

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 89109-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** MONTANA ENVIRONMENTAL CUSTODIAL TRUST  
MONTANA ENVIRONMENTAL TRUST GROUP LLC TRUSTEE  
PO BOX 1390  
HELENA, MT 59624-1390

**Priority Date:** OCTOBER 8, 1918

**Enforceable Priority Date:** OCTOBER 8, 1918

CAUSE NO. 15537, LEWIS & CLARK CO., PROVIDES TESTIMONY THAT INDIVIDUALS WITH DECREED RIGHTS FROM CASE NO.4643 LEWIS & CLARK CO., HAVE HISTORICALLY USED THE HIGH, FLOOD AND SURPLUS WATERS OF PRICKLY PEAR CREEK IN ADDITION TO THEIR DECREED RIGHTS.

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 7.58 CFS

**Maximum Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 200.00

**Source Name:** PRICKLY PEAR 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		SE	25	10N	3W	LEWIS AND CLARK

**Period of Diversion:** APRIL 1 TO AUGUST 31

**Diversion Means:** HEADGATE

**Ditch Name:** WILDCAT DITCH

2		NE	25	10N	3W	LEWIS AND CLARK
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**Period of Diversion:** APRIL 1 TO AUGUST 31

**Diversion Means:** HEADGATE

**Ditch Name:** STOCKBURGER DITCH

DITCH NAME FOR DIVERSION NO. 2 IS: STOCKBURGER DITCH

DITCH NAME FOR DIVERSION NO. 01 IS: WILDCAT DITCH

**Period of Use:** APRIL 1 to AUGUST 31

THIS RIGHT IS LIMITED TO HIGH OR FLOOD WATERS OF PRICKLY PEAR CREEK.

**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	38.00		SE	24	10N	3W	LEWIS AND CLARK
2	150.00		NE	25	10N	3W	LEWIS AND CLARK
3	12.00		NW	25	10N	3W	LEWIS AND CLARK
<b>Total:</b>	200.00						

**Geocodes/Valid:** 05-1888-24-4-01-01-0000 - Y      05-1888-25-1-01-01-0000 - Y  
05-1888-25-4-40-01-0000 - Y

**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.

89109-00    89110-00    89117-00    89118-00

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

89109-00      89114-00

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

ADDRESS ALL QUESTIONS AND INQUIRIES TO HOLLAND AND HART, ATTORNEYS, SUITE 1400, 175 N 27TH ST, BILLINGS MT 59101.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/18/91.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 12/22/94.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 85048 RECEIVED 12/10/2009.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE TIMELY FILED OBJECTION OF UNITED STATES OF AMERICA WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE PRIORITY DATE. BECAUSE THIS ELEMENT WAS NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THIS CHANGE MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

THE LEWIS AND CLARK COUNTY WATER RESOURCES SURVEY (1957) APPEARS TO INDICATE 89.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE LEWIS AND CLARK COUNTY WATER RESOURCES SURVEY FIELD NOTES (1956) APPEAR TO INDICATE 26.00 ACRES WERE IRRIGABLE. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.