

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

A version with a more recent operating authority date exists. Contact DNRC for details.

Water Right Number: 41H 139934-00 STATEMENT OF CLAIM
Version: 4 -- 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:
CAROLYN R ROOSE
140 LOW BENCH RD
GALLATIN GATEWAY, MT 59730

GARY A GRAMER
140 LOW BENCH RD
GALLATIN GATEWAY, MT 59730

LISA D GRAMER
140 LOW BENCH RD
GALLATIN GATEWAY, MT 59730-9755

BEAR CREEK WATER USERS ASSN
480 LOW BENCH RD
GALLATIN GATEWAY, MT 59730

Priority Date: JUNE 1, 1872
Enforceable Priority Date: JUNE 1, 1872

FOR PURPOSES OF ADMINISTRATION, THE PRIORITY DATE OF WATER RIGHT 41H-W-139934-00 IS SUBORDINATE TO THE PRIORITY DATE OF 41H-W-001170-00, NOTWITHSTANDING ACTUAL PRIORITY DATES, PURSUANT TO THE TERMS OF A PRIVATE AGREEMENT.

Purpose (use): IRRIGATION
RECREATION

Purpose Clarification: RECREATIONAL POND

Irrigation Type: FLOOD

Maximum Flow Rate: 2.50 CFS

Maximum Volume: 120.00 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 8.70

Source Name: BIG BEAR 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		SESENE	26	3S	4E	GALLATIN

Period of Diversion: MAY 1 TO NOVEMBER 4
Diversion Means: HEADGATE

2		NWNWNE	26	3S	4E	GALLATIN
---	--	--------	----	----	----	----------

Period of Diversion: MAY 1 TO NOVEMBER 4
Diversion Means: HEADGATE

3		NENWNW	26	3S	4E	GALLATIN
---	--	--------	----	----	----	----------

Period of Diversion: MAY 1 TO NOVEMBER 4
Diversion Means: HEADGATE

4		SESWSW	23	3S	4E	GALLATIN
---	--	--------	----	----	----	----------

Period of Diversion: MAY 1 TO NOVEMBER 4
Diversion Means: HEADGATE

Reservoir: OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWSW	23	3S	4E	GALLATIN

Dam Height: 4.00 FEET
Depth: 16.00 FEET
Surface Area: 2.35 ACRES
Current Capacity: 14.60 ACRE-FEET

Period of Use: MAY 1 to NOVEMBER 4

Purpose (Use): IRRIGATION

Period of Use: MAY 1 to NOVEMBER 4

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	8.70		NW	26	3S	4E	GALLATIN

Total: 8.70

Purpose (Use): RECREATION

Period of Use: MAY 1 to NOVEMBER 4

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			SWSW	23	3S	4E	GALLATIN

Geocodes/Valid: 06-0697-22-4-02-27-0000 - Y 06-0697-22-4-02-29-0000 - Y

Remarks:

PROJECT CONSTRUCTION SHALL ADHERE TO ENGINEERING PLAN RECOMMENDATIONS AND MODIFICATIONS AS IDENTIFIED TO THE DEPARTMENT REGARDING THE OUTFLOW STRUCTURE AND SURFACE WATER ELEVATION. AS-BUILT PLANS SHALL BE SUBMITTED UPON COMPLETION OF THE PROJECT.

FIRE PROTECTION WILL BE AN INCIDENTAL USE.

VOLUME OF WATER FOR THE IRRIGATION USE VOLUME IS BASED ON CROP CONSUMPTION ONLY. NO CONVEYANCE LOSS IS IDENTIFIED.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 06/26/01.

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 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.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 15375 RECEIVED 07/19/2004.

OWNERSHIP UPDATE TYPE 608 # 49438 RECEIVED 10/01/2007.