW IN THE MUSSELSHELL RIVER IS LESS THAN WHAT CAN BE BENEFICIALLY USED BY THE DELPHIA-MELSTONE WATER USERS' ASSOCIATION AND WATER IS RELEASED FROM DEADMANS BASIN RESERVOIR TO SATISFY THE DELPHIA-MELSTONE PROJECT DEMAND OR DEADMANS BASIN WATER USERS ARE ON ANY WATER CONSERVING ROTATION PLAN OR DROUGHT MITIGATION.

IMPORTANT INFORMATION

THIS PERMIT IS SUBJECT TO THE SAME CONDITIONS STATED IN THE FINAL ORDER FOR PERMIT NO. 40A-P017907-00 DATED JUNE 19, 1981 AND THE AMENDED PERMIT ISSUED JANUARY 14, 1993.

MISCELLANEOUS INFORMATION

THE PERIOD OF APPROPRIATION IS OCTOBER 16 THROUGH JUNE 14.

OBJECTION INFORMATION

OBJECTION LOG 93-012

WATER MEASUREMENT REQUIREMENT - UNIQUE TYPE

THE PERMITTEE SHALL INSTALL ADEQUATE FLOW METERING DEVICES ABOVE AND BELOW THE RESERVOIR TO ALLOW THE FLOW RATE AND VOLUME OF ALL WATER DIVERTED INTO THE RESERVOIR AND RELEASED FROM THE RESERVOIR TO BE RECORDED. THE PERMITTEE SHALL KEEP A WRITTEN RECORD OF THE FLOW RATE AND VOLUME OF ALL WATERS DIVERTED AND RELEASED, INCLUDING THE PERIOD OF TIME AND SHALL SUBMIT SAID RECORDS BY NOVEMBER 30 OF EACH YEAR AND/OR UPON REQUEST TO THE BILLINGS WATER RESOURCES REGIONAL OFFICE, 1537 AVE D, SUITE 121, BILLINGS MT 59102. THE PERMITTEE SHALL ALSO SEND COPIES OF SAID RECORDS TO THE LEWISTOWN WATER RESOURCES REGIONAL OFFICE, 311 W JANEUX, PO BOX 438, LEWISTOWN MT 59457.

PRIVATE AGREEMENT

THERE IS A PRIVATE AGREEMENT BETWEEN INDIVIDUALS WHICH HAS BEEN PLACED IN THE FILE BUT IS NOT NECESSARILY RECOGNIZED BY THIS DEPARTMENT.

OWNERSHIP UPDATE RECEIVED

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/10/95.

WATER MEASUREMENT INFORMATION REQUIRED ONLY UPON REQUEST

AS OF 02/28/00, WATER MEASUREMENT RECORDS ARE DUE ONLY UPON REQUEST FROM THE DEPARTMENT.