

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 151574-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: ETNA DITCH CO, INC.
% JACK PFAU
2685 EASTSIDE HWY
STEVENSVILLE, MT 59870

Priority Date: MARCH 1, 1871

Enforceable Priority Date: MARCH 1, 1871

SEVERAL DECREED WATER RIGHTS WITH THE SAME PRIORITY DATE AND POINT OF DIVERSION WERE COMBINED UNDER THIS ONE RIGHT. THE PRIVATELY HELD WATER RIGHTS WERE WITHDRAWN.

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 38.63 CFS

Maximum Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 1,100.00

Source Name: BITTERROOT RIVER

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	8	7N	20W	RAVALLI

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: MITCHELL SLOUGH (TUCKER HEADGATE)

2- SECONDARY		NENESW	4	7N	20W	RAVALLI
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Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: ETNA DITCH

WATER DIVERTED FROM THE BITTERROOT RIVER IS CONVEYED TO MITCHELL SLOUGH WHICH IS USED AS A NATURAL CARRIER TO A SECONDARY POINT OF DIVERSION IN THE NENESW SEC 4 TWP 7N RGE 20W RAVALLI COUNTY.

Period of Use: MAY 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	40.00			3	7N	20W	RAVALLI
2	320.00			4	7N	20W	RAVALLI
3	150.00			5	7N	20W	RAVALLI
4	60.00			8	7N	20W	RAVALLI
5	25.00			9	7N	20W	RAVALLI
6	270.00			20	8N	20W	RAVALLI
7	480.00			21	8N	20W	RAVALLI
8	480.00			22	8N	20W	RAVALLI
9	30.00		E2E2	23	8N	20W	RAVALLI
10	420.00			27	8N	20W	RAVALLI
11	640.00			28	8N	20W	RAVALLI
12	320.00			29	8N	20W	RAVALLI
13	170.00			32	8N	20W	RAVALLI
14	640.00			33	8N	20W	RAVALLI
15	270.00			34	8N	20W	RAVALLI
Total:	4,315.00						

ONLY 1100.00 ACRES ARE IRRIGATED DURING ANY GIVEN IRRIGATION SEASON

WITHIN THE 4190.00 ACRES DESCRIBED UNDER THIS RIGHT.

SEVERAL RIGHTS WERE COMBINED INTO THIS RIGHT, AND THE PLACE OF USE WAS EXPANDED TO INCLUDE THEM. THE COMBINED WATER RIGHTS ARE 76H 3581-00, 76H 4078-00, 76H 6030-00, 76H 6033-00, 76H 8538-00, 76H 15967-00, 76H 31042-00, 76H 31072-00, 76H 104965-00, 76H 111270-00, 76H 151575-00. THOSE RIGHTS WERE THEN WITHDRAWN.

Remarks:

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.

151574-00 151581-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 08/13/2008: FLOW RATE, MAXIMUM ACRES, PERIOD OF USE, PLACE OF USE.

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

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 62296 RECEIVED 08/29/2008.

AN AMENDMENT WAS SUBMITTED 08/13/2008 TO AMEND THE FLOW RATE, MAXIMUM ACRES, PERIOD OF USE, AND PLACE OF USE . THE AMENDMENT SUBSTANTIALLY CHANGES THE ORIGINALLY FILED STATEMENT OF CLAIM.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 70 MINER'S INCHES DECREED IN CASE NO. 1287, RAVALLI COUNTY. 104912-00, 108748-00, 108749-00, 151574-00, 151581-00, 214450-00.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 300 MINER'S INCHES DECREED IN CASE NO. 1287, RAVALLI COUNTY. 136824-00, 136844-00, 151574-00, 151581-00.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 360 MINER'S INCHES DECREED IN CASE NO. 1287, RAVALLI COUNTY. 107708-00, 151574-00, 151581-00, 214450-00.

THIS CLAIM, AS AMENDED, DOES NOT APPEAR TO REFLECT THE COMBINED WATER RIGHTS AS THEY EXISTED BEFORE JULY 1, 1973. INFORMATION AVAILABLE INDICATES THE PRE-JULY 1, 1973 PLACE OF USE WAS ONLY IN PARTS OF SECTIONS 22, 23, 27, 28, 33 AND 34, T8N, R20W, RAVALLI COUNTY. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.