

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: 40J 47716-00 PROVISIONAL PERMIT
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: BRIESE BROTHERS HAVRE
1660 W 10TH ST
HAVRE, MT 59501

INMAN & SON INC
PO BOX 549
CHINOOK, MT 59523-0549

Priority Date: MARCH 8, 1982 at 08:32 A.M.
Enforceable Priority Date: MARCH 8, 1982 at 08:32 A.M.

Purpose (use): IRRIGATION
Maximum Flow Rate: 35.00 CFS
Maximum Volume: 5,000.00 AC-FT
Maximum Acres: 1,636.50
Source Name: BATTLE 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		SESENW	34	34N	19E	BLAINE

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: PUMP

Reservoir: OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	N2SENE	34	34N	19E	BLAINE

Current Capacity: 5,000.00 ACRE-FEET
Original Capacity: 4,000.00 ACRE-FEET

Purpose (Use): IRRIGATION
Volume: 5,000.00 AC-FT
Period of Use: APRIL 1 to NOVEMBER 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	44.00		NW	2	33N	19E	BLAINE
2	42.00		S2	2	33N	19E	BLAINE
3	239.80		N2	3	33N	19E	BLAINE
4	238.20		S2	3	33N	19E	BLAINE
5	146.60		N2	10	33N	19E	BLAINE
6	13.00		SE	11	33N	19E	BLAINE
7	141.00		W2	13	33N	19E	BLAINE
8	130.00		NE	14	33N	19E	BLAINE
9	137.00		S2	14	33N	19E	BLAINE
10	80.00		E2	23	33N	19E	BLAINE
11	180.00		W2	24	33N	19E	BLAINE
12	57.10		N2	34	34N	19E	BLAINE
13	115.80		S2	34	34N	19E	BLAINE
14	2.00		NE	35	34N	19E	BLAINE
15	70.00		S2	35	34N	19E	BLAINE

Total: 1,636.50

Geocodes/Valid:	24-4554-02-2-02-01-0000 - Y	24-4554-03-1-01-01-0000 - Y
	24-4554-03-1-03-01-0000 - Y	24-4554-03-4-02-01-0000 - Y
	24-4554-10-1-01-01-0000 - Y	24-4554-10-1-02-01-0000 - Y
	24-4554-11-1-01-01-0000 - Y	24-4554-13-3-01-01-0000 - Y
	24-4554-14-1-01-01-0000 - Y	24-4554-23-1-01-01-0000 - Y

24-4554-24-2-02-01-0000 - Y	24-4660-34-1-02-01-0000 - Y
24-4660-34-3-02-01-0000 - Y	24-4660-34-3-03-01-0000 - Y
24-4660-34-4-01-01-0000 - Y	24-4660-35-1-02-01-0000 - Y
24-4660-35-2-01-01-0000 - Y	24-4660-35-3-02-01-0000 - Y

Remarks:

ASSOCIATED RIGHT

THE FOLLOWING WATER RIGHTS ARE ASSOCIATED: PERMIT NOS. 40J-47715, 40J-47716, 40J-47717 AND AUTHORIZATION TO CHANGE ON CLAIM NOS. 40J-35195 AND 40J-138015. SOME OF THE WATER RIGHTS SHARE THE SAME RESERVOIR AND SOME SHARE PORTIONS OF THE PLACE OF USE.

ATTACHMENT

THIS RIGHT IS ALSO SUBJECT TO EXHIBIT A.

IMPORTANT INFORMATION

THIS PERMIT SHALL BE USED IN CONJUNCTION WITH PERMIT NOS. 47715-40J & 47717-40J, AND AUTHORIZATION TO CHANGE NOS. 35915-40J & 138015-40J.

REISSUED RIGHT

THIS PERMIT WAS REISSUED 09/16/83 IN LIEU OF THE RIGHT ISSUED 07/08/83. THE RESERVOIR CAPACITY WAS CORRECTED.

MIDDLE MILK RIVER CONDITION

1) THE WATERS APPROPRIATED PURSUANT TO THIS PERMIT SHALL ONLY BE DIVERTED WHEN: A.) BUREAU OF RECLAMATION (BOR) IS NOT DIVERTING AT DODSON OR VANDALIA DAM; B.) BOR IS DIVERTING AT DODSON OR VANDALIA DAM OR BOTH AND IS SPILLING AT BOTH DAMS, AND PRIOR APPROPRIATORS COULD NOT REASONABLY MAKE HISTORIC USE OF FLOWS PROPOSED TO BE STORED BY THE APPROPRIATOR; C.) BOR IS DIVERTING AT DODSON OR VANDALIA DAM OR BOTH AND IS NOT SPILLING AT EITHER DAM, BUT THE BOR, DUE TO INTERVENING NATURAL CAUSES CANNOT REASONABLY MAKE HISTORIC BENEFICIAL USE OF FLOWS PROPOSED TO BE STORED BY THE APPROPRIATOR; D.) DURING ALL OTHER PERIODS, THE APPROPRIATOR SHALL ALLOW THE NORMAL FLOW TO PASS HIS DIVERSION TO SATISFY PRIOR EXISTING WATER RIGHTS. 2) THE APPROPRIATOR SHALL CONTACT THE U.S. BUREAU OF RECLAMATION AT BILLINGS (MONTANA AREA OFFICE - MT 450, PO BOX 30137, BILLINGS, MT, 59107-0137) AT THE START OF EACH IRRIGATION SEASON TO DETERMINE CURRENT WATER SUPPLY CONDITIONS AND THE AVAILABILITY OF WATER FOR HIS USE. THIS CONTACT MUST BE MADE BY CERTIFIED MAIL THROUGH THE U.S. POSTAL SERVICE WITH RETURN RECEIPT REQUESTED. 3) THESE CONDITIONS MAY BE MODIFIED BY THE DEPARTMENT UPON RECEIPT OF FURTHER EVIDENCE OR DETERMINATION BY THE DEPARTMENT PERTAINING TO THE WATER RIGHTS OF THE U.S. GOVERNMENT.

OWNERSHIP UPDATE RECEIVED

NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/28/90.

OWNERSHIP UPDATE RECEIVED

NOTICE OF WATER RIGHT TRANSFER RECEIVED 11/16/92.

OWNERSHIP UPDATE RECEIVED

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/17/97.

OWNERSHIP UPDATE RECEIVED

WATER RIGHT OWNERSHIP UPDATE RECEIVED 01/10/00.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 8141 RECEIVED 04/17/2003.

OWNERSHIP UPDATE TYPE DOR # 140877 RECEIVED 04/08/2016.