

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: 411 89277-00 STATEMENT OF CLAIM
Version: 4 -- 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: HAMLIN FAMILY REVOCABLE LIVING TRUST
1625 UNIVERSITY STREET
HELENA, MT 59601-5953

EASTGATE WATER & SEWER ASSN
% PAUL JOHNSON, PRESIDENT
PO BOX 1220
EAST HELENA, MT 59635-1220

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

Priority Date: NOVEMBER 24, 1866

Enforceable Priority Date: NOVEMBER 24, 1866

Purpose (use): MARKETING FOR MITIGATION/AQUIFER RECHARGE
MITIGATION WATER

Irrigation Type: FLOOD

Maximum Flow Rate: 1.25 CFS

Historical Flow Rate: 1.25 CFS

Maximum Volume: 73.90 AC-FT

Climatic Area: 3 - MODERATE

Climatic Area: 3 - MODERATE

Historical Diverted Volume: 234.60 AC-FT

Historical Consumptive Volume: 73.90 AC-FT

Source Name: PRICKLY PEAR CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SESENE	36	10N	3W	LEWIS AND CLARK

Period of Diversion: APRIL 1 TO AUGUST 31

Flow Rate: 1.25 CFS

Diversion Means: INSTREAM

POINT OF DIVERSION LEGAL DESCRIPTION IS THE LOCATION ON PRICKLY PEAR CREEK FOR THE HISTORIC COMPANY DITCH. THE PROTECTED REACH FOR BOTH MITIGATION AND MARKETING FOR MITIGATION CONTINUES DOWNSTREAM TO LAKE HELENA.

Period of Use: APRIL 1 to AUGUST 31

Purpose (Use): MARKETING FOR
MITIGATION/AQUIFER
RECHARGE

Period of Use: APRIL 1 to AUGUST 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				36	10N	3W	LEWIS AND CLARK
2				23	11N	3W	LEWIS AND CLARK

Purpose (Use): MITIGATION WATER
Period of Use: APRIL 1 to AUGUST 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				36	10N	3W	LEWIS AND CLARK
2				23	11N	3W	LEWIS AND CLARK

THE PLACE OF USE FOR BOTH MITIGATION WATER AND MARKETING FOR MITIGATION IS GENERALLY DESCRIBED AS THE REACH OF PRICKLY PEAR CREEK FROM THE HISTORIC POINT OF DIVERSION IN SECTION 36 T10N R3W DOWNSTREAM IN THE NORTH HELENA VALLEY TO LAKE HELENA IN SECTION 23 T11N R3W.

Geocodes/Valid: -- NO VALID GEOCODES --

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.

89277-00 89278-00 89279-00

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

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

IMPORTANT INFORMATION:

THE CHANGE AUTHORIZATION ASSOCIATED TO THE MITIGATION WATER PURPOSE IS CONDITIONAL UPON THE ANNUAL DELIVERY OF 50.5 ACRE-FEET OF CONTRACT WATER TO PRICKLY PEAR CREEK FROM A TEMPORARY WATER SERVICE CONTRACT WITH THE BUREAU OF RECLAMATION. CONVEYANCE OF THE CONTRACT WATER SHALL BE VIA THE HELENA VALLEY CANAL AND THE POINT OF DELIVERY OR DISCHARGE TO PRICKLY PEAR CREEK SHALL BE AT A POINT IN SECTION 23, T10N R3W. THE WATER RIGHT OWNER OF RECORD IS RESPONSIBLE FOR MAINTAINING DOCUMENTATION SHOWING PROOF OF MITIGATION PLAN IMPLEMENTATION, INCLUDING A COPY OF THE CONTRACT, AND THE TIMING AND AMOUNT OF CONTRACT WATER DELIVERED FOR MITIGATION PURPOSES. RECORDS SHALL BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

IMPORTANT INFORMATION:

PURSUANT TO 85-2-420, MCA, THE APPROPRIATOR ASSOCIATED WITH THE MARKETING FOR MITIGATION/AQUIFER RECHARGE PURPOSE SHALL HAVE A 20-YEAR PERIOD FOR COMPLETION OF THIS CHANGE AUTHORIZATION. IF THE FULL AMOUNT OF WATER AUTHORIZED FOR CHANGE TO MITIGATION IS NOT SOLD OR LEASED AS MITIGATION PRIOR TO THE 20-YEAR COMPLETION DATE, THE WATER RIGHT RETAINS THE BENEFICIAL USE IN PROPORTIONATE AMOUNTS NOT PERFECTED FOR MITIGATION AND AS AUTHORIZED PRIOR TO THIS CHANGE AUTHORIZATION. THE APPROPRIATOR SHALL NOTIFY THE DEPARTMENT WITHIN 30 DAYS EACH TIME A PORTION OF THE CHANGE IS COMPLETED ON A FORM PROVIDED BY THE DEPARTMENT.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 2/2/2004. GARBER TO EASTGATE WATER - SPLIT - EASTGATE RECEIVES THE SW OF SECTION 20.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 12493 RECEIVED 02/02/2004.

OWNERSHIP UPDATE TYPE 608 # 43343 RECEIVED 12/15/2006.