

**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:** 76G 126520-00 STATEMENT OF CLAIM  
**Version:** 2 -- POST DECREE

**Version Status:** ACTIVE

**Owners:** ARCO ENVIRONMENTAL REMEDIATION LLC  
317 ANACONDA RD  
BUTTE, MT 59701-8805  
  
UELAND RANCHES INC  
PO BOX 127  
RAMSAY, MT 59748-0127

**Priority Date:** MAY 1, 1878

**Enforceable Priority Date:** MAY 1, 1878

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 7.80 CFS

**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:** 2,963.00

**Source Name:** WARM SPRINGS 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         |                 | SESESE         | 31         | 5N         | 10W        | DEER LODGE    |

**Period of Diversion:** APRIL 1 TO SEPTEMBER 30

**Diversion Means:** HEADGATE

**Ditch Name:** GARDNER DITCH

**Period of Use:** APRIL 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         | 125.00       |                 | NW             | 1          | 5N         | 10W        | DEER LODGE    |
| 2         | 320.00       |                 | W2             | 2          | 5N         | 10W        | DEER LODGE    |
| 3         | 155.00       |                 | NE             | 2          | 5N         | 10W        | DEER LODGE    |
| 4         | 80.00        |                 | W2SE           | 2          | 5N         | 10W        | DEER LODGE    |
| 5         | 20.00        |                 | W2NESE         | 2          | 5N         | 10W        | DEER LODGE    |
| 6         | 20.00        |                 | W2SESE         | 2          | 5N         | 10W        | DEER LODGE    |
| 7         | 320.00       |                 | N2             | 3          | 5N         | 10W        | DEER LODGE    |
| 8         | 160.00       |                 | N2S2           | 3          | 5N         | 10W        | DEER LODGE    |
| 9         | 40.00        |                 | SESE           | 3          | 5N         | 10W        | DEER LODGE    |
| 10        | 10.00        |                 | SESWSE         | 3          | 5N         | 10W        | DEER LODGE    |
| 11        | 20.00        |                 | E2SESE         | 4          | 5N         | 10W        | DEER LODGE    |
| 12        | 20.00        |                 | E2NENE         | 9          | 5N         | 10W        | DEER LODGE    |
| 13        | 40.00        |                 | SENE           | 9          | 5N         | 10W        | DEER LODGE    |
| 14        | 80.00        |                 | E2SE           | 9          | 5N         | 10W        | DEER LODGE    |
| 15        | 20.00        |                 | S2SESW         | 9          | 5N         | 10W        | DEER LODGE    |
| 16        | 10.00        |                 | SESWSE         | 9          | 5N         | 10W        | DEER LODGE    |
| 17        | 30.00        |                 | NWNE           | 10         | 5N         | 10W        | DEER LODGE    |
| 18        | 80.00        |                 | S2NE           | 10         | 5N         | 10W        | DEER LODGE    |
| 19        | 20.00        |                 | SENW           | 10         | 5N         | 10W        | DEER LODGE    |
| 20        | 160.00       |                 | SE             | 10         | 5N         | 10W        | DEER LODGE    |
| 21        | 80.00        |                 | E2SW           | 10         | 5N         | 10W        | DEER LODGE    |
| 22        | 10.00        |                 | E2NWSW         | 10         | 5N         | 10W        | DEER LODGE    |
| 23        | 20.00        |                 | E2SWSW         | 10         | 5N         | 10W        | DEER LODGE    |
| 24        | 10.00        |                 | W2SWSW         | 10         | 5N         | 10W        | DEER LODGE    |
| 25        | 320.00       |                 | W2             | 11         | 5N         | 10W        | DEER LODGE    |
| 26        | 80.00        |                 | W2NE           | 11         | 5N         | 10W        | DEER LODGE    |
| 27        | 40.00        |                 | NWSE           | 11         | 5N         | 10W        | DEER LODGE    |

**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> |
|---------------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 28            | 30.00        |                 | SWSE           | 11         | 5N         | 10W        | DEER LODGE    |
| 29            | 240.00       |                 | N2             | 15         | 5N         | 10W        | DEER LODGE    |
| 30            | 40.00        |                 | NWSW           | 15         | 5N         | 10W        | DEER LODGE    |
| 31            | 160.00       |                 | NE             | 16         | 5N         | 10W        | DEER LODGE    |
| 32            | 80.00        |                 | N2SE           | 16         | 5N         | 10W        | DEER LODGE    |
| 33            | 20.00        |                 | SWSE           | 16         | 5N         | 10W        | DEER LODGE    |
| 34            | 21.00        |                 | SWNE           | 17         | 5N         | 10W        | DEER LODGE    |
| 35            | 4.00         |                 | SENE           | 17         | 5N         | 10W        | DEER LODGE    |
| 36            | 38.00        |                 | NESW           | 17         | 5N         | 10W        | DEER LODGE    |
| 37            | 40.00        |                 | NWSE           | 17         | 5N         | 10W        | DEER LODGE    |
| <b>Total:</b> | 2,963.00     |                 |                |            |            |            |               |

**Geocodes/Valid:** 30-1378-17-1-01-01-1000 - Y 30-1378-17-2-01-01-0000 - Y  
 30-1378-17-3-01-02-0000 - Y 30-1378-17-3-01-04-0000 - Y  
 30-1378-22-1-01-01-1000 - 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.

|           |           |           |           |           |           |           |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 32342-00  | 32343-00  | 32346-00  | 32350-00  | 32353-00  | 32354-00  | 32355-00  |
| 32358-00  | 32360-00  | 32365-00  | 32366-00  | 32392-00  | 32393-00  | 126455-00 |
| 126496-00 | 126502-00 | 126503-00 | 126507-00 | 126510-00 | 126511-00 | 126513-00 |
| 126514-00 | 126516-00 | 126517-00 | 126518-00 | 126519-00 | 126520-00 | 126521-00 |
| 126523-00 | 126524-00 | 126527-00 | 126536-00 | 126537-00 | 126538-00 | 126541-00 |
| 126544-00 | 126546-00 | 126548-00 | 126550-00 | 126552-00 | 126553-00 | 126554-00 |
| 126555-00 | 126570-00 | 126572-00 | 127603-00 |           |           |           |

THIS CLAIM IS SUBJECT TO THE TERMS OF A STIPULATION FILED WITH THE MONTANA WATER COURT DURING ADJUDICATION OF THE TEMPORARY PRELIMINARY DECREE FOR THIS BASIN. UNDER THE TERMS OF THIS STIPULATION, THIS CLAIM WILL BE ADMINISTERED AS SUBORDINATE, AND THEREFORE JUNIOR, TO CERTAIN DESIGNATED CLAIMS, AND IS SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN THE WATER COURT'S FINDINGS OF FACT AND CONCLUSIONS OF LAW. SEE THE CLAIM FILE OR CASE FILE FOR THE JOINT PROCEEDING FOR WARM SPRINGS CREEK FOR MORE INFORMATION.

A STIPULATION/SETTLEMENT AGREEMENT FILED WITH THE MONTANA WATER COURT ON FEBRUARY 1, 2000, LIMITS THE PLACE OF USE FOR THIS WATER RIGHT CLAIM. SEE THE CLAIM FILE OR WATER COURT JOINT PROCEEDING FOR WARM SPRINGS CREEK FILE FOR MORE INFORMATION.

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 10/09/90.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 90044 RECEIVED 06/01/2010.

THE PLACE OF USE DESCRIPTION FOR PARCEL 36 (SECTION 17) APPEARS TO BE IN ERROR. THE DESCRIBED PORTION OF SECTION 17 IS CURRENTLY (AS OF 2-23-2003) OWNED BY VERNON LEONARDI AND PAUL CHIRICO, JR.

THE DEER LODGE COUNTY WATER RESOURCES SURVEY ( 1955 ) APPEARS TO INDICATE 2089 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 178-234, 278-257, AND 278-259, , DATED 8-10-1979 , APPEARS TO INDICATE 1873 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.