

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 30041732 PROVISIONAL PERMIT
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: FRANKLIN J RIGLER
PO BOX 970
GARDINER, MT 59030-0970

Priority Date: APRIL 8, 2008 at 11:25 A.M.

Enforceable Priority Date: APRIL 8, 2008 at 11:25 A.M.

Purpose (use): IRRIGATION

Maximum Flow Rate: 450.00 GPM

Maximum Volume: 129.00 AC-FT

Maximum Acres: 43.00

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		NENWSENE	11	8S	7E	PARK

Period of Diversion: APRIL 15 TO OCTOBER 14

Flow Rate: 450.00 GPM

Diversion Means: WELL

Water temperature: 46.00 DEGREES

Well Depth: 100.00 FEET

Static Water Level: 17.00 FEET

Casing Diameter: 8.00 INCHES

Pump Size: 50.00 HP

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

Climatic Area: 4 - MODERATELY LOW

Volume: 129.00 AC-FT

Period of Use: APRIL 15 to OCTOBER 14

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	20.00		NE	11	8S	7E	PARK
2	23.00		W2NW	12	8S	7E	PARK
Total:	43.00						

Geocodes/Valid: 49-0259-11-1-75-01-0000 - Y

49-0259-12-2-01-05-0000 - Y

Remarks:

ASSOCIATED RIGHT

THIS WATER RIGHT IS ASSOCIATED WITH 43B 194236-00, A STATEMENT OF CLAIM USING YELLOWSTONE RIVER WATER FOR 1 CFS. THIS PERMIT IS CONDITIONED SO THAT TOTAL USE OF IRRIGATION WATER BETWEEN THE PERMIT AND THE STATEMENT OF CLAIM FOR THE 43-ACRE PLACE OF USE DOES NOT EXCEED THE FLOW AND VOLUME OF THIS PERMIT.

GROUNDWATER WASTE & CONTAMINATION

THIS RIGHT IS SUBJECT TO SECTION 85-2-505, MCA, REQUIRING ALL WELLS BE CONSTRUCTED SO THEY WILL NOT ALLOW WATER TO BE WASTED OR CONTAMINATE OTHER WATER SUPPLIES OR SOURCES, AND ALL FLOWING WELLS SHALL 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.

IMPORTANT INFORMATION

AS BENEFICIAL USE IS ONLY MET IF THE OTHER SUPPLEMENTAL IRRIGATION RIGHTS ARE NO LONGER USED ON THIS ACREAGE, THIS PERMIT IS CONDITIONED SO THAT THE APPLICANT CAN NO LONGER USE 43B 30004838, 43B 192242-00, 43B 192243-00, AND/OR 43B 194244-00 ON THIS 43-ACRE

Remarks:

PLACE OF USE.

IMPORTANT INFORMATION

THIS RIGHT IS SUBJECT TO THE DEPARTMENT OF FISH, WILDLIFE AND PARKS' (DFWP) CLAIMED MURPHY RIGHT AND WATER RESERVATION FOR INSTREAM FLOW AS FOUND IN THE YELLOWSTONE RIVER BASIN FINAL ORDER BY THE BOARD OF NATURAL RESOURCES AND CONSERVATION. THE APPROPRIATOR SHALL DIVERT WATER DURING THE MONTHS OF APRIL AND OCTOBER ONLY WHEN THE FLOW RATE AT USGS GAUGING STATION NO. 06192500 (YELLOWSTONE RIVER AT LIVINGSTON) INDICATES A FLOW IN EXCESS OF THE VALUES ON THE DAYS INDICATED IN THE TABLE BELOW. THESE FLOWS MUST BE CHECKED DAILY WHEN APPROPRIATING WATER. THE CURRENT INTERNET ADDRESS IS: [HTTP://WATERDATA.USGS.GOV/NWIS/UV?06192500](http://waterdata.usgs.gov/nwis/uv?06192500)

PERIOD FLOW (CFS)
APRIL 15-25 2490
OCTOBER 1-14 2350

APPROPRIATION OF WATER WHEN SAID FLOW IS BELOW SPECIFIED AMOUNTS WILL CONSTITUTE A VIOLATION OF THE PERMIT CONDITION, AND THE PERMIT CAN BE REVOKED BY THE DNRC.

U.S. NATIONAL PARK SERVICE COMPACT (YELLOWSTONE)

THIS RIGHT IS ISSUED IN ACCORDANCE WITH THE YELLOWSTONE CONTROLLED GROUNDWATER AREAS PROVISIONS OF THE JANUARY 31, 1994, U.S. NATIONAL PARK SERVICE MONTANA COMPACT. THE DEPARTMENT MAY MODIFY OR REVOKE THIS PERMIT IF THE PROVISIONS OF THE COMPACT ARE NOT MET; THE CHARACTER OF THE GROUNDWATER PRODUCED CHANGES SUCH THAT A RESTRICTION APPLIES PURSUANT TO ARTICLE IV, OR NEW RESTRICTIONS ARE IMPOSED AS A RESULT OF ARTICLE IV, SECTION J. FURTHER MODIFICATION MAY OCCUR TO LIMIT THE TOTAL WITHDRAWAL BY DAY, MONTH OR YEAR; TO REQUIRE A SYSTEM OF ROTATION OF USE WITHIN THE CONTROLLED AREA; OR ADJUST THE TOTAL WITHDRAWAL FROM TWO OR MORE WELLS IN THE AREA USED BY THE SAME APPROPRIATOR. THE APPROPRIATOR SHALL ALLOW ACCESS TO THE WELL BY THE MONTANA BUREAU OF MINES AND GEOLOGY FOR WATER SAMPLING AS PROVIDED IN THE COMPACT. FURTHER, THIS RIGHT IS SUBJECT TO THE CONDITION THAT THE APPROPRIATOR SHALL INSTALL AN ADEQUATE METERING DEVICE TO ALLOW THE VOLUME OF WATER DIVERTED TO BE RECORDED. THE TYPE AND LOCATION OF THE METER SHALL BE DETERMINED BY THE DEPARTMENT. THE APPROPRIATOR SHALL KEEP A WRITTEN RECORD OF THE VOLUME OF ALL WATERS DIVERTED, INCLUDING THE PERIOD OF TIME, AND SHALL SUBMIT SAID RECORDS BY JANUARY 15TH OF EACH YEAR AND/OR UPON REQUEST TO THE MONTANA BUREAU OF MINES AND GEOLOGY, MONTANA TECH, 1300 W PARK ST, BUTTE, MT 59701-8997.

DEPARTMENT RIGHT OF ACCESS

THIS RIGHT IS SUBJECT TO THE AUTHORITY OF THE DEPARTMENT TO REVOKE THE RIGHT IN ACCORDANCE WITH 85-2-314 OR 85-2-402(9), MCA, AND TO ENTER ONTO THE PREMISES FOR INVESTIGATIVE PURPOSES IN ACCORDANCE WITH 85-2-115, MCA.

YELLOWSTONE CONTROLLED GROUNDWATER AREA COMPLETION DEADLINE

THE DEADLINE TO COMPLETE THIS PERMIT AND FILE A PROJECT COMPLETION NOTICE FOR PERMITTED WATER DEVELOPMENT (FORM NO. 617) IS 12/31/2011. THE FORM NO. 617 MUST BE FILED WITHIN 60 DAYS AFTER COMPLETION OF THE APPROPRIATION. IF YOU CANNOT MEET THE ABOVE DEADLINE, CONTACT THE BOZEMAN WATER RESOURCES REGIONAL OFFICE, 2273 BOOT HILL COURT, SUITE 110, BOZEMAN, MT, 59715, 406-586-3136, FOR A NEW DEADLINE.