

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: 43B 70922-00 PROVISIONAL PERMIT
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: YELLOWSTONE BLUFFS LLC
1201 CALIFORNIA ST STE 1302
SAN FRANCISCO, CA 94109

Priority Date: MAY 5, 1989 at 09:21 A.M.
Enforceable Priority Date: MAY 5, 1989 at 09:21 A.M.

Purpose (use): FISHERY
Maximum Flow Rate: 150.00 GPM
Maximum Volume: 10.00 AC-FT

Source Name: YELLOWSTONE RIVER
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		NWNENE	33	1S	10E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: PUMP

Reservoir: OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESWSE	28	1S	10E	PARK

Dam Height: 12.00 FEET
Surface Area: 0.46 ACRES
Current Capacity: 2.00 ACRE-FEET

Purpose (Use): FISHERY
Volume: 10.00 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			SESWSE	28	1S	10E	PARK

Geocodes/Valid: 49-0909-28-4-90-02-0000 - Y

Remarks:

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

70922-00 75650-00

ASSOCIATED RIGHT

THIS CERTIFICATE IS ASSOCIATED WITH WATER RIGHT NO. 43B-P75650. THIS APPROPRIATION IS TO INCREASE THE FLOW RATE AND VOLUME OF WATER DIVERTED INTO THE RESERVOIR. THE COMBINED APPROPRIATION SHALL NOT EXCEED 300.00 GALLONS PER MINUTE UP TO 121.00 ACRE-FEET PER YEAR.

LAND DESCRIPTION CLARIFICATION

THE POINT OF DIVERSION AND PLACE OF USE ARE LOCATED IN TRACT 2 OF WEST TRACTS, CERTIFICATE OF SURVEY NO. 000152.

IMPORTANT INFORMATION

RESERVOIR CAPACITY IS 2.07 AC-FT.

OWNERSHIP UPDATE RECEIVED

NOTICE OF WATER RIGHT TRANSFER RECEIVED 08/18/95.

YELLOWSTONE RESERVATIONS-BILLINGS

** YELLOWSTONE RESERVATION -- BILLINGS: (1) THIS PERMIT IS SUBJECT TO THE YELLOWSTONE

Remarks:

RIVER BASIN WATER RESERVATIONS GRANTED BY THE BOARD OF NATURAL RESOURCES AND CONSERVATION ON DECEMBER 15, 1978 AND AS AMENDED BY BOARD ORDER ON NOVEMBER 21, 1980. (2) THE PERMITTEE ACKNOWLEDGES THAT THE APPLICATION FOR BENEFICIAL WATER USE PERMIT HAS BEEN SUBMITTED FOR LANDS WHICH ARE OR COULD BE PART OF THE WATER RESERVATION GRANTED PARK CONSERVATION DISTRICT IN THE YELLOWSTONE BASIN. THEREFORE, IF THE WATER BECOMES PART OF A BOARD OF NATURAL RESOURCES AND CONSERVATION APPROVED CONSERVATION DISTRICT RESERVATION PROJECT PLAN, THE PERMIT TERMINATES WHEN THE USE OF WATER APPROPRIATED IS APPROVED BY A CONSERVATION DISTRICT AND IS MADE A PART OF ITS WATER RESERVATION. (3) THE WATERS APPROPRIATED PURSUANT TO THIS PERMIT SHALL ONLY BE DIVERTED WHEN THE FLOW OF THE YELLOWSTONE RIVER EXCEEDS THE WATER RESERVATIONS THAT ARE BEING PUT TO BENEFICIAL USE. CURRENTLY THE INSTREAM FLOW RESERVATION AT THE USGS GAUGE AT BILLINGS IS LISTED BELOW. AS THE DOWNSTREAM CONSERVATION DISTRICTS AND MUNICIPALITIES BEGIN TO DEVELOP THEIR WATER RESERVATIONS, THE AMOUNT OF WATER NEEDED TO PASS THE USGS GAUGE TO SATISFY ALL WATER RESERVATIONS WILL INCREASE. (4) THE PERMITTEE SHALL CEASE DIVERTING WATER PURSUANT TO THIS PERMIT IN ANY YEAR, OR PORTIONS THEREOF, WHEN THE FLOW OF THE YELLOWSTONE RIVER IS LESS THAN THE GRANTED INSTREAM FLOW RESERVATION OF THE MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS (MDFWP). THE PERMITTEE AGREES TO CEASE HIS JUNIOR DIVERSION IMMEDIATELY UPON VERBAL OR

YELLOWSTONE RESERVATIONS-BILLINGS

WRITTEN NOTIFICATION BY AN AUTHORIZED REPRESENTATIVE OF THE MDFWP. MONTHLY BREAKDOWN ACRE-FEET CUBIC FEET/SECOND JANUARY 152688 2483 FEBRUARY 137940 2484 MARCH 177278 2883 APRIL 213048 3580 MAY 1-20 203132 5121 MAY 21-31 266177 12200 JUNE 1-7 239306 17236 JUNE 8-30 853816 18716 JULY 1-10 203781 10274 JULY 11-31 166611 4000 AUGUST 215205 3500 SEPTEMBER 184878 3107 OCTOBER 219694 3573 NOVEMBER 206976 3478 DECEMBER 171008 2781 NOTICE: IT IS THE RESPONSIBILITY OF THE PERMITTEE TO DETERMINE WHEN THE STREAM FLOW IS IN EXCESS OF THE FLOWS AT THE USGS GAUGE STATION NEEDED TO SATISFY RESERVED WATERS BEING USED. STREAM FLOW INFORMATION MAY BE OBTAINED BY CALLING THE WATER RESOURCES REGIONAL OFFICE IN BILLINGS AT (406) 657-2105.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 127814 RECEIVED 11/17/2014.