

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 126546-00 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, 1881

Enforceable Priority Date: MAY 1, 1881

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 0.50 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 3,633.00

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 OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: GARDNER DITCH

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	153.00		NW	3	5N	10W	DEER LODGE
2	116.00		NE	3	5N	10W	DEER LODGE
3	65.00		N2SW	3	5N	10W	DEER LODGE
4	31.00		S2SW	3	5N	10W	DEER LODGE
5	49.00		N2SE	3	5N	10W	DEER LODGE
6	21.00		S2SE	3	5N	10W	DEER LODGE
7	40.00		SESE	14	5N	10W	DEER LODGE
8	25.00		SWSE	14	5N	10W	DEER LODGE
9	300.00		N2	15	5N	10W	DEER LODGE
10	40.00		NWSW	15	5N	10W	DEER LODGE
11	20.00		NESE	15	5N	10W	DEER LODGE
12	21.00		SWNE	17	5N	10W	DEER LODGE
13	4.00		SENE	17	5N	10W	DEER LODGE
14	38.00		NESW	17	5N	10W	DEER LODGE
15	40.00		NWSE	17	5N	10W	DEER LODGE
16	320.00		W2	20	5N	10W	DEER LODGE
17	160.00		SE	20	5N	10W	DEER LODGE
18	80.00		W2NE	20	5N	10W	DEER LODGE
19	40.00		SENE	20	5N	10W	DEER LODGE
20	160.00		S2N2	21	5N	10W	DEER LODGE
21	320.00		S2	21	5N	10W	DEER LODGE
22	320.00		S2	22	5N	10W	DEER LODGE
23	160.00		NE	22	5N	10W	DEER LODGE
24	80.00		E2NW	22	5N	10W	DEER LODGE
25	20.00		S2SWNW	22	5N	10W	DEER LODGE
26	40.00		NENW	23	5N	10W	DEER LODGE
27	40.00		NWNE	23	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	160.00		NW	27	5N	10W	DEER LODGE
29	40.00		NWSW	27	5N	10W	DEER LODGE
30	30.00		NESW	27	5N	10W	DEER LODGE
31	20.00		SWSW	27	5N	10W	DEER LODGE
32	25.00		NWSE	28	5N	10W	DEER LODGE
33	40.00		NESE	28	5N	10W	DEER LODGE
34	30.00		SWSE	28	5N	10W	DEER LODGE
35	40.00		SESE	28	5N	10W	DEER LODGE
36	25.00		NWNW	29	5N	10W	DEER LODGE
37	25.00		SWNW	29	5N	10W	DEER LODGE
38	25.00		NWSW	29	5N	10W	DEER LODGE
39	30.00		SWSW	29	5N	10W	DEER LODGE
40	160.00		E2W2	29	5N	10W	DEER LODGE
41	160.00		W2E2	29	5N	10W	DEER LODGE
42	40.00		NENE	29	5N	10W	DEER LODGE
43	40.00		SENE	29	5N	10W	DEER LODGE
44	40.00		SESE	29	5N	10W	DEER LODGE
Total:	3,633.00						

Geocodes/Valid: 30-1378-15-1-01-01-0000 - Y 30-1378-29-2-01-01-0000 - 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			

A STIPLUATION/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.

THIS CLAIM IS SUBJECT TO THE TERMS OF A STIPULATION FILED WITH THE MONTANA WATER COURT DURING ADJUDICATION OF THE TEMPORARY PRELIMINARY DECREE FOR THIS 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.

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

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

OWNERSHIP UPDATE RECEIVED

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

THE DEER LODGE COUNTY WATER RESOURCES SURVEY (1955) APPEARS TO INDICATE 642 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 575 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE PLACE OF USE DESCRIPTION FOR PARCEL 14 (SECTION 17) APPEARS TO BE IN ERROR. THE DESCRIBED PORTION OF SECTION 17 IS CURRENTLY (AS OF 2-23-2003) OWNED BY 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.