STATE OF MONTANA
BEFORE THE DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

FILMED
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IN THE MATTER OF APPLICATION FOR BENEFICIAL WATER USE PERMIT NO. 1376-g41-I, APPLICATIONS FOR CHANGE NO. 1377-c41-I and NO. 1378-c41-I, ALL OF HELENA SAND AND GRAVEL	)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Proposed Findings of Fact and Conclusions of Law in this matter entered August 8, 1974, are hereby adopted as the Final Findings of Fact, Conclusions of Law and the Final Order is hereby ordered.

ORDER

1. The three applications will be granted.
2. The provisional permit is granted subject to existing rights.

Done this 17th day of September, 1974.

Orrin Ferris

Administrator, Water Resources Division
DEPARTMENT OF NATURAL RESOURCES AND
CONSERVATION

CASE # 1377

BEFORE THE DEPARTMENT

OF

NATURAL RESOURCES AND CONSERVATION

IN THE MATTER OF APPLICATION FOR BENEFICIAL WATER USE PERMIT NO. 1376-g41-I, APPLICATIONS FOR CHANGE NO. 1377-g41-I and No. 1378-g41-I, ALL OF HELENA SAND AND GRAVEL	)	PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A consolidated hearing was held on the above three applications on August 6, 1974, in Helena, Montana. The applicant was present through its owner, Mel Lowe, and was represented by Counsel, Lester Loble of Helena. None of the objectors to No. 1376 appeared; Mr. Ray Simonsen appeared as an objector to No. 1377; and Glenn Barrows, Ray Simonsen, Harry Anderson, and Roger and Sheila Nordahl appeared as objectors to No. 1378. It was apparent at the hearing that the objectors to the two applications for change, Nos. 1377 and 1378, appeared because they understood a notice of hearing letter from the Department to say that the applicant not only intended to move the subject wells but also intended to appropriate more water. It was explained that the applications for change covered only moving the two wells a short distance, and none of the objectors who appeared voiced any objection to the moving.

PROPOSED FINDINGS OF FACT

1. On January 23, 1974, the Helena Sand and Gravel filed an application for beneficial water use permit to appropriate 1500 gallons per minute for irrigation of 200-acres from a 50-foot well in the NW¼NE¼NW¼, Sec. 35, T.11 N., R. 3 W., in Lewis and Clark County.

2. On January 23, 1974, Helena Sand and Gravel filed an application for change for a well located in the NW¼NW¼NE¼, Sec. 12, T. 10 N., R. 3 W., Lewis and Clark County. The existing casing split, and the well was moved about 25 feet. Another application for change was filed the same day, covering the movement of a well near the first, and for the same reason.

3. As shown from testimony of applicant's witnesses and from investigations of the Department's staff, there is generally adequate groundwater in the Helena Valley in the areas around the three subject wells. The water table in that area of the valley is high, sometimes to such an extent that land must be drained for agricultural use.

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PROPOSED CONCLUSIONS OF LAW

1. There are adequate unappropriated waters available in the source of supply for application No. 1376.

2. Applicant's proposed pumping would not harm any existing wells.

3. Applicant's moving the wells in No. 1377 and No. 1378 would have no adverse effect upon existing rights.

PROPOSED ORDER

The three applications should be granted.

NOTICE: This is a proposed order, and will become final when accepted by the Administrator, Water Resources Division, Montana Department of Natural Resources and Conservation, Helena, Montana. Any party adversely affected by this proposed order may file exceptions with the Administrator within ten (10) days of receipt of the order. Thereafter, opportunity will be provided to file briefs and make oral argument before the Administrator.

DATED: AUGUST 8, 1974.

Allen B. Chronister
Hearing Examiner

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