

Authorization to Change Appropriation Water Right No.

G(W)39754-76L is subject to the following:

A. The Authorization is subject to all prior water rights in the source of supply. Further, this water right is subject to any final determination of existing water rights, as provided by Montana law.

B. This Authorization is subject to § 85-2-505, MCA, requiring that all wells shall be constructed so they will not allow water to be wasted, or contaminate other sources, and all flowing wells shall be capped or equipped so the flow of water may be stopped when not being put to beneficial use. The final completion of the well must include an access port of at least .50 inch so the static water level may be measured.

C. Issuance of the Authorization by the Department shall not reduce the Appropriator's liability for damages caused by the exercise of this water right, nor does the Department acknowledge any liability for damages caused by exercise of this water right, even if such damage is a necessary and unavoidable consequence of the same.

D. The Appropriator shall keep a written record of the flow rate and volume of all water diverted, including the period of time, and shall submit said records upon request and no later than November 30 of each year to the Water Resources Regional Office, 3220 Highway 93 South, P. O. Box 860, Kalispell, MT 59903-0860.

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

FILMED

APR 11 1991

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IN THE MATTER OF THE APPLICATION)
FOR CHANGE OF APPROPRIATION WATER) FINAL ORDER
RIGHT NO. G(W)39754-76L BY)
CAMAROOT RANCH, INC.)

* * * * *

A hearing in the above-entitled matter was scheduled to be held on March 7, 1991 immediately after the hearing In the Matter of the Application for Beneficial Water Use Permit No. 72498-76L by Wayne Cross; however, immediately after the Cross hearing Wayne Cross and Camaroot Ranch, Inc. reached an agreement. Objectors Confederated Salish and Kootenai Tribes and U. S. Department of Interior, Office of the Solicitor did not appear at the hearing and had previously notified the Department of no intention to attend.

The Department recognizes the written Agreement signed by Wayne Cross and Camaroot Ranch, Inc. and makes it a permanent part of the file.

THEREFORE, the Department makes the following:

ORDER

Subject to the terms, conditions, restrictions, and limitations specified below, Authorization to Change Appropriation Water Right No. G(W)39754-76L by Camaroot Ranch, Inc. is granted to add a point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 20 North, Range 24 West, in Sanders County, Montana.

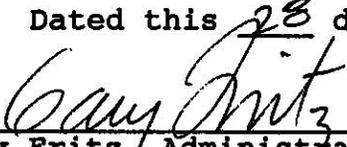
CASE # 39754

E. This Authorization is specifically made subject to all prior Indian reserved water rights of the Confederated Salish and Kootenai Tribes in the source of supply. It is the Tribes' position that economic investments made in reliance upon this Authorization, do not create in the Appropriator any equity or vested right against the Tribes. The Appropriator is hereby notified that any financial outlay or work invested in a project pursuant to this Authorization is at Appropriator's risk.

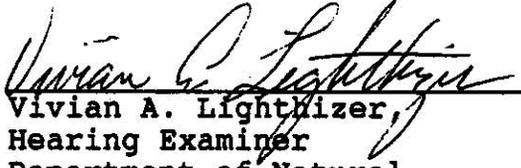
NOTICE

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

Dated this 28 day of March, 1991.



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



Vivian A. Lightizer,
Hearing Examiner
Department of Natural
Resources and Conservation
1520 East 6th Avenue
Helena, Montana 59620-2301
(406) 444-6625

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Final Order was duly served upon all parties of record, at their address or addresses this 29th day of March, 1991, as follows:

Camaroot Ranch Inc.
Sid Cross, President
Box 113
Perma, MT 59859

David L. Pengelly
Knight, Maclay & Masar
P.O. Box 8957
Missoula, MT 59807-8957

Wayne C. Cross
691 CR 382
Plains, MT 59859

Mrs. Herbert Cross
691 CR 382
Plains, MT 59859

Clayton Matt
Confederated Salish and
Kootenai Tribes
P.O. Box 278
Pablo, MT 59855

Chuck Brasen, Manager
Kalispell Water Resources
Regional Office
P.O. Box 860
Kalispell, MT 59903-0860

Richard Gebhardt
6296 Kruse Lane
Ronan, MT 59864

Mark Shapley, Hydrogeologist
Water Management Bureau
Department of Natural
Resources & Conservation
1520 East 6th Avenue
Helena, MT 59620-2301

U.S. Department of Interior
Office of the Solicitor
P.O. Box 31394
Billings, MT 59107-1394


Cindy G. Campbell
Legal Secretary