

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 191075-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** MORNINGSTAR RANCH LLC  
7418 BRIAR  
PRAIRIE VILLAGE, KS 66208

**Priority Date:** JUNE 30, 1899

**Enforceable Priority Date:** JUNE 30, 1899

THE PRIORITY DATE OF THIS RIGHT SHALL NOT BE ASSERTED AGAINST ANY IRRIGATION OR STOCKWATER RIGHT.

**Type of Historical Right:** DECREED

**Purpose (use):** FISH AND WILDLIFE

**Maximum Flow Rate:**

**Maximum Volume:**

**Source Name:** BIG 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		NWNWNE	22	6S	7E	PARK

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** MUTUAL DITCH

2		SWNWSW	8	6S	8E	PARK
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DITCH

DITCH NAME FOR DIVERSION NO. 01 IS: MUTUAL DITCH

POINT OF DIVERSION NO. 02 IS THE SECONDARY DITCH OFF OF THE MUTUAL DITCH, AT THE PLACE OF USE, WHERE THE FLOW RATE IS MEASURED PURSUANT TO THE BIG CREEK DECREE, CAUSE NO. 3028, PARK COUNTY.

**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		1	SW	8	6S	8E	PARK
2		2	SW	8	6S	8E	PARK
3		3	SW	8	6S	8E	PARK
4		4		8	6S	8E	PARK

PLACE OF USE IS LOCATED IN CERTIFICATES OF SURVEY NOS. 45 AND 60, PARK COUNTY.

**Geocodes/Valid:** 49-0432-08-3-01-06-0000 - Y      49-0432-08-3-01-97-0000 - Y  
49-0432-08-3-10-01-0000 - Y      49-0432-08-3-10-20-0000 - Y  
49-0432-08-3-60-01-0000 - Y

**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.

191073-00    191074-00    191075-00    191077-00

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT CONTAINED IN THE STIPULATION FILED 05/11/95 LOCATED IN THE MASTER'S REPORT IN THE CLAIM FILE.

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

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**Remarks:**

ONE.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 05/11/95.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 15056 RECEIVED 07/01/2004.

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THERE IS A QUESTION AS TO THE VALIDITY OF THIS CLAIMED RIGHT. IN THE MATTER OF THE DEARBORN DRAINAGE AREA, 234 MONT. 343 (1988) (THE BEAN LAKE CASE) THE MONTANA SUPREME COURT STATED: "IT IS CLEAR THEREFORE THAT UNDER MONTANA LAW BEFORE 1973, NO APPROPRIATION RIGHT WAS RECOGNIZED FOR RECREATION, FISH AND WILDLIFE, EXCEPT THROUGH A MURPHY RIGHT STATUTE."  
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