

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 131606-00 STATEMENT OF CLAIM
Version: 2 -- 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: KSR HOLDINGS, LLC
%KOOTENAI SPRINGS RANCH LLC
7014 SE HARBOR CIRCLE
STUART, FL 34996

Priority Date: APRIL 15, 1905
Enforceable Priority Date: APRIL 15, 1905

Purpose (use): IRRIGATION
FISH AND WILDLIFE

Irrigation Type: FLOOD

Maximum Flow Rate: 18.00 CFS

Maximum Volume:
Climatic Area: 3 - MODERATE

Maximum Acres: 462.00

Source Name: BITTERROOT 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		SWSE	20	8N	20W	RAVALLI

Period of Diversion: APRIL 1 TO OCTOBER 4
Diversion Means: HEADGATE

2		SWSE	34	9N	20W	RAVALLI
---	--	------	----	----	-----	---------

Period of Diversion: APRIL 1 TO OCTOBER 4
Diversion Means: HEADGATE

Reservoir: OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NE	33	9N	20W	RAVALLI

Depth: 10.00 FEET
Surface Area: 6.00 ACRES
Current Capacity: 24.00 ACRE-FEET

Period of Use: APRIL 1 to OCTOBER 4

Purpose (Use): IRRIGATION
Period of Use: APRIL 1 to OCTOBER 4

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	141.00		N2	33	9N	20W	RAVALLI
2	154.00		SE	33	9N	20W	RAVALLI
3	31.00		W2NW	34	9N	20W	RAVALLI
4	40.00		NWSW	34	9N	20W	RAVALLI
5	40.00		SWSW	34	9N	20W	RAVALLI
6	18.00		N2SW	33	9N	20W	RAVALLI
7	16.00		SESW	33	9N	20W	RAVALLI
8	22.00		W2E2SW	34	9N	20W	RAVALLI
Total:	462.00						

Purpose (Use): FISH AND WILDLIFE

Period of Use:

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			NESE	33	9N	20W	RAVALLI

Geocodes/Valid: 13-1764-33-1-01-01-0000 - Y 13-1764-34-2-01-26-0000 - Y

Remarks:

ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN RECORD OF THE FLOW RATE AND VOLUME OF ALL WATER DIVERTED INCLUDING THE PERIOD OF TIME AS INDICATED IN THE FOLLOWING PARAGRAPH. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30TH OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE AND VOLUME ACCURATELY.

SUBJECT TO ANY FREQUENCY MODIFICATIONS DETERMINED BY THE DNRC REGIONAL OFFICE, MEASUREMENTS SHALL BE SUBMITTED AT LEAST MONTHLY FOR EACH OF THE THREE (3) PERMANENT MEASURING DEVICES.

THE APPROPRIATOR SHALL INSTALL DEPARTMENT APPROVED WATER USE MEASURING DEVICES AT FOUR POINTS APPROVED BY THE DEPARTMENT. THOSE POINTS ARE BELOW THE RIVER DITCH HEADGATE ON THE BITTERROOT RIVER (PERMANENT DEVICE), ABOVE THE CONFLUENCE OF THE RIVER DITCH AND BIG CREEK (TEMPORARY DEVICE), BELOW THE RIVER DITCH HEADGATE ON BIG CREEK (PERMANENT DEVICE), AND AT THE NEW POINT OF DIVERSION ON THE BITTERROOT RIVER (PERMANENT DEVICE). WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICES ARE IN PLACE AND OPERATING.

THE PERMITTEE SHALL REDUCE THE DIVERSION OF WATER FROM BIG CREEK TO THE RIVER DITCH BY WHATEVER AMOUNT OF WATER IS BEING DIVERTED AT THE NEW POINT OF DIVERSION PURSUANT TO THIS CHANGE AUTHORIZATION, UP TO 510 GALLONS PER MINUTE. THIS AMOUNT OF WATER WILL BE ALLOWED TO FLOW DOWN BIG CREEK AND RETURN TO THE BITTERROOT RIVER ABOVE THE NEW POINT OF DIVERSION.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 42648 RECEIVED 10/31/2006.

OWNERSHIP UPDATE TYPE DOR # 115463 RECEIVED 11/08/2013.