

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 29495-00 PROVISIONAL PERMIT
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: SCHULER RANCH INC
1411 18 RD NE
DUTTON, MT 59433

Priority Date: JULY 3, 1980 at 11:45 A.M.

Enforceable Priority Date: JULY 3, 1980 at 11:45 A.M.

Purpose (use): IRRIGATION

Maximum Flow Rate: 825.00 GPM

Maximum Volume: 187.00 AC-FT

Maximum Acres: 75.00

Source Name: TETON RIVER

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		NESWSE	7	25N	1E	TETON

Period of Diversion: APRIL 15 TO OCTOBER 1

Diversion Means: PUMP

2		NESESW	7	25N	1E	TETON
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Period of Diversion: APRIL 15 TO OCTOBER 1

Diversion Means: PUMP

3		SWSWSW	7	25N	1E	TETON
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Period of Diversion: APRIL 15 TO OCTOBER 1

Diversion Means: PUMP

Purpose (Use): IRRIGATION

Volume: 187.00 AC-FT

Period of Use: APRIL 15 to OCTOBER 1

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	45.00		SE	7	25N	1E	TETON
2	27.00		SW	7	25N	1E	TETON
3	3.00		NWNWNW	18	25N	1E	TETON

Total: 75.00

Geocodes/Valid: -- NO VALID GEOCODES --

Remarks:

Remarks:

FINAL ORDER

THIS WATER RIGHT IS SUBJECT TO THE FINAL ORDER OF THE DEPARTMENT.

IMPORTANT INFORMATION

THE PERMITTEE SHALL IN NO EVENT CAUSE TO BE DIVERTED FROM THE SOURCE OF SUPPLY MORE WATER THAN IS REASONABLY REQUIRED FOR IRRIGATION OF THE ABOVE- DESCRIBED LANDS. AT ALL TIMES WHEN WATER IS NOT REASONABLY REQUIRED FOR USE IN THE ABOVE-DESCRIBED FASHION, PERMITTEE SHALL CAUSE THE WATERS TO BE LEFT IN THE TETON RIVER.

IMPORTANT INFORMATION

IN NO EVENT SHALL THE PERMITTEE DIVERT OR OTHERWISE WITHDRAW ANY WATER FROM THE SOURCE OF SUPPLY UNLESS AND UNTIL THE FLOW AT THE KERR BRIDGE GAGING STATION EXCEEDS 50 CFS. THE PERMITTEE MAY ENLIST THE AID OF RAY HABEL OF DUTTON, MONTANA, OR THE DEPARTMENT IN DETERMINING THE RATE OF FLOW AT THE KERR BRIDGE GAGING STATION AT ANY GIVEN TIME. NOTHING HEREIN SHALL BE CONSTRUED TO LIMIT OR OTHERWISE EFFECT PERMITTEE'S RIGHTS AGAINST JUNIOR APPROPRIATORS OR THOSE USING THE WATER OF THE SOURCE OF SUPPLY UNLAWFULLY. WHEN AND IF THE KERR BRIDGE GAGING STATION BECOMES UNAVAILABLE AS A WATER MEASUREMENT POINT, THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE DEPARTMENT. UPON RECEIPT OF SAID NOTICE, THE DEPARTMENT SHALL CONDUCT A HEARING FOR THE PURPOSES OF PROMULGATING ALTERNATE CONDITIONS FOR THIS RIGHT. ANY OF THE PARTIES HERETO MAY AT ANY TIME REQUEST THE DEPARTMENT TO HOLD A HEARING ON THE FOLLOWING ISSUES, TO-WIT: (1) WHETHER THE KERR BRIDGE GAGING STATION IS ACCURATELY MEASURING THE FLOW RATE OF 50 CFS; (2) WHETHER A QUANTITY OF WATER GREATER THAN 50 CFS IS REQUIRED TO PROTECT AND FULFILL VALID SENIOR DOWNSTREAM DEMAND. THE PERMITTEE MAY NOT INCREASE ITS SUPPLY OF WATER BEYOND THE TERMS OF THIS ORDER WITHOUT CONFORMING WITH THE PERMITTING PROCESS.

IMPORTANT INFORMATION

THE PERMITTEE, AT THE DISCRETION OF THE DEPARTMENT, SHALL INSTALL ADEQUATE METERING DEVICES SUCH THAT THE FLOW RATE AND VOLUME OF WATER WITHDRAWN MIGHT BE RECORDED. AT THE DISCRETION OF THE DEPARTMENT, THE PERMITTEE SHALL FURTHER KEEP A WRITTEN RECORD OF THE FLOW RATE AND VOLUME OF ALL WATERS WITHDRAWN AND SHALL SUBMIT SUCH RECORDS TO THE DEPARTMENT ON REQUEST.

MISCELLANEOUS INFORMATION

FILE LOCATED IN MERGANTHALER ROLL FILE--CORRECTION FOLDER

LIABILITY WAIVER

THE ISSUANCE OF THIS RIGHT BY THE DEPARTMENT SHALL NOT REDUCE THE APPROPRIATOR'S LIABILITY FOR DAMAGES CAUSED BY THE APPROPRIATOR'S EXERCISE OF THIS RIGHT. NOR DOES THE DEPARTMENT IN ISSUING THE RIGHT IN ANY WAY ACKNOWLEDGE LIABILITY FOR DAMAGE CAUSED BY THE APPROPRIATOR'S EXERCISE OF THIS RIGHT.