

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: 43D 20223-00 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: RYAN, THOMAS C TRUST
%THOMAS C & MARGARET R RYAN
PO BOX 117
BILLINGS, MT 59103-0117

Priority Date: MAY 1, 1896
Enforceable Priority Date: MAY 1, 1896

Purpose (use): FISHERY
IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 3.00 CFS

Historical Flow Rate: 3.00 CFS

Maximum Volume: 1,110.80 AC-FT

Climatic Area: 3 - MODERATE

Historical Diverted Volume: 1,110.80 AC-FT

Historical Consumptive Volume: 123.20 AC-FT

Maximum Acres: 94.80

Source Name: WILLOW 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		NWNWSE	33	5S	20E	CARBON

Period of Diversion: APRIL 1 TO OCTOBER 4 **Flow Rate:** 2.75 CFS

Diversion Means: HEADGATE

Ditch Name: HARNEY DITCH

2		NENENE	33	5S	20E	CARBON
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Period of Diversion: APRIL 1 TO OCTOBER 4 **Flow Rate:** 3.00 CFS

Diversion Means: HEADGATE

Ditch Name: DOTY DITCH

Reservoir: OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NESWNW	27	5S	20E	CARBON

Diversion to Reservoir: DIVERSION # 2

Depth: 10.00 FEET

Surface Area: 1.60 ACRES

Current Capacity: 6.40 ACRE-FEET

Period of Use: APRIL 1 to OCTOBER 4
JUNE 1 to SEPTEMBER 30

Purpose (Use): FISHERY

Period of Use: JUNE 1 to SEPTEMBER 30

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			NESWNW	27	5S	20E	CARBON

Purpose (Use): IRRIGATION

Period of Use: APRIL 1 to OCTOBER 4

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	40.00		NWNW	27	5S	20E	CARBON
2	54.80		S2NW	27	5S	20E	CARBON
Total:	94.80						

Geocodes/Valid: 10-0533-27-2-02-02-0000 - Y 10-0533-27-2-03-01-0000 - Y

Remarks:

THIS RIGHT IS SUBJECT TO THE INSTALLATION OF AN ADEQUATE DRAINAGE DEVICE TO SATISFY EXISTING WATER RIGHTS.

THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED STAFF GAGE OR COMPARABLE DEVICE AT A POINT APPROVED BY THE DEPARTMENT TO MEASURE THE RESERVOIR LEVEL AT LEAST WEEKLY AND AT TIMES WHEN A WEATHER EVENT OCCURS THAT MAY INCREASE THE RESERVOIR CAPACITY DURING THE PERIOD OF JUNE 1 THROUGH SEPTEMBER 30. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE. ON A FORM PROVIDED BY THE DEPARTMENT, RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS MEASURES RESERVOIR LEVEL ACCURATELY.

THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED WATER USE MEASURING DEVICE AT THE DIVERSION POINT FROM THE DITCH INTO THE FISH POND. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN RECORD OF THE FLOW RATE OF ALL WATER DIVERTED INCLUDING THE PERIOD OF TIME. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE ACCURATELY.

OWNERSHIP UPDATE RECEIVED

- OWNERSHIP UPDATE TYPE 608 # 10715 RECEIVED 06/02/2003.
- OWNERSHIP UPDATE TYPE 608 # 11825 RECEIVED 07/30/2003.
- OWNERSHIP UPDATE TYPE 608 # 17081 RECEIVED 06/21/2004.
- OWNERSHIP UPDATE TYPE 608 # 42557 RECEIVED 10/31/2006.
- OWNERSHIP UPDATE TYPE DOR # 108867 RECEIVED 01/28/2013.