

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: 43B 196106-00 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: CHURCH UNIVERSAL & TRIUMPHANT INC
63 SUMMIT WAY
GARDINER, MT 59030-9314

Priority Date: AUGUST 5, 1920
Enforceable Priority Date: AUGUST 5, 1920

Purpose (use): FISHERY
Irrigation Type: FLOOD

Maximum Flow Rate: 5.70 CFS

Maximum Volume:
Climatic Area: 5 - LOW

Source Name: MULHERIN CREEK
Source Type: SURFACE WATER
ALSO KNOWN AS MOL HERON CREEK

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>
2	6	NESW	24	8S	7E	PARK

Period of Diversion: APRIL 15 TO OCTOBER 19
Diversion Means: HEADGATE

Period of Use: APRIL 15 to OCTOBER 19

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>
2			SWNE	24	8S	7E	PARK
3		6	NESW	24	8S	7E	PARK

Geocodes/Valid: -- NO VALID GEOCODES --

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.

185772-00 196097-00 196098-00 196104-00 196105-00 196106-00 196107-00
196108-00

AUTHORIZATION TO CHANGE THE PLACE OF USE AND PURPOSE OF USE ISSUED 05/04/98. NOTICE OF COMPLETION DUE 12/31/18. SEE 43B-V(W)185772-00 .

THIS WATER RIGHT IS SUBJECT TO A PRIVATE AGREEMENT IN THE 3/12/97 STIPULATION LOCATED IN THE CASE AND CLAIM FILES.

THE CONSUMPTIVE USE IS LIMITED TO THE 150.60 ACRES HISTORICALLY IRRIGATED.

THIS 20 YEAR LEASE IS SUBJECT TO AN AGREEMENT BETWEEN THE CHURCH UNIVERSAL TRIUMPHANT INC. AND THE MONTANA DEPT. OF FISH, WILDLIFE AND PARKS

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/08/87.

THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED WATER USE MEASURING DEVICE AT A POINT APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. ON A FORM PROVIDED BY THE DEPARTMENT, THE

Remarks:

APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE FLOW RATE AND VOLUME OF ALL WATER DIVERTED INCLUDING THE PERIOD OF TIME. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE AND VOLUME ACCURATELY.