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: 40F 210729-00 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.

Late Claim: B

Owners: WALBURGER, CONRAD INC
HC 91 BOX E9
CUT BANK, MT 59427-9615

Priority Date: MARCH 31, 1906

Enforceable Priority Date: MARCH 31, 1906

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER

Maximum Flow Rate: 7.00 CFS

Maximum Volume:

Climatic Area: 5 - LOW

Maximum Acres: 390.00

Source Name: MILK RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NESWNW	22	37N	9W	GLACIER

Period of Diversion: APRIL 1 TO AUGUST 19
Diversion Means: PUMP

Period of Use: APRIL 1 to AUGUST 19

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			NW	15	37N	9W	GLACIER
2			SW	15	37N	9W	GLACIER
3			SE	16	37N	9W	GLACIER
4			NE	16	37N	9W	GLACIER
5			NE	21	37N	9W	GLACIER
6			NW	22	37N	9W	GLACIER

Geocodes/Valid: 38-4948-15-2-01-01-0000 - Y 38-4948-16-4-01-01-0000 - Y
38-4948-21-1-01-01-0000 - Y 38-4948-22-2-01-01-0000 - Y

Remarks:

THE WATERS APPROPRIATED SHALL NOT EXCEED 7 CUBIC FEET PER SECOND OR 3,142 GALLONS PER MINUTE UP TO 2,534 ACRE-FEET PER ANNUM.

THIS AUTHORIZATION IS SUBJECT TO ALL PRIOR AND EXISTING WATER RIGHT IN THE SOURCE OF SUPPLY. FURTHERMORE, THIS PERMIT IS SUBJECT TO ANY FINAL DETERMINATION OF EXISTING WATER RIGHTS, AS PROVIDED BY MONTANA LAW.

THIS AUTHORIZATION IS GRANTED SUBJECT TO THE RIGHT OF THE DEPARTMENT TO REVOKE THE AUTHORIZTION IN ACCORDANCE WITH 85-2-402, MCA, AND TO ENTER ONTO THE PREMISES FOR INVESTIGATIVE PURPOSES IN ACCORDANCE WITH 85-2-115, MCA.

THIS RIGHT IS SUBJECT TO ALL PRIOR INDIAN RESERVED WATER RIGHTS OF THE BLACKFEET TRIBE IN THE SOURCE OF SUPPLY. IT IS THE TRIBE'S POSITION THAT THE EXERCISE OF JUNIOR WATER RIGHTS

Remarks:

EITHER WITHIN OR OUTSIDE OF THE EXTERIOR BOUNDARIES OF THE BLACKFEET INDIAN RESERVATION MAY ADVERSELY AFFECT THE RESERVED WATER RIGHTS OF THE TRIBE WITHIN THE EXTERIOR BOUNDARIES OF THE RESERVATION. IT IS THE TRIBE'S POSITION THAT ECONOMIC INVESTMENTS MADE IN RELIANCE UPON THIS RIGHT, DO NOT CREATE IN THE APPROPRIATOR ANY EQUITY OR VESTED RIGHT AGAINST THE TRIBE. THE APPROPRIATOR IS HEREBY NOTIFIED THAT ANY FINANCIAL OUTLAY OR WORK INVESTED IN A PROJECT PURSUANT TO THIS RIGHT IS AT THE APPROPRIATOR'S RISK. THE ISSUANCE OF THIS RIGHT DOES NOT REDUCE THE APPROPRIATOR'S LIABILITY FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. IT DOES NOT MAKE THE DEPARTMENT LIABLE FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. NOR IS THE DEPARTMENT LIABLE FOR ANY LOSS TO THE APPROPRIATOR CAUSED BY THE EXERCISE OF SENIOR RESERVED WATER RIGHTS. ANY WATER RIGHT ISSUED BY THE STATE IN THE ABSENCE OF JURISDICTION TO ISSUE THE WATER RIGHT IS VOID.

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 YEARLY 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.