

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:** 76H 105165-00 STATEMENT OF CLAIM  
**Version:** 4 -- CHANGE AUTHORIZATION  
**Version Status:** ACTIVE

THIS AUTHORIZATION IS LIMITED TO THE AMOUNT OF THE HISTORIC USE RECOGNIZED BY THE DEPARTMENT IN THIS PROCEEDING AS SUBJECT TO CHANGE, AND WILL THEREAFTER NOT EXCEED THAT AMOUNT. IF THE HISTORIC USE IS REDUCED UNDER ADJUDICATION PROCEEDINGS PURSUANT TO TITLE 85, CHAPTER 2, PART 2, MCA, THIS AUTHORIZATION WILL BE LIMITED TO A LESSER AMOUNT.

**Owners:** MOUNTAIN WATER COMPANY  
1345 W BROADWAY  
PO BOX 4826  
MISSOULA, MT 59806

PROCK, ROY L QTIP TRUST  
%DOMINION GROUP  
PO BOX 34297  
INDIANAPOLIS, IN 46234

**Priority Date:** MAY 1, 1889  
**Enforceable Priority Date:** MAY 1, 1889

**Purpose (use):** MARKETING FOR MITIGATION/AQUIFER RECHARGE  
IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 1.25 CFS

**Historical Flow Rate:** 1.25 CFS

**Maximum Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 3 - MODERATE

**Historical Diverted Volume:** 162.00 AC-FT

**Historical Consumptive Volume:** 2.45 AC-FT

**Maximum Acres:** 216.00

**Source Name:** MILLER CREEK  
**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
2		SWNWSE	20	12N	19W	MISSOULA
<b>Period of Diversion:</b> APRIL 1 TO OCTOBER 31						<b>Flow Rate:</b> .66 CFS
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> LOWER BAKER DITCH						
3		SESWW	13	12N	20W	MISSOULA
<b>Period of Diversion:</b> APRIL 1 TO OCTOBER 31						<b>Flow Rate:</b> .66 CFS
<b>Diversion Means:</b> HEADGATE						
5		NENSW	14	12N	20W	MISSOULA
<b>Period of Diversion:</b> APRIL 1 TO OCTOBER 31						<b>Flow Rate:</b> .66 CFS
<b>Diversion Means:</b> HEADGATE						
6		NESESE	14	12N	20W	MISSOULA
<b>Period of Diversion:</b> APRIL 1 TO OCTOBER 31						<b>Flow Rate:</b> .66 CFS
<b>Diversion Means:</b> HEADGATE						
7		SWNWSE	20	12N	19W	MISSOULA
<b>Period of Diversion:</b> APRIL 1 TO OCTOBER 31						<b>Flow Rate:</b> .59 CFS
<b>Diversion Means:</b> INSTREAM						

**Period of Use:** APRIL 1 to OCTOBER 31

**Purpose (Use):** MARKETING FOR  
MITIGATION/AQUIFER  
RECHARGE

**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			NE	1	12N	20W	MISSOULA
2			W2	1	12N	20W	MISSOULA
3			S2	2	12N	20W	MISSOULA
4			SE	10	12N	20W	MISSOULA
5			NW	11	12N	20W	MISSOULA
6			NE	15	12N	20W	MISSOULA
7			SW	31	13N	19W	MISSOULA
8			W2	26	13N	20W	MISSOULA
9			N2	27	13N	20W	MISSOULA
10			SE	27	13N	20W	MISSOULA
11			E2	34	13N	20W	MISSOULA
12			S2	35	13N	20W	MISSOULA
13			S2	36	13N	20W	MISSOULA

**Purpose (Use):** IRRIGATION

**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>
10	32.00		SWNW	14	12N	20W	MISSOULA
11	34.00		S2NWNW	14	12N	20W	MISSOULA
12	2.00		NESESW	14	12N	20W	MISSOULA
13	14.50		NESW	14	12N	20W	MISSOULA
14	24.00		NWSW	14	12N	20W	MISSOULA
15	24.00		NESE	15	12N	20W	MISSOULA
16	31.00		SENE	15	12N	20W	MISSOULA
17	34.00		NENE	15	12N	20W	MISSOULA
18	1.00		SEWNNE	15	12N	20W	MISSOULA
19	10.00		SESE	10	12N	20W	MISSOULA
23	8.50		NENW	24	12N	20W	MISSOULA
24	1.00		NENWNW	24	12N	20W	MISSOULA
<b>Total:</b>	216.00						

**Geocodes/Valid:** 04-2092-14-1-01-01-0000 - 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.

105162-00 105163-00 105164-00 105165-00 105166-00 105167-00

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

THE APPLICANT SHALL PROVIDE THE DEPARTMENT WITH DOCUMENTATION THAT LANDS DESIGNATED FOR RETIREMENT ARE NO LONGER IRRIGATED. DOCUMENTATION OF NO IRRIGATION MAY CONSIST OF SITE SPECIFIC PHOTOGRAPHS AND/OR AERIAL PHOTOGRAPHY. DOCUMENTATION SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR TO THE MISSOULA WATER RESOURCES REGIONAL OFFICE. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF THE AUTHORIZATION.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 02/06/96.

THE APPLICANT SHALL MEASURE THE AMOUNT OF WATER DIVERTED FOR CONTINUED IRRIGATION AND THE AMOUNT OF WATER LEFT IN MILLER CREEK FOR THE PURPOSE OF MARKETING FOR MITIGATION PER THE MONITORING PLAN PROVIDED IN APPLICATION TO CHANGE A WATER NO. 76H 30063540. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR TO THE MISSOULA WATER RESOURCES REGIONAL OFFICE AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF THE CHANGE AUTHORIZATION. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICES IN PROPER FUNCTIONING CONDITION.

**OWNERSHIP UPDATE RECEIVED**

**Remarks:**

OWNERSHIP UPDATE TYPE 641 # 70133 RECEIVED 02/19/2010.

OWNERSHIP UPDATE TYPE 608 # 124620 RECEIVED 08/28/2014.