

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: 411 130135-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: CATLIN RANCH LP
3660 HWY 12 W
WHITE SULPHUR SPRINGS, MT 59645

Priority Date: DECEMBER 31, 1920

Enforceable Priority Date: DECEMBER 31, 1920

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate:

NO FLOW RATE HAS BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVIOR.

Maximum Volume: 280.00 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 380.00

Source Name: UNNAMED TRIBUTARY OF BADGER CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS MURRAY 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>
1		NWSWNE	20	7N	6E	MEAGHER

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: DAM

2		N2SENESE	20	7N	6E	MEAGHER
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Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

3		S2SENESE	20	7N	6E	MEAGHER
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Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

DITCH NAME FOR POINTS OF DIVERSION NO. 02 & 03 IS: KESSELHEIM DITCHES

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
		NWSWNE	20	7N	6E	MEAGHER

Diversion to Reservoir: DIVERSION # 1

Dam Height: 15.00 FEET

Surface Area: 7.00 ACRES

Current Capacity: 34.00 ACRE-FEET

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA HAVE BEEN ESTIMATED BY THE DNRC.

Period of Use: APRIL 15 to OCTOBER 15

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	56.00		NE	29	7N	6E	MEAGHER
2	137.00		NW	28	7N	6E	MEAGHER
3	8.00		N2NESW	28	7N	6E	MEAGHER
4	140.00		NE	28	7N	6E	MEAGHER
5	39.00		N2N2SE	28	7N	6E	MEAGHER
Total:	380.00						

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.

130129-00 130130-00 130131-00 130132-00 130133-00 130134-00 130135-00

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/13/91.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 08/22/84.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/12/86.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 13251 RECEIVED 03/18/2004.

THE TIMELY FILED OBJECTION OF THE UNITED STATES OF AMERICA WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE PERIOD OF USE, POINT OF DIVERSION AND PRIORITY DATE. BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

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 MEAGHER COUNTY WATER RESOURCES SURVEY (1950) APPEARS TO INDICATE 100.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 8.2 TIMES THE CAPACITY OF THE RESERVOIR.