

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: 42B 30065135 PROVISIONAL PERMIT
Version: 2 -- CHANGE AUTHORIZATION
Version Status: ACTIVE

Owners: SPRING CREEK COAL LLC
PO BOX 67 LAKESHORE DR
DECKER, MT 59025

Priority Date: DECEMBER 21, 2012 at 02:15 P.M.

Enforceable Priority Date: DECEMBER 21, 2012 at 02:15 P.M.

Purpose (use): INDUSTRIAL

Maximum Flow Rate: 2.00 CFS

Maximum Volume: 684.00 AC-FT

Source Name: UNNAMED TRIBUTARY OF TONGUE RIVER

Source Type: SURFACE WATER

Source Name: TONGUE RIVER

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>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSWNE	3	9S	40E	BIG HORN

Period of Diversion: JANUARY 1 TO DECEMBER 31 **Flow Rate:** 2.00 CFS

Source Name: UNNAMED TRIBUTARY OF TONGUE RIVER

Diversion Means: PUMP

2		NWSENE	35	8S	40E	BIG HORN
---	--	--------	----	----	-----	----------

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: TONGUE RIVER

Diversion Means: PUMP

3		NENESE	34	8S	40E	BIG HORN
---	--	--------	----	----	-----	----------

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: TONGUE RIVER

Diversion Means: PUMP

Purpose (Use): INDUSTRIAL **Purpose Clarification:** INDUSTRIAL AND DUST SUPPRESSION

Volume: 684.00 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				13	8S	39E	BIG HORN
2				14	8S	39E	BIG HORN
3				15	8S	39E	BIG HORN
4				23	8S	39E	BIG HORN
5				22	8S	39E	BIG HORN
6				24	8S	39E	BIG HORN
7				25	8S	39E	BIG HORN
8				26	8S	39E	BIG HORN
9				27	8S	39E	BIG HORN
10				35	8S	39E	BIG HORN
11				36	8S	39E	BIG HORN
12				19	8S	40E	BIG HORN
13				29	8S	40E	BIG HORN
14				30	8S	40E	BIG HORN
15				31	8S	40E	BIG HORN
16				32	8S	40E	BIG HORN
17				6	9S	40E	BIG HORN

Remarks:

WATER MEASUREMENT INFORMATION

APPROPRIATOR SHALL MONITOR THE DECKER MINE DISCHARGE FLOW. APPROPRIATOR SHALL ONLY DIVERT, FROM THE ADDITIONAL POINTS OF DIVERSION GRANTED UNDER THIS CHANGE, AT THE RATE OF THE DECKER DISCHARGE FLOW OR 2 CFS, WHICHEVER IS LESS. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. ON A FORM APPROVED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN 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.