

**FILMED**

EXHIBIT "A"  
STATE OF MONTANA  
BEFORE THE DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION

APR 5 1980

IN THE MATTER OF APPLICATION  
FOR BENEFICIAL WATER USE  
PERMIT NO. 1545-g43Q BY  
YELLOWSTONE BOYS RANCH

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

The Proposed Findings of Fact and Conclusions of Law in this matter entered on October 30, 1974, are hereby adopted as the Final Findings of Fact, Conclusions of Law and the Final Order is hereby ordered.

ORDER

The application is granted, subject to the objectors' prior water rights and all other existing water rights.

Done this 13<sup>th</sup> day of December, 1974.

*Orvin Lewis*

Administrator, Water Resources Division  
DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION

**CASE # 1545**

F

BEFORE THE MONTANA DEPARTMENT  
OF  
NATURAL RESOURCES AND CONSERVATION

IN THE MATTER OF APPLICATION )  
FOR BENEFICIAL WATER USE PERMIT ) PROPOSAL FOR DECISION  
NO. 1545-g43Q, Yellowstone Boys )  
Ranch )

A hearing was held pursuant to the Montana Administrative Procedure and Water Use Acts on September 26, 1974, in Billings, Montana, for the purpose of hearing objections to the application named above. Mr. Frank Robbie and Mr. Loren Soft appeared for the Applicant. The objectors Mr. Gerald O'Donnell and Mr. Bill Staley appeared for themselves.

PROPOSED FINDINGS OF FACT

1. The subject well is located in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 19, Township 1 S, Range 25E., Yellowstone County, Montana. The well was completed to a depth of 57 feet on December 18, 1973, with a test yield of 150 gallons per minute. The applicant had anticipated a less than 100 gallons per minute yield and had thus not previously applied for a permit.

2. The well is to be used for domestic purposes, including lawn irrigation. The well was intended as a supplemental emergency and fire control supply to an existing well which had been used for daily domestic purposes. The applicants have decided, however, to rely mainly upon the subject well and to use the original well for supplemental purposes. Thus, the use of the subject well will not result in the withdrawal of a greater quantity of water than the applicants have withdrawn in the past.

3. Water is pumped from the well to a 40,000 gallon storage tank from which the water is actually used. When the tank water falls below a set level the pump cuts on and the tank is filled. Tests conducted on the subject well indicated that the pump ran for 5 hours 31 minutes over one 24-hour period, for 2 hours 28

**CASE # 1545**

1545

minutes over a separate 12-hour period. Tests of the applicant's water use over 5 separate days indicates an average daily use of approximately 33,500 gallons.

4. The subject well is located approximately 90 feet from the applicant's existing well. During test pumping periods, the draw-down effect on the existing well was negligible.

5. The objector O'Donnell has two existing wells just over one mile from the applicant's wells. The wells are about 27 feet deep and are used for domestic and stockwatering purposes. There has been no noticeable effect upon these wells since the applicant began pumping water from its well, although it has been a time of low water use by Mr. O'Donnell.

6. The objector Staley has two existing wells about 57 feet deep located 400 and 800 feet from the applicant's wells.

PROPOSED CONCLUSIONS OF LAW

1. The objector's existing wells are prior in time to the subject well.
2. There is no evidence that applicant's use of the subject well will adversely affect the objectors' wells.

PROPOSED ORDER

The application should be granted, subject to the objectors' prior rights.

Dated the 30<sup>th</sup> day of October, 1974.

By: Al B. Chronister  
Alten B. Chronister

Hearing Examiner  
Montana Department of  
Natural Resources and Conservation  
32 South Ewing  
Helena, MT 59601

NOTICE: This is a proposed Order and will become final when accepted by the Administrator, Water Resources Division of the 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 parties herein. Upon receipt of any written exceptions, opportunity will be provided to file briefs and to make oral arguments before the Administrator.

**CASE #** 1545