

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: 41O 30049563 PROVISIONAL PERMIT
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: TETON PRAIRIE LLC
1381 AIRPORT RD
CHOTEAU, MT 59422-9346

Priority Date: OCTOBER 1, 2010 at 10:30 A.M.
Enforceable Priority Date: MAY 6, 2011 at 10:15 A.M.

Purpose (use): IRRIGATION
Maximum Flow Rate: 15.00 CFS
Maximum Volume: 279.20 AC-FT
Maximum Acres: 387.00

Source Name: WILLOW 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		NENWSE	31	24N	6W	TETON

Period of Diversion: MARCH 1 TO JUNE 30 **Flow Rate:** 15.00 CFS
Diversion Means: DAM
Ditch Name: SMITH DITCH#1

Reservoir: OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	W2SE	10	23N	6W	TETON

Dam Height: 37.50 FEET
Depth: 34.90 FEET
Surface Area: 20.00 ACRES
Original Capacity: 279.20 ACRE-FEET

Purpose (Use): IRRIGATION
Irrigation Type: SPRINKLER
Climatic Area: 4 - MODERATELY LOW
Volume: 279.20 AC-FT
Period of Use: JULY 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	20.00		SESE	10	23N	6W	TETON
2	73.00		S2SW	11	23N	6W	TETON
3	254.00		N2	14	23N	6W	TETON
4	40.00		NENE	15	23N	6W	TETON
Total:	387.00						

Geocodes/Valid: 31-3367-10-4-01-01-0000 - Y 31-3367-11-3-01-02-0000 - Y
31-3367-14-1-01-01-0000 - Y 31-3367-14-2-01-01-0000 - Y
31-3367-15-1-01-01-0000 - Y

Remarks:

Remarks:

IMPORTANT INFORMATION

THE APPROPRIATOR SHALL OBTAIN THE SERVICES OF A PROFESSIONAL ENGINEER, HYDROLOGIST OR OTHER QUALIFIED PERSON FOR THE INSTALLATION OF A STAGE MEASURING DEVICE (STAFF GAGE OR OTHER SUITABLE DEVICE) AND THE DEVELOPMENT OF A STAGE-DISCHARGE RELATIONSHIP USED TO DETERMINE THE FLOW OF WILLOW CREEK IMMEDIATELY BELOW THE POINT OF DIVERSION AND DEEP CREEK BELOW HWY 287. THE APPROPRIATOR SHALL OBTAIN THE SERVICES OF A PROFESSIONAL ENGINEER, HYDROLOGIST OR OTHER QUALIFIED PERSON TO MAINTAIN SAID STAGE-DISCHARGE RELATIONSHIP. THE STAGE-DISCHARGE RELATIONSHIP SHALL BE SUBMITTED ANNUALLY TO THE HAVRE WATER RESOURCES REGIONAL OFFICE FOR APPROVAL.

IMPORTANT INFORMATION

DIVERSIONS ARE ALLOWED UNDER THIS PERMIT IF THE FLOW OF WILLOW CREEK IS GREATER THAN THE FLOW RATE OF PRIOR APPROPRIATIONS IDENTIFIED BELOW AND THE FLOW IN DEEP CREEK IS GREATER THAN 23.0 CFS. DIVERSIONS MUST BE CEASED OR REDUCED AT ANY TIME THE FLOW OF WILLOW CREEK BELOW THE POINT OF DIVERSION IS LESS THAN OR EQUAL TO THE AMOUNT OF WATER BEING DIVERTED BY THE APPROPRIATOR PLUS THE FLOW RATE OF PRIOR APPROPRIATIONS IDENTIFIED BELOW OR IF THE FLOW IN DEEP CREEK FALLS BELOW 23.0 CFS.

WILLOW CREEK

	MAR	APR	MAY	JUN
OTHER PRIOR USERS DOWNSTREAM (CFS)	6.0	39.3	46.8	46.8

DEEP CREEK

	MAR	APR	MAY	JUN
OTHER PRIOR USERS DOWNSTREAM (CFS)	23.0	23.0	23.0	23.0

IMPORTANT INFORMATION

WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICES ARE IN PLACE AND OPERATING AT THE SMITH DITCH IMMEDIATELY BELOW THE POINT OF DIVERSION, AT THE POINT WHERE WATER IS DIVERTED INTO THE RESERVOIR FROM THE SMITH DITCH, AT THE RESERVOIR OUTLET AND AT THE SECONDARY POINT OF DIVERSION PUMP SITE. NO WATER MAY BE DIVERTED INTO THE RESERVOIR AFTER 279.2 ACRE-FEET HAVE BEEN DIVERTED INTO THE SMITH DITCH UNDER THIS PERMIT. THE MEASURING DEVICE AT THE SECONDARY POINT OF DIVERSION MUST HAVE A TOTALIZING METER AND DIVERSION FROM THE SECONDARY POINT OF DIVERSION MUST CEASE WHEN 279.2 ACRE-FEET HAVE BEEN DIVERTED. THE RATE OF DIVERSION FROM THE SECONDARY POINT OF DIVERSION MUST NOT EXCEED THE OUTFLOW FROM THE RESERVOIR. 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 MONTHLY AND A SUMMARY PROVIDED BY NOVEMBER 30 OF EACH YEAR TO THE HAVRE WATER RESOURCES REGIONAL OFFICE AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICES IN PROPERLY FUNCTIONING CONDITION SO THAT FLOW RATE AND VOLUME ARE ACCURATELY MEASURED.

IMPORTANT INFORMATION

THERE IS A THIRD PARTY AGREEMENT LOCATED IN THE FILE.

REISSUED RIGHT

THE RIGHT ISSUED ON 10/04/2012 WAS REISSUED. THE RIGHT WAS REISSUED BECAUSE A REMARK WAS ADDED INDICATING THE PRESENCE OF A THIRD PARTY AGREEMENT.