

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: 76H 9849-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Version Status: ACTIVE

Owners: ROGER B TOUT
2921 CURLEW RANCH RD
VICTOR, MT 59875

DIANNA L TOUT
2921 CURLEW RANCH RD
VICTOR, MT 59875

BIG CREEK LAKES RESERVOIR ASSOC
% KAY NEAL
2850 RIPPLING WOODS
VICTOR, MT 59875

CLYDE A FIFIELD
PO BOX 665
STEVENSVILLE, MT 59870

CLYDENE A GRIPPIN
PO BOX 1088
VICTOR, MT 59875

EDWARD E GRIPPIN
2870 CURLEW MINE RD
VICTOR, MT 59875-9523

* OWNERSHIP OF WATER RIGHT CHANGED BY ORDER OF THE WATER COURT ON
5/23/2007 DURING THE ADJUDICATION OF THE PRELIMINARY DECREE.

Priority Date: SEPTEMBER 10, 1891
Enforceable Priority Date: SEPTEMBER 10, 1891

Type of Historical Right: DECREED

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

Maximum Flow Rate: NO FLOW RATE HAS BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Maximum Volume: 841.00 AC-FT
CAUSE NO. 1447, RAVALLI COUNTY DECREED A VOLUME OF UP TO 841 ACRE FEET PER YEAR FOR THIS CLAIM SUBJECT TO THE AGREEMENT OF THE PARTIES TO THE DECREE.

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 191.00

Source Name: BIG 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		NW	34	9N	22W	RAVALLI

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: DAM

WATER RELEASED FROM BIG CREEK LAKES IS CONVEYED IN BIG CREEK WHICH IS USED AS A NATURAL CARRIER TO THE CLARK MCCUNE DITCH.

THE TOWNSHIP IS UNSURVEYED. THE LEGAL LAND DESCRIPTION FOR THE POINT OF DIVERSION HAS BEEN ESTIMATED.

Reservoir: ON STREAM **Reservoir Name** BIG CREEK LAKES
Govt Lot **Qtr Sec** **Sec** **Twp** **Rge** **County**
NW 34 9N 22W RAVALLI

Diversion to Reservoir: DIVERSION # 1

Dam Height: 16.70 FEET
Surface Area: 241.00 ACRES
Current Capacity: 3,261.00 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

Period of Use: APRIL 1 to OCTOBER 31

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	153.00		NW	13	8N	21W	RAVALLI
2	38.00		NESW	13	8N	21W	RAVALLI
Total:	191.00						

Geocodes/Valid: 13-1665-13-2-01-04-0000 - 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.

9849-00 9850-00 9851-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 06/23/95: OWNER, PLACE OF USE, VOLUME, PERIOD OF USE, PRIORITY DATE.

SINCE 1918, THIS CLAIM HAS BEEN MANAGED BY THE BIG CREEK LAKES RESERVOIR ASSOCIATION AND USED THROUGHOUT THE ASSOCIATION GENERAL SERVICE AREA. THIS GENERAL SERVICE AREA IS ACCESSED THROUGH TWELVE SECONDARY POINTS OF DIVERSION FROM BIG CREEK FOR USE ON 4,977.00 ACRES:

SECONDARY POINTS OF DIVERSION:

COLE DITCH	STRANGE A DITCH
CLARK-MCCUNE DITCH	STRANGE B DITCH
HUMBLE DITCH	PARKHILL DITCH
BUKER B DITCH	LANGTON A DITCH
SANDERS-MITTOWER-NICHOLS NO. 1 DITCH	LANGTON B DITCH
SANDERS-MITTOWER-NICHOLS NO. 2 DITCH	BIG DITCH

BIG CREEK LAKES RESERVOIR ASSOCIATION GENERAL SERVICE AREA:

	ACRES	QTR SEC	SEC	TWP	RGE	COUNTY
001	80.00	E2SE	11	8N	21W	RAVALLI
002	640.00		12	8N	21W	RAVALLI
003	640.00		13	8N	21W	RAVALLI
004	160.00	E2E2	14	8N	21W	RAVALLI
005	640.00		24	8N	21W	RAVALLI
006	160.00	N2N2	25	8N	21W	RAVALLI
007	80.00	S2SE	6	8N	20W	RAVALLI
008	617.00		7	8N	20W	RAVALLI
009	320.00	W2	8	8N	20W	RAVALLI
010	320.00	W2	17	8N	20W	RAVALLI
011	620.00		18	8N	20W	RAVALLI
012	620.00		19	8N	20W	RAVALLI
013	80.00	W2NW	20	8N	20W	RAVALLI

TOTAL 4977.00

UNDER THE TERMS OF A STIPULATION FILED WITH THE MONTANA WATER COURT, THE ANNUAL MAXIMUM ACRES IRRIGATED WITHIN THE BIG CREEK LAKES RESERVOIR ASSOCIATION SERVICE AREA CANNOT EXCEED 3,200.00 ACRES. SEE WATER COURT CASE FILE 76HF-159 OR CLAIMS FILES 76H 9849-00, 76H 120060-00, AND 76H 120061-00 FOR MORE INFORMATION.

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

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 48769 RECEIVED 08/29/2007.

OWNERSHIP UPDATE TYPE 608 # 61314 RECEIVED 08/01/2008.

WHEN THIS CLAIM WAS ORIGINALLY DECREED, THE PERIOD OF DIVERSION WAS NOT INCLUDED AS AN ELEMENT OF THE CLAIM. IN 2008, THE PERIOD OF DIVERSION ELEMENT WAS ADDED TO ALL CLAIM ABSTRACTS. IT IS NOT CERTAIN IF THE PERIOD OF DIVERSION DATES ADDED TO THIS CLAIM ACCURATELY REFLECT THE HISTORICAL PERIOD OF DIVERSION. MORE INFORMATION IS REQUIRED.