

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: 41H 138764-01 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: VALLEY VIEW GOLF CLUB
302 E KAGY BLVD
BOZEMAN, MT 59715

Priority Date: APRIL 15, 1917

Enforceable Priority Date: APRIL 15, 1917

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER

Maximum Flow Rate: 5.00 CFS

THE WATER RIGHTS FOLLOWING THIS STATEMENT EACH HAVE AN UNDIVIDED 1/3 INTEREST IN A SINGLE WATER RIGHT FOR 5.00 CFS. W138764-00, W138764-01, W138764-02. THESE WATER RIGHTS ARE USED ON A SHARED BASIS AS MUTUALLY AGREED IN A SWORN STIPULATION FILED 11/03/99 IN CASE FILE 41H-272.

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: 127.00

Source Name: NASH SPRING 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		NESENW	19	2S	6E	GALLATIN

Period of Diversion: APRIL 1 TO NOVEMBER 4

Diversion Means: HEADGATE

2		SESENW	19	2S	6E	GALLATIN
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Period of Diversion: APRIL 1 TO NOVEMBER 4

Diversion Means: HEADGATE

3		W2SENW	19	2S	6E	GALLATIN
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Period of Diversion: APRIL 1 TO NOVEMBER 4

Diversion Means: DAM

CLAIMANT HAS SECONDARY POINTS OF DIVERSION IN THE SENENW AND THE NWSWNE OF SEC 19, TWP 02S, RGE 06E WHERE PUMPS ARE USED AS THE MEANS OF DIVERSION.

Reservoir: OFF STREAM **Reservoir Name** #12 FAIRWAY RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
		SENENW	19	2S	6E	GALLATIN

Diversion to Reservoir: DIVERSION # 1

Dam Height: 6.00 FEET

Surface Area: 0.48 ACRES

Current Capacity: 4.40 ACRE-FEET

Reservoir: OFF STREAM **Reservoir Name** # 4 FAIRWAY RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
		SWNWNE	19	2S	6E	GALLATIN

Diversion to Reservoir: DIVERSION # 1

Dam Height: 10.00 FEET

Surface Area: 1.46 ACRES

Current Capacity: 7.30 ACRE-FEET

Reservoir: OFF STREAM **Reservoir Name** # 5 FAIRWAY RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
		W2SWNE	19	2S	6E	GALLATIN

Diversion to Reservoir: DIVERSION # 1

Dam Height: 12.00 FEET
Surface Area: 1.92 ACRES
Current Capacity: 9.60 ACRE-FEET

Reservoir: ON STREAM **Reservoir Name** # 7 FAIRWAY RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	W2SE	19	2S	6E	GALLATIN

Diversion to Reservoir: DIVERSION # 1

Dam Height: 3.00 FEET
Surface Area: 0.60 ACRES
Current Capacity: 0.90 ACRE-FEET

ALL OFF STREAM RESERVOIRS ARE ADDITIONALLY SUPPLIED WITH WATER FROM UNDERGROUND SPRINGS, ARE FLOW THROUGH, WITH NO INCIDENTAL PURPOSE.

Period of Use: APRIL 1 to NOVEMBER 4

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		SESE	18	2S	6E	GALLATIN
2	3.00		SWSW	18	2S	6E	GALLATIN
3	20.00		NWNE	19	2S	6E	GALLATIN
4	30.00		NENW	19	2S	6E	GALLATIN
5	29.00		SENE	19	2S	6E	GALLATIN
6	36.00		SWNE	19	2S	6E	GALLATIN
7	5.00		W2SE	19	2S	6E	GALLATIN
Total:	127.00						

Geocodes/Valid: 06-0799-18-3-05-02-0000 - Y 06-0799-19-1-01-01-0000 - 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.

126926-00 126927-00 126928-00 126929-00 126930-00 126931-00 126932-00
126933-00 138764-01

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

THE TIMELY FILED OBJECTION OF GERALD AND ALVIN GOLDENSTEIN WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE OWNERSHIP, FLOW RATE, SOURCE, PERIOD OF USE, POINT OF DIVERSION, MEANS OF DIVERSION AND PLACE OF USE. 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.