

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 130136-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Version Status: ACTIVE

Owners: CATLIN RANCH LP
3660 HWY 12 W
WHITE SULPHUR SPRINGS, MT 59645

Priority Date: JULY 22, 1911
Enforceable Priority Date: JULY 22, 1911

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: NO FLOW RATE HAS BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Maximum Volume: 192.00 AC-FT
Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 343.00

Source Name: MIKE DAY 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		NENWNW	31	7N	6E	MEAGHER

Period of Diversion: APRIL 15 TO OCTOBER 15
Diversion Means: DAM

2		SWNWNE	31	7N	6E	MEAGHER
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Period of Diversion: APRIL 15 TO OCTOBER 15
Diversion Means: HEADGATE

DITCH NAME FOR POINT OF DIVERSION NO. 02 IS: SOUTH SIDE DITCH.

MIKE DAY CREEK IS USED AS A NATURAL CARRIER TO CONVEY WATER RELEASED FROM THE RESERVOIR TO A SECONDARY POINT OF DIVERSION IN THE SENENW SECTION 31, TWP 7N RGE 6E MEAGHER COUNTY.

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
		NENWNW	31	7N	6E	MEAGHER

Dam Height: 25.00 FEET
Surface Area: 9.00 ACRES
Current Capacity: 79.20 ACRE-FEET

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

Period of Use: APRIL 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	4.00		NENW	31	7N	6E	MEAGHER
2	63.00		NE	31	7N	6E	MEAGHER
3	45.00		SE	31	7N	6E	MEAGHER
4	24.00		S2NW	32	7N	6E	MEAGHER
5	181.00		S2	32	7N	6E	MEAGHER
6	26.00		NWNE	5	6N	6E	MEAGHER
Total:	343.00						

Geocodes/Valid: -- NO VALID GEOCODES --

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.

130124-00 130125-00 130136-00

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 08/22/84.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/12/86.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/13/91.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 13251 RECEIVED 03/18/2004.

THE TIMELY FILED OBJECTION OF THE UNITED STATES OF AMERICA WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE PERIOD OF USE AND POINT OF DIVERSION. BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

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.

USDA AERIAL PHOTOGRAPH NO. 179-64, DATED 09/17/79, APPEARS TO INDICATE 116.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE MEAGHER COUNTY WATER RESOURCES SURVEY (1950) APPEARS TO INDICATE 130.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE RESERVOIR IS NOT SHOWN IN THE MEAGHER COUNTY WATER RESOURCES SURVEY (1950). IT APPEARS TO HAVE BEEN BUILT AFTER THE ORIGINAL APPROPRIATION AND MAY INDICATE AN EXPANSION OF THE WATER RIGHT.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 2.4 TIMES THE CAPACITY OF THE RESERVOIR.