

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 195265-00 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:** JOHN L LAKE JR  
514 LEMOYNE DR  
DAUPHIN ISLAND, AL 36528-4404  
  
YELLOWSTONE STAGE STOP ESTATES WATER USERS ASSN  
514 LEYMOYNE DR  
DAUPHIN ISLAND, AL 36528  
  
MOUNTAIN SKY GUEST RANCH LLC  
PO BOX 1219  
EMIGRANT, MT 59027

**Priority Date:** JUNE 30, 1873  
**Enforceable Priority Date:** JUNE 30, 1873

**Purpose (use):** FISHERY  
IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 12.50 CFS

**Maximum Volume:**  
**Climatic Area:** 4 - MODERATELY LOW  
**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 333.00

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

**Period of Diversion:** MAY 1 TO NOVEMBER 1 **Flow Rate:** 2.50 CFS

**Diversion Means:** HEADGATE

**Ditch Name:** MUTUAL DITCH

2		SENE	22	6S	7E	PARK
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**Period of Diversion:** MAY 1 TO NOVEMBER 1 **Flow Rate:** 2.50 CFS

**Diversion Means:** HEADGATE

**Ditch Name:** HOOKHAM DITCH

3		SWSENW	23	6S	7E	PARK
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**Period of Diversion:** MAY 1 TO NOVEMBER 1 **Flow Rate:** 2.50 CFS

**Diversion Means:** HEADGATE

**Ditch Name:** HOOKHAM DITCH

4		N2	22	6S	7E	PARK
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**Period of Diversion:** MAY 1 TO NOVEMBER 1 **Flow Rate:** 10.00 CFS

**Diversion Means:** INSTREAM

5			23	6S	7E	PARK
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**Period of Diversion:** MAY 1 TO NOVEMBER 1 **Flow Rate:** 10.00 CFS

**Diversion Means:** INSTREAM

**Period of Use:** MAY 1 to NOVEMBER 1

**Purpose (Use):** FISHERY  
**Period of Use:** MAY 1 to NOVEMBER 1

**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			N2	22	6S	7E	PARK
2				23	6S	7E	PARK

**Purpose (Use):** IRRIGATION  
**Period of Use:** MAY 1 to NOVEMBER 1

**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	5.00		SENWSW	13	6S	7E	PARK
2	8.00		NWNWSW	13	6S	7E	PARK
3	10.00		SWNWSW	13	6S	7E	PARK
4	35.00		SWSW	13	6S	7E	PARK
5	3.00		NENWSW	13	6S	7E	PARK
6	10.00		NENESE	14	6S	7E	PARK
7	10.00		NWNESE	14	6S	7E	PARK
8	20.00		S2NESE	14	6S	7E	PARK
9	40.00		SESE	14	6S	7E	PARK
10	18.00		E2NWSE	14	6S	7E	PARK
11	20.00		E2SWSE	14	6S	7E	PARK
12	8.00		SWSWSE	14	6S	7E	PARK
13	2.00		NWNWSE	14	6S	7E	PARK
14	10.00		NWNWNW	24	6S	7E	PARK
15	2.00		NENWNW	24	6S	7E	PARK
16	3.00		SWNWNW	24	6S	7E	PARK
17	35.00		NENE	23	6S	7E	PARK
18	9.00		NENWNE	23	6S	7E	PARK
19	35.00		SENE	23	6S	7E	PARK
20	6.00		NWNESE	23	6S	7E	PARK
21	7.00		NENWSE	23	6S	7E	PARK
22	6.00		SESWNE	23	6S	7E	PARK
23	18.00		S2NWSE	23	6S	7E	PARK
24	3.00		NWSWSE	23	6S	7E	PARK
25	3.00		SESENE	14	6S	7E	PARK
26	3.00		SESWNE	14	6S	7E	PARK
27	2.00		SWNESE	14	6S	7E	PARK
28	2.00		NWNWNE	23	6S	7E	PARK
<b>Total:</b>	<b>333.00</b>						

**Geocodes/Valid:** -- NO VALID GEOCODES --

**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.

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THIS AUTHORIZATION WILL EXPIRE ON APRIL 28, 2019. HOWEVER, IF THE WATER RIGHT LEASE IS TERMINATED PRIOR TO APRIL 28, 2019, THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION, WATER RIGHTS BUREAU MUST BE NOTIFIED IN WRITING WITHIN 30 DAYS OF TERMINATION.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 05/23/96.

THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED WATER USE MEASURING DEVICE AT A POINT APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE FLOW RATE AND VOLUME OF ALL WATER DIVERTED INCLUDING THE PERIOD OF TIME. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE AND VOLUME ACCURATELY.

**Remarks:**

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 560 RECEIVED 10/19/2001.

OWNERSHIP UPDATE TYPE 608 # 44711 RECEIVED 03/02/2007.

OWNERSHIP UPDATE TYPE 641 # 107593 RECEIVED 05/19/2009.