

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 10208-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: REIN ANCHOR RANCH PARTNERSHIP
198 REIN LANE
BIG TIMBER, MT 59011-7744

Priority Date: MAY 3, 1957

Enforceable Priority Date: MAY 3, 1957

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 18.00 CFS

Maximum Volume: 1,258.00 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 148.00

Source Name: AMERICAN FORK, SOUTH FORK

Source Type: SURFACE WATER

THIS WATER RIGHT ALSO INCLUDES SURFACE WATER FROM BLACKABY CREEK.

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		NWNESE	21	5N	12E	SWEET GRASS

Period of Diversion: APRIL 15 TO SEPTEMBER 14

Diversion Means: HEADGATE

2		SWNESW	22	5N	12E	SWEET GRASS
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Period of Diversion: APRIL 15 TO SEPTEMBER 14

Diversion Means: HEADGATE

Reservoir: OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	S2	14	5N	12E	SWEET GRASS

Diversion to Reservoir: DIVERSION # 1

BLACKABY CREEK IS USED AS A NATURAL CARRIER FOR WATERS OF AMERICAN FORK, SOUTH FORK.

POINT OF DIVERSION NO. 02 IS ON BLACKABY CREEK.

Period of Use: APRIL 15 to SEPTEMBER 14

THE ACTUAL HISTORICAL PERIOD OF USE FOR THIS WATER RIGHT IS FROM MAY 1 TO SEPTEMBER 15. COMPUTER PROGRAM LIMITATIONS DO NOT ALLOW THE CORRECT PERIOD OF USE TO BE PRINTED ABOVE.

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	70.00		N2	18	5N	13E	SWEET GRASS
2	35.00		N2NE	13	5N	12E	SWEET GRASS
3	5.00		SENE	13	5N	12E	SWEET GRASS
4	5.00		NENENW	13	5N	12E	SWEET GRASS
5	5.00		E2NWSE	13	5N	12E	SWEET GRASS
6	10.00		W2NESE	13	5N	12E	SWEET GRASS
7	18.00		N2	24	5N	12E	SWEET GRASS
Total:	148.00						

Geocodes/Valid: -- NO VALID GEOCODES --

Remarks:

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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.

10206-00 10207-00 10208-00 10209-00

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

THIS APPROPRIATION OF WATER TAKES WATER FROM THE UPPER MUSSELSHELL RIVER DRAINAGE (BASIN 40A) AND USES IT IN THE UPPER MUSSELSHELL RIVER DRAINAGE (BASIN 40A) AND THE SWEET GRASS CREEK DRAINAGE (BASIN 43BV). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 12/03/97.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 01/03/00.

THE TIMELY FILED OBJECTIONS OF CHARLES M. REIN, AMERICAN FORK RANCH, THE GLENNIE RANCHES, INC., AND TWO DOT LAND & LIVESTOCK CO. WERE AMENDED BY STIPULATION OF THE PARTIES TO INCLUDE THE ELEMENTS OF SOURCE AND POINT OF DIVERSION. BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE TEMPORARY PRELIMINARY DECREE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

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.