

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: 40M 170237-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE

Version Status: ACTIVE

Owners: AMERICAN PRAIRIE FOUNDATION
PO BOX 908
BOZEMAN, MT 59771-0908

Priority Date: NOVEMBER 1, 1903

Enforceable Priority Date: NOVEMBER 1, 1903

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Maximum Flow Rate:

NO FLOW RATE HAS BEEN DECREED BECAUSE THIS RIGHT USES A SERIES OF ONSTREAM RESERVOIRS TO ACT AS CHECK STRUCTURES TO DISTRIBUTE WATER THROUGH A WATER SPREADING SYSTEM TO THE PLACE OF USE. AFTER A RESERVOIR FILLS TO CAPACITY, WATER SPREADS OUT THROUGH DITCHES TO ADJACENT FIELDS. THE STORED WATER IN AN UPSTREAM RESERVOIR CAN ALSO BE RELEASED TO FILL THE NEXT DOWNSTREAM RESERVOIR TO PERFORM THE SAME WATER SPREADING FUNCTION.

Maximum Volume: 4,548.00 AC-FT

THE VOLUME OF 4,548 ACRE FEET IS COMPOSED OF THE 1,900 AF COMBINED CAPACITY OF 6 RESERVOIRS (EACH FILLED ONCE A SEASON) AND A COMBINED WATER SPREADING IRRIGATION VOLUME OF 2,648 AF BASED ON 2 AF PER IRRIGATED ACRE. THE TOTAL COMBINED VOLUME FOR THE FOLLOWING CLAIMS SHALL NOT EXCEED 4,548 ACRE FEET. 40M 170220-00, 40M170221-00, 40M 170222-00, 40M 170223-00, 40M 170230-00, 40M 170231-00, 40M 170233-00, AND 40M 170237-00.

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 1,324.00

Source Name: BEAVER 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>
1		SWSWSW	22	26N	29E	PHILLIPS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

2		NESENE	26	26N	29E	PHILLIPS
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

3		NENENE	27	26N	29E	PHILLIPS
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

4		SESESW	25	26N	29E	PHILLIPS
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

5		SESESE	19	26N	30E	PHILLIPS
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

6		SESENW	30	26N	30E	PHILLIPS
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ON STREAM **Reservoir Name** WHITCOMB NO. 4 RESERVOIR
Govt Lot **Qtr** **Sec** **Twp** **Rge** **County**

NESW 25 26N 29E

PHILLIPS

Diversion to Reservoir: DIVERSION # 4

Dam Height: 13.00 FEET

Surface Area: 35.00 ACRES

Current Capacity: 140.00 ACRE-FEET

Reservoir: ON STREAM **Reservoir Name** HAND NO. 1 RESERVOIR
Govt Lot Qtr Sec Sec Twp Rge County
W2SWSW 22 26N 29E PHILLIPS

Diversion to Reservoir: DIVERSION # 1

Dam Height: 20.00 FEET

Current Capacity: 600.00 ACRE-FEET

Reservoir: ON STREAM **Reservoir Name** HAND NO. 2 RESERVOIR
Govt Lot Qtr Sec Sec Twp Rge County
NENENE 27 26N 29E PHILLIPS

Diversion to Reservoir: DIVERSION # 3

Dam Height: 20.00 FEET

Current Capacity: 480.00 ACRE-FEET

Reservoir: ON STREAM **Reservoir Name** HAND NO. 3 RESERVOIR
Govt Lot Qtr Sec Sec Twp Rge County
NESENE 26 26N 29E PHILLIPS

Diversion to Reservoir: DIVERSION # 2

Dam Height: 20.00 FEET

Current Capacity: 480.00 ACRE-FEET

Reservoir: ON STREAM **Reservoir Name** WHITCOMB NO. 6 RESERVOIR
Govt Lot Qtr Sec Sec Twp Rge County
SESESE 19 26N 30E PHILLIPS

Diversion to Reservoir: DIVERSION # 5

Dam Height: 13.00 FEET

Surface Area: 22.00 ACRES

Current Capacity: 88.00 ACRE-FEET

Reservoir: ON STREAM **Reservoir Name** WHITCOMB NO. 5 RESERVOIR
Govt Lot Qtr Sec Sec Twp Rge County
E2SENEW 30 26N 30E PHILLIPS

Diversion to Reservoir: DIVERSION # 6

Dam Height: 13.00 FEET

Surface Area: 28.00 ACRES

Current Capacity: 112.00 ACRE-FEET

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

SEE THE MONTANA RESOURCES BOARD DAM INVENTORY WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

Period of Use: JANUARY 1 to DECEMBER 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	5.00		SESESE	21	26N	29E	PHILLIPS
2	8.00		SWSW	22	26N	29E	PHILLIPS
3	10.00		S2SESE	24	26N	29E	PHILLIPS
4	292.00			25	26N	29E	PHILLIPS
5	167.50			26	26N	29E	PHILLIPS
6	166.00		N2	27	26N	29E	PHILLIPS
7	30.50		N2NE	28	26N	29E	PHILLIPS
8	10.00		S2SE	18	26N	30E	PHILLIPS
9	397.00			19	26N	30E	PHILLIPS
10	33.00		W2W2	29	26N	30E	PHILLIPS
11	205.00		N2	30	26N	30E	PHILLIPS
Total:	1,324.00						

Geocodes/Valid: 11-3767-21-1-01-01-0000 - Y 11-3767-22-2-01-01-0000 - Y
11-3767-24-4-01-01-0000 - Y 11-3767-25-1-01-01-0000 - Y
11-3767-26-1-01-01-0000 - Y 11-3767-27-2-01-01-0000 - Y

11-3767-28-1-01-01-0000 - Y

11-3768-18-1-01-01-0000 - Y

11-3768-19-1-01-01-0000 - Y

11-3768-29-2-01-02-0000 - Y

11-3768-30-1-01-01-0000 - Y

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT SHARE THE SAME RESERVOIRS.

170220-00 170221-00 170222-00 170223-00 170230-00 170231-00 170233-00 170237-00

NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/17/85.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/08/86.

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 TOTAL VOLUME FOR THE COMBINED SUPPLEMENTAL RIGHTS IS LIMITED TO A MAXIMUM OF 4,548 AC-FT. THE SUM TOTAL OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

170220-00 170221-00 170222-00 170223-00 170230-00 170231-00 170233-00 170237-00

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 67071 RECEIVED 06/08/2009.