

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 43D 5613-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

GORDON GALARNEAU
2601 E AMERICAN BLVD
MINNEAPOLIS, MN 55425

RINDA GALARNEAU
2601 E AMERICAN BLVD
MINNEAPOLIS, MN 55425

MICHAEL L SCHARA
PO BOX 98
LAUREL, MT 59044-0098

JOANNE M VANDENBROEK
PO BOX 98
LAUREL, MT 59044-0098

DONALD J BLYTON
816 KYHL LN
BILLINGS, MT 59105

SHARON J BLYTON
816 KYHL LN
BILLINGS, MT 59105

COLE, JR & SONS
150 FINGER BUTTES TRAIL
ALZADA, MT 59311

PODOLAK, RONALD F LIVING TRUST
RONALD, F PODOLAK TRUSTEE
PO BOX 1212
LAUREL, MT 59044

PODOLAK, DONNA JEAN LIVING TRUST
PODOLAK, DONNA JEAN TRUSTEE
PO BOX 1212
LAUREL, MT 59044

TODD A ZINNE
3 BRIDAL TRAILS DR
JOLIET, MT 59041

LEE ANN ZINNE
3 BRIDAL TRAILS DR
JOLIET, MT 59041

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS AFTER FINAL DECREE UPON REQUEST OF THE OWNERS.

Priority Date: APRIL 20, 1893

Enforceable Priority Date: APRIL 20, 1893

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 112.00 GPM

Maximum Volume: 105.61 AC-FT

THE VOLUME QUANTIFICATION ON THIS CLAIM IS THE RESULT OF A STIPULATION FILED BY THE PARTIES WITH THE WATER COURT ON 03/27/96. THE COURT HAS MADE NO DETERMINATION AS TO THE NEED FOR A VOLUME QUANTIFICATION ON THIS CLAIM AS PROVIDED FOR IN 85-2-234 (6) (B) (III) M.C.A.

Climatic Area: 1 - HIGH

Maximum Acres: 55.00

Source Name: ROCK CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESESW	7	4S	23E	CARBON

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: DUTTON CANAL
DUTTON DITCH ALSO KNOWN AS DUTTON CANAL.
DITCH NAME: DUTTON DITCH

Period of Use: APRIL 1 to OCTOBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	10.00	1		4	4S	23E	CARBON
2	40.00		SENE	4	4S	23E	CARBON
3	5.00		NESE	4	4S	23E	CARBON
Total:	55.00						

<u>Geocodes/Valid:</u>		
	10-0624-04-1-04-02-0000 - Y	10-0624-04-1-04-03-0000 - Y
	10-0624-04-1-04-04-0000 - Y	10-0624-04-1-04-06-0000 - Y
	10-0624-04-1-04-07-0000 - Y	10-0624-04-1-04-08-0000 - Y
	10-0624-04-1-04-09-0000 - Y	10-0624-04-1-04-10-0000 - Y
	10-0624-04-1-04-11-0000 - Y	10-0624-04-1-04-12-0000 - Y
	10-0624-04-1-04-14-0000 - Y	10-0624-04-1-04-15-0000 - Y
	10-0624-04-1-04-16-0000 - Y	10-0624-04-1-04-32-0000 - Y
	10-0624-04-1-04-33-0000 - Y	10-0624-04-1-04-34-0000 - Y
	10-0624-04-1-04-35-0000 - Y	10-0624-04-1-04-36-0000 - Y
	10-0624-04-1-04-37-0000 - Y	10-0624-04-1-04-38-0000 - Y
	10-0624-04-1-04-39-0000 - Y	10-0624-04-1-04-40-0000 - Y
	10-0624-04-1-04-41-0000 - Y	10-0624-04-1-04-42-0000 - Y
	10-0624-04-1-04-43-0000 - Y	10-0624-04-1-04-44-0000 - Y
	10-0624-04-1-11-01-0000 - Y	

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

5613-00 5614-00 216237-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 07/10/89: ADDRESS, METHOD OF IRRIGATION, PLACE OF USE.

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

IMPLIED CLAIM NO. W216237-00 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 12/01/98.

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/12/99.

OWNERSHIP UPDATE RECEIVED

- OWNERSHIP UPDATE TYPE 608 # 35498 RECEIVED 02/09/2006.
- OWNERSHIP UPDATE TYPE 608 # 35500 RECEIVED 02/09/2006.
- OWNERSHIP UPDATE TYPE 608 # 40415 RECEIVED 08/02/2006.
- OWNERSHIP UPDATE TYPE 608 # 40374 RECEIVED 08/02/2006.
- OWNERSHIP UPDATE TYPE 608 # 49676 RECEIVED 08/31/2007.
- OWNERSHIP UPDATE TYPE DOR # 81629 RECEIVED 02/23/2009.
- OWNERSHIP UPDATE TYPE DOR # 150282 RECEIVED 08/13/2012.
- OWNERSHIP UPDATE TYPE DOR # 110385 RECEIVED 12/20/2012.

Remarks:

OWNERSHIP UPDATE TYPE DOR # 122351 RECEIVED 06/24/2014.

OWNERSHIP UPDATE TYPE DOR # 144240 RECEIVED 05/21/2015.

OWNERSHIP UPDATE TYPE DOR # 141782 RECEIVED 03/22/2016.

THE TIMELY FILED OBJECTION OF UNITED STATES OF AMERICA WAS AMENDED BY UNITED STATES OF AMERICA TO INCLUDE VOLUME AND POINT OF DIVERSION. BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.