

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 30066878 PROVISIONAL PERMIT  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** DANIEL F KURTZ  
1013 US HWY 89 S  
GARDINER, MT 59030-9313

**Priority Date:** JULY 19, 2013 at 12:03 P.M.  
**Enforceable Priority Date:** JULY 19, 2013 at 12:03 P.M.

**Purpose (use):** LAWN AND GARDEN  
**Maximum Flow Rate:** 35.00 GPM  
**Maximum Volume:** 6.25 AC-FT  
**Maximum Acres:** 4.38  
**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	W2SWNENW		13	8S	7E	PARK

**Period of Diversion:** APRIL 1 TO OCTOBER 31 **Flow Rate:** 35.00 GPM  
**Diversion Means:** WELL  
**Subdivision:** ELK PARK TRACT/LOT: 9-B  
**Water temperature:** 48.00 DEGREES  
**Well Depth:** 80.00 FEET  
**Static Water Level:** 48.00 FEET  
**Casing Diameter:** 6.60 INCHES  
**Well Location:** 1013 US HWY 89 S

**Purpose (Use):** LAWN AND GARDEN **Purpose Clarification:** TREES  
**Climatic Area:** 5 - LOW  
**Volume:** 6.25 AC-FT  
**Period of Use:** APRIL 1 to OCTOBER 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	1.80	W2NENW		13	8S	7E	PARK
	<b>Subdivision:</b>	ELK PARK TRACT/LOT 9-B					
2	2.58	W2NENW		13	8S	7E	PARK
	<b>Subdivision:</b>	ELK PARK TRACT/LOT 9A-1					
<b>Total:</b>	4.38						

**Geocodes/Valid:** 49-0259-13-2-80-01-0000 - Y 49-0259-13-2-80-20-0000 - Y

**Remarks:**

**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**

THE PLACE OF USE FOR THIS WATER RIGHT IS CONTAINED WITHIN LOT 9-B AND LOT 9A-1. LOT 9-B IS ALSO THE PLACE OF USE FOR STATEMENT OF CLAIM 43B 16098 00.

**IMPORTANT INFORMATION**

THIS PERMIT IS USED IN CONJUNCTION WITH PERMIT NO. 43B 30070781. THE SOURCE OF WATER FOR BOTH PERMITS IS GROUND WATER FROM THE SAME WELL. THE COMBINED APPROPRIATION FROM

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**Remarks:**

THESE PERMITS MAY NOT EXCEED 35 GALLONS PER MINUTE UP TO 9.35 ACRE-FEET PER YEAR.

**REISSUED RIGHT**

THE RIGHT ISSUED ON 08/19/2014 WAS REISSUED. THE RIGHT WAS REISSUED BECAUSE THE PLACE OF USE WAS CORRECTED TO ENCOMPASS ALL OF LOT 9-B AND LOT 9A-1. THE TOTAL APPROPRIATION OF WATER WAS NOT INCREASED.

**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 12/31/2014 . 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.