

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: 76H 83979-00 PROVISIONAL PERMIT
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: CHEPO LLC
PO BOX 742
BELLVILLE, TX 77418

Priority Date: NOVEMBER 20, 1992 at 03:00 P.M.

Enforceable Priority Date: NOVEMBER 20, 1992 at 03:00 P.M.

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 200.00 GPM

Maximum Volume: 310.00 AC-FT

Source Name: ROCK 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		SWSESW	23	4N	21W	RAVALLI

Period of Diversion: JANUARY 1 TO DECEMBER 31

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>
	SENW	23	4N	21W	RAVALLI

Surface Area: 0.48 ACRES

Current Capacity: 6.20 ACRE-FEET

Purpose (Use): FISH AND WILDLIFE

Volume: 310.00 AC-FT

Period of Use: JANUARY 1 to DECEMBER 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			SENW	23	4N	21W	RAVALLI

Geocodes/Valid: 13-1273-23-1-01-07-0000 - Y

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME OTHER.

83967-00 83979-00

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME POINT OF DIVERSION.

83979-00 100115-00

Remarks:

ASSOCIATED RIGHT

THIS RIGHT & 76H-P083967-00 USE THE SAME PONDS. AT NO TIME WILL BOTH SOURCES OF WATER (ROCK CREEK AND/OR THE BITTERROOT RIVER) BE USED SIMULTANEOUSLY FOR THE FISH & WILDLIFE PONDS. THE COMBINED APPROPRIATION AS GRANTED SHALL NOT EXCEED A TOTAL OF 200 GPM UP TO 310 ACRE-FEET PER YEAR.

ASSOCIATED RIGHT

THIS RIGHT AND 76H-W100115-00 USE THE SAME HEADGATE AND DITCH

DECREED STREAM - COMMISSIONER

THIS RIGHT IS SUBJECT TO THE AUTHORITY OF COURT APPOINTED WATER COMMISSIONERS, IF AND WHEN APPOINTED, TO ADMEASURE AND DISTRIBUTE TO THE PARTIES USING WATER IN THE SOURCE OF SUPPLY, THE WATER TO WHICH THEY ARE ENTITLED. THE APPROPRIATOR SHALL PAY HIS PROPORTIONATE SHARE OF THE FEES, COMPENSATION AND EXPENSES, AS FIXED BY THE DISTRICT COURT, INCURRED IN THE DISTRIBUTION OF THE WATERS.

IMPORTANT INFORMATION

THERE IS AN AGREEMENT ENTERED INTO BY THE PARTIES OF RECORD WHICH HAS BEEN PLACED IN THE FILE AND RECOGNIZED BY THE DEPARTMENT.

OBJECTION INFORMATION

OBJECTION LOG 93-049

WATER MEASUREMENT REQUIREMENT - UNIQUE TYPE

THIS RIGHT IS SUBJECT TO THE APPROPRIATOR MAINTAINING WRITTEN FLOW RATE AND VOLUME RECORDS OF ALL WATERS DIVERTED (DIVERSION SCHEDULE) SO THE AMOUNT OF WATER APPROPRIATED CAN BE DETERMINED. SAID RECORDS SHALL BE SUBMITTED TO THE DEPARTMENT UPON REQUEST, OR WITH THE APPROPRIATORS' CERTIFIED STATEMENT THAT THE APPROPRIATION HAS BEEN PROPERLY COMPLETED IN SUBSTANTIAL ACCORDANCE WITH THE TERMS AND CONDITIONS AS PER SECTION 85-2-314, MCA.

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 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 DOR # 109780 RECEIVED 04/18/2014.

OWNERSHIP UPDATE TYPE DOR # 123486 RECEIVED 06/17/2014.