

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

A version with a more recent operating authority date exists. Contact DNRC for details.

Water Right Number: 41O 152414-00 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: TETON PRAIRIE LLC
1381 AIRPORT RD
CHOTEAU, MT 59422-9346

Priority Date: MAY 2, 1892

Enforceable Priority Date: MAY 2, 1892

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 25.00 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: 970.00

Source Name: WILLOW 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		NENWSE	31	24N	6W	TETON

Period of Diversion: MAY 1 TO DECEMBER 4

Diversion Means: HEADGATE

Ditch Name: SMITH DITCH#1

2		SWNESW	14	23N	6W	TETON
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Period of Diversion: MAY 1 TO DECEMBER 4

Diversion Means: PUMP

DITCH NAME: SMITH DITCH

Period of Use: MAY 1 to DECEMBER 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	15.63		NWSE	9	23N	6W	TETON
2	29.37		NESE	9	23N	6W	TETON
3	3.75		NESESE	9	23N	6W	TETON
4	2.50		SWSWNE	9	23N	6W	TETON
5	20.00		S2NWSW	10	23N	6W	TETON
6	30.63		SWSW	10	23N	6W	TETON
7	19.37		S2NESW	10	23N	6W	TETON
8	40.00		SESW	10	23N	6W	TETON
9	1.25		NWNWSW	10	23N	6W	TETON
10	29.37		NESE	10	23N	6W	TETON
11	25.62		SWSE	10	23N	6W	TETON
12	40.00		SESE	10	23N	6W	TETON
13	2.50		NWNENW	15	23N	6W	TETON
14	11.25		E2NENW	15	23N	6W	TETON
15	8.25		N2SWNE	15	23N	6W	TETON
16	33.75		NWNE	15	23N	6W	TETON
17	12.75		N2SENE	15	23N	6W	TETON
18	40.00		NENE	15	23N	6W	TETON

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>
19	286.77		N2	14	23N	6W	TETON
20	3.25		NENWSE	14	23N	6W	TETON
21	7.75		N2NESE	14	23N	6W	TETON
22	155.00		NW	13	23N	6W	TETON
23	13.12		N2NWSW	13	23N	6W	TETON
24	18.12		NESW	13	23N	6W	TETON
25	80.00		W2SW	11	23N	6W	TETON
26	40.00		SESW	11	23N	6W	TETON
Total:	970.00						

Geocodes/Valid:		
	31-3367-09-2-01-01-0000 - Y	31-3367-09-4-01-01-0000 - Y
	31-3367-10-2-01-01-0000 - Y	31-3367-10-4-01-01-0000 - Y
	31-3367-11-3-01-02-0000 - Y	31-3367-13-2-01-01-0000 - Y
	31-3367-14-1-01-01-0000 - Y	31-3367-14-2-01-01-0000 - Y
	31-3367-15-1-01-01-0000 - Y	31-3367-15-2-01-01-0000 - 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.

152412-00 152414-00 152418-00 152421-00 152426-00

TO DETERMINE THE HISTORIC FLOW RATE OF SMITH DITCH, THE APPROPRIATOR SHALL MEASURE THE WATER NEAR THE HEAD OF THE DITCH. COPIES OF THOSE MEASUREMENT RECORDS MUST BE SUBMITTED AS SOON AS THE FLOW RATE IS DETERMINED OR BY JULY 1, 2000, WHICHEVER IS EARLIER.

WHEN THE OLD AND NEW DIVERSIONS ARE BEING OPERATED SIMULTANEOUSLY, AT NO TIME SHALL THE COMBINED FLOW RATE DIVERTED THROUGH SMITH DITCH AND THE PUMP EXCEED THE HISTORICAL AMOUNT. IN OTHER WORDS, IF THE PUMP DIVERSION IS BEING USED, THE AMOUNT OF WATER DIVERTED THROUGH SMITH DITCH MUST BE REDUCED BY THE AMOUNT BEING PUMPED.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/06/1997.

THE APPROPRIATOR SHALL INSTALL THREE DEPARTMENT APPROVED WATER USE MEASURING DEVICES AT POINTS APPROVED BY THE DEPARTMENT TO ALLOW THE FLOW RATE AND VOLUME OF WATER DIVERTED TO BE RECORDED. AFTER THE 1998 IRRIGATION SEASON, WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICES ARE IN PLACE AND OPERATING. 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 PERIOD OF TIME, AND SHALL SUBMIT THE RECORDS BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT SAID RECORDS MAY BE CAUSE FOR REVOCATION OR MODIFICATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SUBMITTED TO THE WATER RESOURCES REGIONAL OFFICE. CONTACT THE REGIONAL OFFICE LISTED BELOW TO OBTAIN THEIR CURRENT ADDRESS. HAVRE PH: 406 265-5516 FAX: 406-265-2225.

THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE ACCURATELY.