

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MILK RIVER, BELOW WHITEWATER INCLUDING PORCUPINE CREEK  
BASIN 400  
IMPORTANT NOTICE**

**AN ASTERISK (\*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.**

**Water Right Number:** 400 166448-00 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Status:** ACTIVE

**Owners:** HUGH BROOKIE  
139 EAST BEAVERTON RD  
SACO, MT 59261

**Priority Date:** JULY 24, 1904

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

**Volume:** 266.00 AC-FT

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 73.00

**Source Name:** ANTELOPE CREEK, SOUTH FORK

**Source Type:** SURFACE WATER

**Source Name:** UNNAMED TRIBUTARY OF ANTELOPE CREEK, SOUTH FORK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		N2NENE	26	29N	35E	VALLEY

**Source Name:** ANTELOPE CREEK, SOUTH FORK

**Period of Diversion:** MARCH 1 TO OCTOBER 31

**Diversion Means:** DAM

2		NENESW	14	29N	35E	VALLEY
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**Source Name:** UNNAMED TRIBUTARY OF ANTELOPE CREEK, SOUTH FORK

**Period of Diversion:** MARCH 1 TO OCTOBER 31

**Diversion Means:** DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENESW	14	29N	35E	VALLEY

Diversion to Reservoir: DIVERSION # 1

Dam Height: 19.00 FEET  
 Depth: 16.00 FEET  
 Surface Area: 11.50 ACRES  
 Capacity: 73.60 ACRE-FEET

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	N2NENE	26	29N	35E	VALLEY

Diversion to Reservoir: DIVERSION # 1

Dam Height: 6.00 FEET  
 Surface Area: 5.00 ACRES  
 Capacity: 12.00 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

Period of Use: MARCH 1 TO OCTOBER 31

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	39.00		E2SE	23	29N	35E	VALLEY
2	25.20		W2SW	24	29N	35E	VALLEY
3	8.80		NENE	26	29N	35E	VALLEY

Total: 73.00

**Remarks:**

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 06/17/1992: POINT OF DIVERSION, MEANS OF DIVERSION, PLACE OF USE, MAXIMUM ACRES.

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

**THE FOLLOWING POTENTIAL ISSUES WERE IDENTIFIED DURING CLAIMS EXAMINATION OR DURING PREVIOUS WATER COURT PROCEEDINGS. THESE ISSUES MAY REMAIN UNRESOLVED IF NO OBJECTIONS ARE FILED DURING THE NEXT OBJECTION PERIOD.**

WHEN THIS CLAIM WAS ORIGINALLY DECREED, THE PERIOD OF DIVERSION WAS NOT INCLUDED AS AN ELEMENT OF THE CLAIM. IN 2008, THE PERIOD OF DIVERSION ELEMENT WAS ADDED TO ALL CLAIM ABSTRACTS. IT IS NOT CERTAIN IF THE PERIOD OF DIVERSION DATES ADDED TO THIS CLAIM ACCURATELY REFLECT THE HISTORICAL PERIOD OF DIVERSION. MORE INFORMATION IS REQUIRED.

THIS CLAIM APPEARS TO BE CLAIMING 2 SEPARATE SOURCES OF WATER. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 3.4 TIMES THE CAPACITY OF THE RESERVOIR.

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**Water Right Number:** 400 166448-00 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE  
**Status:** ACTIVE

**Owners:** HUGH BROOKIE  
139 EAST BEAVERTON RD  
SACO, MT 59261

**Priority Date:** JULY 24, 1904

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** NO FLOW RATE HAS BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

**Volume:** 147.20 AC-FT

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 73.00

**Source Name:** ANTELOPE CREEK, SOUTH FORK

**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		NENESW	14	29N	35E	VALLEY

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DAM

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENESW	14	29N	35E	VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 19.00 FEET

**Depth:** 16.00 FEET

**Surface Area:** 11.50 ACRES

**Capacity:** 73.60 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

**Period of Use:** MARCH 1 TO OCTOBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	39.00		E2SE	23	29N	35E	VALLEY
2	25.20		W2SW	24	29N	35E	VALLEY
3	8.80		NENE	26	29N	35E	VALLEY
<b>Total:</b>	73.00						

**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.

166448-00 30041754

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

IMPLIED CLAIM NO. 30041754 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

THIS APPROPRIATION OF WATER TAKES WATER FROM THE MILK RIVER, BELOW WHITEWATER INCLUDING PORCUPINE CREEK DRAINAGE (BASIN 400 ) AND USES IT IN THE MILK RIVER, BELOW WHITEWATER INCLUDING PORCUPINE CREEK DRAINAGE (BASIN 400 ) AND THE BEAVER CREEK, TRIBUTARY TO MILK RIVER DRAINAGE (BASIN 40M ). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

**THE FOLLOWING POTENTIAL ISSUES WERE IDENTIFIED DURING CLAIMS EXAMINATION OR DURING PREVIOUS WATER COURT PROCEEDINGS. THESE ISSUES MAY REMAIN UNRESOLVED IF NO OBJECTIONS ARE FILED DURING THE NEXT OBJECTION PERIOD.**

WHEN THIS CLAIM WAS ORIGINALLY DECREED, THE PERIOD OF DIVERSION WAS NOT INCLUDED AS AN ELEMENT OF THE CLAIM. IN 2008, THE PERIOD OF DIVERSION ELEMENT WAS ADDED TO ALL CLAIM ABSTRACTS. IT IS NOT CERTAIN IF THE PERIOD OF DIVERSION DATES ADDED TO THIS CLAIM ACCURATELY REFLECT THE HISTORICAL PERIOD OF DIVERSION. MORE INFORMATION IS REQUIRED.