

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: 43B 122383-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: HEART K LAND & CATTLE CO INC
PO BOX 1543
LIVINGSTON, MT 59047-5543

HEART K LAND & CATTLE CO LLC
PO BOX 1543
LIVINGSTON, MT 59047-5543

Priority Date: OCTOBER 26, 1903

Enforceable Priority Date: OCTOBER 26, 1903

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 10.12 CFS

Maximum Volume:

Climatic Area: 3 - MODERATE

Maximum Acres: 266.90

Source Name: YELLOWSTONE RIVER

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		SWSWSE	7	2S	10E	PARK

Period of Diversion: APRIL 15 TO OCTOBER 19

Diversion Means: HEADGATE

2		SWNWNE	18	2S	10E	PARK
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Period of Diversion: APRIL 15 TO OCTOBER 19

Diversion Means: HEADGATE

Ditch Name: VILAS DITCH

DITCH NAME FOR DIVERSION NO. 2 IS: VILAS DITCH

Period of Use: APRIL 15 to OCTOBER 19

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		NENWSE	5	2S	10E	PARK
2	10.00		NWNWSE	5	2S	10E	PARK
3	10.00		SWNWSE	5	2S	10E	PARK
4	10.00		SENWSE	5	2S	10E	PARK
5	10.00		NESWSE	5	2S	10E	PARK
6	10.00		NWSWSE	5	2S	10E	PARK
7	5.00		SWSWSE	5	2S	10E	PARK
8	3.70		SESWSE	5	2S	10E	PARK
9	2.30		NWSESE	5	2S	10E	PARK
10	2.50		NWNENW	8	2S	10E	PARK
11	7.00		NENWNW	8	2S	10E	PARK
12	5.00		NWNWNW	8	2S	10E	PARK
13	8.00		SWNWNW	8	2S	10E	PARK
14	9.00		SENWNW	8	2S	10E	PARK
15	5.00		NESWNW	8	2S	10E	PARK
16	9.00		NWSWNW	8	2S	10E	PARK
17	2.00		NENENE	5	2S	10E	PARK
18	3.70		SWNENE	5	2S	10E	PARK
19	10.00		SENENE	5	2S	10E	PARK
20	7.50		NESWNE	5	2S	10E	PARK
21	2.00		NWSWNE	5	2S	10E	PARK
22	8.80		SWSWNE	5	2S	10E	PARK

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>
23	10.00		SESWNE	5	2S	10E	PARK
24	10.00		NESENE	5	2S	10E	PARK
25	10.00		NWSENE	5	2S	10E	PARK
26	10.00		SWSENE	5	2S	10E	PARK
27	10.00		SESENE	5	2S	10E	PARK
28	1.50		NESENE	5	2S	10E	PARK
29	5.00		SESENE	5	2S	10E	PARK
30	3.00		NENESW	5	2S	10E	PARK
31	4.00		SESENE	5	2S	10E	PARK
32	7.50		NESENE	5	2S	10E	PARK
33	2.00		NWSENE	5	2S	10E	PARK
34	8.20		SWSENE	5	2S	10E	PARK
35	6.20		SESENE	5	2S	10E	PARK
36	10.00		NENESE	5	2S	10E	PARK
37	8.80		NWNESE	5	2S	10E	PARK
38	4.00		SWNESE	5	2S	10E	PARK
39	6.20		SENESE	5	2S	10E	PARK
Total:	266.90						

Geocodes/Valid: 49-0803-05-1-01-01-0000 - Y 49-0803-05-4-01-01-0000 - Y
49-0803-08-1-01-10-0000 - 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.

122382-00 122383-00 122384-00 122385-00

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

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 24926 RECEIVED 09/20/2005.

OWNERSHIP UPDATE TYPE DOR # 101858 RECEIVED 07/25/2012.

THE TIMELY FILED OBJECTION OF RUSTAD RANCH WAS AMENDED BY RUSTAD RANCH TO INCLUDE POINT OF DIVERSION. BECAUSE THIS ELEMENT WAS NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THIS CHANGE MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.