

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 205268-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE

Version Status: ACTIVE

Owners: MCFARLAND WHITE RANCH INC
PO BOX 235
TWO DOT, MT 59085-0235

M&W RANCH LLC
PO BOX 235
TWO DOT, MT 59085-0235

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

Priority Date: JULY 1, 1911

Enforceable Priority Date: JULY 1, 1911

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 15.43 CFS

Maximum Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
PRIMARILY A DIRECT FLOW SYSTEM; VOLUME NOT DECREED.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 732.10

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		SWSWSW	23	6N	12E	WHEATLAND

Period of Diversion: MAY 20 TO JULY 19

Diversion Means: HEADGATE

Ditch Name: HILINE DITCH

CROOKED CREEK IS USED AS A NATURAL CARRIER TO DELIVER WATER FROM HILINE DITCH.

Period of Use: MAY 20 to JULY 19

RIGHT IS LIMITED TO HIGH OR FLOOD WATERS OF BIG ELK CREEK.

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	32.60		N2NW	2	6N	13E	WHEATLAND
2	249.30		N2	3	6N	13E	WHEATLAND
3	55.40		N2W2S2	3	6N	13E	WHEATLAND
4	3.24		NENE	4	6N	13E	WHEATLAND
5	61.82		SENE	4	6N	13E	WHEATLAND
6	23.90		SWNE	4	6N	13E	WHEATLAND
7	16.29		NESE	4	6N	13E	WHEATLAND
8	26.85		NWSE	4	6N	13E	WHEATLAND
9	17.70		NESW	4	6N	13E	WHEATLAND
10	27.00		E2E2	25	7N	13E	WHEATLAND
11	3.00		W2SE	19	7N	14E	WHEATLAND
12	138.00		W2	19	7N	14E	WHEATLAND
13	76.00		NW	30	7N	14E	WHEATLAND
14	1.00		NWNESW	30	7N	14E	WHEATLAND
Total:	732.10						

Geocodes/Valid: 44-1507-02-2-01-01-0000 - Y 44-1507-03-1-01-01-0000 - Y
44-1507-04-2-01-01-0000 - Y 44-1603-25-4-01-01-0000 - Y

44-1604-19-1-01-01-0000 - Y

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

Remarks:

THE STIPULATION FILED ON FEBRUARY 14, 1997 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE OWNER(S) OF 40A 205268-00 MAY DIVERT ADDITIONAL WATER AT THE POINT OF DIVERSION LISTED ABOVE IN EXCESS OF THAT AVAILABLE IN ORDER OF PRIORITY FOR THIS RIGHT, IN WHICH EVENT, THE OWNERS(S) OF THIS WATER RIGHT SHALL RELEASE AN EQUIVALENT FLOW FROM THE RESERVOIR ASSOCIATED WITH 40A 205260-00 OR 40A 198487-00. THIS RELEASED WATER SHALL BE AVAILABLE FOR DIVERSION, IN ORDER OF PRIORITY, TO ANY WATER RIGHT BELOW SAID RESERVOIR.

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.

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

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 9629 RECEIVED 07/16/2003.

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

OWNERSHIP UPDATE TYPE DOR # 89649 RECEIVED 03/26/2010.

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

OWNERSHIP UPDATE TYPE DOR # 90109 RECEIVED 09/01/2011.