

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

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IN THE MATTER OF THE APPLICATION)
FOR CHANGE OF APPROPRIATION WATER) ORDER
RIGHT NO. G024078-76N BY THE TOWN)
OF THOMPSON FALLS)

* * * * *

All parties having agreed to issuance of an Authorization to Change Appropriation Water Right No. G024078-76N subject to certain conditions expressed in a Stipulation entered into on September 12, 1990, it is hereby

ORDERED that an Authorization to Change Appropriation Water Right No. G024078-76N be issued to add the S½ of Section 5, Township 21 North, Range 29 West, Sanders County, to the place of use for municipal purposes subject to the following terms, conditions, and limitations:

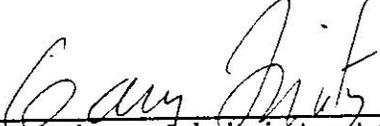
A. The permitted appropriation as changed shall remain subject to the conditions of the Water Rights Agreement dated January 5, 1981, between Calvin W. Wilson and the Town of Thompson Falls, recorded in Volume 11 of Water Rights, Pages 181 through 185 in the records of the Clerk and Recorder of Sanders County, Montana. Said Agreement is attached to Permit to Appropriate Water No. 24078-s76N as Attachment: Exhibit "A" and is a part thereof.

B. Permittee shall provide a bypass at the Ashley Creek diversion so that sufficient water can be bypassed through the diversion dam to fulfill the water rights of Calvin W. Wilson described in the Water Rights Agreement referenced in Condition

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A, and that the valve to said bypass shall remain open at least two turns at all times to accommodate the year-round use of 35 gallons per minute by Calvin W. Wilson for the domestic, stock, and subsurface recharge water rights described in said Water Rights Agreement.

Dated this 2 day of October, 1990.


Gary Fritz, Administrator
Department of Natural
Resources and Conservation
Water Resources Division
1520 East 6th Avenue
Helena, Montana 59620-2301
(406) 444-6605


John E. Stults, Hearing Examiner
Department of Natural Resources
and Conservation
1520 East 6th Avenue
Helena, Montana 59620-23201
(406) 444-6612

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Order was duly served upon all parties of record, at their address or addresses this 3rd day of October, 1990, as follows:

Town of Thompson Falls
P.O. Box 99
Thompson Falls, MT 59873

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Chuck Brasen, Manager
Kalispell Water Resources
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Cindy G. Campbell
Hearings Unit Secretary