

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: 43BV 125787-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE

Version Status: ACTIVE

Owners: SWEET GRASS CANAL & RESERVOIR CO
% CHERYL MURRAY
5 N ORCHARD LN
BIG TIMBER, MT 59011

Priority Date: DECEMBER 5, 1906

Enforceable Priority Date: DECEMBER 5, 1906

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 500.00 CFS

FLOW RATE FOR THIS RIGHT IS LIMITED TO THE HISTORIC CAPACITY OF THE DIVERSION STRUCTURE AND CONVEYANCE SYSTEM.

Maximum Volume: 35,722.82 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 4,003.80

Source Name: SWEET GRASS 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 | | SWNWNE | 34 | 4N | 15E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: SWEET GRASS CANAL

DITCH NAME: SWEET GRASS CANAL

Reservoir: OFF STREAM **Reservoir Name** LAKE ADAM

| <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------------|----------------|------------|------------|------------|---------------|
| | SESESE | 35 | 4N | 15E | SWEET GRASS |

Diversion to Reservoir: DIVERSION # 1

Reservoir: OFF STREAM **Reservoir Name** LAKE WOLVOORD

| <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------------|----------------|------------|------------|------------|---------------|
| | SWSE | 15 | 3N | 15E | SWEET GRASS |

Diversion to Reservoir: DIVERSION # 1

Period of Use: JANUARY 1 to DECEMBER 31

AS SPECIFIED IN THE STIPULATION FILED BY THE PARTIES ON FEBRUARY 14, 2005 IN MONTANA WATER COURT CASE 43BV-25:

A. FROM DECEMBER 1 THROUGH MARCH 31, CLAIMANT'S DIVERSION OF WATER FROM THE FLOW OF SWEET GRASS CREEK SHALL ENSURE THAT A MINIMUM FLOW OF NOT LESS THAN TWENTY-FIVE (25) CFS REMAINS IN SWEET GRASS CREEK IMMEDIATELY BELOW THE CLAIMANT'S POINT OF DIVERSION ON SWEET GRASS CREEK. CLAIMANT UNDERSTANDS AND AGREES THAT ITS DIVERSION FROM SWEET GRASS CREEK FROM DECEMBER 1 THROUGH MARCH 31 SHALL NOT EXCEED FIVE HUNDRED (500) CFS.

B. FROM DECEMBER 1 THROUGH MARCH 31, WHEN THE FLOW OF SWEET GRASS CREEK DOES NOT EXCEED TWENTY-FIVE (25) CFS AT THE CLAIMANT'S POINT OF DIVERSION ON SWEET GRASS CREEK, CLAIMANT MAY NOT DIVERT WATER FROM SWEET GRASS CREEK.

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 | 42.00 | | NE | 19 | 3N | 15E | SWEET GRASS |
| 2 | 135.00 | | NW | 19 | 3N | 15E | SWEET GRASS |
| 3 | 125.00 | | SE | 19 | 3N | 15E | SWEET GRASS |
| 4 | 110.00 | | SW | 19 | 3N | 15E | SWEET GRASS |
| 5 | 59.50 | | NW | 20 | 3N | 15E | SWEET GRASS |
| 6 | 102.80 | | SW | 20 | 3N | 15E | SWEET GRASS |
| 7 | 57.00 | | NE | 21 | 3N | 15E | SWEET GRASS |
| 8 | 97.50 | | NW | 21 | 3N | 15E | SWEET GRASS |
| 9 | 10.00 | | SW | 21 | 3N | 15E | SWEET GRASS |
| 10 | 65.00 | | NW | 29 | 3N | 15E | SWEET GRASS |
| 11 | 50.00 | | SE | 29 | 3N | 15E | SWEET GRASS |
| 12 | 55.00 | | SW | 29 | 3N | 15E | SWEET GRASS |
| 13 | 75.00 | | NE | 30 | 3N | 15E | SWEET GRASS |
| 14 | 61.00 | | NW | 30 | 3N | 15E | SWEET GRASS |
| 15 | 30.00 | | SE | 30 | 3N | 15E | SWEET GRASS |
| 16 | 4.00 | | NE | 31 | 3N | 15E | SWEET GRASS |
| 17 | 70.00 | | NE | 32 | 3N | 15E | SWEET GRASS |
| 18 | 54.00 | | SE | 32 | 3N | 15E | SWEET GRASS |
| 19 | 15.00 | | SW | 32 | 3N | 15E | SWEET GRASS |
| 20 | 7.00 | | SW | 30 | 3N | 15E | SWEET GRASS |
| 21 | 34.00 | | NE | 12 | 3N | 14E | SWEET GRASS |
| 22 | 21.00 | | NW | 12 | 3N | 14E | SWEET GRASS |
| 23 | 63.00 | | SE | 12 | 3N | 14E | SWEET GRASS |
| 24 | 44.00 | | SW | 12 | 3N | 14E | SWEET GRASS |
| 25 | 124.00 | | NE | 13 | 3N | 14E | SWEET GRASS |
| 26 | 68.00 | | NW | 13 | 3N | 14E | SWEET GRASS |
| 27 | 154.00 | | SE | 13 | 3N | 14E | SWEET GRASS |
| 28 | 55.00 | | SW | 13 | 3N | 14E | SWEET GRASS |
| 29 | 18.00 | | SW | 14 | 3N | 14E | SWEET GRASS |
| 30 | 51.00 | | NE | 23 | 3N | 14E | SWEET GRASS |
| 31 | 28.00 | | NW | 23 | 3N | 14E | SWEET GRASS |
| 32 | 153.00 | | NE | 24 | 3N | 14E | SWEET GRASS |
| 33 | 106.50 | | NW | 24 | 3N | 14E | SWEET GRASS |
| 34 | 132.00 | | SE | 24 | 3N | 14E | SWEET GRASS |
| 35 | 48.00 | | NE | 25 | 3N | 14E | SWEET GRASS |
| 36 | 39.00 | | NE | 5 | 3N | 15E | SWEET GRASS |
| 37 | 29.00 | | NE | 5 | 2N | 15E | SWEET GRASS |
| 38 | 37.00 | | SE | 5 | 2N | 15E | SWEET GRASS |
| 39 | 22.00 | | NE | 6 | 2N | 15E | SWEET GRASS |
| 40 | 89.00 | | SE | 6 | 2N | 15E | SWEET GRASS |
| 41 | 30.00 | | NE | 8 | 2N | 15E | SWEET GRASS |
| 42 | 17.00 | | NE | 3 | 3N | 15E | SWEET GRASS |
| 43 | 85.00 | | NW | 3 | 3N | 15E | SWEET GRASS |
| 44 | 3.00 | | SE | 3 | 3N | 15E | SWEET GRASS |
| 45 | 29.00 | | SW | 3 | 3N | 15E | SWEET GRASS |
| 46 | 42.00 | | SE | 5 | 3N | 15E | SWEET GRASS |
| 47 | 39.00 | | NE | 7 | 3N | 15E | SWEET GRASS |
| 48 | 9.00 | | NW | 7 | 3N | 15E | SWEET GRASS |
| 49 | 36.00 | | SE | 7 | 3N | 15E | SWEET GRASS |
| 50 | 9.00 | | SW | 7 | 3N | 15E | SWEET GRASS |
| 51 | 79.00 | | NE | 8 | 3N | 15E | SWEET GRASS |
| 52 | 10.00 | | NW | 8 | 3N | 15E | SWEET GRASS |
| 53 | 77.00 | | SE | 8 | 3N | 15E | SWEET GRASS |
| 54 | 41.00 | | SW | 8 | 3N | 15E | SWEET GRASS |
| 55 | 65.00 | | NE | 9 | 3N | 15E | SWEET GRASS |
| 56 | 85.00 | | NW | 9 | 3N | 15E | SWEET GRASS |
| 57 | 10.00 | | SW | 9 | 3N | 15E | SWEET GRASS |
| 58 | 58.50 | | NW | 15 | 3N | 15E | SWEET GRASS |
| 59 | 9.00 | | SE | 15 | 3N | 15E | SWEET GRASS |
| 60 | 68.00 | | NE | 17 | 3N | 15E | SWEET GRASS |
| 61 | 150.00 | | NW | 17 | 3N | 15E | SWEET GRASS |
| 62 | 96.00 | | SE | 17 | 3N | 15E | SWEET GRASS |
| 63 | 110.00 | | SW | 17 | 3N | 15E | SWEET GRASS |
| 64 | 130.00 | | NW | 18 | 3N | 15E | SWEET GRASS |
| 65 | 12.00 | | SE | 18 | 3N | 15E | SWEET GRASS |
| 66 | 39.00 | | SW | 5 | 3N | 15E | SWEET GRASS |
| 67 | 75.00 | | SE | 6 | 3N | 15E | SWEET GRASS |
| 68 | 50.00 | | SW | 6 | 3N | 15E | SWEET GRASS |

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> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| Total: | 4,003.80 | | | | | | |

Geocodes/Valid: -- NO VALID GEOCODES --

Remarks:

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

THIS APPROPRIATION OF WATER USES WATER IN THE SWEET GRASS CREEK BASIN AND THE UPPER YELLOWSTONE RIVER BASIN. AS A RESULT IT WILL BE DECREED IN BOTH BASINS AND SUBJECT TO OBJECTION IN EITHER BASIN BEFORE BECOMING FINAL.

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.