

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 128517-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: KEVIN MYTTY
875 SWEENEY CREEK LOOP
FLORENCE, MT 59833
TRACI MYTTY
875 SWEENEY CREEK LOOP
FLORENCE, MT 59833

Priority Date: JULY 1, 1852
Enforceable Priority Date: JULY 1, 1852

THIS CLAIM IS PART OF THE BURNT FORK CREEK AND BITTERROOT RIVER WATER EXCHANGE. WATER FROM BURNT FORK CREEK IS EXCHANGED FOR WATER FROM THE BITTERROOT RIVER THAT IS DIVERTED INTO THE SUPPLY DITCH (SWSNW SEC 20 T7N R20W). EXCHANGE USERS HOLD SHARES IN SUPPLY DITCH ASSOCIATION TO BE ABLE TO USE THE JULY 1, 1852 "FORT" RIGHT WATER FROM BURNT FORK CREEK.

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum 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

Maximum Acres: 329.00

Source Name: BURNT FORK 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		SEWN	14	8N	19W	RAVALLI

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: HIGHLINE DITCH (HEADGATE 1)

Period of Use: MAY 1 to OCTOBER 1

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	7.00		NWNE	9	8N	19W	RAVALLI
2	71.00		S2NE	9	8N	19W	RAVALLI
3	18.00		NENW	9	8N	19W	RAVALLI
4	29.00		NWNW	9	8N	19W	RAVALLI
5	80.00		S2NW	9	8N	19W	RAVALLI
6	80.00		N2SE	9	8N	19W	RAVALLI
7	40.00		NESW	9	8N	19W	RAVALLI
8	4.00		NWSW	9	8N	19W	RAVALLI
Total:	329.00						

Geocodes/Valid: 13-1667-09-2-01-01-0000 - Y 13-1667-09-2-01-03-0000 - Y
13-1667-09-2-01-04-0000 - Y 13-1667-09-2-02-02-0000 - Y
13-1667-09-3-01-15-0000 - Y

Remarks:

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.

128517-00 128518-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 11/09/2005: PLACE OF USE, MAXIMUM ACRES.

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

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 3109 RECEIVED 05/29/2002.

OWNERSHIP UPDATE TYPE DOR # 84540 RECEIVED 11/05/2009.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 512 MINER'S INCHES DECREED IN CASE NO. 556, RAVALLI COUNTY. 3250, 25726, 25750, 50560-00, 50570-00, 104536, 104544, 104546, 104959, 104960, 105006, 107664, 107665, 119948, 128517, 128519, 147922, 150065, 150969, 151736, 151740, 214149, 214379.

THE PRIORITY DATE MAY BE QUESTIONABLE. THE CLAIMED PLACE OF USE IS INCONSISTENT WITH THE PLACE OF USE DESCRIBED IN CASE NO. 556, RAVALLI COUNTY DATED APRIL 10, 1905.