

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: 43D 198678-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

CHARLES L STROBBE
HC 49 BOX 3195
RED LODGE, MT 59068-9619

DOUGLAS D BRAUN
2509 PATRICIA LN
BILLINGS, MT 59102

BRAUN, DONNA M TRUST
333 SOUTH 38TH ST
BILLINGS, MT 59102

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

Priority Date: MAY 1, 1905

Enforceable Priority Date: MAY 1, 1905

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 2.22 CFS

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

Climatic Area: 3 - MODERATE

Maximum Acres: 93.00

THE STIPULATION FILED AT THE WATER COURT ON APRIL 8, 1998 SPECIFIES THAT A MAXIMUM OF 70.00 ACRES SHALL BE IRRIGATED IN ANY ONE SEASON.

Source Name: WILLOW 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		NENWNE	9	6S	20E	CARBON

Period of Diversion: MARCH 1 TO NOVEMBER 4

Diversion Means: HEADGATE

Ditch Name: CALDWELL DITCH

DITCH NAME: CALDWELL DITCH

Period of Use: MARCH 1 to NOVEMBER 4

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	35.00		SENE	28	5S	20E	CARBON
2	8.00		SWNE	28	5S	20E	CARBON
3	20.00		NESE	28	5S	20E	CARBON
4	30.00		SESE	28	5S	20E	CARBON

Total: 93.00

Geocodes/Valid: 10-0533-28-4-01-01-0000 - Y 10-0533-28-4-01-03-0000 - Y
10-0533-28-4-01-06-0000 - Y 10-0533-28-4-04-02-0000 - Y

Remarks:

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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.

198674-00 198678-00 198678-01

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

NO RESPONSE TO LETTER TO DETERMINE PORTION OF WATER RIGHT TRANSFERRED TO BRAUN.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 08/23/89.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 04/20/94.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/16/97.

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 02/12/99.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 45765 RECEIVED 04/04/2007.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE CLAIMED PERIOD OF USE EXCEEDS THE USUAL GROWING SEASON FOR THIS CLIMATIC AREA WHICH IS APRIL 15 TO OCTOBER 15.

USDA AERIAL PHOTOGRAPH NO. 179-59, DATED 09/26/80, APPEARS TO INDICATE 23.80 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE CARBON COUNTY WATER RESOURCES SURVEY (1966) APPEARS TO INDICATE 0.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.