

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:** 76L 79361-00 PROVISIONAL PERMIT  
**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** CROSS FAMILY PARTNERSHIP  
685 MT HWY 382  
PLAINS, MT 59859

**Priority Date:** NOVEMBER 12, 1991 at 08:30 A.M.

**Enforceable Priority Date:** NOVEMBER 12, 1991 at 08:30 A.M.

**Purpose (use):** IRRIGATION

**Maximum Flow Rate:** 225.00 GPM

**Maximum Volume:** 150.00 AC-FT

**Maximum Acres:** 40.00

**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		NWNWNE	23	20N	24W	SANDERS

**Period of Diversion:** APRIL 15 TO OCTOBER 15

**Diversion Means:** WELL

**Well Depth:** 10.00 FEET

**Pump Size:** 60.00 HP

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER

**Volume:** 150.00 AC-FT

**Period of Use:** APRIL 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	40.00		NENE	23	20N	24W	SANDERS

**Total:** 40.00

**Geocodes/Valid:** 35-2981-23-1-01-01-0000 - Y

**Remarks:**

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

79361-00 99486-00

**ASSOCIATED RIGHT**

THIS RIGHT AND 76L-W099486-00 SHARE A COMMON WELL AND PUMP. WHEN THIS RIGHT IS USED WITH 76L-W099486-00 THE COMBINED APPROPRIATION SHALL NOT EXCEED 450 GPM.

**GROUNDWATER WASTE & CONTAMINATION**

THIS RIGHT IS SUBJECT TO SECTION 85-2-505, MCA, REQUIRING A WELL BE CONSTRUCTED SO IT WILL NOT ALLOW WATER TO BE WASTED OR CONTAMINATE OTHER WATER SUPPLIES OR SOURCES, AND A FLOWING WELL MUST BE CAPPED OR EQUIPPED SO THE FLOW OF THE WATER MAY BE STOPPED WHEN NOT BEING PUT TO BENEFICIAL USE.

**GROUNDWATER WELL - ACCESS PORT**

THE FINAL COMPLETION OF THE WELL(S) MUST INCLUDE AN ACCESS PORT OF AT LEAST .50 INCH SO THE STATIC LEVEL OF THE WELL MAY BE ACCURATELY MEASURED.

**CONFEDERATED SALISH AND KOOTENAI TRIBES - RESERVED WATER RIGHTS**

THIS PERMIT IS SUBJECT TO ALL PRIOR INDIAN RESERVED WATER RIGHTS OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN THE SOURCE OF SUPPLY. IT IS THE TRIBE'S POSITION THAT ECONOMIC INVESTMENTS MADE IN RELIANCE UPON THIS PERMIT, DO NOT CREATE IN THE APPROPRIATOR ANY EQUITY OR VESTED RIGHT AGAINST THE TRIBES. THE APPROPRIATOR IS HEREBY NOTIFIED THAT ANY FINANCIAL OUTLAY OR WORK INVESTED IN A PROJECT PURSUANT TO THIS PERMIT IS AT THE APPROPRIATOR'S RISK. THE ISSUANCE OF THIS PERMIT DOES NOT REDUCE

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**Remarks:**

THE APPROPRIATOR'S LIABILITY FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. IT DOES NOT MAKE THE DEPARTMENT LIABLE FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. NOR IS THE DEPARTMENT LIABLE FOR ANY LOSS TO THE APPROPRIATOR CAUSED BY THE EXERCISE OF SENIOR RESERVED WATER RIGHTS. THE STATE OF MONTANA'S JURISDICTION TO ISSUE WATER RIGHTS WITHIN THE EXTERIOR BOUNDARIES OF THE FLATHEAD RESERVATION HAS BEEN CHALLENGED BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN CAUSE NO. ADV 92-745 (MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY, HELENA - FILED MAY 15, 1992), AND IN CAUSE NO. CV 92-54-M-CCL (UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA, MISSOULA DIVISION - FILED MAY 15, 1992) WHICH CASES ARE CURRENTLY PENDING. ANY WATER RIGHT ISSUED BY THE STATE IN THE ABSENCE OF JURISDICTION TO ISSUE THE WATER RIGHT IS VOID.

**IMPORTANT INFORMATION**

PURSUANT TO SECTION 85-2-505, MCA, TO PREVENT GROUNDWATER CONTAMINATION AN OPERATIONAL BACKFLOW PREVENTER MUST BE INSTALLED AND MAINTAINED BY THE APPROPRIATOR IF A CHEMICAL OR FERTILIZER DISTRIBUTION SYSTEM IS CONNECTED TO THE WELL.

**OBJECTION INFORMATION**

OBJECTION LOG 92-030

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 78355 RECEIVED 11/09/2008.