

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:** 76LJ 30003136 PROVISIONAL PERMIT  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** MLP EAST LAKESHORE WHITEFISH LLP  
% MONICA PASTOR  
PO BOX 55  
WHITEFISH, MT 59937

**Priority Date:** AUGUST 14, 2002 at 03:30 P.M.  
**Enforceable Priority Date:** AUGUST 14, 2002 at 03:30 P.M.

**Purpose (use):** DOMESTIC  
LAWN AND GARDEN

**Maximum Flow Rate:** 15.00 GPM

**Maximum Volume:** 1.84 AC-FT

**Source Name:** WHITEFISH RIVER (WHITEFISH LAKE)  
**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr</u> | <u>Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|------------|------------|------------|------------|------------|---------------|
| 1         |                 | NENENE     | 5          | 31N        | 22W        | FLATHEAD   |               |

**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** PUMP  
**Subdivision:** BRITELLS POINT OF PINES TRACT/LOT: 14  
**Pump Size:** 0.50 HP

**Purpose (Use):** DOMESTIC  
**Households:** 1  
**Volume:** 1.00 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</u> | <u>Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|------------|------------|------------|------------|------------|---------------|
| 1         |              | NENENE          | 5          | 31N        | 22W        | FLATHEAD   |            |               |

**Purpose (Use):** LAWN AND GARDEN  
**Climatic Area:** 3 - MODERATE  
**Volume:** 0.84 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</u> | <u>Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|------------|------------|------------|------------|------------|---------------|
| 1         | 0.34         | NENENE          | 5          | 31N        | 22W        | FLATHEAD   |            |               |

**Total:** 0.34

THE PLACE OF USE IS ON LOTS 14, 15 AND 16 OF BRITELLS POINT OF PINES.

**Geocodes/Valid:** 07-4292-05-1-01-05-0000 - Y

**Remarks:**

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**Remarks:**

**CLARK FORK RIVER BASIN LAW**

THIS PROVISIONAL WATER USE PERMIT HAS A PRIORITY DATE THAT IS JUNIOR TO THE RIGHTS OF SENIOR WATER RIGHT HOLDERS IN THE CLARK FORK RIVER BASIN. IN ACCORDANCE WITH MONTANA LAW, YOU MAY BE SUBJECT TO A CALL BY SENIOR WATER RIGHT HOLDERS, IN WHICH CASE YOU MAY BE REQUIRED TO DISCONTINUE YOUR USE OF WATER FOR THE PERIOD OF THE CALL.

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

THIS RIGHT 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 THE EXERCISE OF JUNIOR WATER RIGHTS EITHER WITHIN OR OUTSIDE OF THE EXTERIOR BOUNDARIES OF THE FLATHEAD INDIAN RESERVATION MAY AFFECT THE RESERVED WATER RIGHTS OF THE TRIBE WITHIN THE EXTERIOR BOUNDARIES OF THE RESERVATION. IT IS THE TRIBE'S POSITION THAT ECONOMIC INVESTMENTS MADE IN RELIANCE UPON THIS RIGHT 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 RIGHT IS AT APPROPRIATOR'S RISK. THE ISSUANCE OF THIS RIGHT DOES NOT REDUCE 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. CV 92-54-M-CCL (UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA, MISSOULA DIVISION - FILED MAY 15, 1992) WHICH CASE IS CURRENTLY PENDING. ANY WATER RIGHT ISSUED BY THE STATE IN THE ABSENCE OF JURISDICTION TO ISSUE THE WATER RIGHT IS VOID.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 11327 RECEIVED 11/03/2003.

OWNERSHIP UPDATE TYPE DOR # 105354 RECEIVED 07/25/2012.