

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: 40A 189754-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Version Status: ACTIVE

Owners: MARTIN RANCH CO
PO BOX 205
TWO DOT, MT 59085

Priority Date: OCTOBER 15, 1927
Enforceable Priority Date: OCTOBER 15, 1927

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 12.50 CFS
Maximum Volume: 4,020.00 AC-FT
Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 633.00
Source Name: BIG ELK CREEK
Source Type: SURFACE WATER

THE SOURCE INCLUDES UNNAMED TRIBUTARIES OF BIG ELK CREEK WHICH FLOW DIRECTLY INTO MARTIN & C-J RESERVOIR.

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		NESENW	6	6N	13E	WHEATLAND

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE

THE STIPULATION FILED ON NOVEMBER 6, 2013 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE PERIOD OF DIVERSION OF THIS CLAIM IS REFLECTED AS YEAR ROUND, (JANUARY 1 TO DECEMBER 31) WHENEVER WATER IS AVAILABLE FOR DIVERSION IN ORDER OF PRIORITY.

Reservoir: OFF STREAM **Reservoir Name** MARTIN & C-J RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	S2	31	7N	13E	WHEATLAND

THE STIPULATION FILED ON FEBRUARY 14, 1997 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: WATER RELEASED FROM THE RESERVOIR ASSOCIATED WITH THIS RIGHT MAY NOT BE DIVERTED THROUGH ANY DITCH OTHER THAN THOSE USED IN ASSOCIATION WITH 40A 189755-00, 40A 189756-00, 40A 189757-00, 40A 189758-00, AND 40A 189759-00.

Period of Use: MARCH 1 to NOVEMBER 19

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	8.00		NWNE	4	6N	13E	WHEATLAND
2	50.00		N2NW	4	6N	13E	WHEATLAND
3	4.00		NENE	5	6N	13E	WHEATLAND
4	5.00		S2SWNW	28	7N	13E	WHEATLAND
5	100.00		SW	28	7N	13E	WHEATLAND
6	25.00		E2SE	29	7N	13E	WHEATLAND
7	181.00			32	7N	13E	WHEATLAND
8	2.00		SWNE	33	7N	13E	WHEATLAND
9	44.00		NW	33	7N	13E	WHEATLAND
10	89.00		SE	33	7N	13E	WHEATLAND
11	125.00		SW	33	7N	13E	WHEATLAND
Total:	633.00						

Geocodes/Valid: 44-1507-04-1-01-01-0000 - Y 44-1507-05-1-01-01-0000 - Y
44-1603-28-1-01-01-0000 - Y 44-1603-29-1-01-01-0000 - Y
44-1603-32-1-01-01-0000 - Y 44-1603-33-4-01-01-0000 - Y

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.