

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: 41F 15336-00 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: MT MOONLIGHT BASIN WATER & SEWER LLC
PO BOX 160040
BIG SKY, MT 59716-0040

BRAXTON RANCH CORP
PO BOX 1377
ENNIS, MT 59729-1377

Priority Date: APRIL 15, 1883
Enforceable Priority Date: APRIL 15, 1883

Purpose (use): IRRIGATION
MITIGATION WATER

Purpose Clarification: INSTREAM JACK CREEK

Irrigation Type: FLOOD

Maximum Flow Rate: 2.50 CFS

Maximum Volume: 750.00 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 713.70

Source Name: JACK 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		NWNESW	34	5S	1E	MADISON

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

2		NENWSE	29	5S	1E	MADISON
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Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

3		NESENE	33	5S	1E	MADISON
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Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

4		SWNE NE	33	5S	1E	MADISON
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Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

5		NWNESW	34	5S	1E	MADISON
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Period of Diversion: MAY 1 TO OCTOBER 31

Flow Rate: .26 CFS

Diversion Means: INSTREAM

POD #5 - INSTREAM DIVERSION: 0.26 CFS UP TO 26 AF OF DIVERTED VOLUME (19.76 AF CONSUMED VOLUME) SHALL BE LEFT IN JACK CREEK. THIS WATER SHALL BE ADMINISTERED BY THE APPLICANT MAKING CALL ON THE ABOVE DESIGNATED AMOUNTS TO THE INSTREAM DIVERSION POINT FOR MITIGATION.

Period of Use: MAY 1 to OCTOBER 31

Purpose (Use): IRRIGATION

Period of Use: MAY 1 to OCTOBER 31

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	83.70		W2	28	5S	1E	MADISON
2	100.00		NE	29	5S	1E	MADISON
3	60.00		SE	18	5S	1E	MADISON
4	90.00		SE	19	5S	1E	MADISON
5	5.00		SENE	19	5S	1E	MADISON
6	340.00			20	5S	1E	MADISON
7	15.00		W2SWSW	21	5S	1E	MADISON
8	15.00		S2SWSE	28	5S	1E	MADISON
9	5.00		NENWNE	33	5S	1E	MADISON
Total:	713.70						

Purpose (Use): MITIGATION WATER

Period of Use: MAY 1 to OCTOBER 31

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			NWNESW	34	5S	1E	MADISON

THE PLACE OF USE IS THE DIVERSION POINT AT WHICH THE APPLICANT CAN MAKE A CALL ON THE WATER. THIS INSTREAM MITIGATION WATER WILL THEN BE LEFT INSTREAM AND PROTECTED FROM APPLICANTS' UPPER MOST TO LOWER MOST DIVERSION POINTS ON JACK CREEK.

Geocodes/Valid: 25-0511-18-1-01-01-0000 - Y 25-0511-19-3-01-01-0000 - Y
 25-0511-20-4-01-01-0000 - Y 25-0511-21-1-01-01-0000 - Y
 25-0511-28-3-02-01-0000 - Y 25-0511-29-1-01-05-0000 - Y
 25-0511-33-1-02-01-0000 - 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.

14211-00 15336-00 15337-00 15338-00 15339-00 15340-00 15341-00
 15342-00 15343-00 15344-00 15345-00 15346-00 15347-00 15350-00
 15351-00

THIS RIGHT IS SUBJECT TO THE AUTHORITY OF THE DEPARTMENT TO REVOKE THE RIGHT IN ACCORDANCE WITH 85-2-314 OR 85-2-402(9) , MCA, AND TO ENTER ONTO THE PREMISES FOR INVESTIGATIVE PURPOSES IN ACCORDANCE WITH 85-2-115, MCA.

THIS CHANGE AUTHORIZATION PROVIDES MITIGATION WATER FOR BENEFICIAL USE PERMIT 41F-30013630. IF AT ANY TIME THE MITIGATION COMPONENT OF THIS CHANGE AUTHORIZATION IS NOT MET, WATER USE UNDER BENEFICIAL USE PERMIT 41F-30013630 MUST BE STOPPED. IF MITIGATION CANNOT BE MET, APPLICANTS WILL PROVIDE A REPORT TO DNRC DETAILING THE AMOUNT OF SHORTAGE OF MITIGATION WATER AND HOW THE PERMIT USE WAS STOPPED TO PREVENT ADVERSE EFFECT.

THIS CHANGE AUTHORIZATION IS SUBJECT TO THE PERMANENT REMOVAL OF 56.3 ACRES FROM IRRIGATION AT A LOCATION IN THE WEST HALF OF SECTION 28, T5S, R1E, IN MADISON COUNTY (SEE FILE FOR MAP OF SPECIFIC ACREAGE). IRRIGATION OF THESE 56.3 ACRES AFTER THIS AUTHORIZATION IS ISSUED WILL BE CAUSE FOR REVOCATION OF THIS AUTHORIZATION AND THE ASSOCIATED PERMIT 41F-30013630. APPLICANTS WILL BE REQUIRED YEARLY TO SUBMIT A PHOTO TAKEN DURING THE MIDDLE OF IRRIGATION SEASON SHOWING THAT THE ACREAGE REMAINED RETIRED FOR THAT YEAR.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 04/16/99.

THE APPROPRIATOR SHALL INSTALL DEPARTMENT APPROVED MEASURING DEVICE AT THE CURRENT ACTIVE POINT OF DIVERSION FOR THESE RIGHTS TO ENSURE THE MITIGATION WATER REMAINS INSTREAM. THIS CHANGE SHALL NOT BE EXERCISED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. IF MORE THAN ONE POINT OF DIVERSION IS USED, APPROPRIATOR SHALL INSTALL DEPARTMENT APPROVED MEASURING DEVICES ON THE LOWERMOST POINT OF DIVERSION AND THE UPPERMOST POINT OF DIVERSION. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN WEEKLY RECORD OF THE VOLUME OF MITIGATION WATER NOT DIVERTED AND LEFT INSTREAM, INCLUDING THE PERIOD OF TIME. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST BY THE DEPARTMENT AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT RECORDS MAY BE CAUSE FOR REVOCATION OF A

Remarks:

PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES BOZEMAN REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES THE VOLUME ACCURATELY.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 56258 RECEIVED 03/20/2008.

OWNERSHIP UPDATE TYPE 608 # 56259 RECEIVED 03/20/2008.

OWNERSHIP UPDATE TYPE DOR # 112235 RECEIVED 01/06/2012.