

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: 43A 33121-00 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: 505 VENTURES LLC
% DEPARTMENT 35
PO BOX 10195
PALO ALTO, CA 94301

TRANSFER PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT WILL BE SPLIT INTO SEPARATE OWNERSHIPS AFTER FINAL DECREE.

Priority Date: JUNE 20, 1905
Enforceable Priority Date: JUNE 20, 1905

Purpose (use): INSTREAM FISHERY
Irrigation Type: FLOOD

Maximum Flow Rate: 16.25 CFS
Historical Flow Rate: 16.25 CFS
Maximum Volume: 1,971.10 AC-FT
Climatic Area: 4 - MODERATELY LOW

Historical Diverted Volume: 1,971.10 AC-FT

Historical Consumptive Volume: 77.76 AC-FT

Source Name: BRACKETT 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		NESESW	31	2N	8E	PARK

Period of Diversion: MAY 15 TO OCTOBER 15 **Flow Rate:** 16.25 CFS

Diversion Means: INSTREAM

Ditch Name: POD #1/BIG DITCH

Period of Use: MAY 15 to OCTOBER 15

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			N2N2	5	1N	8E	PARK
2			N2N2	4	1N	8E	PARK
3			S2S2	33	2N	8E	PARK
4			SWSW	34	2N	8E	PARK
5			N2	3	1N	8E	PARK
6			N2	2	1N	8E	PARK
7			SESE	31	2N	8E	PARK
8			SWSW	32	2N	8E	PARK

Geocodes/Valid: 49-1014-02-2-01-01-0000 - Y 49-1014-03-1-01-01-0000 - Y
49-1014-05-1-01-21-0000 - Y 49-1113-32-4-01-02-0000 - Y
49-1113-33-3-01-01-0000 - Y 49-1113-34-3-01-05-0000 - 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.

33116-00 33117-00 33119-00 33121-00 33122-00 33123-00 33124-00
33125-00 33126-00 33128-00

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

WHILE THE TOTAL DIVERTED VOLUME IS 1971.1 AF, THE CONSUMED VOLUME OF 77.76 AF IS ALL THAT CAN BE PROTECTED FOR THE INSTREAM FISHERY PURPOSE BELOW THE HISTORICAL HEADGATE DIVERSION.

THE APPLICANT OR A DESIGNEE SHALL MEASURE THE PROTECTED REACH OF BRACKETT CREEK IN PARK COUNTY IN ACCORDANCE WITH THE SUBMITTED STREAMFLOW MEASURING PLAN USING DEPARTMENT APPROVED MEASURING DEVICES. THREE MEASUREMENTS MUST BE TAKEN DURING THE PERIOD OF USE. MEASUREMENT RECORDS SHALL BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST DURING THE TEMPORARY CHANGE AUTHORIZATION.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 05/09/84.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 08/20/93.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/08/94.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 04/25/96.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 12866 RECEIVED 01/25/2004.

OWNERSHIP UPDATE TYPE 608 # 15611 RECEIVED 02/25/2004.

OWNERSHIP UPDATE TYPE 608 # 20952 RECEIVED 04/29/2005.

OWNERSHIP UPDATE TYPE DOR # 122786 RECEIVED 06/25/2014.