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

* * * * * * * *

| | | |
|---|---|---|
| IN THE MATTER OF THE APPLICATION FOR CHANGE OF APPROPRIATION WATER RIGHT NUMBERS 36294, 36295, 36296, 36297, 36298, 36299, 36300, 36301-C41A BY BEAVERHEAD PARTNERSHIP | ) | ORDER |

* * * * * * * *

On July 1, 1987, the Applicant, Beaverhead Partnership, filed a notice of withdrawal of all of its Applications in the above-styled matter. The Department of Natural Resources and Conservation (Department) accepts the withdrawal of the Applications and makes the following:

ORDER

IT IS HEREBY ORDERED that the Findings of Fact, Conclusions of Law and Memorandum of the Hearing Examiner as contained in the February 11, 1985, Proposal for Decision and the Department's Final Order and accompanying Memorandum dated June 4, 1987, are hereby vacated.

IT IS FURTHER ORDERED that the above-described orders and supporting memoranda and any interlocutory orders entered in the above-matter are of no legal force and effect and, based upon the

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withdrawal of all of the Applications filed by Beaverhead Partnership in this matter are declared to be moot and void.

NOTICE

The Department's Order in this matter is a final order subject to judicial review and may be appealed in accordance with the Montana Administrative Procedure Act by filing a petition in the appropriate court within thirty (30) days after service of the Order.

DATED this 2nd day of July, 1987.

Gary Fritz

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

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AFFIDAVIT OF SERVICE
MAILING

STATE OF MONTANA )
) ss.
County of Lewis & Clark )

Donna Elser, an employee of the Montana Department of Natural Resources and Conservation, being duly sworn on oath, deposes and says that on July 2, 1987, she deposited in the United States mail, first class postage prepaid, the ORDER by the Department on the withdrawal of Application for Change of Appropriation Water Right Nos. 36294, 36295, 36296, 36297, 36298, 36299, 36300, 36301-C41A by Beaverhead Partnership, addressed to each of the following persons or agencies:

Jack Ramirez
Crowley, Haughey, Hanson,
Toole & Dietrich
PO Box 2529
Billings, MT 59103-2529

Rhett Hurless
Water Engineering, Inc.
PO Box 3474
Bozeman, MT 59772

K. Paul Stahl
Gough, Shanahan, Johnson &
Waterman
PO Box 1715
Helena, MT 59624

Montana Power Company
Mike Zimmerman
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Manager, East Bench Unit
Clark Canyon Water Supply Co.
Dillon, MT 59725

T.J. Reynolds
Field Office Manager
Water Rights Bureau
1520 E. Sixth Avenue
Helena, MT 59620-2301

DEPARTMENT OF NATURAL RESOURCES AND
CONSERVATION

by Donna Elser

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STATE OF MONTANA )
) ss.
County of Lewis & Clark )

On this 2ND day of July, 1987, before me, a Notary Public in and for said state, personally appeared Donna Elser, known to me to be the Hearings Recorder of the Department that executed this instrument or the persons who executed the instrument on behalf of said Department, and acknowledged to me that such Department executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Notary Public for the State of Montana
Residing at Helena, Montana
My Commission expires 1-21-1990

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