#### 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: 41S 105823-00 PROVISIONAL PERMIT

Version: 1 -- ORIGINAL RIGHT

**Version Status: ACTIVE** 

Owners: DANIEL T FRENCH

HC 81 BOX 85 HOBSON, MT 59452

Priority Date: NOVEMBER 30, 1998 at 11:50 A.M.

Enforceable Priority Date: NOVEMBER 30, 1998 at 11:50 A.M.

**Purpose (use):** FISHERY

**IRRIGATION** 

Maximum Flow Rate: 2,487.40 GPM

THE MAXIMUM FLOW RATE FOR BENEFICIAL USE IS 5.00 CFS EVEN THOUGH THE SUM OF THE INDIVIDUAL PURPOSE FLOW RATES EXCEEDS 5.00 CFS.

Maximum Volume: 986.00 AC-FT

Maximum Acres: 591.00

Source Name: GROUNDWATER
Source Type: GROUNDWATER

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 W2 24 14N 13E JUDITH BASIN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DEVELOPED SPRING

2 W2 25 14N 13E JUDITH BASIN

Period of Diversion: JANUARY 1 TO DECEMBER 31

**Diversion Means:** DEVELOPED SPRING

3 E2 26 14N 13E JUDITH BASIN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DEVELOPED SPRING

**Reservoir:** OFF STREAM

Govt Lot Qtr Sec Sec Twp Rge County

W2 24 14N 13E JUDITH BASIN

Dam Height: 10.00 FEET
Surface Area: 4.00 ACRES
Current Capacity: 15.00 ACRE-FEET

**Reservoir:** OFF STREAM

Govt Lot Qtr Sec Sec Twp Rge County

W2 24 14N 13E JUDITH BASIN

Dam Height:10.00 FEETSurface Area:4.00 ACRESCurrent Capacity:15.00 ACRE-FEET

**Reservoir:** OFF STREAM

Govt Lot Qtr Sec Sec Twp Rge County

W2 24 14N 13E JUDITH BASIN

Dam Height: 10.00 FEET
Surface Area: 4.00 ACRES
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W2 24 14N 13E JUDITH BASIN

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Govt Lot Qtr Sec Sec Twp Rge County

W2 24 14N 13E JUDITH BASIN

Dam Height:10.00 FEETSurface Area:4.00 ACRESCurrent Capacity:15.00 ACRE-FEET

THE NATURAL CHANNEL IS USED TO CONVEY THE WATER FROM THE POINTS OF DIVERSION TO THE RESERVOIRS. THE RESERVOIRS ARE BUILT ON-STREAM BUT

ARE NOT PERMITTED TO STORE SURFACE WATER.

Purpose (Use): FISHERY

Volume: 99.00 AC-FT

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

ID Acres Govt Lot Qtr Sec Sec Twp Rge County

1 W2 24 14N 13E JUDITH BASIN

Purpose (Use): IRRIGATION
Irrigation Type: SPRINKLER

**Volume:** 887.00 AC-FT

Period of Use: APRIL 15 to SEPTEMBER 30

Place of Use:

Rge ID Twp **Govt Lot Qtr Sec** Sec **County** Acres 24 14N 13E JUDITH BASIN 366.00 2 225.00 25 14N 13E JUDITH BASIN N2

**Total:** 591.00

Geocodes/Valid: 36-2360-24-2-01-01-0000 - Y 36-2360-25-1-01-01-0000 - Y

#### Remarks:

#### **FINAL ORDER**

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

#### IMPORTANT INFORMATION

THIS RIGHT IS SUBJECT TO THE CONDITION THAT THE PROJECT SHALL BE DESIGNED BY AND CONSTRUCTED UNDER THE SUPERVISION OF A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF MONTANA WHO IS EXPERIENCED IN THE DESIGN OF DAMS AND IRRIGATION SYSTEMS ACCORDING TO NRCS STANDARDS.

## IMPORTANT INFORMATION

THE APPROPRIATOR MUST ACQUIRE A PRIVATE FISH POND LICENSE AS REQUIRED BY MONT. CODE ANN. 87-4-603 (1999). THE APPROPRIATOR MUST STOCK THE POND AS ALLOWED IN THE PRIVATE FISH POND LICENSE WITHIN TWO YEARS OF COMPLETION OF POND CONSTRUCTION. COPIES OF THE POND LICENSE AND STOCKING PURCHASE INVOICES ARE REQUIRED TO SHOW PROJECT COMPLETION, AND SHALL BE ATTACHED TO THE PERMIT NOTICE OF COMPLETION (FORM 617) WHEN FILED.

#### IMPORTANT INFORMATION

THE COMBINED VOLUME OF IRRIGATION WATER FROM THE WATER RIGHTS WITH OVERLAPPING PLACES OF USE SHALL NOT EXCEED THE NRCS CROP REQUIREMENT FOR THE OVERLAPPING ACRES.

#### IMPORTANT INFORMATION

THIS RIGHT IS SUBJECT TO THE INSTALLATION OF PERMANENT DRAINAGE DEVICES IN EACH RESERVOIR THAT ARE ADEQUATE TO PASS THROUGH THE DAM THE NATURAL RUNOFF TO SATISFY EXISTING WATER RIGHTS. THE DRAINAGE DEVICES MUST BE APPROVED BY THE WATER RESOURCES REGIONAL OFFICE PRIOR TO INSTALLATION.

#### **OBJECTION INFORMATION**

99-028

### **WATER MEASUREMENT REQUIREMENT - UNIQUE TYPE**

THIS RIGHT IS SUBJECT TO THE INSTALLATION OF MEASURING DEVICES ADEQUATE TO MEASURE THE FLOW RATE OF ALL WATERS DEVELOPED AT THE DOWNSTREAM END OF EACH OF THE TWO COLLECTION DITCHES. THE MEASURING DEVICES MUST BE APPROVED BY THE WATER RESOURCES REGIONAL OFFICE PRIOR TO INSTALLATION. UPON COMPLETION OF THE COLLECTION DITCHES THE FLOW RATE OF THE DEVELOPED WATER SHALL BE RECORDED MONTHLY FOR A PERIOD OF THREE YEARS. THE THREE YEARS OF RECORD MUST ACCOMPANY THE NOTICE OF COMPLETION (FORM 617) FILED WHEN THE WATER HAS BEEN PUT TO BENEFICIAL USE AS PERMITTED. THE MAXIMUM MEASURED FLOW RATE, UP TO 5 CUBIC FEET PER SECOND FOR THE IRRIGATION USE AND 243.3 GALLONS PER MINUTE FOR THE FISHERIES USE, WILL DETERMINE THE LIMIT OF THIS RIGHT.

#### Remarks:

## **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.