

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 198487-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Version Status:** ACTIVE

**Owners:** C BAR J RANCH LLC  
PO BOX 224  
TWO DOT, MT 59085-0224

**Priority Date:** OCTOBER 15, 1927  
**Enforceable Priority Date:** OCTOBER 15, 1927

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION  
**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 25.00 CFS  
**Maximum Volume:** 6,222.00 AC-FT  
**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 928.00

**Source Name:** BIG ELK CREEK  
**Source Type:** SURFACE WATER

THE SOURCE INCLUDES UNNAMED TRIBUTARIES OF BIG ELK CREEK WHICH FLOW DIRECTLY INTO MARTIN & C-J RESERVOIR.

**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		NE	SENW	6	6N	13E WHEATLAND

**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE

THE STIPULATION FILED ON NOVEMBER 6, 2013 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE PERIOD OF DIVERSION OF THIS CLAIM IS REFLECTED AS YEAR ROUND, (JANUARY 1 TO DECEMBER 31) WHENEVER WATER IS AVAILABLE FOR DIVERSION IN ORDER OF PRIORITY.

**Reservoir:** OFF STREAM **Reservoir Name** MARTIN & C-J RESERVOIR  
**Govt Lot** **Qtr** **Sec** **Twp** **Rge** **County**  
S2 31 7N 13E WHEATLAND

**Diversion to Reservoir:** DIVERSION # 1

THE STIPULATION FILED ON FEBRUARY 14, 1997 IN CASE 40A-264 SPECIFIES THE ADDITION OF THE FOLLOWING REMARK: WATER RELEASED FROM THE RESERVOIR ASSOCIATED WITH THIS RIGHT MAY NOT BE DIVERTED THROUGH ANY DITCH OTHER THAN THOSE USED IN ASSOCIATION WITH RIGHTS 40A 198477-00, 40A 198478-00, 40A 198479-00, 40A 198480-00, 40A 198481-00, 40A 198482-00, AND 40A 198483-00.

**Period of Use:** MARCH 1 to NOVEMBER 19

**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	20.00		W2	E2E2	24	7N	13E WHEATLAND
2	85.00		W2	E2	24	7N	13E WHEATLAND
3	16.00		E2	SE	24	7N	13E WHEATLAND
4	40.00		E2	E2	25	7N	13E WHEATLAND
5	88.00		W2	E2	25	7N	13E WHEATLAND
6	225.00		W2		25	7N	13E WHEATLAND
7	201.00		E2		26	7N	13E WHEATLAND
8	105.00				36	7N	13E WHEATLAND
9	122.00		W2		19	7N	14E WHEATLAND
10	26.00		W2	NW	30	7N	14E WHEATLAND
<b>Total:</b>	<b>928.00</b>						

**Geocodes/Valid:** 44-1603-24-1-01-01-0000 - Y 44-1603-25-4-01-01-0000 - Y  
44-1603-26-1-01-01-0000 - Y 44-1603-36-1-01-01-0000 - Y

44-1604-19-1-01-01-0000 - Y

44-1604-30-2-01-01-0000 - Y

**Remarks:**

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.

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 OF THE CLAIMANT'S TOTAL 928.00 ACRES. 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. 198477-00 198478-00 198479-00 198480-00 198481-00 198482-00 198483-00 198487-00

THE STIPULATIONS FILED FEBRUARY 14, 1997 AND FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDE THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE WATER RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 198477-00, 40A 198478-00, 40A 198479-00, 40A 198480-00, 40A 198481-00, 40A 198482-00, 40A 198487-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARHSAL WATER RIGHTS SHALL IMMEDIATELY CEASE.

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

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 61440 RECEIVED 06/18/2008.

OWNERSHIP UPDATE TYPE DOR # 70663 RECEIVED 04/12/2010.

THE TIMELY FILED OBJECTION OF THE AMERICAN FORK RANCH WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE SOURCE. BECAUSE THIS ELEMENT 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.