

## EXHIBIT A

STATE OF MONTANA  
BEFORE THE DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION

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IN THE MATTER OF APPLICATION	)	
FOR BENEFICIAL WATER USE	)	FINDINGS OF FACT, CONCLUSIONS
PERMIT FILED BY	)	OF LAW AND ORDER
JAMES THOMPSON, APPLICATION	)	
NO. 101-g41-1	)	

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The Proposed Findings of Fact and Conclusions of Law in this matter entered on June 11, 1974, and the additional agreed conditions are hereby adopted as the Final Findings of Fact, Conclusions of Law, and the Final Order is hereby ordered.

ORDER

1. The applicant's permit to appropriate water from the well is granted at the withdrawal rate requested, not to exceed 762 acre-feet per year.
2. This amount is granted contingently based upon the effects, if any, that the applicant's pumping may have upon the objector's existing spring and subirrigation rights for three irrigation seasons. The three-year period will begin only when the pump is installed and the water used for irrigation purposes.
3. If, upon examination, the applicant's pumping is having an adverse effect upon existing rights, the amount of water the applicant is permitted to appropriate will be reduced accordingly.
4. The Provisional Permit is granted subject to existing water rights of the objector, Round Grove Ranch Company, Inc., of Helena, Montana.
5. The applicant is allowed two years from the date of issuance of the Provisional Permit in which to complete the diversion facilities. This period may be extended upon request of the applicant for good cause shown.

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6. The applicant shall annually for three years, beginning on the date of first use for irrigation purposes, or further on specific request of the Department, report the following data to the Department:

- A. Monthly water-level measurements of the "test well" shall be made at or near the first of each month during the irrigation period of use.
- B. The monthly water-level measurements shall be taken only after the well being pumped has set for a 24-hour period, therefore allowing the well to recover and provide an accurate measurement.
- C. The Department shall provide the applicant initially with technical assistance in proper methods of measuring the "test well," and provide a form on which the applicant can record the monthly reports and submit them to the Department.

Done this \_\_\_\_\_ 28<sup>th</sup> day of January, 1975

*Orrin Ferris*

Administrator, Water Resources Division  
DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION

**CASE # 101**

BEFORE THE MONTANA DEPARTMENT  
OF  
NATURAL RESOURCES AND CONSERVATION

IN THE MATTER OF APPLICATION  
NO. 101-g41 I FOR BENEFICIAL  
WATER USE PERMIT

PROPOSED FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER

Pursuant to the requirements of the Montana Water Use Act, Section 89-865 et seq., R.C.M. 1947, a hearing was held on May 13, 1974, at Townsend, Montana, for the purpose of hearing objections to the above-entitled application. The applicant, James Thompson of Townsend, Montana appeared and presented statements. The objector Round Grove Ranch Co., Inc., of Helena, Montana, appeared through its representatives, and presented testimony.

PROPOSED FINDINGS OF FACT

1. On August 13, 1973, James Thompson of Townsend, Montana, filed an application for beneficial water use permit to appropriate 4.008 cubic feet of water per second from a 200-foot well to irrigate 220 acres from April 1 to October 15. The proposed location of the well was the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec.23, T.8N, R.2E, in Broadwater County.

2. On August 16, 1973, the Department issued an interim permit authorizing construction of the subject well. In November, 1973, a 6-inch test well was completed at the well site to a depth of 240 feet, and in May, 1974, the actual 16-inch well was completed. The first perforations in the well casing are at 113 feet (to 123 feet), and again at 150 feet (to 160 feet).

3. On March 18, 1974, the Round Grove Ranch Co., Inc., of Helena, Montana, filed a timely objection to the application, requesting that it not be granted "unless recognition is given our prior water rights and assurance the applicant will not adversely effect these water rights." The objector owns land on four sides of the applicant's land, and the objector is primarily concerned with existing springs

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and subirrigation on their lands.

4. At the hearing the objectors requested that the well itself be test pumped and studied to ascertain whether it would have any adverse effects on their springs and subirrigation. This was done, and a copy of the Department's engineering report and the log on the well is attached hereto for the information of the parties.

PROPOSED CONCLUSIONS OF LAW

1. The applicant's well, drilled to a depth of over 200 feet, will have no apparent adverse effects upon the objector's existing spring and subirrigation rights.

2. There appears to be adequate water available and recharge to support the applicant's withdrawal at the proposed rate.

PROPOSED ORDER

The applicant's permit to appropriate water from the well should be granted at the withdrawal rate requested. This amount should be granted contingently based upon the effects, if any, that the applicant's pumping may have upon the objector's existing spring and subirrigation rights for two irrigation seasons. If, upon examination, the applicant's pumping is having an adverse effect upon these existing rights, the amount of water the applicant is permitted to appropriate should be reduced accordingly.

NOTICE: As provided by the Montana Administrative Procedure Act, this is a proposed order. It will become final when accepted by the Administrator, Water Resources Division, Montana Department of Natural Resources and Conservation, 32 South Ewing, Helena, Montana 59601. Written exceptions to the proposed order shall be filed with the Administrator within ten (10) days of service upon the

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parties herein. Upon receipt of any written exceptions, opportunity will be provided, if requested, to file briefs and make oral argument before the Administrator.

DATED: June 11, 1974.



Allen B. Chronister  
Hearing Examiner

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