

STATE OF MONTANA
BEFORE THE DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

IN THE MATTER OF APPLICATION)
FOR BENEFICIAL WATER USE PERMIT)
NO. 9528-g76D BY)
JACK L. STEVENS)

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER

The Proposed Findings of Fact, Conclusions of Law, and Order in this matter, as entered on July 29, 1977, by the hearing examiner, are hereby adopted as the Final Findings of Fact, Conclusions of Law, and the Final Order.

FINAL ORDER

1. Subject to the conditions cited above, the Applicant's Provisional Permit No. 9528-g76D is hereby granted, allowing for the appropriation of 0.44 cubic foot per second or 200 gallons per minute of water and not to exceed 320 acre-feet per annum from swamp and springs, tributaries to Griffith Creek, in Lincoln County, Montana. The water is to be diverted from said springs and swamp at a point in the N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 36 North, Range 26 West, M.P.M., and impounded in two new 3-acre-foot reservoirs located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, and used for fish and wildlife purposes from January 1 to December 31, inclusive, of each year.

2. The Provisional Permit is granted subject to all prior water rights in the source of supply, including, but not limited to, those appurtenant to the lands owned by the Objectors herein.

3. The issuing of a Provisional Permit by the Department in no way reduces the Applicant's liability for damage caused by the Applicant's exercise of his Provisional Permit, nor does the Department in issuing a Provisional Permit in any way acknowledge liability for damage caused by the Applicant's exercise of his Provisional Permit.

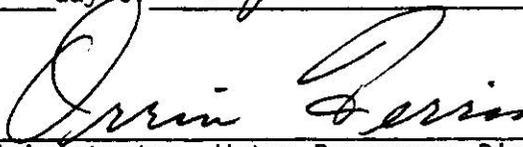
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4. This Provisional Permit is granted subject to any final determination of prior existing water rights in the source of supply as provided by Montana law.

RECOMMENDATION

The Department recommends that all parties in this matter install and maintain adequate measuring devices to fit their particular individual situation, and keep a record of water used for their own proof of their water rights and use.

Done this 8th day of September, 1977.



Administrator, Water Resources Division
DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

CASE # 9528

BEFORE THE DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION
OF THE STATE OF MONTANA

IN THE MATTER OF APPLICATION)
FOR BENEFICIAL WATER USE PERMIT)
NO. 9528-g76D BY JACK L. STEVENS) PROPOSAL FOR DECISION

Pursuant to the Montana Water Use Act and to the Montana Administrative Procedures Act, after due notice a hearing on objections to the above-described application was held in the Lincoln Electric Co-Op Meeting Room No. 2, Eureka, Montana, on Friday, June 10, 1977, at 2 p.m., Laurence J. Siroky, hearing examiner, presiding.

Jack L. Stevens attended the hearing and presented testimony in support of his application.

Richard Brinton of Eureka appeared and represented Objector Glen Lake Irrigation District.

Objector Edric W. Vredenburg of Eureka appeared personally and was represented by Douglas D. Dasinger of Murphy, Robinson, Heckathorn & Phillips, of Kalispell, Montana.

James Rehbein attended the hearing on behalf of the Department of Natural Resources and Conservation.

As required by law the hearing examiner hereby makes the following Proposed Findings of Fact, Proposed Conclusions of Law, and Proposed Order to the administrator of the Water Resources Division, Department of Natural Resources and Conservation.

PROPOSED FINDINGS OF FACT

1. On September 13, 1976, the Department received an Application for Beneficial Water Use Permit, No. 9528-g76D, from Jack L. Stevens, who sought to appropriate 0.44 cubic foot per second or 200 gallons per minute of water and not to exceed 320 acre-feet per annum from swamps and springs, tributaries to Griffith Creek, in Lincoln County, Montana. The water is to be diverted from said springs and swamps in the N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 36 North, Range 26 West, M.P.M., Lincoln County, Montana, and impounded in two new 3-acre-foot reservoirs located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of the same Section 13, and used for fish and wildlife purposes from January 1 to December 31, inclusive, of each year.

2. The Department received timely filed objections from Edric W. Vredenburg III and Glen Lake Irrigation District, both alleging (1) there is

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7. Nothing decided herein has bearing on the status of water rights claimed by the Applicant other than those herein applied for, nor does anything decided herein have bearing on the status of claimed rights of any other party except in relation to those rights herein applied for, to the extent necessary to reach a conclusion herein.

Based upon the above Proposed Findings of Fact and Proposed Conclusions of Law, the following Proposed Order is hereby made:

PROPOSED ORDER

1. Subject to the conditions cited above, the Applicant's Provisional Permit No. 9528-g76D is hereby granted, allowing for the appropriation of 0.44 cubic foot per second or 200 gallons per minute and not to exceed 320 acre-feet per annum from swamp and springs, tributaries to Griffith Creek, in Lincoln County, Montana. The water is to be diverted from said springs and swamp at a point in the N $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$ of Section 13, Township 36 North, Range 26 West, M.P.M., and impounded in two new 3-acre-foot reservoirs located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of the same Section 13, and used for fish and wildlife purposes from January 1 to December 31, inclusive, of each year.

2. The Provisional Permit is granted subject to all prior water rights in the source of supply, including, but not limited to, those appurtenant to the lands owned by the Objectors herein.

3. The issuing of a Provisional Permit by the Department in no way reduces the Applicant's liability for damage caused by the Applicant's exercise of his Provisional Permit, nor does the Department in issuing a Provisional Permit in any way acknowledge liability for damage caused by the Applicant's exercise of his Provisional Permit.

4. This Provisional Permit is granted subject to any final determination of prior existing water rights in the source of supply as provided by Montana law.

RECOMMENDATION

The Department recommends that all parties in this matter install and maintain adequate measuring devices to fit their particular individual situation, and keep a record of water used for their own proof of their water rights and use.