

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: 43A 215705-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Version Status: ACTIVE
Late Claim: B

Owners: SHIPLET FAMILY TRUST
1257 HWY 89 N BOX 4238
LIVINGSTON, MT 59047-9333

Priority Date: AUGUST 15, 1896

Enforceable Priority Date: JUNE 30, 1973

CLAIM FILED LATE 06/28/96 . 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.

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 1.88 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: 59.00

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		NESWSW	11	1N	9E	PARK

Period of Diversion: MARCH 1 TO NOVEMBER 30

Diversion Means: PUMP

Ditch Name: SHIPLET DITCH

2		NWSWSE	2	1N	9E	PARK
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Period of Diversion: MARCH 1 TO NOVEMBER 30

Diversion Means: HEADGATE

Ditch Name: TREGLOAN DITCH

Period of Use: MARCH 1 to NOVEMBER 30

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	21.50		SWNW	11	1N	9E	PARK
2	37.50		NWSW	11	1N	9E	PARK
Total:	59.00						

Geocodes/Valid: 49-1015-11-2-01-02-0000 - Y 49-1015-11-2-20-01-0000 - Y
49-1015-11-3-01-02-0000 - 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.

192328-00 192329-00 192335-00 215705-00

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 08/27/99.

WHENEVER THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE COMBINED TO SUPPLY WATER

Remarks:

FOR THE CLAIMED PURPOSE, EACH IS LIMITED TO THE HISTORICAL 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. 192329-00, 192335-00, 212705-00.

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

CLAIM WAS NOT INCLUDED IN THE BASIN 43A TEMPORARY PRELIMINARY DECREE ISSUED 08/03/88.

THIS CLAIM RECEIVED AN OBJECTION TO ALL ELEMENTS FROM PHILLIP MORRIS USA ON 4/1/2002. THAT OBJECTION WILL BE HEARD AND RESOLVED DURING THE ADJUDICATION OF OBJECTIONS TO THE PRELIMINARY DECREE.

DNRC FIELD INVESTIGATION ON MAY 11, 2009 FOUND 32.17 IRRIGATED ACRES. SEE CLAIM FILE FOR MORE INFORMATION.

CLAIM FILED LATE 06/28/96. IN ADDITION TO BEING SUBORDINATE TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW, THIS RIGHT MAY ALSO BE SUBORDINATE TO CERTAIN PERMITS AND RESERVATIONS OF WATER. SEE SECTION 85-2-221 MCA.

USDA AERIAL PHOTOGRAPH NO. 179-118, DATED 1979, APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

THE PARK COUNTY WATER RESOURCES SURVEY (1951) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

THE TYPE OF HISTORICAL RIGHT AND PRIORITY DATE MAY BE QUESTIONABLE. DOCUMENTATION TO SUPPORT THE TYPE OF HISTORICAL RIGHT AND PRIORITY DATE WERE NOT SUBMITTED WITH THIS CLAIM.

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