

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 35878-00 PROVISIONAL PERMIT
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: LYNNE C MALPELI
105 GREENFIELD COURT
NAPLES, FL 34110

Priority Date: SEPTEMBER 4, 1981 at 01:10 P.M.

Enforceable Priority Date: SEPTEMBER 4, 1981 at 01:10 P.M.

Purpose (use): IRRIGATION

Maximum Flow Rate: 20.00 GPM

Maximum Volume: 2.00 AC-FT

Maximum Acres: 0.75

Source Name: YELLOWSTONE 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		SESWSE	28	4S	9E	PARK

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: PUMP

Purpose (Use): IRRIGATION

Volume: 2.00 AC-FT

Period of Use: MAY 1 to OCTOBER 15

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	0.75		SESWSE	28	4S	9E	PARK

Total: 0.75

Geocodes/Valid: -- NO VALID GEOCODES --

Remarks:

Remarks:

LAND DESCRIPTION CLARIFICATION

THE POINT OF DIVERSION AND PLACE OF USE ARE IN TRACT 4 PLAT 672.

DFWP - MURPHY RIGHTS

THIS RIGHT IS SUBJECT TO THE EXISTING INSTREAM RIGHTS OF THE MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS' (MDFWP) ESTABLISHED BY APPROPRIATION MADE PURSUANT TO CHAPTER NO. 345, MONTANA SESSION LAWS OF 1969 FOR THE PRESERVATION OF FISH AND WILDLIFE HABITAT AND ALSO SUBJECT TO THE FINAL DETERMINATION OF SUCH EXISTING RIGHTS BY A COURT OF COMPETENT JURISDICTION. WHEN THE FLOW OF YELLOWSTONE RIVER FALLS BELOW THE INSTREAM RIGHTS, THE APPROPRIATOR SHALL CEASE DIVERTING WATER IMMEDIATELY UPON NOTIFICATION BY THE MDFWP.

YELLOWSTONE RESERVATIONS-LIVINGSTON

** YELLOWSTONE RESERVATION -- LIVINGSTON: (1) THIS PERMIT IS SUBJECT TO THE YELLOWSTONE RIVER BASIN WATER RESERVATIONS GRANTED BY THE BOARD OF NATURAL RESOURCES AND CONSERVATION ON DECEMBER 15, 1978 AND AS AMENDED BY BOARD ORDER ON NOVEMBER 21, 1980. (2) THE PERMITTEE ACKNOWLEDGES THAT THE APPLICATION FOR BENEFICIAL WATER USE PERMIT HAS BEEN SUBMITTED FOR LANDS WHICH ARE OR COULD BE PART OF THE WATER RESERVATION GRANTED PARK CONSERVATION DISTRICT IN THE YELLOWSTONE BASIN. THEREFORE, IF THE WATER BECOMES PART OF A BOARD OF NATURAL RESOURCES AND CONSERVATION APPROVED CONSERVATION DISTRICT RESERVATION PROJECT PLAN, THE PERMIT TERMINATES WHEN THE USE OF WATER APPROPRIATED IS APPROVED BY A CONSERVATION DISTRICT AND IS MADE A PART OF ITS WATER RESERVATION. (3) THE WATERS APPROPRIATED PURSUANT TO THIS PERMIT SHALL ONLY BE DIVERTED WHEN THE FLOW OF THE YELLOWSTONE RIVER EXCEEDS THE WATER RESERVATIONS THAT ARE BEING PUT TO BENEFICIAL USE. CURRENTLY THE INSTREAM FLOW RESERVATION AT THE USGS GAUGE AT LIVINGSTON IS LISTED BELOW. AS THE DOWNSTREAM CONSERVATION DISTRICTS AND MUNICIPALITIES BEGIN TO DEVELOP THEIR WATER RESERVATIONS, THE AMOUNT OF WATER NEEDED TO PASS THE USGS GAUGE TO SATISFY ALL WATER RESERVATIONS WILL INCREASE. (4) THE PERMITTEE SHALL CEASE DIVERTING WATER PURSUANT TO THIS PERMIT IN ANY YEAR, OR PORTIONS THEREOF, WHEN THE FLOW OF THE YELLOWSTONE RIVER IS LESS THAN THE GRANTED INSTREAM FLOW RESERVATION OF THE MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS (MDFWP). THE PERMITTEE AGREES TO CEASE HIS JUNIOR DIVERSION IMMEDIATELY UPON VERBAL OR WRITTEN NOTIFICATION BY AN

YELLOWSTONE RESERVATIONS-LIVINGSTON

AUTHORIZED REPRESENTATIVE OF THE MDFWP. MONTHLY BREAKDOWN ACRE-FEET CUBIC FEET/SECOND JANUARY 81760 1330 FEBRUARY 73292 1320 MARCH 82989 1350 APRIL 148132 2490 MAY 1-10 49575 2500 MAY 11-20 37677 1900 MAY 21-31 93202 4700 JUNE 1-10 152693 7700 JUNE 11-20 178472 9000 JUNE 21-30 158642 8000 JULY 1-10 107083 5400 JULY 11-20 75355 3800 JULY 21-31 49575 2500 AUGUST 1-10 31728 1600 AUGUST 11-31 88492 2125 SEPTEMBER 92508 1555 OCTOBER 144463 2350 NOVEMBER 106488 1790 DECEMBER 91596 1490 NOTICE: IT IS THE RESPONSIBILITY OF THE PERMITTEE TO DETERMINE WHEN THE STREAM FLOW IS IN EXCESS OF THE FLOWS AT THE USGS GAUGE STATION NEEDED TO SATISFY RESERVED WATERS BEING USED. STREAM FLOW INFORMATION MAY BE OBTAINED BY CALLING THE WATER RESOURCES REGIONAL OFFICE IN BILLINGS AT (406) 657-2105.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 23909 RECEIVED 07/29/2005.
OWNERSHIP UPDATE TYPE 608 # 39641 RECEIVED 06/16/2006.
OWNERSHIP UPDATE TYPE DOR # 137101 RECEIVED 01/01/2013.