

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: 43B 191009-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804-7203

CHURCH UNIVERSAL & TRIUMPHANT INC
63 SUMMIT WAY
GARDINER, MT 59030-9314

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

Priority Date: JUNE 1, 1883

Enforceable Priority Date: JUNE 1, 1883

Type of Historical Right: DECREED

Purpose (use): DOMESTIC

Maximum Flow Rate: 1.38 CFS

THE WATER RIGHTS W190980-00, W190983-00, W191009-00, W195247-00, W196085-00 AND W196087-00 ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES, 55.00 MINER'S INCHES, EXCEEDS THE 50.00 MINER'S INCHES DECREED IN CASE NO. 2176 PISOR V REESE, SIXTH JUDICIAL DISTRICT, PARK COUNTY. AT THE SEPTEMBER 6, 1990 CONFERENCE THE PARTIES NOTED THAT THE FLOW RATE AND PRIORITY DATE REPRESENTED A NEGOTIATED COMPROMISE, THAT THE PARTIES RELINQUISHED MORE SENIOR DECREED PRIORITY DATES AND GREATER FLOW RATES. THE RESULTING FLOW RATE, ALTHOUGH IT EXCEEDS THE 50.00 MINER'S INCHES DECREED WITH A JUNE 1, 1883 PRIORITY DATE IN PISOR V REESE, WAS USED HISTORICALLY UNDER OTHER SENIOR RIGHTS AND THAT GREATER FLOW RATES WERE USED HISTORICALLY.

THE STIPULATION FILED ON JULY 13, 1990 SPECIFIES THAT THE COMBINED TOTAL APPROPRIATION OF WATER RIGHTS 43B W190980-00, 43B W190983-00, 43B W191009-00, 43B W196085-00 AND 43B W196087-00 CANNOT EXCEED 1.375 CFS FROM OCTOBER 16 TO APRIL 14 AND 1.25 CFS FROM APRIL 15 TO OCTOBER 15.

Maximum Volume: 25.00 AC-FT

Source Name: REESE 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 | | SE | 7 | 9S | 8E | PARK |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DITCH

Ditch Name: MIDDLE DITCH

| | | | | | | |
|---|--|----|---|----|----|------|
| 2 | | SE | 7 | 9S | 8E | PARK |
|---|--|----|---|----|----|------|

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DITCH

Ditch Name: UPPER DITCH

DITCH NAME FOR DIVERSION NO. 2 IS: UPPER DITCH

DITCH NAME FOR DIVERSION NO. 01 IS: MIDDLE DITCH

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|------------|------------|------------|------------|---------------|
| 1 | | | E | 31 | 8S | 8E | PARK |
| 2 | | | SW | 32 | 8S | 8E | PARK |
| 3 | | | W | 5 | 9S | 8E | PARK |
| 4 | | | E | 6 | 9S | 8E | PARK |

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> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 5 | | | E2 | 7 | 9S | 8E | PARK |
| 6 | | | NW | 8 | 9S | 8E | PARK |

Geocodes/Valid: -- NO VALID GEOCODES --

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

190980-00 190983-00 191009-00 195247-00 196085-00 196087-00

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

IT IS NOTED THAT THE STIPULATION FILED ON JULY 13, 1990 INCLUDES AGREEMENTS CONCERNING MATTERS BEYOND THE ADJUDICATION OF THE ELEMENTS OF THIS RIGHT, SUCH EASEMENTS, INSTALLATION OF STRUCTURES, MAINTENANCE OF A MINIMUM INSTREAM FLOW, ETC.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/08/87.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 42884 RECEIVED 11/21/2006.

THE TIMELY FILED OBJECTION OF UNITED STATES OF AMERICA WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE PRIORITY DATE, PURPOSE (USE), PERIOD OF USE, POINT OF DIVERSION, MEANS OF DIVERSION AND PLACE OF USE. BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

IT IS NOTED THAT THE PRIORITY DATE AND FLOW RATE REFLECT A NEGOTIATED AGREEMENT WHICH REDUCED HISTORICAL FLOW RATES AND RELINQUISHED MORE SENIOR PRIORITY DATES, AND MAY NOT EXACTLY CORRELATE WITH THE PRIOR DECREE ENTERED IN CAUSE NO. 2176, PISOR V REESE, SIXTH JUDICIAL DISTRICT, PARK COUNTY.