

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 126536-00 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, 1869

**Enforceable Priority Date:** MAY 1, 1869

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION  
**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 3.75 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 20

**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			

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.

THIS CLAIM IS SUBJECT TO THE TERMS OF A STIPULATION FILED WITH THE MONTANA WATER COURT DURING ADJUDICATION OF THE TEMPORARY PRELIMINARY DECREE FOR THE 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.

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.

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.

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