

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: 76M 30009406 PROVISIONAL PERMIT
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: MONTANA, STATE OF UNIVERSITY SYSTEM (UM)
DEPT OF EDUCATION
UNIVERSITY FACILITY SERVICES BLDG 32, CAMPUS DR
MISSOULA, MT 59812

Priority Date: JANUARY 23, 2004 at 01:45 P.M.

Enforceable Priority Date: JANUARY 23, 2004 at 01:45 P.M.

Purpose (use): INSTITUTIONAL

Maximum Flow Rate: 11,200.00 GPM

Maximum Volume: 4,235.00 AC-FT

THE MAXIMUM VOLUME OF THIS PERMIT IS A COMBINATION OF THE VOLUME NEEDS OF THE PROPOSED HEATING/COOLING SYSTEMS (3350 ACRE-FEET) AND THE VOLUME USE OF THE EXISTING HEATING/COOLING SYSTEMS THAT EXCEEDS THAT PERMITTED UNDER THE ASSOCIATED WATER RIGHT PERMITS. (885 ACRE-FEET OVER PERMITTED)

Source Name: GROUNDWATER

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|------------|------------|------------|------------|---------------|
| 1 | | NE | 27 | 13N | 19W | MISSOULA |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

| | | | | | | |
|---|--|------|----|-----|-----|----------|
| 2 | | S2SE | 22 | 13N | 19W | MISSOULA |
|---|--|------|----|-----|-----|----------|

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

37 NEW PRODUCTION WELLS AND A LIKE NUMBER OF INJECTION WELLS WITHIN THE ABOVE LISTED POD LEGAL DESCRIPTIONS.

Purpose (Use): INSTITUTIONAL

Purpose Clarification: GEOTHERMAL HEATING AND COOLING

Volume: 4,235.00 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>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|------------|------------|------------|------------|---------------|
| 1 | | | NE | 27 | 13N | 19W | MISSOULA |
| 2 | | | S2SE | 22 | 13N | 19W | MISSOULA |

Remarks:

Remarks:

ASSOCIATED RIGHT

THIS PERMIT IS ASSOCIATED WITH WATER RIGHT PERMITS 76M-74259 AND 76M-78402 BECAUSE THEY EACH HAVE THE SAME PURPOSE, I.E., GEOTHERMAL HEATING/COOLING OF BUILDINGS ON THE UNIVERSITY OF MONTANA MISSOULA CAMPUS.

THE PREVIOUSLY ISSUED PERMITS REQUIRED MEASUREMENT AND PROGRESS REPORTS. THE UNIVERSITY OF MONTANA HAS REPORTED A MAXIMUM DIVERSION RATE OF 4194 GPM AND MAXIMUM VOLUME OF 1655 ACRE-FEET (885 ACRE-FEET OVER THE PERMITTED VOLUME FOR GEOTHERMAL HEATING/COOLING) FROM 14 PRODUCTION WELLS.

THIS PERMIT, IN COMBINATION WITH THE TWO EXISTING PERMITS, IS INTENDED TO COVER THE TOTAL PROJECTED GEOTHERMAL HEATING/COOLING NEEDS OF THE UNIVERSITY OF MONTANA CAMPUS AS WELL AS THE UN-PERMITTED EXCESS VOLUME USED BY THE EXISTING HEATING/COOLING SYSTEMS.

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.

IMPORTANT INFORMATION

THE GEOTHERMAL HEATING/COOLING REQUIREMENTS OF 28 NEW OR EXISTING BUILDINGS WILL BE SUPPLIED BY 37 PRODUCTION WELLS AND A LIKE NUMBER OF INJECTION WELLS.

GROUNDWATER WILL BE DIVERTED BY EACH PRODUCTION WELL AT AN AVERAGE RATE OF APPROXIMATELY 300 GPM THROUGH A CLOSED HEATING/COOLING SYSTEM AND THEN INJECTED DIRECTLY BACK INTO THE GROUNDWATER SOURCE.

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 MONTHLY 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.

PROGRESS REPORT REQUIRED

THE APPROPRIATOR SHALL SUBMIT A PROGRESS REPORT OF THE WORK COMPLETED UNDER THIS RIGHT BY NOVEMBER 30TH OF EACH YEAR UNTIL COMPLETION OF THE PROJECT. THE REPORTS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE. .