

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

A version with a more recent operating authority date exists. Contact DNRC for details.

Water Right Number: 40H 161613-00 STATEMENT OF CLAIM
Version: 2 -- 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: IX RANCH CO
PO BOX 489
BIG SANDY, MT 59520-0489

Priority Date: MAY 24, 1888
Enforceable Priority Date: MAY 24, 1888

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 1.00 CFS

Maximum Volume:
Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 3,086.00

Source Name: BIG SANDY 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	3	27N	13E	CHOUTEAU
Period of Diversion: MARCH 1 TO SEPTEMBER 30						
Diversion Means: HEADGATE						
2		SWSWSW	34	28N	13E	CHOUTEAU
Period of Diversion: MARCH 1 TO SEPTEMBER 30						
Diversion Means: HEADGATE						
3		SESENW	29	28N	13E	CHOUTEAU
Period of Diversion: MARCH 1 TO SEPTEMBER 30						
Diversion Means: PUMP						
4		NENESW	33	28N	13E	CHOUTEAU
Period of Diversion: MARCH 1 TO SEPTEMBER 30						
Diversion Means: PUMP						
5		NENENE	32	28N	13E	CHOUTEAU
Period of Diversion: MARCH 1 TO SEPTEMBER 30						
Diversion Means: PUMP						
6		NWNENE	32	28N	13E	CHOUTEAU
Period of Diversion: MARCH 1 TO SEPTEMBER 30						
Diversion Means: PUMP						

POINT OF DIVERSION NOS. 04, 05 & 06 ARE MOVEABLE ALL ALONG SOURCE WITHIN LEGAL LAND DESCRIPTION.

Period of Use: MARCH 1 to SEPTEMBER 30

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	12.00		N2NWNE	5	27N	13E	CHOUTEAU
2	38.00		N2NW	5	27N	13E	CHOUTEAU
3	21.00		N2NE	6	27N	13E	CHOUTEAU

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>
4	160.00		SE	25	28N	12E	CHOUTEAU
5	107.00		SE	19	28N	13E	CHOUTEAU
6	25.00		SWSE	20	28N	13E	CHOUTEAU
7	133.00		W2	20	28N	13E	CHOUTEAU
8	5.00		S2S2SW	21	28N	13E	CHOUTEAU
9	192.00		N2	28	28N	13E	CHOUTEAU
10	235.00		S2	28	28N	13E	CHOUTEAU
11	504.00			29	28N	13E	CHOUTEAU
12	225.00		E2	30	28N	13E	CHOUTEAU
13	9.00		S2S2NW	30	28N	13E	CHOUTEAU
14	140.00		SW	30	28N	13E	CHOUTEAU
15	328.00		E2	31	28N	13E	CHOUTEAU
16	70.00		E2NW	31	28N	13E	CHOUTEAU
17	137.00		SW	31	28N	13E	CHOUTEAU
18	575.00			32	28N	13E	CHOUTEAU
19	30.00		NWNE	33	28N	13E	CHOUTEAU
20	14.00		SWNE	33	28N	13E	CHOUTEAU
21	58.00		N2NW	33	28N	13E	CHOUTEAU
22	20.00		SENW	33	28N	13E	CHOUTEAU
23	17.00		SWNW	33	28N	13E	CHOUTEAU
24	13.00		NWSE	33	28N	13E	CHOUTEAU
25	18.00		NWSW	33	28N	13E	CHOUTEAU

Total: 3,086.00

Geocodes/Valid:	19-3871-05-1-01-01-0000 - Y	19-3871-06-1-01-01-0000 - Y
	19-4002-25-1-01-01-0000 - Y	19-4003-19-4-01-01-0000 - Y
	19-4003-20-2-01-01-0000 - Y	19-4003-28-1-01-01-0000 - Y
	19-4003-29-1-01-01-0000 - Y	19-4003-30-1-01-01-0000 - Y
	19-4003-31-1-01-01-0000 - Y	19-4003-32-1-01-01-0000 - Y
	19-4003-33-4-03-03-0000 - 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.

161611-00 161612-00 161613-00 161614-00 161615-00 161616-00 161617-00
 161618-00 161619-00 161620-00 161621-00 161622-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 12/22/92: PLACE OF USE, MAXIMUM ACRES AND MAP. THE COMPLETE AMENDED MAP CAN BE OBTAINED BY REVIEWING FILE NO. 40H-W161611-00.

THE GRANTING OF CHANGE APPLICATION NO. 40H-30017203 IN NO WAY AFFIRMS OR IS DETERMINATIVE OF THE ACTUAL HISTORIC USE OF THE FULL EXTENT OF THESE CLAIMS OR CLAIMS SUPPLEMENTAL THERETO. THE HISTORIC USE OF WATER EXAMINED UNDER CHANGE APPLICATION NO. 40H-30017203 WAS LIMITED TO POSSIBLE EXPANSION OF HISTORIC USE OF WATER ON THE SPECIFIC 162 ACRES OF THE 3,086 ACRES IDENTIFIED IN THESE CLAIMS FOR CHANGE UNDER THE UNIQUE FACTS OF THIS CASE.

THIS APPROPRIATION OF WATER TAKES WATER FROM THE BIG SANDY CREEK DRAINAGE (BASIN 40H) AND USES IT IN THE BIG SANDY CREEK DRAINAGE (BASIN 40H) AND THE MISSOURI RIVER FROM MARIAS RIVER TO AND INCLUDING BULLWHACKER CREEK DRAINAGE (BASIN 41T). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.