

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: 400 30046559 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: KINNEY, MICHAEL T LLC
PO BOX 935
OTIS ORCHARDS, WA 99027

Priority Date: DECEMBER 31, 1931

Enforceable Priority Date: DECEMBER 31, 1931

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 7,900.00 GPM

THE SECONDARY POINTS OF DIVERSION IDENTIFIED BY THIS CLAIM HAVE SEPARATE PUMPS. FOR THE SECONDARY POINT OF DIVERSION IDENTIFIED AS THE NWNESE SECTION 21, TOWNSHIP 31 NORTH, RANGE 36 EAST, VALLEY COUNTY, THE HISTORICAL FLOW RATE OF THE PUMP IS 5,400.00 GPM. FOR THE SECONDARY POINT OF DIVERSION IDENTIFIED AS THE NWNWNE SECTION 28, TOWNSHIP 31 NORTH, RANGE 36 EAST, VALLEY COUNTY, THE HISTORICAL FLOW RATE OF THE PUMP IS 2,500.00 GPM.

FOR THE SECONDARY POINT OF DIVERSION IDENTIFIED AS THE NWNESE SECTION 21, TOWNSHIP 31 NORTH, RANGE 36 EAST, VALLEY COUNTY, THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT USE THE SAME PUMP. THE COMBINED FLOW RATE FOR THESE RIGHTS IS LIMITED TO THE HISTORICAL PUMP CAPACITY OF 5,400.00 GPM. 40N 168164-00, 40N 188624-00, 40O 30046559, 40O 30064388.

FOR THE SECONDARY POINT OF DIVERSION IDENTIFIED AS THE NWNWNE SECTION 28, TOWNSHIP 31 NORTH, RANGE 36 EAST, VALLEY COUNTY, THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT USE THE SAME PUMP. THE COMBINED FLOW RATE FOR THESE RIGHTS IS LIMITED TO THE HISTORICAL PUMP CAPACITY OF 2,500.00 GPM. 40N 168164-00, 40O 30046559.

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: 650.00

Source Name: MILK 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		SESWNE	29	31N	36E	VALLEY

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: OTHER

WATER DIVERTED FROM THE MILK RIVER IS CONVEYED TO ROCK CREEK WHICH IS USED AS A NATURAL CARRIER TO SECONDARY POINTS OF DIVERSION IN THE NWNESE SEC 21, T31N, R36E, VALLEY COUNTY, AND THE NWNWNE, SEC 28, T31N, R36E, VALLEY COUNTY.

THE POINT OF DIVERSION AND MEANS OF DIVERSION IS THE CONFLUENCE OF ROCK CREEK AND THE MILK RIVER.

WATER FROM THE MILK RIVER FLOWS TO SECONDARY POINTS OF DIVERSION LOCATED ON ROCK CREEK. THE BACK FLOW OCCURS INCIDENTALLY TO THE OPERATION OF VANDALIA DAM. VANDALIA DAM IS LOCATED DOWNSTREAM ON THE MILK RIVER IN THE SWSWNW OF SEC 7, T30N, R37E, VALLEY COUNTY. NO RIGHT TO CONTROL THE OPERATION OF VANDALIA DAM IS ASSERTED UNDER THIS WATER RIGHT.

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	100.00		E2E2	21	31N	36E	VALLEY
2	23.00		W2SE	21	31N	36E	VALLEY
3	4.00		SWSESW	21	31N	36E	VALLEY
4	56.00		SW	22	31N	36E	VALLEY
5	20.00		SWNW	22	31N	36E	VALLEY
6	12.50		NWNW	27	31N	36E	VALLEY
7	282.50		N2	28	31N	36E	VALLEY
8	152.00		N2S2	28	31N	36E	VALLEY
Total:	650.00						

Geocodes/Valid: 20-4357-21-1-04-01-0000 - Y 20-4357-21-3-03-01-0000 - Y
20-4357-22-3-03-03-0000 - Y 20-4357-27-2-02-01-0000 - Y
20-4357-28-1-01-01-0000 - Y

Remarks:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40N PRELIMINARY DECREE ISSUED 08/13/1985. THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 40N 168164-00.

THIS APPROPRIATION OF WATER TAKES WATER FROM THE MILK RIVER, BELOW WHITEWATER INCLUDING PORCUPINE CREEK DRAINAGE (BASIN 400) AND USES IT IN THE ROCK CREEK, TRIBUTARY TO MILK RIVER DRAINAGE (BASIN 40N) AND THE MILK RIVER, BELOW WHITEWATER INCLUDING PORCUPINE CREEK DRAINAGE (BASIN 400). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

WHENEVER THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE COMBINED TO SUPPLY WATER FOR THE CLAIMED PURPOSE, EACH IS LIMITED TO THE HISTORICAL 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. 40N 168164-00, 400 30046559.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 70437 RECEIVED 03/17/2009.
OWNERSHIP UPDATE TYPE 608 # 68095 RECEIVED 09/03/2009.
OWNERSHIP UPDATE TYPE 608 # 68094 RECEIVED 09/03/2009.