

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:** 76G 211119-00 STATEMENT OF CLAIM  
**Version:** 3 -- CHANGE AUTHORIZATION  
**Version Status:** ACTIVE

THIS AUTHORIZATION IS LIMITED TO THE AMOUNT OF THE HISTORIC USE RECOGNIZED BY THE DEPARTMENT IN THIS PROCEEDING AS SUBJECT TO CHANGE, AND WILL THEREAFTER NOT EXCEED THAT AMOUNT. IF THE HISTORIC USE IS REDUCED UNDER ADJUDICATION PROCEEDINGS PURSUANT TO TITLE 85, CHAPTER 2, PART 2, MCA, THIS AUTHORIZATION WILL BE LIMITED TO A LESSER AMOUNT.

**Late Claim:** B

**Owners:** ROCK CREEK CATTLE CO LTD  
911 WISCONSIN AVE STE 203  
WHITEFISH, MT 59937-2135

**Priority Date:** MARCH 4, 1867

**Enforceable Priority Date:** JUNE 30, 1973

CLAIM FILED LATE 11/07/84 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

**Purpose (use):** IRRIGATION  
MITIGATION WATER

**Irrigation Type:** SPRINKLER/FLOOD

**Maximum Flow Rate:** 175.00 CFS

**Maximum Volume:** 55,000.00 AC-FT

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 6,873.89

**Source Name:** ROCK CREEK LAKE

**Source Type:** SURFACE WATER

**Source Name:** ROCK 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         |                 | NWSWSE         | 23         | 8N         | 11W        | POWELL        |

**Period of Diversion:** APRIL 15 TO OCTOBER 1

**Source Name:** ROCK CREEK LAKE

**Diversion Means:** DAM

|   |  |        |   |    |     |        |
|---|--|--------|---|----|-----|--------|
| 2 |  | SENENW | 9 | 8N | 10W | POWELL |
|---|--|--------|---|----|-----|--------|

**Period of Diversion:** APRIL 15 TO OCTOBER 1

**Source Name:** ROCK CREEK

**Diversion Means:** HEADGATE

|   |  |    |   |    |     |        |
|---|--|----|---|----|-----|--------|
| 3 |  | NE | 3 | 8N | 10W | POWELL |
|---|--|----|---|----|-----|--------|

**Period of Diversion:** APRIL 15 TO OCTOBER 1

**Source Name:** ROCK CREEK

**Diversion Means:** INSTREAM

**Reservoir:** ON STREAM **Reservoir Name** ROCK CREEK LAKE  
**Govt Lot** **Qtr Sec** **Sec** **Twp** **Rge** **County**  
NWSWSE 23 8N 11W POWELL

**Diversion to Reservoir:** DIVERSION # 1

**Reservoir:** OFF STREAM **Reservoir Name** BILL'S POND  
**Govt Lot** **Qtr Sec** **Sec** **Twp** **Rge** **County**  
W2W2NW 3 8N 10W POWELL

**Depth:** 14.00 FEET

**Surface Area:** 1.92 ACRES

**Current Capacity:** 17.70 ACRE-FEET

**Period of Use:** APRIL 15 to OCTOBER 1

**Purpose (Use):** IRRIGATION

**Period of Use:** APRIL 15 to OCTOBER 1

**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         | 58.00        |                 | E2             | 4          | 8N         | 9W         | POWELL        |
| 2         | 155.00       |                 | NW             | 4          | 8N         | 9W         | POWELL        |
| 3         | 142.00       |                 | SW             | 4          | 8N         | 9W         | POWELL        |
| 4         | 306.00       |                 | E2             | 5          | 8N         | 9W         | POWELL        |
| 5         | 284.00       |                 | W2             | 5          | 8N         | 9W         | POWELL        |
| 6         | 22.00        |                 | E2E2           | 6          | 8N         | 9W         | POWELL        |
| 7         | 21.00        |                 | NE             | 7          | 8N         | 9W         | POWELL        |
| 8         | 71.10        |                 | SE             | 7          | 8N         | 9W         | POWELL        |
| 9         | 150.40       |                 | E2             | 8          | 8N         | 9W         | POWELL        |
| 10        | 210.00       |                 | W2             | 8          | 8N         | 9W         | POWELL        |
| 11        | 15.50        |                 | NW             | 9          | 8N         | 9W         | POWELL        |
| 12        | 87.80        |                 | SW             | 9          | 8N         | 9W         | POWELL        |
| 13        | 12.80        |                 | NWNW           | 16         | 8N         | 9W         | POWELL        |
| 14        | 220.00       |                 | N2             | 17         | 8N         | 9W         | POWELL        |
| 15        | 197.00       |                 | S2             | 17         | 8N         | 9W         | POWELL        |
| 16        | 308.00       |                 |                | 18         | 8N         | 9W         | POWELL        |
| 17        | 89.00        |                 | N2             | 19         | 8N         | 9W         | POWELL        |
| 18        | 112.30       |                 | S2             | 19         | 8N         | 9W         | POWELL        |
| 19        | 48.00        |                 | N2             | 20         | 8N         | 9W         | POWELL        |
| 20        | 18.00        |                 | S2S2           | 20         | 8N         | 9W         | POWELL        |
| 21        | 9.00         |                 | W2             | 21         | 8N         | 9W         | POWELL        |
| 22        | 44.00        |                 | W2             | 29         | 8N         | 9W         | POWELL        |
| 23        | 187.00       |                 |                | 30         | 8N         | 9W         | POWELL        |
| 24        | 283.00       |                 |                | 31         | 8N         | 9W         | POWELL        |
| 25        | 21.81        |                 | NW             | 2          | 8N         | 10W        | POWELL        |
| 26        | 0.85         |                 | NWSW           | 2          | 8N         | 10W        | POWELL        |
| 27        | 62.00        |                 | W2             | 2          | 8N         | 10W        | POWELL        |
| 28        | 18.38        |                 | NE             | 3          | 8N         | 10W        | POWELL        |
| 29        | 25.15        |                 | NW             | 3          | 8N         | 10W        | POWELL        |
| 30        | 23.52        |                 | SE             | 3          | 8N         | 10W        | POWELL        |
| 31        | 20.72        |                 | SW             | 3          | 8N         | 10W        | POWELL        |
| 32        | 11.00        |                 | NWNW           | 11         | 8N         | 10W        | POWELL        |
| 33        | 142.40       |                 | E2             | 13         | 8N         | 10W        | POWELL        |
| 34        | 133.20       |                 | W2             | 13         | 8N         | 10W        | POWELL        |
| 35        | 247.00       |                 |                | 14         | 8N         | 10W        | POWELL        |
| 36        | 246.00       |                 |                | 15         | 8N         | 10W        | POWELL        |
| 37        | 105.00       |                 | E2             | 16         | 8N         | 10W        | POWELL        |
| 38        | 173.00       |                 | E2             | 22         | 8N         | 10W        | POWELL        |
| 39        | 235.50       |                 | N2             | 23         | 8N         | 10W        | POWELL        |
| 40        | 251.00       |                 | S2             | 23         | 8N         | 10W        | POWELL        |
| 41        | 428.80       |                 |                | 24         | 8N         | 10W        | POWELL        |
| 42        | 372.00       |                 |                | 25         | 8N         | 10W        | POWELL        |
| 43        | 209.00       |                 |                | 26         | 8N         | 10W        | POWELL        |
| 44        | 103.30       |                 | E2             | 36         | 8N         | 10W        | POWELL        |
| 45        | 61.60        |                 | S2S2           | 29         | 9N         | 9W         | POWELL        |
| 46        | 19.00        |                 | E2SW           | 30         | 9N         | 9W         | POWELL        |
| 47        | 11.80        |                 | NENE           | 31         | 9N         | 9W         | POWELL        |
| 48        | 377.70       |                 |                | 32         | 9N         | 9W         | POWELL        |
| 49        | 5.70         |                 | S2SE           | 33         | 9N         | 9W         | POWELL        |
| 50        | 109.50       |                 | SW             | 33         | 9N         | 9W         | POWELL        |
| 51        | 159.75       |                 | N2             | 33         | 9N         | 10W        | POWELL        |
| 52        | 176.05       |                 | S2             | 33         | 9N         | 10W        | POWELL        |
| 53        | 12.82        |                 | SE             | 34         | 9N         | 10W        | POWELL        |
| 54        | 47.30        |                 | W2             | 34         | 9N         | 10W        | POWELL        |
| 55        | 12.14        |                 | SW             | 35         | 9N         | 10W        | POWELL        |

**Total:** 6,873.89

**Purpose (Use):** MITIGATION WATER

**Period of Use:** APRIL 15 to OCTOBER 1

**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         |              |                 | NE             | 3          | 8N         | 10W        | POWELL        |

**Geocodes/Valid:** -- NO VALID GEOCODES --

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**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.

|          |          |          |          |          |          |           |
|----------|----------|----------|----------|----------|----------|-----------|
| 91666-00 | 91674-00 | 91681-00 | 91684-00 | 91696-00 | 91701-00 | 91702-00  |
| 91707-00 | 91708-00 | 91709-00 | 91716-00 | 91717-00 | 91718-00 | 91719-00  |
| 91720-00 | 91721-00 | 91722-00 | 91723-00 | 91724-00 | 91727-00 | 211119-00 |

THIS CHANGE AUTHORIZATION NO. 30026448-76G IS THE MITIGATION PLAN FOR PERMIT NO. 30026022-76G. THE AUTHORIZATION IS TO MITIGATE POSSIBLE SURFACE WATER DEPLETION OF ROCK CREEK BY THE PUBLIC WATER SUPPLY WELLS FOR THE HOME RANCH DEVELOPMENT - PHASE 1 SUBDIVISION.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/08/2000.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/09/1999.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 02/01/1985.

THE RIGHT ISSUED ON 06/11/2007 WAS REISSUED. THE RIGHT WAS REISSUED BECAUSE THE PROJECT COMPLETION DUE DATE WAS INCORRECT AND ALL REFERENCES TO AUGMENTATION HAVE BEEN REPLACED WITH MITIGATION.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 5289 RECEIVED 10/04/2002.

OWNERSHIP UPDATE TYPE 608 # 9097 RECEIVED 06/12/2003.

OWNERSHIP UPDATE TYPE 608 # 18539 RECEIVED 11/29/2004.