

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: 41J 181881-00 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: GALT RANCH LP
543 BIRCH CREEK RD
WHITE SULPHUR SPRINGS, MT 59645-9641

Priority Date: APRIL 15, 1883
Enforceable Priority Date: APRIL 15, 1883

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 12.50 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 2,342.00

Source Name: BIG BIRCH 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 | | SE | 16 | 9N | 5E | MEAGHER |
| Period of Diversion: APRIL 15 TO OCTOBER 15 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| 2 | | NW | 16 | 9N | 5E | MEAGHER |
| Period of Diversion: APRIL 15 TO OCTOBER 15 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| 3 | | NW | 16 | 9N | 5E | MEAGHER |
| Period of Diversion: APRIL 15 TO OCTOBER 15 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| 4 | | NE | 16 | 9N | 5E | MEAGHER |
| Period of Diversion: APRIL 15 TO OCTOBER 15 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| 5 | | SW | 9 | 9N | 5E | MEAGHER |
| Period of Diversion: APRIL 15 TO OCTOBER 15 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| 6 | | SE | 9 | 9N | 5E | MEAGHER |
| Period of Diversion: APRIL 15 TO OCTOBER 15 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| 7 | | NW | 10 | 9N | 5E | MEAGHER |
| Period of Diversion: APRIL 15 TO OCTOBER 15 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| 12 | | NW | 11 | 9N | 5E | MEAGHER |
| Period of Diversion: APRIL 15 TO OCTOBER 15 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |

| | | | | | | |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
| 13 | | SESENW | 11 | 9N | 5E | MEAGHER |

Period of Diversion: APRIL 15 TO OCTOBER 15
Diversion Means: HEADGATE

| | | | | | | |
|----|--|--------|----|----|----|---------|
| 14 | | SWNWSW | 19 | 9N | 5E | MEAGHER |
|----|--|--------|----|----|----|---------|

Period of Diversion: APRIL 15 TO OCTOBER 15
Diversion Means: HEADGATE

| | | | | | | |
|----|--|--------|----|----|----|---------|
| 15 | | NWSENW | 19 | 9N | 5E | MEAGHER |
|----|--|--------|----|----|----|---------|

Period of Diversion: APRIL 15 TO OCTOBER 15
Diversion Means: HEADGATE

Period of Use: APRIL 15 to OCTOBER 15

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 | 312.00 | | | 1 | 9N | 5E | MEAGHER |
| 2 | 50.00 | | | 2 | 9N | 5E | MEAGHER |
| 3 | 102.00 | | | 5 | 9N | 5E | MEAGHER |
| 4 | 7.00 | | | 7 | 9N | 5E | MEAGHER |
| 5 | 358.00 | | | 8 | 9N | 5E | MEAGHER |
| 6 | 300.00 | | | 9 | 9N | 5E | MEAGHER |
| 7 | 325.00 | | | 10 | 9N | 5E | MEAGHER |
| 8 | 227.00 | | | 11 | 9N | 5E | MEAGHER |
| 9 | 258.00 | | | 14 | 9N | 5E | MEAGHER |
| 10 | 30.00 | | | 15 | 9N | 5E | MEAGHER |
| 11 | 220.00 | | | 17 | 9N | 5E | MEAGHER |
| 12 | 42.00 | | | 18 | 9N | 5E | MEAGHER |
| 13 | 111.00 | | | 19 | 9N | 5E | MEAGHER |

Total: 2,342.00

| | | |
|------------------------|-----------------------------|-----------------------------|
| Geocodes/Valid: | 47-1797-01-1-01-01-0000 - Y | 47-1797-02-1-01-01-0000 - Y |
| | 47-1797-05-1-01-01-0000 - Y | 47-1797-07-1-01-01-0000 - Y |
| | 47-1797-08-1-01-01-0000 - Y | 47-1797-09-1-01-01-0000 - Y |
| | 47-1797-10-1-01-01-0000 - Y | 47-1797-11-1-01-01-0000 - Y |
| | 47-1797-14-1-01-01-0000 - Y | 47-1797-14-2-01-01-0000 - Y |
| | 47-1797-14-4-01-01-0000 - Y | 47-1797-15-2-01-01-0000 - Y |
| | 47-1797-15-2-01-02-0000 - Y | 47-1797-17-1-01-01-0000 - Y |
| | 47-1797-18-4-01-01-0000 - Y | 47-1797-19-1-01-01-0000 - 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.

| | | | | | | |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 181869-00 | 181870-00 | 181871-00 | 181872-00 | 181879-00 | 181880-00 | 181881-00 |
| 181882-00 | 181884-00 | 181885-00 | 181886-00 | 181887-00 | 181888-00 | 181889-00 |
| 181890-00 | 181891-00 | 181892-00 | 181894-00 | | | |

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 2/15/2006: POINT OF DIVERSION, PLACE OF USE, MAXIMUM ACRES.

**WATER MEASUREMENT AND WATER MEASUREMENT RECORDS REQUIRED: THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED WATER MEASURING DEVICE IN BIG BIRCH CREEK BELOW THE APPROPRIATORS FURTHEST DOWNSTREAM DIVERSION POINT, LOCATED IN THE SESENW SECTION 11, T9N, R5E, MEAGHER COUNTY. THE TYPE AND LOCATION OF THE MEASURING DEVICE SHALL BE APPROVED BY THE DEPARTMENT. THE APPROPRIATOR SHALL KEEP DAILY RECORDS OF THE FLOW RATE OF BIG BIRCH CREEK, INCLUDING THE PERIOD OF TIME OF MEASUREMENT. THE RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT RECORDS MAY BE CAUSE FOR REVOCATION OF THE CHANGE AUTHORIZATION. THE RECORDS MUST BE SENT TO THE LEWISTOWN WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES THE AMOUNT OF WATER ACCURATELY. IF THE INSTREAM FLOW RATE OF BIG BIRCH CREEK IS LESS THAN 1.8 CFS DURING THE PERIOD OF APPROPRIATION FOR THE WATER RIGHTS INVOLVED IN THIS CHANGE AUTHORIZATION, AND AT THE FURTHEST DOWNSTREAM DIVERSION POINT, THE APPROPRIATOR SHALL CURTAIL OR CEASE IRRIGATION ON THE

Remarks:

PLACES OF USE IDENTIFIED IN EXHIBIT A, UNTIL THE FLOW RATE RETURNS TO A MINIMUM OF 1.8 CFS. THE IRRIGATED ACRES TO BE CURTAILED OR CEASE DIVERSIONS TO, AND SET FORTH IN EXHIBIT A, ARE MORE SPECIFICALLY IDENTIFIED AS THE YELLOW CROSS-HATCHED ACRES NOTED IN STIPULATION IN SETTLEMENT OF OBJECTIONS TO APPLICATION NO. 41J 30002272 (EXHIBIT B). STIPULATION IN SETTLEMENT OF OBJECTIONS TO APPLICATION NO. 41J 30002272 IS A PRIVATE AGREEMENT BETWEEN THE PARTIES, THE TERMS OF WHICH ARE NOT FULLY INCORPORATED BY REFERENCE INTO THIS CHANGE AUTHORIZATION. THIS AGREEMENT IS REFERENCED FOR INFORMATIONAL PURPOSES ONLY AS BACKGROUND FOR RESOLUTION OF OBJECTIONS TO THIS CHANGE AUTHORIZATION. THE DEPARTMENT MAKES NO DETERMINATION AS TO THE RIGHTS OF THE PARTIES UNDER THE AGREEMENT.

THE RIGHT ISSUED ON 6/26/2007 WAS REISSUED. THE RIGHT WAS REISSUED BECAUSE THE CHANGE DESCRIPTION WAS CORRECTED.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 12999 RECEIVED 03/01/2004.