

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: 41C 196461-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: GILMAN I H CATTLE CO
PO BOX 237
ALDER, MT 59710-0237

Priority Date: DECEMBER 31, 1899
Enforceable Priority Date: DECEMBER 31, 1899

Type of Historical Right: USE

Purpose (use): MINING

Maximum Flow Rate: 12,000.00 GPM

Maximum Volume: THIS WATER RIGHT IS LIMITED TO THE VOLUME OF WATER HISTORICALLY USED FOR MINING PURPOSES.

Source Name: ALDER GULCH 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		SW	10	6S	4W	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: OTHER DIVERSION
MEANS OF DIVERSION INCLUDES A PUMP AND DREDGE POND.

Period of Use: JANUARY 1 to DECEMBER 31

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			SW	10	6S	4W	MADISON

Geocodes/Valid: -- NO VALID GEOCODES --

Remarks:

THIS WATER RIGHT IS SUBJECT TO A PRIVATE AGREEMENT IN THE STIPULATION FILED 11/10/97 LOCATED IN THE CASE AND CLAIM FILES.

WATER RIGHT NO. 41C W196461-00 SHALL BE TREATED AS IF IT IS JUNIOR IN PRIORITY TO 41C W036799-00 AND THE EXISTING GROUNDWATER DEVELOPMENT LOCATED WITHIN THE 2ND AMENDED TRACT 2 (1.896 ACRE) AS SHOWN IN BOOK 2 OF PLATS, PAGE 162, FILED WITH THE CLERK AND RECORDER FOR MADISON COUNTY ON SEPTEMBER 5, 1996.

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

THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT MAY BE ADDRESSED AT THE OBJECTIONS STAGE. THE FLOW RATE APPEARS EXCESSIVE. TO ASSURE THE ORDERLY ADJUDICATION OF WATER RIGHTS, THE WATER COURT WILL SET A HEARING TO DETERMINE THIS ISSUE IF NO OBJECTIONS ARE MADE.