

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:** 41D 194482-00 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** OUT CAST PARTNERS LLC  
% TIMOTHY FALLAW  
517 S 22ND AVE, SUITE E  
BOZEMAN, MT 59718-6858

JERRY M HAACK  
4604 ARGYLE LN  
ARGYLE, TX 76226-1562

DAVID P ASHCRAFT  
80 UTLEY LN  
TWIN BRIDGES, MT 59754-9736

CINDY SUE ASHCRAFT  
80 UTLEY LN  
TWIN BRIDGES, MT 59754-9736

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

**Priority Date:** DECEMBER 31, 1881

**Enforceable Priority Date:** DECEMBER 31, 1881

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 24.85 CFS

THE FLOW RATE OF THIS WATER RIGHT HAS BEEN REDUCED TO THE 17 GPM PER ACRE GUIDELINE. THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

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

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 656.00

**Source Name:** BIG HOLE 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		SE	21	4S	7W	MADISON

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** PAGEVILLE CANAL

WATER RELEASED FROM BIG HOLE RIVER USES OWSLEY SLOUGH AS A NATURAL CARRIER TO CONVEY WATER TO THE PLACE OF USE.

DITCH NAME: PAGEVILLE CANAL

**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	160.00		NE	7	4S	6W	MADISON
2	170.00		NW	7	4S	6W	MADISON
3	156.00		SE	7	4S	6W	MADISON
4	170.00		SW	7	4S	6W	MADISON
<b>Total:</b>	<b>656.00</b>						

**Geocodes/Valid:** 25-0592-07-1-01-01-0000 - Y 25-0592-07-2-01-01-0000 - Y

25-0592-07-3-01-01-0000 - Y 25-0592-07-4-02-01-0000 - Y

25-0592-07-4-02-10-0000 - 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.

194481-00 194482-00 194483-00 194484-00 194485-00 194486-00 194489-00

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.

194482-00 194496-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 08/30/1988: PLACE OF USE, MAXIMUM ACRES, FLOW RATE, VOLUME, PRIORITY DATE, TYPE OF HISTORICAL RIGHT.

THE PRIORITY DATE WAS AMENDED BY THE CLAIMANT ON 01/20/1993.

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 09/04/1991.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 03/21/1997.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 06/29/1993.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 09/13/1988.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 61444 RECEIVED 08/06/2008.

OWNERSHIP UPDATE TYPE 608 # 62144 RECEIVED 08/22/2008.

OWNERSHIP UPDATE TYPE DOR # 79963 RECEIVED 08/21/2009.

OWNERSHIP UPDATE TYPE 641 # 113401 RECEIVED 12/21/2012.

OWNERSHIP UPDATE TYPE DOR # 106656 RECEIVED 12/28/2012.

OWNERSHIP UPDATE TYPE DOR # 106657 RECEIVED 12/28/2012.

OWNERSHIP UPDATE TYPE DOR # 130007 RECEIVED 02/27/2015.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE MADISON COUNTY WATER RESOURCES SURVEY ( 1954 ) APPEARS TO INDICATE 520.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE COMBINED CLAIMED FLOW RATE FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS 61.53 GPM PER ACRE. THE FLOW RATE GUIDELINE FOR INDIVIDUAL CLAIMS IS 17 GPM PER ACRE.