



FINAL ORDER

1. MPC's objections to Beneficial Water Use Permit Application No. 54612-s41I by Thomas W. Maddox are hereby declared invalid and are stricken.

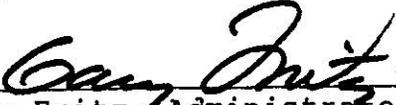
2. Subject to the terms, restrictions, conditions, and limitations specified below, Application for Beneficial Water Use Permit No. 54612-s41I is hereby granted to Thomas W. Maddox to appropriate 30 gallons per minute up to .50 acre-feet per year for lawn and garden purposes on .25 acres located in the N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 11, Township 12 North, Range 3 West, Gates of the Mountains Lakeshore Homes Subdivision, Lot 49, all in Lewis and Clark County, Montana.

In no event shall these waters be diverted prior to April 1 of any given year, nor subsequent to October 31 of any given year. The source of supply shall be the Missouri River at a point in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 11, Township 12 North, Range 3 West all in Lewis and Clark County, Montana. The priority date for this Permit shall be June 7, 1984 at 11:45 a.m.

A) 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 for by Montana Law.

- B) The issuance of this permit by the Department shall not reduce the Permittee's liability for damages caused by Permittee's exercise of this permit, nor does the Department in issuing the permit in any way acknowledge liability for damage caused by the Permittee's exercise of this permit.
- C) The Permittee shall in no event cause to be diverted from the source of supply more water than is reasonably required for the purposes described herein. At all times when the water is not reasonably required for these purposes, Permittee shall cause and otherwise allow the waters to remain in the source of supply.
- D) The Permittee shall diligently adhere to these terms and conditions. Failure to adhere to the terms and conditions may result in the revocation of this Permit.

DONE this 1 day of November 1984.

  
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Gary Fritz, Administrator  
Water Resources Division  
Department of Natural Resources  
and Conservation  
32 South Ewing, Helena, MT 59620  
(406) 444 - 6605

NOTICE

The Department's Final Order may be appealed in accordance with the Montana Administrative Procedure Act, Title 2, Part 4, Chapter 7, by filing a petition for judicial review in the appropriate District Court within (30) days of service hereof.

AFFIDAVIT OF SERVICE  
MAILING

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

Donna K. Elser, an employee of the Montana Department of Natural Resources and Conservation, being duly sworn on oath, deposes and says that on November 2, 1984, she deposited in the United States mail, Certified mail, an order by the Department on the Application by THOMAS W. MADDOX, Application No. 54612-s411, for an Application for Beneficial Water Use Permit, addressed to each of the following persons or agencies:

1. Thomas W. Maddox, Box 123, Helena, MT 59624
2. Montana Power Co., 40 East Broadway, Butte, MT 59701
3. K. Paul Stahl, Attorney, 301 First National Bank Bldg., P.O. Box 1715, Helena, MT 59624 *hand delivered*
4. T.J. Reynolds, Water Rights Bureau Field Office, Helena, (inter-departmental mail)
6. Gary Fritz, Administrator, Water Resources (hand deliver)

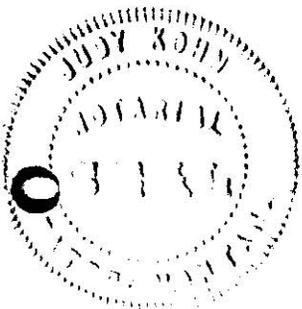
DEPARTMENT OF NATURAL RESOURCES AND  
CONSERVATION

by Donna Elser

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

On this 2nd day of November, 1984, 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.



Judy Kohn  
Notary Public for the State of Montana  
Residing at Montana City, Montana  
My Commission expires 3-1-85