

EXHIBIT "A"

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

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IN THE MATTER OF THE APPLICATION)
FOR BENEFICIAL WATER USE PERMIT) FINAL ORDER
NO. 21504-s40J BY WALLACE A. BECK)
)

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The Application in this matter seeks 105 acre-feet of water per year for new irrigation of 70 acres more or less located in Section 22, Township 36 North, Range 23 East, all in Blaine County. The source of supply is claimed to be an unnamed tributary to Murray Coulee. The waters are to be diverted in the NW1/4 NW1/4 SW1/4 of Section 22, Township 36 North, Range 23 East, all in Blaine County by a system of dikes.

On March 17, 1980, an objection to the granting of the aforesaid application was filed with the Department of Natural Resources and Conservation by the Water and Power Resources Service (now known as the Bureau of Reclamation) of the United States of America. This objection claims generally that any new consumptive use of water in the Milk River Basin above Vandalia Diversion Dam will adversely affect the existing water rights of the Bureau's Milk River Project.

On March 21, 1980, an objection to this application was filed with this Department by Leon H. and Bernice Doughten. This objection claims and alleges generally that this proposed water use will adversely affect the prior rights of these objectors.

The parties now appear to be in agreement as to the proper disposition of this application. The Department in its own behalf interposes no objection to the issuance of a permit upon the conditions stated herein.

WHEREFORE, subject to the restrictions, conditions, and limitations described below, Application for Beneficial Water Use Permit No. 21540-s40J is hereby granted to Wallace A. Beck to appropriate 105 acre-feet of water per year for new irrigation of 70 acres more or less comprised of 11.1 acres in the NE1/4 and 25.1 acres in the NW1/4 and 31.5 acres in the SW1/4 and 2.3 acres in the SE1/4 of Section 22, Township 36 North, Range 23 East, all in Blaine County. The waters provided for herein shall not be used prior to April 15 of any given year nor subsequent to October 15 of any given year. The source of supply shall be an unnamed tributary to Murray Coulee, the waters thereof to be diverted at points in the NW1/4 NW1/4 SW1/4 of Section 22, Township 36 North, Range 23 East, all in Blaine County by a system of dikes. The priority date for this permit shall be January 10 of 1979 at 11:10 a.m.

This permit is subject to the following express conditions, limitations and restrictions.

1. This permit is subject to all prior existing water rights in the source of supply. Further, this permit is subject to any final determination of existing water rights, as provided by Montana law.

2. The water appropriated pursuant to this permit shall only be diverted during extreme high spring runoff, or when the Bureau of Reclamation is spilling at Vandalia Diversion dam. During all other periods, the permittee shall allow the normal flow to pass his diversion to satisfy prior existing water rights.

3. The permittee shall contact the Bureau of Reclamation at Malta (Box R, Malta, MT, 59538) at the start of each irrigation season to determine current water supply conditions and the availability of water for his use. This contact shall be made by certified mail through the U. S. Postal Service with return receipt requested.

4. The conditions contained herein relating to Vandalia Diversion Dam under (2) and (3) above 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 in said reservoir.

5. Said reservoir shall be built according to local Soil Conservation Service specifications and safety design, or plans and specifications shall be submitted to the Department subject to their approval prior to the appropriation of any waters pursuant to this provisional permit.

6. That on each dam or dike constructed across the coulee, there shall be (a) a minimum of three (3) four foot in diameter culverts or similar devices built into each dam or dike in such a manner that they shall allow all water to pass through the said dam or dike; (b) that emergency spillways sufficient to handle all spring runoffs be constructed on each dam or dike; (c) that the dams, dikes, drainage devices and spillways be built in accordance with approved engineering standards.

7. That the permittee will keep said drainage devices free and clear of ice, mud or other debris in order that the water will pass through such devices without obstruction.

8. That permittee will not close the drainage devices until the objectors' prior rights are satisfied.

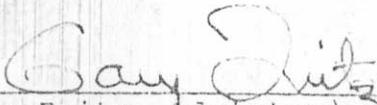
9. Permittee agrees not to release impounded water which would flood or damage objectors' crops, seed bed or summer fallow.

10. The issuance of this provisional permit by the Department shall not reduce the permittee's liability for damages caused by permittee's exercise of this provisional permit, nor does the Department in issuing the provisional permit in any way acknowledge liability for damage caused by the permittee's exercise of this provisional permit.

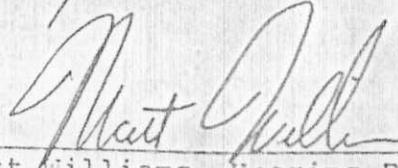
NOTICE

The Department's Final Order may be appealed in accordance with the Montana Administrative Procedures Act by filing a petition in the appropriate court within thirty (30) days after service of the Final Order.

DONE this 8th day of February, 1982.



Gary Fritz, Administrator
Department of Natural
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Matt Williams, Hearing Examiner
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