

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:** 43BJ 30069242 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** WINDBREAK RANCH LLC  
PO BOX 944  
BIG TIMBER, MT 59011

**Priority Date:** MAY 15, 1944  
**Enforceable Priority Date:** MAY 15, 1944

**Type of Historical Right:** DECREED

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

**Maximum Flow Rate:** 2.25 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:** 194.00

**Source Name:** BOULDER 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		SWSESE	3	1S	14E	SWEET GRASS

**Period of Diversion:** APRIL 1 TO OCTOBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** POST-KELLOG DITCH

**Period of Use:** APRIL 1 to OCTOBER 19

**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	74.00		W2SE	20	1N	14E	SWEET GRASS
2	80.00		S2SW	20	1N	14E	SWEET GRASS
3	40.00		NENE	30	1N	14E	SWEET GRASS
<b>Total:</b>	194.00						

**Geocodes/Valid:** 40-1020-20-3-03-01-0000 - 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.

30069242 30069243

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

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 43BJ TEMPORARY PRELIMINARY DECREE ISSUED 04/03/1985.

THIS APPROPRIATION OF WATER TAKES WATER FROM THE BOULDER RIVER DRAINAGE (BASIN 43BJ) AND USES IT IN THE BOULDER RIVER DRAINAGE (BASIN 43BJ) AND THE UPPER YELLOWSTONE RIVER DRAINAGE (BASIN 43B). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 43BJ 102621-00.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE WATER COURT ORDER # 120332 RECEIVED 04/11/2014.

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**Remarks:**

IN ACCORDANCE WITH THE DNRC MEMORANDUM OF MARCH 30, 1987, A CLERICAL CORRECTION HAS BEEN MADE TO CHANGE THE DECREED POINT OF DIVERSION TO A DNRC STANDARD LAND DESCRIPTION. BECAUSE THIS CORRECTION 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.

THE POINT OF DIVERSION HAS BEEN CHANGED THOUGH NOT OBJECTED TO. THEREFORE, IT WILL BE SUBJECT TO OBJECTION AT THE PRELIMINARY DECREE STAGE.