

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: 76D 118113-00 STATEMENT OF CLAIM
Version: 2 -- 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.

Owners: QUIRK CATTLE CO
1151 BURMA RD
EUREKA, MT 59917

Priority Date: OCTOBER 15, 1884

Enforceable Priority Date: OCTOBER 15, 1884

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 5.00 CFS

Historical Flow Rate: 5.00 CFS

Maximum Volume: 1,955.00 AC-FT

Climatic Area: 3 - MODERATE

Historical Diverted Volume: 1,955.00 AC-FT

Historical Consumptive Volume: 79.25 AC-FT

Maximum Acres: 391.00

Source Name: INDIAN 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		SWNWSE	30	37N	26W	LINCOLN

Period of Diversion: APRIL 1 TO NOVEMBER 4

Diversion Means: HEADGATE

Ditch Name: SECTION 30 DITCH NO. 2

2		NWNESW	29	37N	26W	LINCOLN
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Period of Diversion:

Diversion Means: HEADGATE W/DITCH OR PIPELINE/FLOOD AND DIKE

Period of Use: APRIL 1 to NOVEMBER 4

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	131.00		E2	24	37N	27W	LINCOLN
2	66.00		E2	25	37N	27W	LINCOLN
3	150.00			30	37N	26W	LINCOLN
4	44.00		W2S2	19	37N	26W	LINCOLN
Total:	391.00						

Geocodes/Valid: 56-4928-24-1-01-10-0000 - Y 56-4928-25-1-01-01-0000 - Y
56-4929-19-1-02-02-0000 - Y 56-4929-30-2-01-01-0000 - Y

Remarks:

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.

40711-00 118105-00 118106-00 118107-00 118111-00 118112-00 118113-00
118114-00 134521-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

118104-00 118113-00

THIS CHANGE AUTHORIZATION IS SUBJECT TO A THIRD PARTY AGREEMENT.

ESTABLISHED RIGHTS AND PRIORITIES: APPLICANT WILL DIVERT NO MORE THAN FIVE (5) CFS AT THE HISTORIC POINT OF DIVERSION FOR WATER RIGHT NO. 76D-118113-00, SITUATED AT SW1/4NW1/4SE1/4, SECTION 30, T37N, R26W, LINCOLN COUNTY, INCLUDING WATERS DIVERTED THROUGH THE PIPELINE AND ANY OTHER WATER THAT MAY BE AVAILABLE AT THE HISTORIC HEADGATE VIA INDIAN CREEK. THE TOTAL FLOW DIVERTED UNDER WATER RIGHT NO. 76D-118111-00 SHALL NOT EXCEED A TOTAL OF SEVEN AND ONE HALF (7.5) CFS, INCLUDING WATERS DIVERTED THROUGH THE HISTORIC POINT OF DIVERSION AND THROUGH THE ADDITIONAL POINT OF DIVERSION UNDER THIS CHANGE AUTHORIZATION.

WATER RIGHT CLAIM 76D-118113-00 IS CHANGED BY ADDING AN ADDITIONAL POINT OF DIVERSION IN NW1/4NE1/4SW1/4 OF SECTION 29, T37N, R26W. A PIPELINE FROM THIS NEW DIVERSION WILL CARRY WATER TO A SPLITTER. A MAXIMUM AMOUNT OF 7.5 CFS UP TO 2,530 AF FOR WATER RIGHT NO. 76D-118111 WILL PROCEED NORTH TO IRRIGATION DITCHES WHILE THE REST WILL DROP SOUTH TO INDIAN CREEK.

METHOD OF DIVERSION: THE PROPOSED PIPELINE AT THE NEW POINT OF DIVERSION FOR WATER RIGHT NO. 76D-118113-00 (ALSO SERVING WATER RIGHT NO. 76D-118111-00) WILL BE NO GREATER THAN 7.8 CUBIC FEET PER SECOND (CFS) CAPACITY. SAID PIPELINE WILL TRANSPORT WATER FROM THE NEW POINT OF DIVERSION TO A SPLITTER, AT WHICH POINT UP TO (BUT NO MORE THAN) 7.5 CFS MAY BE DIVERTED IN A NORTHERLY DIRECTION TO THE HISTORICAL IRRIGATION DITCHES FOR WATER RIGHT NO. 76D-118111-00, AND UP TO (BUT NO MORE THAN) 5 CFS MAY BE DIVERTED IN A SOUTHERLY DIRECTION TO THE HISTORIC HEADGATE FOR WATER RIGHT NO. 76D-118113-00, THUS BYPASSING THE FLOOD-DAMAGED PORTION OF INDIAN CREEK.

THE RIGHT ISSUED ON 03/04/2013 WAS REISSUED. THE RIGHT WAS REISSUED BECAUSE A PROJECT COMPLETION NOTICE DUE DATE WAS ADDED.

OBLIGATION TO MONITOR AND MAINTAIN: APPLICANT SHALL, DURING THE IRRIGATION SEASON, DEFINED AS THE PERIOD OF APRIL 1 THROUGH NOVEMBER 4 ANNUALLY, PERIODICALLY VISUALLY CHECK THE DEVICES AT EACH LOCATION AND ENSURE THAT THOSE DEVICES AND DIVERSIONS ARE FUNCTIONING PROPERLY. APPLICANT SHALL BE RESPONSIBLE FOR MAINTAINING, AT ITS OWN EXPENSE, ALL DEVICES CALLED FOR IN THIS CHANGE AUTHORIZATION.

DIVERSION AND METERING DEVICES: APPLICANT WILL INSTALL, AT ITS OWN EXPENSE, DEVICES TO MEASURE AND RECORD THE FLOW RATE AND VOLUME OF WATER DIVERTED AT EACH OF THE FOLLOWING POINT OF DIVERSION ON INDIAN CREEK: (A) THE HISTORIC 1894 POINT OF DIVERSION FOR WATER RIGHT NO. 76D-118111-00, SITUATED AT SE1/4SE1/4NW1/4, SECTION 29, T37N, R26W, LINCOLN COUNTY; (B) THE NEW POINT OF DIVERSION FOR WATER RIGHT NOS. 76D-118111-00 AND 76D-118113-00 SITUATED AT NW1/4NE1/4SW1/4, SECTION 29, T37N, R26W, LINCOLN COUNTY; AND (C) THE HISTORIC 1884 POINT OF DIVERSION FOR WATER RIGHT NO. 76D-118113-00 SITUATED AT SW1/4NW1/4SE1/4, SECTION 30, T37N, R26W, LINCOLN COUNTY. APPLICANT SHALL ALSO INSTALL SUCH DEVICES BELOW THE SPLITTER, ON THE SOUTH BRANCH OF THE PIPELINE, TO MEASURE FLOWS SPLIT TO THE SOUTH. THE DIFFERENCE BETWEEN THE MEASURED FLOWS FROM THE DEVICE MEASURING THE TOTAL FLOW OF WATER ENTERING THE COMBINED PIPELINE AND THE DEVICE MEASURING FLOWS SPLIT TO THE SOUTH WILL PROVIDE THE FLOW RATE IN THE NORTH BRANCH OF THE SPLITTER PIPELINE.

THE MEASURING DEVICES INSTALLED AT EACH OF THE ABOVE LISTED LOCATIONS SHALL BE PARSHALL FLUMES, V-NOTCH WEIRS, RECTANGULAR WEIRS, OR SIMILAR DEVICE SUITABLE FOR THE PARTICULAR INSTALLATION, AND SHALL INCLUDE A STAFF GAUGE VISIBLE AT THE POINT OF DIVERSION. APPLICANT SHALL ALSO INSTALL A METERING DEVICE SUCH AS A PRESSURE TRANSDUCER CONNECTED TO A DATA LOGGER OR SIMILAR DEVICE AT EACH OF THE ABOVE LISTED LOCATION WHICH WILL AUTOMATICALLY RECORD THE FLOW RATE THROUGH EACH LOCATION AND THE VOLUME OF WATER DIVERTED. THE HEADGATE, STAFF GAUGE, AND ANY OTHER NON-AUTOMATED FLOW MEASURING DEVICES INSTALLED AT THE HISTORIC 1894 DIVERSION POINT FOR WATER RIGHT NO. 76D-118111-00 MUST REMAIN FULLY ACCESSIBLE TO OBJECTORS.

DATA RECORDING AND REPORTING: APPLICANT SHALL MAINTAIN ALL DATA GENERATED BY THE METERING DEVICES, INCLUDING FLOW RATE AND VOLUME DIVERTED AT EACH LOCATION AND THE DATE AND TIME EACH MEASUREMENT IS TAKEN. APPLICANT SHALL ALSO KEEP A MONTHLY RECORD

Remarks:

OF THE FLOW RATE AND VOLUME DIVERTED AT EACH LOCATION. WITHIN THIRTY (30) DAYS OF THE CONCLUSION OF THE IRRIGATION SEASON, APPLICANT SHALL PROVIDE THE DNRC KALISPELL REGIONAL OFFICE, 655 TIMBERWOLF PARKWAY, SUITE 4, KALISPELL, MONTANA 59901, A COMPLETE RECORD OF THE MEASUREMENT AND DATA THAT APPLICANT HAS COLLECTED.

TIME FOR INSTALLATION: EACH OF THE DEVICES SHALL BE INSTALLED AND OPERATING AT THE TIME APPLICANT FILES ITS NOTICE OF COMPLETION OF THIS CHANGE AUTHORIZATION. WATER SHALL NOT BE DIVERTED THROUGH THE PIPELINE UNTIL EACH DEVICE IS INSTALLED AND OPERATIONAL.