

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: 43P 208823-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: CIRCLE B LLC
% FRED BORMAN
PO BOX 17
BIGHORN, MT 59010

Priority Date: JUNE 30, 1909
Enforceable Priority Date: JUNE 30, 1909

Type of Historical Right: USE

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 13.37 CFS

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

Climatic Area: 1 - HIGH

Maximum Acres: 319.30

Source Name: BIGHORN RIVER
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	5	SWNWNW	2	4N	34E	TREASURE

Period of Diversion: MARCH 15 TO OCTOBER 15

Diversion Means: PUMP

Period of Use: MARCH 15 to OCTOBER 15

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	166.24		N2	2	4N	34E	TREASURE
2	3.00	1	NENENE	3	4N	34E	TREASURE
3	10.90		SESE	33	5N	34E	TREASURE
4	139.16		S2	34	5N	34E	TREASURE
Total:	319.30						

Geocodes/Valid: 03-1435-34-3-04-01-0000 - Y 33-1334-02-2-03-01-0000 - Y
33-1436-33-4-04-01-0000 - Y

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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THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 02/20/2007: POINT OF DIVERSION, MEANS OF DIVERSION, FLOW RATE, PLACE OF USE, MAXIMUM ACRES.

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/29/95.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 43277 RECEIVED 11/21/2006.

AN AMENDMENT WAS SUBMITTED 02/20/2007 TO AMEND THE POINT OF DIVERSION, MEANS OF DIVERSION, FLOW RATE, PLACE OF USE . THE AMENDMENT SUBSTANTIALLY CHANGES THE ORIGINALLY FILED STATEMENT OF CLAIM.

Remarks:

THIS CLAIM APPEARS TO BE FOR WATER PROVIDED BY THE BIG HORN-TULLOCK DITCH UNDER CLAIM NO. 119277- 00 . THIS CLAIM APPEARS TO BE REDUNDANT.

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

INFORMATION IN THE CLAIM FILE DESCRIBES A HISTORIC FLOW RATE OF 10 CFS AND A VOLUME OF 825 ACRE-FEET PER YEAR.

USDA AERIAL PHOTOGRAPH NO. 779-134 , DATED 09/15/1979 APPEARS TO INDICATE 284.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDI AERIAL PHOTOGRAPH NO. ZW 7GG-113 , DATED 07/23/1966 , APPEARS TO INDICATE 284.99 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

IT APPEARS THAT AN UNAUTHORIZED POST-JUNE 30, 1973 CHANGE IN POINT OF DIVERSION MAY BE REFLECTED IN THIS CLAIM.

THIS CLAIM DOES NOT APPEAR TO REFLECT THE WATER RIGHT AS IT WAS BEFORE JULY 1, 1973. INFORMATION AVAILABLE INDICATES THE PRE-JULY 1, 1973 POINT OF DIVERSION WAS IN THE SESWNE SEC 10 TWP 04 RGE 34E TREASURE COUNTY.

THE PRIORITY DATE MAY BE QUESTIONABLE. ACCORDING TO INFORMATION IN THE CLAIM FILE, IT APPEARS WATER FROM THE SOURCE WAS FIRST USED IN 1977.