

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 31320-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: BUTTERMILK LLC
PO BOX 250
WEST YELLOWSTONE, MT 59758-0250

YELLOWSTONE BASIN RANCH LLC
7 W MAIN ST SUITE 202
BOZEMAN, MT 59715-4894

OWNERSHIP UPDATED BASED ON WATER RIGHT AGREEMENT RECEIVED 08/21/00.

Priority Date: APRIL 15, 1938

Enforceable Priority Date: APRIL 15, 1938

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 1.00 CFS

Maximum Volume: 365.00 AC-FT

Climatic Area: 5 - LOW

Maximum Acres: 225.00

Source Name: DENNY 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	15	13S	4E	GALLATIN

Period of Diversion: MAY 1 TO NOVEMBER 4

Diversion Means: HEADGATE

2		SENWSW	15	13S	4E	GALLATIN
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Period of Diversion: MAY 1 TO NOVEMBER 4

Diversion Means: HEADGATE

Reservoir: OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWSESE	10	13S	4E	GALLATIN

Diversion to Reservoir: DIVERSION # 1

Period of Use: MAY 1 to NOVEMBER 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	35.00		NWNE	15	13S	4E	GALLATIN
2	80.00		E2NE	15	13S	4E	GALLATIN
3	15.00		SWSW	11	13S	4E	GALLATIN
4	60.00		W2NW	14	13S	4E	GALLATIN
5	5.00		NWNWSW	14	13S	4E	GALLATIN
6	30.00		S2SE	10	13S	4E	GALLATIN

Total: 225.00

Geocodes/Valid: 06-0061-10-4-01-01-0000 - Y 06-0061-14-2-01-10-0000 - Y

06-0061-14-3-01-50-0000 - Y 06-0061-15-1-48-01-0000 - Y

06-0061-15-3-01-01-0000 - Y

Remarks:

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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.

31315-00 31317-00 31319-00 31320-00 31321-00 31322-00 31325-00
31327-00 31328-00 31329-00

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 12/14/92.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 12/03/93.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 08/21/00.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 08/21/00.

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 CLAIMANTS' TOTAL 405.0 ACRES. THE COMBINED VOLUME OF THESE RIGHTS SHALL NOT EXCEED 1,782.00 ACRE-FEET PER YEAR. EACH RIGHT IS LIMITED TO THE FLOW RATE, VOLUME, PLACE OF USE AND BENEFICIAL USE OF THAT INDIVIDUAL RIGHT. W031302-00, W031315-00, W031317-00, W031319-00, W031320-00, W031321-00, W031322-00, W031325-00, W031327-00, W031328-00, W031329-00.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 11841 RECEIVED 12/04/2003.

OWNERSHIP UPDATE TYPE 608 # 25533 RECEIVED 10/20/2005.

OWNERSHIP UPDATE TYPE 608 # 68873 RECEIVED 10/23/2009.

OWNERSHIP UPDATE TYPE DOR # 138253 RECEIVED 12/16/2015.

WHEN THIS CLAIM WAS ORIGINALLY DECREED, THE PERIOD OF DIVERSION WAS NOT INCLUDED AS AN ELEMENT OF THE CLAIM. IN 2008, THE PERIOD OF DIVERSION ELEMENT WAS ADDED TO ALL CLAIM ABSTRACTS. IT IS NOT CERTAIN IF THE PERIOD OF DIVERSION DATES ADDED TO THIS CLAIM ACCURATELY REFLECT THE HISTORICAL PERIOD OF DIVERSION. MORE INFORMATION IS REQUIRED.