

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: 43BJ 106351-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: WINDBREAK RANCH LLC
PO BOX 944
BIG TIMBER, MT 59011

CAROLE SUNSHINE
PO BOX 255
BIG TIMBER, MT 59011

TRANSFER PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT WILL BE SPLIT INTO SEPARATE OWNERSHIPS AFTER FINAL DECREE.

Priority Date: MAY 15, 1944

Enforceable Priority Date: MAY 15, 1944

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 1.25 CFS

Maximum Volume:

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 444.00

Source Name: BOULDER RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SW	SE	3	1S	14E SWEET GRASS

Period of Diversion: APRIL 1 TO NOVEMBER 4

Diversion Means: HEADGATE

Ditch Name: POST-KELLOG DITCH

DITCH NAME: POST-KELLOG DITCH

Period of Use: APRIL 1 to NOVEMBER 4

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	120.00	1	NE	30	1N	14E	SWEET GRASS
2	80.00		NW	30	1N	14E	SWEET GRASS
3	152.00		SE	30	1N	14E	SWEET GRASS
4	40.00		SW	30	1N	14E	SWEET GRASS
5	15.00		NE	31	1N	14E	SWEET GRASS
6	37.00		NW	31	1N	14E	SWEET GRASS
Total:	444.00						

Geocodes/Valid: 40-1020-30-1-02-01-0000 - Y 40-1020-30-4-01-03-0000 - Y
40-1020-31-2-01-02-0000 - 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.

106350-00 106351-00

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

THIS APPROPRIATION OF WATER TAKES WATER FROM THE BOULDER RIVER DRAINAGE (BASIN 43BJ) AND USES IT IN THE BOULDER RIVER DRAINAGE (BASIN 43BJ) AND THE UPPER YELLOWSTONE RIVER

Remarks:

DRAINAGE (BASIN 43B). 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 04/27/95.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 12219 RECEIVED 09/15/2003.

OWNERSHIP UPDATE TYPE 608 # 41494 RECEIVED 08/31/2006.

OWNERSHIP UPDATE TYPE 608 # 57148 RECEIVED 01/03/2008.

OWNERSHIP UPDATE TYPE 608 # 59307 RECEIVED 01/30/2008.

OWNERSHIP UPDATE TYPE DOR # 95544 RECEIVED 12/17/2009.

IN ACCORDANCE WITH THE DNRC MEMORANDUM OF MARCH 30, 1987, A CLERICAL CORRECTION HAS BEEN MADE TO CHANGE THE DECREED POINT OF DIVERSION TO A DNRC STANDARD LAND DESCRIPTION. BECAUSE THIS CORRECTION WAS NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THIS CHANGE MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

THE POINT OF DIVERSION HAS BEEN CHANGED THOUGH NOT OBJECTED TO. THEREFORE, IT WILL BE SUBJECT TO OBJECTION AT THE PRELIMINARY DECREE STAGE.