

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: 41B 88841-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: HARRINGTON CO
1740 HOLMES AVE
BUTTE, MT 59701-3515

Priority Date: JULY 1, 1863

Enforceable Priority Date: JULY 1, 1863

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 29.50 CFS

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

Climatic Area: 5 - LOW

Maximum Acres: 727.00

Source Name: BRAYS CANYON CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSE	26	7S	13W	BEAVERHEAD

Period of Diversion: MAY 15 TO NOVEMBER 1

Diversion Means: HEADGATE

WATER DIVERTED FROM BRAY'S CANYON CREEK IS CONVEYED TO SOUTH FORK HAYES CREEK WHICH IS USED AS A NATURAL CARRIER TO MULTIPLE SECONDARY POINTS OF DIVERSION. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

Period of Use: MAY 15 to NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	10.00		SW	17	7S	12W	BEAVERHEAD
2	36.00		SE	18	7S	12W	BEAVERHEAD
3	90.00		N2	19	7S	12W	BEAVERHEAD
4	325.00			24	7S	13W	BEAVERHEAD
5	266.00			25	7S	13W	BEAVERHEAD
Total:	727.00						

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.

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30046700

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

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THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 06/24/2009: PLACE OF USE, MAXIMUM ACRES.

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

Remarks:

ONE.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 06/30/1983.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 40433 RECEIVED 08/03/2006.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE CLAIMED FLOW RATE EXCEEDS THE 17 GPM PER ACRE GUIDELINE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA. THE FLOW RATE EQUALS 18.00 GPM PER ACRE.

USDA AERIAL PHOTOGRAPH NO(S). 879-215 , DATED 09/18/1965 , APPEARS TO INDICATE 602.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). CXM-8FF-210, CXM-4FF-96 , DATED 08/30/1965, 08/14/1965 , APPEARS TO INDICATE 622.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

CASE NO. 1926 BEAVERHEAD COUNTY DECREES THE FOLLOWING: THE DATE OF THE NORMAL FLOW OF SAID STREAMS BEING FIXED BY THE COURTS VARYING BETWEEN THE 20TH DAY OF JUNE AND THE FIRST DAY OF JULY OF EACH AND EVERY YEAR ACCORDING TO THE SEASON, WHICH IS OF DATE JULY 1, 1863.