

PRELIMINARY DECREE
MILK RIVER BELOW WHITEWATER CREEK INCLUDING PORCUPINE CREEK
BASIN 400
ABSTRACT OF WATER RIGHT CLAIM

03/31/95
PAGE 28

WATER RIGHT NUMBER 40N -W-000792-00 (CONTINUED)

REMARKS CONTINUED:

A BETTER UNDERSTANDING OF YOUR CLAIMED WATER RIGHT CAN BE OBTAINED BY COMPARING YOUR RIGHT WITH OTHER CLAIMS IN THE BASIN. FOR EXAMPLE, COMPARE PRIORITY DATES, FLOW RATES, VOLUMES, OR ACRES IRRIGATED. ALSO, YOUR WATER RIGHT MAY BE SUBJECT TO WATER RIGHTS IN ADJOINING BASINS OR SUBBASINS AS WELL AS BEING SUBJECT TO OTHER RIGHTS ON YOUR SOURCE OF SUPPLY. FINALLY, YOUR WATER RIGHT MAY BE SUBJECT TO INDIAN RESERVED AND FEDERAL RESERVED WATER RIGHTS.

COMPLETE DETAILS REGARDING THE DNRC EXAMINATION RESULTS AND RELATED MATERIALS CAN BE REVIEWED AT THE OFFICE LOCATIONS IDENTIFIED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."

SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER EXPLANATION OF YOUR CLAIMED WATER RIGHT. THESE FINDINGS CAN BE FOUND AS INDICATED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY." IF YOU NEED OBJECTION FORMS, OR HAVE QUESTIONS ABOUT WATER COURT PROCEDURES OR CHANGES TO YOUR RIGHT, YOU CAN CONTACT THE WATER COURT BY CALLING 1-800-624-3270 (WITHIN MONTANA ONLY) OR 1-406-586-4364, OR BY WRITING TO P.O. BOX 879, BOZEMAN MT 59771-0879.

PRELIMINARY DECREE ON RUCK CREEK
 TRIBUTARY OF MILK RIVER
 BASIN 40N
 ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 40N -W-013098-00

OWNERS: MOGAN RANCH INC
 BOX 247
 HINSDALE

MT 59241

PRIORITY DATE: OCT 31, 1971

FLOW RATE: 30,000.00 GPM

VOLUME: 9,350.00 ACRE FEET PER YEAR

STANDARDS ON VOLUMES FOUND IN THE FINDINGS OF FACT ARE ONLY GUIDELINES. CLAIMED VOLUMES MAY BE MODIFIED BY THE COURT ON INDIVIDUAL OBJECTION.

CLIMATIC AREA: 2

SOURCE: ROCK CREEK

MAXIMUM ACRES: 3,811.00

PURPOSE (USE): IRRIGATION

PERIOD OF USE: APR 1 TO NOV 30

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY
				21	31N	36E	VALLEY

PUMP

PLACE OF USE FOR IRRIGATION:

	ACRES	LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY	
001	160.00					NE	34	31N	36E	VALLEY
002	480.00						35	31N	36E	VALLEY
003	480.00						25	31N	36E	VALLEY
004	360.00						26	31N	36E	VALLEY
005	80.00					E2SE	27	31N	36E	VALLEY
006	28.00					NW	08	30N	37E	VALLEY
007	40.00					NWNW	06	30N	37E	VALLEY
008	113.00					SW	05	30N	37E	VALLEY
009	70.00						29	31N	37E	VALLEY
010	580.00						30	31N	37E	VALLEY
011	480.00						31	31N	37E	VALLEY
012	300.00						32	31N	37E	VALLEY
013	640.00						36	31N	36E	VALLEY
TOTAL	3,811.00									

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

PRELIMINARY DECREE ON ROCK CREEK
 TRIBUTARY OF MILK RIVER
 BASIN 40N
 ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 40N -W-130688-00

OWNERS: ELLSWORTH LEE E
 BOX 155
 HINSDALE MT 59241

PRIORITY DATE: APR 30, 1967

FLOW RATE: 5,200.00 GPM

VOLUME: 190.00 ACRE FEET PER YEAR

STANDARDS ON VOLUMES FOUND IN THE FINDINGS OF FACT ARE ONLY GUIDELINES. CLAIMED VOLUMES MAY BE MODIFIED BY THE COURT ON INDIVIDUAL OBJECTION.

CLIMATIC AREA: 2

SOURCE: ROCK CREEK

MAXIMUM ACRES: 317.00

PURPOSE (USE): IRRIGATION

PERIOD OF USE: MAR 1 TO OCT 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

<u>LOT</u>	<u>BLK</u>	<u>QTR</u>	<u>SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>	
			SEN	22	31N	36E	VALLEY	PUMP

PLACE OF USE FOR IRRIGATION

<u>ACRES</u>	<u>LOT</u>	<u>BLK</u>	<u>QTR</u>	<u>SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
001				SE	22	31N	36E	VALLEY
002				S2	23	31N	36E	VALLEY
003				SW	23	31N	36E	VALLEY
004				NW	26	31N	36E	VALLEY
005				W2	26	31N	36E	VALLEY
<u>TOTAL</u>								

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 OF THE CLAIMANT'S TOTAL 317.00 ACRES. THE COMBINED VOLUME OF THESE RIGHTS SHALL NOT EXCEED 290.00 ACRE-Feet PER YEAR. EACH RIGHT IS LIMITED TO THE FLOW RATE, VOLUME, PLACE OF USE AND BENEFICIAL USE OF THAT INDIVIDUAL RIGHT.
 W130686-00, W130688-00

SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

PRELIMINARY DECREE ON ROCK CREEK
 TRIBUTARY OF MILK RIVER
 BASIN 40N
 ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 40N -W-168164-00

OWNERS: DULL ROLF S
 BOX 428
 HINSDALE MT 59241

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT CLAIM
 OVERLAPPING PLACES OF USE. THE WATER COURT DECREES
 THIS RIGHT AND MAKES ALL CLAIMS A MATTER OF RECORD.
 W168159-00, W168164-00, W188624-00, W188625-00,
 W210855-00

PRIORITY DATE: NOV 18, 1902

FLOW RATE: 35,500.00 GPM

VOLUME: 1,420.00 ACRE FEET PER YEAR

STANDARDS ON VOLUMES FOUND IN THE FINDINGS OF FACT ARE ONLY
 GUIDELINES. CLAIMED VOLUMES MAY BE MODIFIED BY THE COURT ON
 INDIVIDUAL OBJECTION.

CLIMATIC AREA: 2

SOURCE: ROCK CREEK

MAXIMUM ACRES: 710.00

PURPOSE (USE): IRRIGATION

PERIOD OF USE: APR 1 TO OCT 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY	
			SENW	03	31N	36E	VALLEY	HEADGATE
RESERVOIR AT			SENW	03	31N	36E		

PLACE OF USE FOR IRRIGATION

	ACRES	LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY
001	100.00				E2E2	21	31N	36W	VALLEY
002	26.00				W2SE	21	31N	36E	VALLEY
003	4.00				SWSW	21	31N	36E	VALLEY
004	78.00				SW	22	31N	36E	VALLEY
005	12.00				SWNW	22	31N	36E	VALLEY
006	20.00				NWNW	27	31N	36E	VALLEY
007	310.00				N2	28	31N	36E	VALLEY
008	160.00				N2S2	28	31N	36E	VALLEY
TOTAL	710.00								

REMARKS: THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT MAY BE
 ADDRESSED AT THE OBJECTION STAGE. IT APPEARS THAT
 650.50 ACRES ARE ACTUALLY IRRIGATED AND PROBLEMS COULD
 EXIST WITH FLOW RATE AND VOLUME.

SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER
 DELINEATION OF THIS RIGHT.

PRELIMINARY DECREE ON ROCK CREEK
 TRIBUTARY OF MILK RIVER
 BASIN 40N
 ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 40N -W-188624-00

OWNERS: BLACK RANCH INC
 BOX 245
 HINSDALE

MT 59241

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT CLAIM
 OVERLAPPING PLACES OF USE. THE WATER COURT DECREES
 THIS RIGHT AND MAKES ALL CLAIMS A MATTER OF RECORD.
 W168159-00, W168164-00, W188624-00, W188625-00,
 W210855

PRIORITY DATE: APR 1, 1903

FLOW RATE: 7,000.00 GPM

VOLUME: 2,100.00 ACRE FEET PER YEAR

STANDARDS ON VOLUMES FOUND IN THE FINDINGS OF FACT ARE ONLY
 GUIDELINES. CLAIMED VOLUMES MAY BE MODIFIED BY THE COURT ON
 INDIVIDUAL OBJECTION.

CLIMATIC AREA: 2

SOURCE: ROCK CREEK

MAXIMUM ACRES: 1,140.00

PURPOSE (USE): IRRIGATION

PERIOD OF USE: FEB 15 TO NOV 19

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY	
				21	31N	36E	VALLEY	HAND PUM
				03	31N	36E	VALLEY	HAND PUMP

PLACE OF USE FOR IRRIGATION

	ACRES	LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY	
001	80.00					N2SW	27	31N	36E	VALLEY
002	10.00					SENWNW	27	31N	36E	VALLEY
003	70.00					S2NW	27	31N	36E	VALLEY
004	160.00					S2S2	28	31N	36E	VALLEY
005	160.00					N2N2	33	31N	36E	VALLEY
006	60.00					S2NE	33	31N	36E	VALLEY
007	160.00					NESE	34	31N	36E	VALLEY
008	160.00					NE	03	30N	36E	VALLEY
009	40.00					NESE	03	30N	36E	VALLEY
010	40.00					NENW	27	31N	36E	VALLEY
011	160.00					NE	27	31N	36E	VALLEY
012	40.00					SWNW	26	31N	36E	VALLEY
TOTAL	1,140.00									

REMARKS: THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT MAY BE
 ADDRESSED AT THE OBJECTION STAGE. IT APPEARS THAT
 1046.65 ACRES ARE ACTUALLY IRRIGATED AND PROBLEMS
 COULD EXIST WITH FLOW RATE AND VOLUME.

SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER
 DELINEATION OF THIS RIGHT.

PRELIMINARY DECREE
MILK RIVER BELOW WHITEWATER CREEK INCLUDING PORCUPINE CREEK
BASIN 400
ABSTRACT OF WATER RIGHT CLAIM

WATER RIGHT NUMBER 40N -W-188626-00

***** THIS IS AN INTERBASIN TRANSFER CLAIM *****

THE POINT OF DIVERSION FOR THIS WATER RIGHT IS LOCATED IN ANOTHER BASIN. THE ABBREVIATED INFORMATION PROVIDED HERE IS TO DESCRIBE THE PLACE OF USE IN THIS BASIN. COMPLETE INFORMATION DESCRIBING THE ENTIRE RIGHT CAN BE FOUND IN THE POINT OF DIVERSION BASIN DECREE.

FOR THE CURRENT STATUS OF THE POINT OF DIVERSION BASIN, CONTACT THE MONTANA WATER COURT OR THE DNRC AS INDICATED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."

THIS APPROPRIATION OF WATER TAKES WATER FROM THE ROCK CREEK DRAINAGE (BASIN 40N) AND USES IT IN THE MILK RIVER DRAINAGE (BASIN 400). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

YOUR WATER RIGHT AS SHOWN ON THIS ABSTRACT MAY HAVE CHANGES FROM YOUR WATER RIGHT AS CLAIMED OR AMENDED. AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (DNRC) DURING THE EXAMINATION PROCESS. THESE CHANGES ARE AUTHORIZED BY THE MONTANA WATER COURT OR THE WATER RIGHT CLAIM EXAMINATION RULES AS ADOPTED BY THE MONTANA SUPREME COURT.

OBJECTIONS MAY BE FILED ACCORDING TO THE PROCEDURES OUTLINED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY." UNLESS OBJECTED TO OR CALLED IN ON MOTION OF THE MONTANA WATER COURT IN THIS DECREE, THE ELEMENTS OF THIS CLAIMED WATER RIGHT WILL APPEAR IN THE FINAL DECREE AS SHOWN ON THIS ABSTRACT. (SEE SECTION 85-2-233, MONTANA CODE ANNOTATED.)

OWNERS: BLACK RANCH INC
PO BOX 245
HINSDALE MT 59241

PURPOSE (USE): IRRIGATION
TYPE OF IRRIGATION SYSTEM: FLOOD

SOURCE: ROCK CREEK
SOURCE TYPE: SURFACE WATER

PRIORITY DATE: DECEMBER 31, 1931

FLOW RATE:

VOLUME:

MAXIMUM ACRES:

PERIOD OF USE:

POINT OF DIVERSION AND MEANS OF DIVERSION:

PLACE OF USE FOR IRRIGATION:

	ACRES	LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY
001	40.00				NENW	27	31N	36E	VALLEY
002	5.00				NWNW	27	31N	36E	VALLEY
003	40.00				SWNW	27	31N	36E	VALLEY
004	40.00				SESW	27	31N	36E	VALLEY
005	80.00				N2SW	27	31N	36E	VALLEY

65 K 503
Box 15

FILMED

PRELIMINARY DECREE
MILK RIVER BELOW WHITEWATER CREEK INCLUDING PORCUPINE CREEK
BASIN 400
ABSTRACT OF WATER RIGHT CLAIM

WATER RIGHT NUMBER 40N -W-188626-00 (CONTINUED)

PLACE OF USE CONTINUED:

006	160.00	S2S2	28	31N	36E	VALLEY
007	160.00	N2N2	33	31N	36E	VALLEY
008	40.00	SWNE	33	31N	36E	VALLEY
009	40.00	SENE	33	31N	36E	VALLEY
010	155.00	SE	34	31N	36E	VALLEY
011	100.00	NE	03	30N	36E	VALLEY
012	40.00	NESE	03	30N	36E	VALLEY
TOTAL	900.00					

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