

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 198482-00 STATEMENT OF CLAIM  
**Version:** 2 -- POST DECREE

**Version Status:** ACTIVE

**Owners:** C BAR J RANCH LLC  
PO BOX 224  
TWO DOT, MT 59085-0224

**Priority Date:** MAY 15, 1899

**Enforceable Priority Date:** MAY 15, 1899

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 5.80 CFS

THE STIPULATION FILED ON FEBRUARY 14, 1997 IN CASE 40A-264 STATES THAT 2.30 CFS (92.00 MINER'S INCHES) ARE DIVERTED THROUGH THE C-J DITCH (NWSENE SECTION 25, T7N, R13E) AND THAT 3.50 CFS (140.00 MINER'S INCHES) ARE DIVERTED THROUGH THE NOBLE DITCH NO. 2 (SENWSW SECTION 34, T7N, R13E).

**Maximum Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 276.00

**Source Name:** BIG ELK 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		NWSENE	25	7N	13E	WHEATLAND

**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** C-J DITCH

2		SENWSW	34	7N	13E	WHEATLAND
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**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** NOBLE DITCH NO. 2

THE STIPULATION FILED ON FEBRUARY 14, 1997 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THIS WATER RIGHT MAY NOT BE DIVERTED THROUGH NOBLE DITCH NO. 2 AFTER JULY 1.

**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	16.00		E2SE	24	7N	13E	WHEATLAND
2	13.00		NENE	25	7N	13E	WHEATLAND
3	12.00		SWSW	19	7N	14E	WHEATLAND
4	3.00		NWNW	30	7N	14E	WHEATLAND
5	31.00		W2NW	25	7N	13E	WHEATLAND
6	201.00		E2	26	7N	13E	WHEATLAND
<b>Total:</b>	<b>276.00</b>						

THE STIPULATION FILED ON FEBRUARY 14, 1997 IN CASE 40A-264 STATES THAT PARCELS 1, 2, 3, AND 4 ARE IRRIGATED BY WATER DIVERTED THROUGH THE C-J DITCH (NWSENE SECTION 25, T7N, R13E) AND THAT PARCELS 5 AND 6 ARE IRRIGATED BY WATER DIVERTED THROUGH THE NOBLE DITCH NO. 2 (SENWSW SECTION 34, T7N, R13E)

**Geocodes/Valid:** 44-1603-24-1-01-01-0000 - Y      44-1603-25-4-01-01-0000 - Y

44-1604-19-1-01-01-0000 - Y      44-1604-26-3-03-01-0000 - Y

44-1604-30-2-01-01-0000 - Y

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**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 WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS OF THE CLAIMANT'S TOTAL 928.00 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. 198477-00 198478-00 198479-00 198480-00 198481-00 198482-00 198483-00 198487-00

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 198477-00, 40A 198478-00, 40A 198479-00, 40A 198480-00, 40A 198481-00, 40A 198482-00, 40A 198483-00, 40A 198487-00. 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.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 61440 RECEIVED 06/18/2008.

OWNERSHIP UPDATE TYPE DOR # 70663 RECEIVED 04/12/2010.