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

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IN THE MATTER OF THE APPLICATIONS FOR BENEFICIAL WATER USE PERMITS NOS. 25056-s41H and 22332-s41H BY JAMES C. TAYLOR	))))	FINAL ORDER

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On October 30, 1979, Application for Beneficial Water Use Permit No. 25056-s41H was filed with the Department of Natural Resources and Conservation on behalf of James C. Taylor. This application seeks 550 gallons per minute up to 45.5 acre-feet for new sprinkler irrigation from May 15 to October 1, inclusive, of each year. The source of supply is to be Stone Creek, at a point in the NW1/4 SW1/4 SE1/4 of Section 9, Township 1 South, Range 7 East, all in Gallatin County. The alleged place of use is 22 acres, more or less, located in Section 9, Township 1 South, Range 7 East.

On April 11, 1979, Application for Beneficial Water Use Permit No. 22332-s41H was filed with the Department of Natural Resources and Conservation on behalf of James C. Taylor. This application seeks 170 gallons per minute up to 31 acre-feet per

CASE # 22332

year for new flood irrigation from May 15 to October 1, inclusive, of each year. The source of supply is claimed to be White Creek, at a point in the NW1/4 NW1/4 SE1/4 of Section 4, Township 1 South, Range 1 East, all in Gallatin County. The place of use is claimed to be 15 acres, more or less, in Section 4, Township 1 South, Range 7 East. These applications were duly noticed as provided by law.

Timely objections to each of these applications were filed by Water and Power Resources Service of the United States of America, (now known as Bureau of Reclamation), and the Montana Power Company. Both of said objections alleged generally that there is insufficient unappropriated water available pursuant to the terms of the applications without working injury to the claimed water rights of the objectors.

On May 20, 1981, and as amended on May 26, 1981, a hearing in these matters was set for June 16, 1981, in Bozeman, Montana. It now appears that the Applicant, James C. Taylor, has abandoned these applications and has consented to their dismissal with prejudice. Mr. Taylor did not appear either personally or by representative at the hearing set in this matter, but has instead expressed such intentions by letter dated June 19, 1981. This

CASE # 22332

letter is attached hereto as Exhibit A, and is expressly incorporated herein.

WHEREFORE, it is ordered that Applications for Beneficial Water Use Permits Nos. 22332-s41H and 25056-s41H be denied and dismissed for their entirety.

DATED this 24 day of June, 1981.

Gary Fritz

Gary Fritz, Administrator
Water Resources Division
Department of Natural Resources
and Conservation
32 S. Ewing, Helena, MT, 59601
(406) 449-2872

CASE # 22332

WYTANA LIVESTOCK COMPANY
1115 NORTH SEVENTH AVENUE
BOZEMAN, MONTANA 59715
406 587-5594

June 19, 1981

Mr. T. J. Reynolds
Field Manager
Department of Natural Resources
and Conservation
32 South Ewing
Helena, Montana 59620

Re: Water applications 22332-s41H, 25056-s41H

Dear Mr. Reynolds:

We wish to withdraw our request for additional water rights on White Creek and Stone Creek under the above-numbered applications.

It is my understanding that by dropping the request to irrigate additional acreage we will in no way be jeopardizing any other existing water rights from these Creeks.

Sincerely,

JAMES C. TAYLOR

JCT:sg

CASE # 22332 EXHIBIT "A"