## STATE OF MONTANA

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

## **GENERAL ABSTRACT**

Water Mgn	t Number:	40A 189754			OF CLA	MM	
		Version: 4 -	- POST DEC	REE			
Owners:		Version Status: ACTIVE					
		MARTIN RANCH CO PO BOX 205					
		TWO DOT, MT 59085					
Priority Date:		OCTOBER 15, 1927					
Enforceable Priority Date: OCTOBER 15, 1927							
Type of His	torical Right:	DECREED					
Purpose (us	se):	IRRIGATION					
Irrigation Type:		FLOOD					
Maximum Flow Rate:		12.50 CFS					
Maximum Volume:		4,020.00 AC-FT					
Clim	natic Area:	4 - MODERA	TELY LOW				
Maximum Acres:		633.00					
Source Name:		BIG ELK CREEK					
Source Type:		SURFACE WATER					
	• •	THE SOURC		S UNN		RIBUT	ARIES OF BIG ELK CREEK WHICH
		FLOW DIRE				-	
Point of Diversion and Means of Diversion:							
<u>ID</u> 1		Govt Lot	<u>Qtr Sec</u>	Sec	Twp		County
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31 <b>Diversion Means:</b> HEADGATE							
						,	, 2013 IN CASE 40A-264 INCLUDES THE DIVERSION OF THIS CLAIM IS
		FOLLOWING REFLECTED	G PROVISIO D AS YEAR F	n: the Round	E PERIC ), (JANU	D OF IARY 1	DIVERSION OF THIS CLAIM IS TO DECEMBER 31) WHENEVER
		FOLLOWING REFLECTED	G PROVISIO D AS YEAR F	n: the Round	E PERIC ), (JANU	D OF IARY 1	DIVERSION OF THIS CLAIM IS
Reservoir:		FOLLOWING REFLECTED WATER IS A OFF STREAD	B PROVISIO DAS YEAR F VAILABLE F M <b>Reservo</b>	N: THE ROUND FOR DI' ir Nama	E PERIC ), (JANU VERSIO e MART	D OF IARY 1 N IN C	DIVERSION OF THIS CLAIM IS TO DECEMBER 31) WHENEVER ORDER OF PRIORITY. C-J RESERVOIR
Reservoir:		FOLLOWING REFLECTED WATER IS A	G PROVISIO O AS YEAR F VAILABLE F M <b>Reservo</b> <u>Qtr Sec</u>	N: THE ROUNE FOR DI' ir Name <u>Sec</u>	E PERIC ), (JANU VERSIO e MART <u>Twp</u>	D OF JARY 1 IN IN C TIN & C <u>Rge</u>	DIVERSION OF THIS CLAIM IS TO DECEMBER 31) WHENEVER ORDER OF PRIORITY. C-J RESERVOIR <u>County</u>
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<b>Period of U</b> <b>Place</b> <u>ID</u> 1 2 3 4 5 6	e of Use: <u>Acres</u> 8.00 50.00 4.00 5.00 100.00 25.00	FOLLOWING REFLECTED WATER IS A OFF STREAD Govt Lot THE STIPUL FOLLOWING WITH THIS F THOSE USE 40A 189758- MARCH 1 to	B PROVISIO AS YEAR F VAILABLE F M Reservo <u>Qtr Sec</u> S2 ATION FILE PROVISION RIGHT MAY D IN ASSOC 00, AND 404 NOVEMBE <u>Qtr Sec</u> NWNE N2NW NENE S2SWNW SW	N: THE ROUND FOR DI <b>ir Nam</b> Sec 31 D ON F N: WAT NOT BI CIATION A 18975 R 19 <u>Sec</u> 4 4 5 28 28 28 29	E PERIC (JANU VERSIO e MART <u>Twp</u> 7N EBRUA EBRUA E DIVEF N WITH 59-00. <u>Twp</u> 6N 6N 6N 7N 7N 7N	D OF ARY 1 N IN C IN & C IN & C IS IS IS IS IS IS IS IS IS IS IS IS IS	DIVERSION OF THIS CLAIM IS TO DECEMBER 31) WHENEVER ORDER OF PRIORITY. C-J RESERVOIR <u>County</u> WHEATLAND , 1997 IN CASE 40A-264 INCLUDES THE D FROM THE RESERVOIR ASSOCIATED THROUGH ANY DITCH OTHER THAN 39755-00, 40A 189756-00, 40A 189757-00, WHEATLAND WHEATLAND WHEATLAND WHEATLAND WHEATLAND WHEATLAND WHEATLAND

8 2.00 9 44.00 10 89.00 11 125.00 Total: 633.00

Geocodes/Valid:

44-1507-04-1-01-01-0000 - Y 44-1603-28-1-01-01-0000 - Y

NW

SE

SW

33

33

33

44-1507-05-1-01-01-0000 - Y

WHEATLAND

WHEATLAND

WHEATLAND

44-1603-29-1-01-01-0000 - Y

44-1603-32-1-01-01-0000 - Y 44-1603-33-4-01-01-0000 - Y

7N

7N

7N

13E

13E

13E

## **Remarks:**

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL RIGHTS WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS OF THE CLAIMANT'S TOTAL 633.00 ACRES. 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. 189754-00 189755-00 189756-00 189757-00 189758-00 189759-00

THE STIPULATIONS FILED ON FEBRUARY 14, 1997 AND FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDE THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 189754-00, 40A 189755-00, 40A 189756-00, 40A 189757-00, 40A 189758-00, 40A 189759-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.

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

THE TIMELY FILED OBJECTION OF THE MARTIN RANCH COMPANY WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE SOURCE. 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.