

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:** 41K 30001805 PROVISIONAL PERMIT  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** KERRY SCHAEFER  
1466 HWY 431  
POWER, MT 59468

**Priority Date:** APRIL 22, 2002 at 10:30 A.M.

**Enforceable Priority Date:** APRIL 22, 2002 at 10:30 A.M.

**Purpose (use):** IRRIGATION

**Maximum Flow Rate:** 425.00 GPM

**Maximum Volume:** 110.00 AC-FT

**Maximum Acres:** 55.00

**Source Name:** BIG MUDDY 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		NENWNE	33	23N	1W	TETON

**Period of Diversion:** MAY 1 TO SEPTEMBER 30

**Diversion Means:** PUMP

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER

**Climatic Area:** 3 - MODERATE

**Volume:** 110.00 AC-FT

**Period of Use:** MAY 1 to SEPTEMBER 30

**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		SWNE	33	23N	1W	TETON
2	15.00		NWSE	33	23N	1W	TETON
<b>Total:</b>	55.00						

**Geocodes/Valid:** 31-3372-33-4-01-01-0000 - Y

**Remarks:**

**Remarks:**

**IMPORTANT INFORMATION**

DURING THE FIRST TWO YEARS AFTER THE APPROVAL OF THIS PERMIT, DATA WILL BE COLLECTED AT THE MUDDY CREEK NEAR POWER (MCP) GAGE SITE AND THE BENTON LAKE NATIONAL WILDLIFE REFUGE (REFUGE) PUMP SITE TO DETERMINE WHETHER THIS IS A GAINING STREAM REACH ON MUDDY CREEK. THE DATA AT THE MCP SITE WILL BE GATHERED BY THE MUDDY CREEK TASK FORCE AND SUN RIVER WATERSHED GROUP AND THE DATA AT THE REFUGE SITE WILL BE GATHERED BY THE USA, DEPT. OF INTERIOR, FISH & WILDLIFE SERVICE. A JOINT EFFORT BETWEEN THE MUDDY CREEK TASK FORCE, SUN RIVER WATERSHED GROUP AND THE REFUGE WILL BE MADE TO VERIFY WHETHER 57.5 CFS IS AN APPROPRIATE FLOW AT THE MCP SITE TO GUARANTEE THAT THE REFUGE'S WATER RIGHT IS BEING FULFILLED. IN 2 YEARS, THE 57.5 CFS FLOW READING WILL BE REEVALUATED BY DNRC AND THE PERMIT MAY BE MODIFIED UPON APPROVAL BY THE DNRC, APPROPRIATOR AND THE REFUGE.

**IMPORTANT INFORMATION**

THE APPROPRIATOR SHALL DIVERT WATER DURING THE PERIOD OF APPROPRIATION ONLY WHEN USGS GAUGING STATION NO. 06088500, MUDDY CREEK AT VAUGHN, INDICATES A FLOW IN EXCESS OF 150 CUBIC FEET PER SECOND. THE FLOW MUST BE CHECKED DAILY WHEN APPROPRIATING WATER. THE CURRENT INTERNET ADDRESS IS:  
MT.WATERDATA.USGS.GOV/NWIS/CURRENT?TYPE=FLOW

**IMPORTANT INFORMATION**

AT THE PRESENT TIME, AN AQUAROD STREAMFLOW RECORDER LOCATED ON MUDDY CREEK NEAR POWER (MCP) IS CAPABLE OF MEASURING FLOWS UP TO 50 CUBIC FEET PER SECOND (CFS). PRIOR TO DIVERTING WATER AND UNTIL SUCH TIME AS THE MCP SITE IS CAPABLE OF MEASURING FLOWS IN EXCESS OF 50 CFS, THE APPROPRIATOR SHALL CONTACT THE LOCAL OFFICE FOR THE USFWS, BENTON LAKE NATIONAL WILDLIFE REFUGE (REFUGE), AT (406) 727-7400, EXTENSION 26, TO DETERMINE CURRENT WATER SUPPLY CONDITIONS AND THE AVAILABILITY OF WATER FOR HIS USE.

ONCE THE MCP SITE IS CAPABLE OF MEASURING FLOWS IN EXCESS OF 50 CFS, THE APPROPRIATOR SHALL DIVERT WATER DURING THE PERIOD OF APPROPRIATION ONLY WHEN THE AQUAROD STREAMFLOW RECORDER AT THE MCP SITE INDICATES A FLOW IN EXCESS OF 57.5 CFS. THE FLOW MUST BE CHECKED DAILY WHEN APPROPRIATING WATER. WHEN THE MCP GAGE IS LESS THAN 57.5 CFS, THE APPROPRIATOR SHALL CONTACT THE LOCAL OFFICE FOR THE REFUGE TO DETERMINE CURRENT WATER SUPPLY CONDITIONS AND THE AVAILABILITY OF WATER FOR HIS USE.

**WATER MEASUREMENT-INLINE FLOW METER REQUIRED**

THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED IN-LINE FLOW METER AT A POINT IN THE DELIVERY LINE APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN DAILY RECORD OF THE FLOW RATE AND VOLUME OF ALL WATER DIVERTED, INCLUDING THE PERIOD OF TIME. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE AND VOLUME ACCURATELY.