

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:** 43B 196107-00 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:** CHURCH UNIVERSAL & TRIUMPHANT INC  
63 SUMMIT WAY  
GARDINER, MT 59030-9314

**Priority Date:** MAY 7, 1885  
**Enforceable Priority Date:** MAY 7, 1885

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

**Maximum Flow Rate:** 3.75 CFS

**Maximum Volume:**

**Source Name:** MULHERIN CREEK  
**Source Type:** SURFACE WATER  
ALSO KNOWN AS MOL HERON 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         | 6               | NESW           | 24         | 8S         | 7E         | PARK          |

**Period of Diversion:** APRIL 15 TO OCTOBER 19  
**Diversion Means:** HEADGATE

**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             | 136.50       |                 |                | 13         | 8S         | 7E         | PARK          |
| 2             | 134.30       |                 |                | 24         | 8S         | 7E         | PARK          |
| 3             | 18.00        |                 | W2SW           | 19         | 8S         | 8E         | PARK          |
| <b>Total:</b> | 288.80       |                 |                |            |            |            |               |

**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.

185772-00 196097-00 196098-00 196104-00 196105-00 196106-00 196107-00  
196108-00

AUTHORIZATION TO CHANGE THE PLACE OF USE AND PURPOSE OF USE ISSUED 05/04/98. NOTICE OF COMPLETION DUE 12/31/18. SEE 43B-V(W)185772-00 .

THIS WATER RIGHT IS SUBJECT TO A PRIVATE AGREEMENT IN THE 3/12/97 STIPULATION LOCATED IN THE CLAIM AND CASE FILES.

THIS 20 YEAR LEASE IS SUBJECT TO AN AGREEMENT BETWEEN THE CHURCH UNIVERSAL TRIUMPHANT INC. AND THE MONTANA DEPT. OF FISH, WILDLIFE AND PARKS

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/08/87.

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

**Remarks:**

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.