

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: 76H 105162-00 STATEMENT OF CLAIM
Version: 5 -- 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: MOUNTAIN WATER COMPANY
1345 W BROADWAY
PO BOX 4826
MISSOULA, MT 59806

PROCK, ROY L QTIP TRUST
%DOMINION GROUP
PO BOX 34297
INDIANAPOLIS, IN 46234

Priority Date: JUNE 1, 1877
Enforceable Priority Date: JUNE 1, 1877

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

Irrigation Type: FLOOD

Maximum Flow Rate: 4.19 CFS

Historical Flow Rate: 4.19 CFS

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

Climatic Area: 3 - MODERATE

Historical Diverted Volume: 578.00 AC-FT

Historical Consumptive Volume: 219.26 AC-FT

Maximum Acres: 216.00

Source Name: MILLER 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>Twp</u>	<u>Rge</u>	<u>County</u>	
1		SWNWSE	20	12N	19W	MISSOULA	
	Period of Diversion:	APRIL 1 TO OCTOBER 31				Flow Rate:	2.22 CFS
	Diversion Means:	HEADGATE					
	Ditch Name:	LOWER BAKER DITCH					
3		SESWW	13	12N	20W	MISSOULA	
	Period of Diversion:	APRIL 1 TO OCTOBER 31				Flow Rate:	2.22 CFS
	Diversion Means:	HEADGATE					
4		NEESE	14	12N	20W	MISSOULA	
	Period of Diversion:	APRIL 1 TO OCTOBER 31				Flow Rate:	2.22 CFS
	Diversion Means:	HEADGATE					
6		NENSW	14	12N	20W	MISSOULA	
	Period of Diversion:	APRIL 1 TO OCTOBER 31				Flow Rate:	2.22 CFS
	Diversion Means:	HEADGATE					
7		SWNWSE	20	12N	20W	MISSOULA	
	Period of Diversion:						
	Diversion Means:	INSTREAM					

Period of Use: APRIL 1 to OCTOBER 31

Purpose (Use): MARKETING FOR
MITIGATION/AQUIFER
RECHARGE

Period of Use: APRIL 1 to OCTOBER 31

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			NE	1	12N	20W	MISSOULA
2			W2	1	12N	20W	MISSOULA
3			S2	2	12N	20W	MISSOULA
4			SE	10	12N	20W	MISSOULA
5			NW	11	12N	20W	MISSOULA
6			NE	15	12N	20W	MISSOULA
7			SW	31	13N	19W	MISSOULA
8			W2	26	13N	20W	MISSOULA
9			N2	27	13N	20W	MISSOULA
10			SE	27	13N	20W	MISSOULA
11			E2	34	13N	20W	MISSOULA
12			S2	35	13N	20W	MISSOULA
13			S2	36	13N	20W	MISSOULA

Purpose (Use): IRRIGATION

Period of Use: APRIL 1 to OCTOBER 31

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	10.00		SESE	10	12N	20W	MISSOULA
2	34.00		S2NWNW	14	12N	20W	MISSOULA
3	32.00		SWNW	14	12N	20W	MISSOULA
4	14.50		NESW	14	12N	20W	MISSOULA
5	24.00		NWSW	14	12N	20W	MISSOULA
6	2.00		NESESW	14	12N	20W	MISSOULA
7	34.00		NENE	15	12N	20W	MISSOULA
8	1.00		SEWNWNE	15	12N	20W	MISSOULA
9	31.00		SENE	15	12N	20W	MISSOULA
10	24.00		NESE	15	12N	20W	MISSOULA
11	8.50		NENW	24	12N	20W	MISSOULA
12	1.00		NENWNW	24	12N	20W	MISSOULA
Total:	216.00						

Geocodes/Valid: 04-2092-14-1-01-01-0000 - 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.

105162-00 105163-00 105164-00 105165-00 105166-00 105167-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

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

THE APPLICANT SHALL PROVIDE THE DEPARTMENT WITH DOCUMENTATION THAT LANDS DESIGNATED FOR RETIREMENT ARE NO LONGER IRRIGATED. DOCUMENTATION OF NO IRRIGATION MAY CONSIST OF SITE SPECIFIC PHOTOGRAPHS AND/OR AERIAL PHOTOGRAPHY. DOCUMENTATION SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR TO THE MISSOULA WATER RESOURCES REGIONAL OFFICE. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF THE AUTHORIZATION.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 02/06/96.

THE APPLICANT SHALL MEASURE THE AMOUNT OF WATER DIVERTED FOR CONTINUED IRRIGATION AND THE AMOUNT OF WATER LEFT IN MILLER CREEK FOR THE PURPOSE OF MARKETING FOR

Remarks:

MITIGATION PER THE MONITORING PLAN PROVIDED IN APPLICATION TO CHANGE A WATER NO. 76H 30063540. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR TO THE MISSOULA WATER RESOURCES REGIONAL OFFICE AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF THE CHANGE AUTHORIZATION. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICES IN PROPER FUNCTIONING CONDITION.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 641 # 70123 RECEIVED 02/19/2010.

OWNERSHIP UPDATE TYPE 608 # 124620 RECEIVED 08/28/2014.