

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: 76G 32343-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE

Version Status: ACTIVE

Owners: ARCO ENVIRONMENTAL REMEDIATION LLC
317 ANACONDA RD
BUTTE, MT 59701-8805

UELAND RANCHES INC
PO BOX 127
RAMSAY, MT 59748-0127

Priority Date: MAY 1, 1866

Enforceable Priority Date: MAY 1, 1866

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 3.00 CFS

Maximum Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

Maximum Acres: 2,976.00

Source Name: WARM SPRINGS 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		SESE	31	5N	10W	DEER LODGE

Period of Diversion: APRIL 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Ditch Name: GARDNER DITCH

Period of Use: APRIL 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	320.00		W2	2	5N	10W	DEER LODGE
2	155.00		NE	2	5N	10W	DEER LODGE
3	80.00		W2SE	2	5N	10W	DEER LODGE
4	20.00		W2NESE	2	5N	10W	DEER LODGE
5	20.00		W2SESE	2	5N	10W	DEER LODGE
6	320.00		N2	3	5N	10W	DEER LODGE
7	160.00		N2S2	3	5N	10W	DEER LODGE
8	40.00		SESE	3	5N	10W	DEER LODGE
9	10.00		SESWSE	3	5N	10W	DEER LODGE
10	20.00		E2SESE	4	5N	10W	DEER LODGE
11	20.00		E2NENE	9	5N	10W	DEER LODGE
12	40.00		SENE	9	5N	10W	DEER LODGE
13	5.00		SWNE	9	5N	10W	DEER LODGE
14	80.00		E2SE	9	5N	10W	DEER LODGE
15	10.00		N2SESW	9	5N	10W	DEER LODGE
16	20.00		S2SESW	9	5N	10W	DEER LODGE
17	10.00		SESWSE	9	5N	10W	DEER LODGE
18	35.00		NENE	10	5N	10W	DEER LODGE
19	30.00		NWNE	10	5N	10W	DEER LODGE
20	80.00		S2NE	10	5N	10W	DEER LODGE
21	20.00		SENW	10	5N	10W	DEER LODGE
22	160.00		SE	10	5N	10W	DEER LODGE
23	80.00		E2SW	10	5N	10W	DEER LODGE
24	10.00		E2NWSW	10	5N	10W	DEER LODGE
25	20.00		E2SWSW	10	5N	10W	DEER LODGE
26	10.00		W2SWSW	10	5N	10W	DEER LODGE
27	320.00		W2	11	5N	10W	DEER LODGE

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>
28	80.00		W2NE	11	5N	10W	DEER LODGE
29	40.00		NWSE	11	5N	10W	DEER LODGE
30	30.00		SWSE	11	5N	10W	DEER LODGE
31	300.00		N2	15	5N	10W	DEER LODGE
32	40.00		NWSW	15	5N	10W	DEER LODGE
33	20.00		NESW	15	5N	10W	DEER LODGE
34	10.00		N2SWSW	15	5N	10W	DEER LODGE
35	160.00		NE	16	5N	10W	DEER LODGE
36	80.00		N2SE	16	5N	10W	DEER LODGE
37	20.00		SWSE	16	5N	10W	DEER LODGE
38	101.00		S2N2N2S2	17	5N	10W	DEER LODGE
Total:	2,976.00						

Geocodes/Valid: 30-1378-15-1-01-01-0000 - 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.

32342-00	32343-00	32346-00	32350-00	32353-00	32354-00	32355-00
32358-00	32360-00	32365-00	32366-00	32392-00	32393-00	126455-00
126496-00	126502-00	126503-00	126507-00	126510-00	126511-00	126513-00
126514-00	126516-00	126517-00	126518-00	126519-00	126520-00	126521-00
126523-00	126524-00	126527-00	126536-00	126537-00	126538-00	126541-00
126544-00	126546-00	126548-00	126550-00	126552-00	126553-00	126554-00
126555-00	126570-00	126572-00	127603-00			

THIS CLAIM IS SUBJECT TO THE TERMS OF A STIPULATION FILED WITH THE MONTANA WATER COURT DURING ADJUDICATION OF THE TEMPORARY PRELIMINARY DECREE FOR THE BASIN. UNDER THE TERMS OF THIS STIPULATION, THIS CLAIM WILL BE ADMINISTERED AS SUBORDINATE, AND THEREFORE JUNIOR, TO CERTAIN DESIGNATED CLAIMS, AND IS SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN THE WATER COURT'S FINDINGS OF FACT AND CONCLUSIONS OF LAW. SEE THE CLAIM FILE OR CASE FILE FOR THE JOINT PROCEEDING FOR WARM SPRINGS CREEK FOR MORE INFORMATION.

THIS CLAIM WAS REINSTATED BY WATER COURT ON 2/23/2005.

A STIPULATION/SETTLEMENT AGREEMENT FILED WITH THE MONTANA WATER COURT ON FEBRUARY 1, 2000, LIMITS THE PLACE OF USE FOR THIS WATER RIGHT CLAIM. SEE THE CLAIM FILE OR WATER COURT JOINT PROCEEDING FOR WARM SPRINGS CREEK FILE FOR MORE INFORMATION.

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 10/09/90.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 12/31/92.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 90044 RECEIVED 06/01/2010.

THE DEER LODGE COUNTY WATER RESOURCES SURVEY (1955) APPEARS TO INDICATE 2146 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 178-234, 278-257, AND 278-259 , DATED 8/10/1979 , APPEARS TO INDICATE 1913 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE PLACE OF USE DESCRIPTION FOR SECTION 17 APPEARS TO BE IN ERROR. THE DESCRIBED PORTION OF SECTION 17 IS CURRENTLY (AS OF 2-23-2003) OWNED BY UELAND RANCHES, VERNON LEONARDI AND PAUL CHIRICO, JR.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.