

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 30050669 PROVISIONAL PERMIT
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: FLATHEAD COUNTY ROAD & BRIDGE DEPT
1249 WILLOW GLEN RD
KALISPELL, MT 59901

Priority Date: APRIL 4, 2011 at 04:36 P.M.

Enforceable Priority Date: APRIL 4, 2011 at 04:36 P.M.

Purpose (use): INDUSTRIAL

Maximum Flow Rate: 800.00 GPM

Maximum Volume: 2.36 AC-FT

Source Name: COAL 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		SESWSE	20	34N	20W	FLATHEAD

Period of Diversion: APRIL 1 TO AUGUST 31

Diversion Means: PUMP

Purpose (Use): INDUSTRIAL

Purpose Clarification: DUST ABATEMENT

Volume:

Period of Use: APRIL 1 to AUGUST 31

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			SE	3	33N	20W	FLATHEAD
2			W2	3	33N	20W	FLATHEAD
3				4	33N	20W	FLATHEAD
4				5	33N	20W	FLATHEAD
5				6	33N	20W	FLATHEAD
6				7	33N	20W	FLATHEAD
7				8	33N	20W	FLATHEAD
8				9	33N	20W	FLATHEAD
9				10	33N	20W	FLATHEAD
10			SW	11	33N	20W	FLATHEAD
11			W2	14	33N	20W	FLATHEAD
12				15	33N	20W	FLATHEAD
13				16	33N	20W	FLATHEAD
14				17	33N	20W	FLATHEAD
15				18	33N	20W	FLATHEAD
16				19	33N	20W	FLATHEAD
17				20	33N	20W	FLATHEAD
18				21	33N	20W	FLATHEAD
19			N2	22	33N	20W	FLATHEAD
20			SW	22	33N	20W	FLATHEAD
21			NW	23	33N	20W	FLATHEAD
22			NW	27	33N	20W	FLATHEAD
23			S2	27	33N	20W	FLATHEAD
24				28	33N	20W	FLATHEAD
25				29	33N	20W	FLATHEAD
26				30	33N	20W	FLATHEAD
27				31	33N	20W	FLATHEAD
28				32	33N	20W	FLATHEAD
29				33	33N	20W	FLATHEAD
30				34	33N	20W	FLATHEAD
31				1	33N	21W	FLATHEAD
32				2	33N	21W	FLATHEAD
33				3	33N	21W	FLATHEAD
34				4	33N	21W	FLATHEAD

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>
35				5	33N	21W	FLATHEAD
36				6	33N	21W	FLATHEAD
37				7	33N	21W	FLATHEAD
38				8	33N	21W	FLATHEAD
39				9	33N	21W	FLATHEAD
40				10	33N	21W	FLATHEAD
41				11	33N	21W	FLATHEAD
42				12	33N	21W	FLATHEAD
43				13	33N	21W	FLATHEAD
44				14	33N	21W	FLATHEAD
45				15	33N	21W	FLATHEAD
46				16	33N	21W	FLATHEAD
47				17	33N	21W	FLATHEAD
48			E2	18	33N	21W	FLATHEAD
49			E2NW	18	33N	21W	FLATHEAD
50			N2	20	33N	21W	FLATHEAD
51			SE	20	33N	21W	FLATHEAD
52				21	33N	21W	FLATHEAD
53				22	33N	21W	FLATHEAD
54				23	33N	21W	FLATHEAD
55				24	33N	21W	FLATHEAD
56				25	33N	21W	FLATHEAD
57				26	33N	21W	FLATHEAD
58				27	33N	21W	FLATHEAD
59			N2	28	33N	21W	FLATHEAD
60			SE	28	33N	21W	FLATHEAD
61			NE	34	33N	21W	FLATHEAD
62			N2	35	33N	21W	FLATHEAD
63			N2S2	35	33N	21W	FLATHEAD
64				36	33N	21W	FLATHEAD
65			SW	7	34N	20W	FLATHEAD
66			W2	17	34N	20W	FLATHEAD
67				18	34N	20W	FLATHEAD
68				19	34N	20W	FLATHEAD
69			NW	20	34N	20W	FLATHEAD
70			S2	20	34N	20W	FLATHEAD
71			SW	21	34N	20W	FLATHEAD
72			W2	28	34N	20W	FLATHEAD
73				29	34N	20W	FLATHEAD
74				30	34N	20W	FLATHEAD
75				31	34N	20W	FLATHEAD
76				32	34N	20W	FLATHEAD
77			NW	33	34N	20W	FLATHEAD
78			S2	33	34N	20W	FLATHEAD
79			SW	1	34N	21W	FLATHEAD
80				2	34N	21W	FLATHEAD
81				3	34N	21W	FLATHEAD
82				4	34N	21W	FLATHEAD
83				5	34N	21W	FLATHEAD
84				6	34N	21W	FLATHEAD
85				7	34N	21W	FLATHEAD
86				8	34N	21W	FLATHEAD
87				9	34N	21W	FLATHEAD
88				10	34N	21W	FLATHEAD
89				11	34N	21W	FLATHEAD
90			W2NW	12	34N	21W	FLATHEAD
91			S2	12	34N	21W	FLATHEAD
92				13	34N	21W	FLATHEAD
93				14	34N	21W	FLATHEAD
94				15	34N	21W	FLATHEAD
95				16	34N	21W	FLATHEAD
96				17	34N	21W	FLATHEAD
97				18	34N	21W	FLATHEAD
98				19	34N	21W	FLATHEAD
99				20	34N	21W	FLATHEAD
100				21	34N	21W	FLATHEAD
101				22	34N	21W	FLATHEAD
102				23	34N	21W	FLATHEAD

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>
103				24	34N	21W	FLATHEAD
104				25	34N	21W	FLATHEAD
105				26	34N	21W	FLATHEAD
106				27	34N	21W	FLATHEAD
107				28	34N	21W	FLATHEAD
108				29	34N	21W	FLATHEAD
109				30	34N	21W	FLATHEAD
110				31	34N	21W	FLATHEAD
111				32	34N	21W	FLATHEAD
112				33	34N	21W	FLATHEAD
113				34	34N	21W	FLATHEAD
114				35	34N	21W	FLATHEAD
115				36	34N	21W	FLATHEAD
116			SE	1	34N	22W	FLATHEAD
117			E2	12	34N	22W	FLATHEAD
118			E2	13	34N	22W	FLATHEAD
119			E2W2	13	34N	22W	FLATHEAD
120			E2	24	34N	22W	FLATHEAD
121			E2W2	24	34N	22W	FLATHEAD
122			E2	25	34N	22W	FLATHEAD
123			E2W2	25	34N	22W	FLATHEAD
124			N2	36	34N	22W	FLATHEAD
125			SE	36	34N	22W	FLATHEAD
126			S2S2	15	35N	21W	FLATHEAD
127			SE	20	35N	21W	FLATHEAD
128				21	35N	21W	FLATHEAD
129				22	35N	21W	FLATHEAD
130			W2W2	23	35N	21W	FLATHEAD
131				26	35N	21W	FLATHEAD
132				27	35N	21W	FLATHEAD
133				28	35N	21W	FLATHEAD
134				29	35N	21W	FLATHEAD
135			SE	30	35N	21W	FLATHEAD
136				31	35N	21W	FLATHEAD
137				32	35N	21W	FLATHEAD
138				33	35N	21W	FLATHEAD
139				34	35N	21W	FLATHEAD
140				35	35N	21W	FLATHEAD

Remarks:

ASSOCIATED RIGHT

WATER RIGHT PERMITS 76LJ 30050669, 76LJ 30050670 AND 76LJ 30050671 ARE ASSOCIATED BECAUSE THEY PROVIDE WATER FOR ROAD CONSTRUCTION AND DUST ABATEMENT IN THE NORTH FORK OF THE FLATHEAD RIVER DRAINAGE BASIN. THE TOTAL COMBINED DIVERSION RATE SHALL NOT EXCEED 800 GPM.

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

Remarks:

400 GPM WAS COUNTED AS PART OF THE FUTURE SURFACE SOURCE CONSUMPTIVE USE LIMITS DETAILED IN THE U.S. NATIONAL PARK SERVICE-MONTANA COMPACT.

U.S. NATIONAL PARK SERVICE - FUTURE CONSUMPTIVE LIMIT

THIS PERMIT WAS COUNTED AS PART OF THE FUTURE SURFACE SOURCE CONSUMPTIVE USE LIMITS DETAILED IN THE U.S. NATIONAL PARK SERVICE-MONTANA COMPACT.

U.S. NATIONAL PARK SERVICE - MONTANA COMPACT (GLACIER PARK)

THIS RIGHT IS ISSUED IN ACCORDANCE WITH THE GLACIER NATIONAL PARK PROVISIONS OF THE JANUARY 31, 1994, U.S. NATIONAL PARK SERVICE-MONTANA COMPACT.