

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:** 43BJ 8299-00 STATEMENT OF CLAIM  
**Version:** 2 -- 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:** GOLDBERG, MICHAEL B EXEMPT FAMILY TRUST  
NICKELL, FRANK T TRUSTEE  
% KELSO & COMPANY 320 PARK AVE 24TH FLOOR  
NEW YORK, NY 10022

LEE SMOOT  
HC 89 BOX 4321  
BIG TIMBER, MT 59011

GEORGE E MATELICH  
KELSO & CO  
320 PARK AVE 24TH FLOOR  
NEW YORK, NY 10022

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

**Priority Date:** APRIL 1, 1939  
**Enforceable Priority Date:** APRIL 1, 1939

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

**Maximum Flow Rate:** 272.00 GPM

**Maximum Volume:**  
**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 16.00

**Source Name:** BOULDER RIVER  
**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		NENENE	32	1S	14E	SWEET GRASS

**Period of Diversion:** APRIL 1 TO NOVEMBER 30  
**Diversion Means:** MULTIPLE

**Reservoir:** OFF STREAM  

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENENE	32	1S	14E	SWEET GRASS

**Depth:** 12.00 FEET  
**Surface Area:** 1.20 ACRES  
**Current Capacity:** 6.60 ACRE-FEET

**Reservoir:** OFF STREAM  

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENENE	32	1S	14E	SWEET GRASS

**Depth:** 12.00 FEET  
**Surface Area:** 1.20 ACRES  
**Current Capacity:** 5.50 ACRE-FEET

**Period of Use:** APRIL 1 to NOVEMBER 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	3.00		SWSWSW	28	1S	14E	SWEET GRASS
2	2.00		SESESE	29	1S	14E	SWEET GRASS
3	8.00		NENE	32	1S	14E	SWEET GRASS
4	3.00		NWNWNW	33	1S	14E	SWEET GRASS
<b>Total:</b>	16.00						

**Geocodes/Valid:** 40-0914-28-3-03-02-0000 - Y 40-0914-29-4-01-03-0000 - Y  
40-0914-32-1-01-01-0000 - Y 40-0914-33-2-02-02-0000 - Y

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**Remarks:**

ANYTIME AFTER THIS RIGHT IS ISSUED AND COMPETITION FOR WATER ON THE SOURCE BECOMES AN ISSUE, THE DEPARTMENT MAY REQUIRE THE APPROPRIATOR TO INSTALL A WATER USE MEASURING DEVICE AND SUBMIT THE RECORDS OF THE FLOW RATE OR VOLUME OR BOTH OF ALL WATER DIVERTED.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 110146 RECEIVED 11/23/2012.