



The Montana Department of  
**Natural Resources  
& Conservation**

## 2026 Distributions - Remark Index

### E001 - Musselshell River

**Water Right Number**

**REMARK**

**40A 61348 00**

THE PERMITTEE SHALL CEASE EXERCISING THE PERMITTED APPROPRIATION WHEN THE FLOW IN THE MUSSELHELL RIVER IS LESS THAN WHAT CAN BE BENEFICIALLY USED BY THE DELPHIA-MELSTONE PROJECT AND WATER IS RELEASED FROM DEADMAN'S BASIN TO SATISFY THE DELPHIA-MELSTONE DEMAND OR DEADMAN'S BASIN WATER USERS ARE ON ANY WATER CONSERVING ROTATION PLAN OR DROUGHT MITIGATION PLAN.

**40C 61412 00**

THIS PERMIT IS USED IN CONJUNCTION WITH STATEMENT OF CLAIM NO. W209664-40C.

**40C 70691 00**

THIS PERMIT IS ASSOCIATED WITH WATER RIGHT NO. P022116-40C. THEY SHARE A COMMON PLACE OF STORAGE.

THE WATER WILL BE STORED IN AN EXISTING 3.5 AC-FT OFF- STREAM RESERVOIR LOCATED IN THE SESESE OF SEC. 31, TWP. 12N, RGE. 31E, PETROLEUM COUNTY.

**40C 5430 00**

POINT OF DIVERSION REPLACED JANUARY 10, 2013 DUE TO DAMAGE FROM FLOOD OF 2011. POINT OF DIVERSION WAS MOVED APPROXIMATELY 730 FEET DOWNSTREAM TO STABLE BANK AREA.

**40A 84265 00**

THE PERMITTEE SHALL CEASE EXERCISING THE PERMITTED APPROPRIATION WHEN THE FLOW OF THE MUSSELHELL RIVER IS LESS THAN WHAT CAN BE BENEFICIALLY USED BY THE DELPHIA-MELSTONE PROJECT AND WATER IS RELEASED FROM DEADMAN'S BASIN TO SATISFY THE DELPHIA-MELSTONE DEMAND, AND/OR THE DEMAND BY ANY OTHER DEADMAN'S BASIN CONTRACT HOLDER THAT NO LONGER CAN EXERCISE AN EXISTING WATER RIGHT OR PERMIT WITH A PRIORITY DATE PRIOR TO THE PERMIT.

THIS PERMIT IS SUBJECT TO THE CONDITION THAT THE PERMITTEE SHALL INSTALL A STAFF GAUGE IN THE RESERVOIR TO ALLOW AN ACCURATE MEASUREMENT OF THE WATER LEVEL. IN ORDER TO MITIGATE THE EFFECTS OF EVAPORATION ON PRIOR DOWNSTREAM WATER RIGHTS, THE PERMITTEE SHALL REDUCE THE WATER LEVEL IN THE RESERVOIR BY A CUMULATIVE TOTAL OF 22.75 INCHES BETWEEN THE RECORDED LEVEL ON JULY 1 AND SEPTEMBER 30 OF EACH YEAR. WATER SHALL BE RELEASED AND RECORDINGS TAKEN WITHIN TWO DAYS EITHER SIDE OF THE FOLLOWING INTERVALS: JULY 1-RECORD WATER LEVEL (READING MUST BE TAKEN BY JULY 1) JULY 15-WATER LEVEL REDUCED BY 4.25 INCHES JULY 31-WATER LEVEL REDUCED FROM 4.25 INCHES TO 8.75 INCHES AUGUST 15-WATER LEVEL REDUCED FROM 8.75 INCHES TO 13.00 INCHES AUGUST 31-WATER LEVEL REDUCES FROM 13.00 INCHES TO 17.25 INCHES SEPTEMBER 15-WATER LEVEL REDUCED FROM 17.25 INCHES TO 20.00 INCHES SEPTEMBER 31-WATER LEVEL REDUCED FROM 20.00 INCHES TO 22.75 INCHES

THIS PERMIT IS SUBJECT TO THE CONDITION THAT THERE WILL BE NO DECREASE IN THE SOURCE OF SUPPLY, NO DISRUPTION IN THE STREAM CONDITIONS BELOW THE POINT OF RETURN, AND NO ADVERSE EFFECT TO PRIOR APPROPRIATORS WITHIN THE REACH OF THE STREAM BETWEEN THE POINT OF DIVERSION AND THE POINT OF RETURN.

**40C 84277 00**

THE PERMITTEE SHALL CEASE EXERCISING THE PERMITTED APPROPRIATION WHEN WATER IS RELEASED FROM DEADMAN'S BASIN TO SATISFY CONTRACT HOLDERS DOWNSTREAM FROM THIS APPROPRIATION.

**40C 84312 00**

THE PERMITTEE SHALL CEASE EXERCISING THE PERMITTED APPROPRIATION WHEN THE FLOW IN THE MUSSELHELL RIVER IS LESS THAN WHAT CAN BE BENEFICIALLY USED BY THE DELPHIA-MELSTONE PROJECT AND WATER IS RELEASED FROM DEADMAN'S BASIN TO SATISFY THE DELPHIA-MELSTONE DEMAND AND/OR THE DEMAND BY ANY OTHER DEADMAN'S BASIN CONTRACT HOLDER THAT NO LONGER CAN EXERCISE AN EXISTING WATER RIGHT OR PERMIT WITH A PRIORITY DATE PRIOR TO THIS PERMIT

**40A 90380 00**

THE APPROPRIATOR SHALL CEASE EXERCISING THIS RIGHT WHEN THE FLOW IN THE MUSSELHELL RIVER IS LESS THAN WHAT CAN BE BENEFICIALLY USED BY THE DELPHIA-MELSTONE PROJECT AND WATER IS RELEASED FROM DEADMAN'S BASIN TO SATISFY THE DELPHIA-MELSTONE DEMAND AND/OR THE DEMAND BY ANY OTHER EXISTING WATER RIGHT.

# E001 - Musselshell River

## Water Right Number

## REMARK

### 40A 102780 00

WATER DIVERTED FROM MUSSELHELL RIVER, NORTH FORK IS CONVEYED TO TRAIL CREEK WHICH IS USED AS A NATURAL CARRIER TO SECONDARY POINT(S) OF DIVERSION, DIVERSION NO(S). 2, 3, AND 4.

WATER DIVERTED FROM POINT OF DIVERSION NO. 2 USES AN UNNAMED TRIBUTARY OF TRAIL CREEK AS A NATURAL CARRIER TO SECONDARY POINT(S) OF DIVERSION, DIVERSION NO(S). 4.

### 40A 106705 00

POINT OF DIVERSION #2 IS A TRANSITORY POINT OF DIVERSION.

POINT OF DIVERSION #3 HAS A FLOW LIMITATION OF 3000 GPM AND VOLUME LIMITATION OF 480 AC-FT.

### 40C 107293 00

THE PERIOD OF APPROPRIATION IS 02/01 - 09/30 BUT IS RESTRICTED. SEE IMPORTANT INFORMATION BELOW.

DURING THE PORTION OF THE PERIOD OF APPROPRIATION INCLUDING FEBRUARY, JULY, AUGUST AND SEPTEMBER, THERE MUST BE A MINIMUM FLOW OF 105.7 CUBIC FEET PER SECOND (CFS) AT THE MOSBY USGS GAUGING STATION NO. 06130500 BEFORE THE PERMITTEE IS ALLOWED TO APPROPRIATE WATER. WHEN APPROPRIATING WATER DURING THE AFOREMENTIONED MONTHS, THE PERMITTEE MUST CHECK THE FLOW DAILY AND SHALL CEASE APPROPRIATING WATER WHEN THE FLOW DROPS BELOW 105.7 CFS. SHOULD DATA BECOME UNAVAILABLE AT THIS GAUGE DURING THE AFOREMENTIONED MONTHS, ANOTHER RELIABLE METHOD OF FLOW MEASUREMENT MUST BE AGREED TO BY THE LEWISTOWN WATER RESOURCES REGIONAL OFFICE AND A FLOW OF AT LEAST 105.7 CFS MUST BE MEASURED BEFORE THE PERMITTEE IS ALLOWED TO APPROPRIATE WATER.

IF ANOTHER OFFICIAL GAUGING STATION IS INSTALLED THAT RELIABLY MEASURES THE FLOW AT THE MOUTH OF THE MUSSELHELL RIVER, THE PERMITTEE MAY APPROPRIATE WATER UNDER THIS PERMIT ONLY WHILE THE FLOW IS IN EXCESS OF 70 CUBIC FEET PER SECOND (CFS) OR IN EXCESS OF THE FLOW RATE GRANTED FOR THE MUSSELHELL RIVER BY THE U.S. FISH & WILDLIFE SERVICE-CMR WILDLIFE REFUGE-MONTANA COMPACT, WHICHEVER IS GREATER. THE PERMITTEE MUST CHECK THE FLOW DAILY AND CEASE APPROPRIATING WATER WHEN THE FLOW DROPS BELOW 70 CFS OR THE FLOW RATE GRANTED BY THE AFOREMENTIONED COMPACT, WHICHEVER IS GREATER. WHEN THIS MEASURING GAUGE IS FUNCTIONING, THE FLOW REQUIREMENTS AT THE MOSBY GAUGE SHALL BE DISREGARDED. THIS FLOW REQUIREMENT COVERS THE ENTIRE PERIOD OF APPROPRIATION.

THE PROJECT COMPLETION NOTICE WAS FILED LATE AND THE PERMIT EXPIRED BY OPERATION OF LAW. THE PROJECT WAS COMPLETE PRIOR TO THE DEADLINE AND THEREFORE THE PERMIT AUTHORIZATION WAS REINSTATED.

THIS WATER RIGHT IS SUBORDINATE TO U.S. FISH & WILDLIFE SERVICE RESERVED WATER RIGHTS FOR THE CMR WILDLIFE REFUGE. BEFORE WATER MAY BE DIVERTED AT ANY TIME, THE FLOW AT THE MOSBY USGS GAUGING STATION NO. 06130500 MUST BE AT LEAST 20 CUBIC FEET PER SECOND (CFS) GREATER THAN THE FLOW FOR THE MUSSELHELL RIVER GRANTED BY THE U.S. FISH & WILDLIFE SERVICE-CMR WILDLIFE REFUGE-MONTANA COMPACT. THE PERMITTEE MUST CHECK THE FLOW DAILY AND CEASE APPROPRIATING WATER WHEN THE FLOW DROPS BELOW THE SUM OF 20 CFS AND THE FLOW GRANTED FOR THE MUSSELHELL RIVER BY THE AFOREMENTIONED COMPACT.

### 40A 110250 00

THE WATER RIGHT NUMBERS 40A 110251-00 AND 40A 30107008 SHARE A FLOW RATE OF 1.75 CFS. THE WATER RIGHT WILL BE OPERATED IN THE FOLLOWING MANNER: AS AGREED UPON BY THE PARTIES.

### 40A 110251 00

THE WATER RIGHT NUMBERS 40A 110251-00 AND 40A 30107008 SHARE A FLOW RATE OF 1.75 CFS. THE WATER RIGHT WILL BE OPERATED IN THE FOLLOWING MANNER: AS AGREED UPON BY THE PARTIES.

### 40A 110811 00

WATER DIVERTED FROM MUSSELHELL RIVER, NORTH FORK IS CONVEYED TO TRAIL CREEK WHICH IS USED AS A NATURAL CARRIER TO SECONDARY POINT(S) OF DIVERSION, DIVERSION NO(S). 2, 3, AND 4.

WATER DIVERTED FROM POINT OF DIVERSION NO. 2 USES AN UNNAMED TRIBUTARY OF TRAIL CREEK AS A NATURAL CARRIER TO SECONDARY POINT(S) OF DIVERSION, DIVERSION NO(S). 4.

### 40A 115059 00

THE APPROPRIATOR SHALL DIVERT WATER DURING THE PERIOD OF APPROPRIATION ONLY WHEN FLOW RATES AT USGS GAUGING STATIONS NO.06126050 (MUSSELHELL RIVER NEAR LAVINA) AND NO.06126500 (MUSSELHELL RIVER NEAR ROUNDUP) BOTH INDICATE FLOWS IN EXCESS OF 80 CUBIC FEET PER SECOND. THESE FLOWS MUST BE CHECKED DAILY WHEN APPROPRIATING WATER. THE CURRENT INTERNET ADDRESS IS: [mt.waterdata.usgs.gov/nwis/current?type=flow](https://waterdata.usgs.gov/nwis/current?type=flow)

THIS LAND HAS PREVIOUSLY BEEN IRRIGATED USING CONTRACT WATER FROM DEADMANS BASIN RESERVOIR.

### 40C 117402 00

WATER MONITORING REQUIRED:

THE APPROPRIATOR MUST MEET CERTAIN MINIMUM STREAM FLOW CONDITIONS ON THE MUSSELHELL RIVER PRIOR TO DIVERTING WATER FOR IRRIGATION PURPOSES. ALTHOUGH THE FOLLOWING CONDITION SPECIFIES CERTAIN STREAM FLOW LEVELS, IT IS THE APPROPRIATOR'S RESPONSIBILITY TO ENSURE THAT ALL SENIOR WATER RIGHTS ARE BEING MET AT ALL TIMES. IT IS THE RESPONSIBILITY OF THE APPROPRIATOR TO CEASE DIVERSIONS WHEN ITS WATER RIGHT IS CALLED BY SENIOR WATER USERS ON THE MUSSELHELL RIVER.

THE APPROPRIATOR SHALL NOT DIVERT WATER FOR IRRIGATION PURPOSES UNLESS USGS STREAM GAGE NO. 06130500 (MUSSELHELL RIVER AT MOSBY MT) IS OPERATING AND REGISTERING STREAM FLOWS. THE APPROPRIATOR SHALL DIVERT WATER ONLY DURING THE PERIOD OF APPROPRIATION WHEN THE FLOW RATE AT USGS GAGE NO. 06130500 INDICATES A FLOW OF AT LEAST 70 CUBIC FEET PER SECOND. STREAM FLOWS AT THE REFERENCED USGS GAGE MUST BE CHECKED AT LEAST WEEKLY TO ENSURE CONDITIONS ARE APPROPRIATE FOR DIVERSIONS. ONCE THE FLOW AT THE REFERENCED GAGE DROPS TO OR BELOW 80 CFS, THE GAGE MUST BE CHECKED DAILY. THE CURRENT USGS STREAM GAGING WEBSITE IS: [HTTPS://WATERDATA.USGS.GOV/MT/NWIS/CURRENT?TYPE=FLOW](https://waterdata.usgs.gov/mt/nwis/current?type=flow)

# E001 - Musselshell River

## Water Right Number

## REMARK

### 40A 117417 00

POINT OF DIVERSION IS MOVEABLE ALL ALONG SOURCE WITHIN LEGAL LAND DESCRIPTION.

### 40A 119504 00

MEANS OF DIVERSION IS DAM AND HEADGATE.

THE CLAIMANT MUST COMPLY WITH THE REQUIREMENTS OF TITLE 85, CHAPTER 2, PART 4 OF THE MONTANA CODE ANNOTATED BEFORE CONTRACTING TO SELL WATER TO ANY PARTY FOR ANY USE OTHER THAN IRRIGATION, STOCK WATER AND MUNICIPAL IN THE SERVICE AREA OF THE UPPER MUSSELHELL RIVER RESERVOIR PROJECT.

THE PERIOD OF USE IS FOR SALE.

THIS SOURCE INCLUDES TRIBUTARIES OF NORTH FORK MUSSELHELL RIVER.

### 40A 119515 00

JANUARY 1 THRU DECEMBER 31 FOR STORAGE  
APRIL 1 THRU OCTOBER 31 FOR SALE

THE CLAIMANT MUST COMPLY WITH THE REQUIREMENTS OF TITLE 85, CHAPTER 2, PART 4 OF THE MONTANA CODE ANNOTATED BEFORE CONTRACTING TO SELL WATER TO ANY PARTY FOR ANY USE OTHER THAN IRRIGATION, STOCK WATER AND MUNICIPAL IN THE SERVICE AREA OF THE UPPER MUSSELHELL RIVER RESERVOIR PROJECT.

THE FLOW RATE IS THE DIVERSION CAPACITY OF THE NORTH FORK DIVERSION CANAL.

THIS FLOW RATE INCLUDES WATER DIVERTED FROM THE NATURAL FLOW OF NORTH FORK MUSSELHELL RIVER AND DELIVERED TO WATER PURCHASERS AND MARTINSDALE RESERVOIR THROUGH THE NORTH FORK DIVERSION CANAL.

THIS FLOW RATE INCLUDES WATER RELEASED FROM BAIR RESERVOIR AND DELIVERED TO WATER PURCHASERS AND MARTINSDALE RESERVOIR THROUGH THE NORTH FORK DIVERSION CANAL.

### 40A 119527 00

MEANS OF DIVERSION INCLUDES A DIVERSION DAM.

PURSUANT TO THE RIGHT-OF-WAY EASEMENT DEED DATED DECEMBER 16, 1939, AND RECORDED AT BOOK A-7, PAGE 206-207, MEAGHER COUNTY, MONTANA, THIS FLOW RATE INCLUDES UP TO 20.0 CFS DIVERETD THROUGH THE TWO DOT CANAL UNDER WATER RIGHT NOS. 40A 201280-00, 40A 201282-00, 40A 201283-00, 40A 201284-00, 40A 201286-00.

THE CLAIMANT MUST COMPLY WITH THE REQUIREMENTS OF TITLE 85, CHAPTER 2, PART 4 OF THE MONTANA CODE ANNOTATED BEFORE CONTRACTING TO SELL WATER TO ANY PARTY FOR ANY USE OTHER THAN IRRIGATION, STOCK WATER AND MUNICIPAL IN THE SERVICE AREA OF THE UPPER MUSSELHELL RIVER RESERVOIR PROJECT.

THE PERIOD OF USE IS FOR SALE.

THIS FLOW RATE INCLUDES STORAGE WATER RELEASED FROM BAIR RESERVOIR AND MARTINSDALE RESERVOIR.

THIS FLOW RATE IS THE DIVERSION CAPACITY OF THE TWO DOT CANAL.

THIS RIGHT IS LIMITED TO THAT PORTION OF THE FLOW OF TWO DOT CANAL HISTORICALLY USED TO BENEFIT THE PLACES OF USE TOGETHER WITH WATERS OF THE UPPER MUSSELHELL PROJECT.

### 40C 119682 00

FOR THE WATER RIGHTS SEE 40C W119683-00 THROUGH W119684-00.

### 40C 119683 00

COMBINED FLOW RATE FOR CLAIMS NOS.40C 119683-00, 40C 119684-00, AND 40C 119685-00 IS LIMITED TO THE HISTORICAL CAPACITY OF THE DIVERSION STRUCTURES AND CONVEYANCE SYSTEM.

### 40C 119684 00

COMBINED FLOW RATE FOR CLAIMS NOS. 40C 119683-00, 40C 119684-00, AND 40C 119685-00 IS LIMITED TO THE HISTORICAL CAPACITY OF THE DIVERSION STRUCTURES AND CONVEYANCE SYSTEM.

### 40C 119685 00

COMBINED FLOW RATE FOR CLAIMS NO. 40C 119683-00, 40C 119684-00, AND 40C 119685-00 IS LIMITED TO THE HISTORIC CAPACITY OF THE DIVERSION STRUCTURES AND CONVEYANCE SYSTEM.

### 40A 119686 00

# E001 - Musselshell River

## Water Right Number

## REMARK

### 40A 119686 00

CARELESS CREEK CANAL, BARBER CANAL, MUSSELHELL RIVER, DELPHIA CANAL, AND MELSTONE CANAL ARE USED AS CARRIERS TO CONVEY WATER RELEASED FROM DEADMAN'S BASIN RESERVOIR TO THE GENERAL SERVICE AREA FOR THIS WATER RIGHT.

DITCH NAME: DEADMAN'S BASIN SUPPLY CANAL.

MEANS OF DIVERSION ALSO INCLUDES A HEADGATE.

THE FLOW RATE INCLUDES WATER RELEASED FROM UPPER MUSSELHELL PROJECT RESERVOIR AND DELIVERED TO USERS ALONG THE DEADMAN'S BASIN SUPPLY CANAL.

THE PERIOD OF USE IS FOR SALE.

THIS FLOW RATE IS THE DIVERSION CAPACITY OF THE DEADMAN'S BASIN SUPPLY CANAL.

TOTAL COMPOSITE FLOW RATE FOR THE WATER RIGHTS FOLLOWING THIS STATEMENT SHALL NOT EXCEED 600.00 CFS. 40A 119686-00, 40A 119688-00, 40A 119697-00.

WATER STORED IN DEADMANS BASIN RESERVOIR IS DIVERTED FROM STORAGE TO THE FOLLOWING SECONDARY POINTS OF DIVERSION TO INDIVIDUAL WATER PURCHASERS:

1. CARELESS CREEK CANAL - SWSWNW SEC 30 TWP 07N RGE 19E,  
GOLDEN VALLEY COUNTY
2. BARBER CANAL - SWSWNW SEC 30 TWP 07N RGE 19E,  
GOLDEN VALEY COUNTY
3. DELPHIA CANAL - NENWNW SEC 31 TWP 09N RGE 28E,  
MUSSELHELL COUNTY
4. MELSTONE CANAL - SWNWNW SEC 28 TWP 09N RGE 29E,  
MUSSELHELL COUNTY
5. PRIVATE DIVERSIONS OF WATER PURCHASERS ALONG THE MUSSELHELL RIVER BELOW  
DEADMANS BASIN RESERVOIR.

### 40A 119688 00

APRIL 1 THROUGH OCTOBER 31 FOR SALE

CARELESS CREEK CANAL, CARELESS CREEK, BARBER CANAL, MUSSELHELL RIVER, DELPHIA CANAL, AND MELSTONE CANAL ARE USED AS CARRIERS TO CONVEY WATER RELEASED FROM DEADMAN'S BASIN RESERVOIR TO THE GENERAL SERVICE AREA FOR THIS WATER RIGHT.

DITCH NAME: DEADMAN'S BASIN SUPPLY CANAL

NO FLOW RATE HAS BEEN DECREED FOR THE CAPTURE OF THE FLOW OF THE INTERMITTENT TRIBUTARIES FOR DIVERSION TO DEADMAN'S BASIN RESERVOIR.

THE ENTIRE FLOW OF INTERMITTENT UNNAMED TRIBUTARIES IS INTERCEPTED AND COLLECTED BY THIS PROJECT.

THE POINTS OF DIVERSION ARE WHERE THE SOURCE INTERSECTS THE DEADMAN'S BASIN SUPPLY CANAL WHICH IS USED TO CONVEY WATER TO DEADMAN'S BASIN RESERVOIR.

THIS APPROPRIATION OF WATER TAKES WATER FROM THE MUSSELHELL RIVER ABOVE ROUNDUP DRAINAGE AND USES IT IN THE MUSSELHELL RIVER ABOVE ROUNDUP DRAINAGE AND IN THE MUSSELHELL RIVER BELOW ROUNDUP DRAINAGE. ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR THE PLACE OF USE BASIN.

TOTAL COMPOSITE FLOW RATE FOR THE WATER RIGHTS FOLLOWING THIS STATEMENT SHALL NOT EXCEED 600.00 CFS. 40A 119686-00, 40A 119688-00, 40A 119697-00.

WATER DIVERTED UNDER THIS RIGHT TO DEADMAN'S BASIN RESERVOIR IS COMPOSED OF WATER FROM UNNAMED TRIBUTARIES OF MUSSELHELL RIVER.

WATER STORED IN DEADMAN'S BASIN RESERVOIR IS DIVERTED FROM STORAGE TO THE FOLLOWING SECONDARY POINTS OF DIVERSION TO INDIVIDUAL WATER PURCHASERS:

1. CARELESS CREEK CANAL - SWSWNW SEC 30 TWP 07N RGE 19E,  
GOLDEN VALLEY COUNTY
2. BARBER CANAL - SWSWNW SEC 30 TWP 07N, RGE 19E,  
GOLDEN VALLEY COUNTY
3. DELPHIA CANAL - NENWNW SEC 31 TWP 09N RGE 28E,  
MUSSELHELL COUNTY
4. MELSTONE CANAL -SWNWNW SEC 28 TWP 09N RGE 29E,  
MUSSELHELL COUNTY.
5. PRIVATE DIVERSIONS OF WATER PURCHASERS ALONG THE MUSSELHELL RIVER BELOW DEADMAN'S BASIN RESERVOIR.

### 40A 123722 00

THE POINT OF DIVERSION INCLUDES A DAM WHICH EXTENDS INTO THE SENENE OF SECTION 31, T8N, R16E, WHEATLAND COUNTY.

# E001 - Musselshell River

Water Right Number

REMARK

**40A 123722 00**

THE POINT OF DIVERSION INCLUDES A DAM WHICH EXTENDS INTO THE SENENE OF SECTION 31, T8N, R16E, WHEATLAND COUNTY.

**40A 125920 00**

CLAIMS 40A 125920-00 AND 40A 125926-00 ARE BASED UPON THE SAME NOTICE OF APPROPRIATION FOR 4.00 CFS. THE COMBINED FLOW RATE AND DIVERSION OF THESE CLAIMS SHALL NEVER EXCEED 4.00 CFS.

**40A 125927 00**

WATER MEASUREMENT RECORDS REQUIRED:

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 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.

SUBMIT RECORDS TO:

LEWISTOWN WATER RESOURCES OFFICE  
613 NE MAIN ST, SUITE E  
LEWISTOWN, MT  
PHONE: 406-538-7459  
FAX: 406-538-7012

**40A 130828 00**

THIS CAPSER DITCH NO. 419 IS USED AS A SECONDARY CONVEYANCE MEANS. WATER IS PUMPED FROM THE MUSSELSHELL RIVER AT THE POINT OF DIVERSION LOCATION INTO THE DITCH. THE CAPSER DITCH NO. 419 IS USED TO CONVEY WATER TO THE PLACE OF USE.

**40A 130837 00**

\*\*WATER MEASUREMENT RECORDS REQUIRED

THE APPROPRIATOR SHALL INSTALL DEPARTMENT-APPROVED MEASURING DEVICES IN THE SUPPLY LINES FOR THE CENTER PIVOT SYSTEMS AND FLOOD SYSTEM. THE LOCATION OF THE MEASURING DEVICES MUST BE APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICES ARE IN PLACE AND OPERATING. THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE FLOW RATE AND VOLUME OF ALL WATER DIVERTED UNDER EACH WATER RIGHT TO THE IRRIGATION SYSTEMS, INCLUDING THE PERIOD OF TIME. A SEPARATE ACCOUNTING OF THE VOLUME APPROPRIATED UNDER EACH RIGHT IS REQUIRED. THE RECORDS MUST ALSO DISTINGUISH THE APPROPRIATION OF WATER UNDER THE WATER RIGHTS AUTHORIZED IN THIS CHANGE AUTHORIZATION FROM CONTRACT WATER DIVERTED THROUGH THE SYSTEMS FROM THE UPPER MUSSELSHELL WATER USERS ASSOCIATION.

THE RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT RECORDS MAY BE CAUSE FOR REVOCATION OF THE AUTHORIZATION. THE RECORDS MUST BE SENT TO THE LEWISTOWN WATER RESOURCES REGIONAL OFFICE BY NOVEMBER 30 OF EACH YEAR. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICES SO THEY ALWAYS OPERATE PROPERLY AND MEASURES THE FLOW RATE AND VOLUME OF WATER ACCURATELY.

SUBMIT RECORDS TO:

LEWISTOWN WATER RESOURCES OFFICE  
613 NE MAIN ST, SUITE E  
LEWISTOWN, MT  
PHONE: 406-538-7459  
FAX: 406-538-7012

IMPORTANT INFORMATION

STATEMENT OF CLAIM NOS. 40A 130827, 40A 130837 AND 40A 130843 ARE ASSOCIATED, THEY IRRIGATE THE SAME PLACE OF USE. THE MAXIMUM DIVERTED VOLUME FOR ALL THREE RIGHTS COMBINED IS 174.6 AF ANNUALLY.

IMPORTANT INFORMATION

THE DIVERTED FLOW RATE FOR THE TRANSITORY PUMPING SYSTEM IS 2.7 CFS, WHICH IS GREATER THAN THE FLOW RATE (2.5 CFS) FOR STATEMENT OF CLAIM NO. 40A 130827. THEREFORE, 40A 130827 MUST BE USED IN COMBINATION WITH ONE OF THE OTHER AUTHORIZED WATER RIGHTS, 40A 130837 OR 40A 130843, AT ANY TIME THE TRANSITORY PUMP IS BEING OPERATED.

POINT OF DIVERSION ID #2 IS TRANSITORY THROUGHOUT SECTION 22 T8N R14E.

**40A 130843 00**

# E001 - Musselshell River

## Water Right Number

## REMARK

### 40A 130843 00

#### \*\*WATER MEASUREMENT RECORDS REQUIRED

THE APPROPRIATOR SHALL INSTALL DEPARTMENT-APPROVED MEASURING DEVICES IN THE SUPPLY LINES FOR THE CENTER PIVOT SYSTEMS AND FLOOD SYSTEM. THE LOCATION OF THE MEASURING DEVICES MUST BE APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICES ARE IN PLACE AND OPERATING. THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE FLOW RATE AND VOLUME OF ALL WATER DIVERTED UNDER EACH WATER RIGHT TO THE IRRIGATION SYSTEMS, INCLUDING THE PERIOD OF TIME. A SEPARATE ACCOUNTING OF THE VOLUME APPROPRIATED UNDER EACH RIGHT IS REQUIRED. THE RECORDS MUST ALSO DISTINGUISH THE APPROPRIATION OF WATER UNDER THE WATER RIGHTS AUTHORIZED IN THIS CHANGE AUTHORIZATION FROM CONTRACT WATER DIVERTED THROUGH THE SYSTEMS FROM THE UPPER MUSSELHELL WATER USERS ASSOCIATION.

THE RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT RECORDS MAY BE CAUSE FOR REVOCATION OF THE AUTHORIZATION. THE RECORDS MUST BE SENT TO THE LEWISTOWN WATER RESOURCES REGIONAL OFFICE BY NOVEMBER 30 OF EACH YEAR. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICES SO THEY ALWAYS OPERATE PROPERLY AND MEASURES THE FLOW RATE AND VOLUME OF WATER ACCURATELY.

SUBMIT RECORDS TO:  
LEWISTOWN WATER RESOURCES OFFICE  
613 NE MAIN ST, SUITE E  
LEWISTOWN, MT  
PHONE: 406-538-7459  
FAX: 406-538-7012

#### IMPORTANT INFORMATION

STATEMENT OF CLAIM NOS. 40A 130827, 40A 130837 AND 40A 130843 ARE ASSOCIATED, THEY IRRIGATE THE SAME PLACE OF USE. THE MAXIMUM DIVERTED VOLUME FOR ALL THREE RIGHTS COMBINED IS 174.6 AF ANNUALLY.

#### IMPORTANT INFORMATION

THE DIVERTED FLOW RATE FOR THE TRANSITORY PUMPING SYSTEM IS 2.7 CFS, WHICH IS GREATER THAN THE FLOW RATE (2.5 CFS) FOR STATEMENT OF CLAIM NO. 40A 130827. THEREFORE, 40A 130827 MUST BE USED IN COMBINATION WITH ONE OF THE OTHER AUTHORIZED WATER RIGHTS, 40A 130837 OR 40A 130843, AT ANY TIME THE TRANSITORY PUMP IS BEING OPERATED.

POINT OF DIVERSION ID #2 IS TRANSITORY THROUGHOUT SECTION 22 T8N R14E.

### 40A 9156 00

POINT OF DIVERSION REPLACED APRIL 18, 2013 DUE TO DAMAGE FROM FLOOD OF 2011. POINT OF DIVERSION WAS MOVED APPROXIMATELY 100 FEET DOWNSTREAM TO STABLE BANK AREA.

### 40C 177216 00

#### WATER MONITORING REQUIRED:

THE APPROPRIATOR MUST MEET CERTAIN MINIMUM STREAM FLOW CONDITIONS ON THE MUSSELHELL RIVER PRIOR TO DIVERTING WATER FOR IRRIGATION PURPOSES. ALTHOUGH THE FOLLOWING CONDITION SPECIFIES CERTAIN STREAM FLOW LEVELS, IT IS THE APPROPRIATOR'S RESPONSIBILITY TO ENSURE THAT ALL SENIOR WATER RIGHTS ARE BEING MET AT ALL TIMES. IT IS THE RESPONSIBILITY OF THE APPROPRIATOR TO CEASE DIVERSIONS WHEN ITS WATER RIGHT IS CALLED BY SENIOR WATER USERS ON THE MUSSELHELL RIVER.

THE APPROPRIATOR SHALL NOT DIVERT WATER FOR IRRIGATION PURPOSES UNLESS USGS STREAM GAGE NO. 06130500 (MUSSELHELL RIVER AT MOSBY MT) IS OPERATING AND REGISTERING STREAM FLOWS. THE APPROPRIATOR SHALL DIVERT WATER ONLY DURING THE PERIOD OF APPROPRIATION WHEN THE FLOW RATE AT USGS GAGE NO. 06130500 INDICATES A FLOW OF AT LEAST 70 CUBIC FEET PER SECOND. STREAM FLOWS AT THE REFERENCED USGS GAGE MUST BE CHECKED AT LEAST WEEKLY TO ENSURE CONDITIONS ARE APPROPRIATE FOR DIVERSIONS. ONCE THE FLOW AT THE REFERENCED GAGE DROPS TO OR BELOW 80 CFS, THE GAGE MUST BE CHECKED DAILY. THE CURRENT USGS STREAM GAGING WEBSITE IS: [HTTPS://WATERDATA.USGS.GOV/MT/NWIS/CURRENT?TYPE=FLOW](https://waterdata.usgs.gov/mt/nwis/current?type=flow)

### 40C 177217 00

#### WATER MONITORING REQUIRED:

THE APPROPRIATOR MUST MEET CERTAIN MINIMUM STREAM FLOW CONDITIONS ON THE MUSSELHELL RIVER PRIOR TO DIVERTING WATER FOR IRRIGATION PURPOSES. ALTHOUGH THE FOLLOWING CONDITION SPECIFIES CERTAIN STREAM FLOW LEVELS, IT IS THE APPROPRIATOR'S RESPONSIBILITY TO ENSURE THAT ALL SENIOR WATER RIGHTS ARE BEING MET AT ALL TIMES. IT IS THE RESPONSIBILITY OF THE APPROPRIATOR TO CEASE DIVERSIONS WHEN ITS WATER RIGHT IS CALLED BY SENIOR WATER USERS ON THE MUSSELHELL RIVER.

THE APPROPRIATOR SHALL NOT DIVERT WATER FOR IRRIGATION PURPOSES UNLESS USGS STREAM GAGE NO. 06130500 (MUSSELHELL RIVER AT MOSBY MT) IS OPERATING AND REGISTERING STREAM FLOWS. THE APPROPRIATOR SHALL DIVERT WATER ONLY DURING THE PERIOD OF APPROPRIATION WHEN THE FLOW RATE AT USGS GAGE NO. 06130500 INDICATES A FLOW OF AT LEAST 70 CUBIC FEET PER SECOND. STREAM FLOWS AT THE REFERENCED USGS GAGE MUST BE CHECKED AT LEAST WEEKLY TO ENSURE CONDITIONS ARE APPROPRIATE FOR DIVERSIONS. ONCE THE FLOW AT THE REFERENCED GAGE DROPS TO OR BELOW 80 CFS, THE GAGE MUST BE CHECKED DAILY. THE CURRENT USGS STREAM GAGING WEBSITE IS: [HTTPS://WATERDATA.USGS.GOV/MT/NWIS/CURRENT?TYPE=FLOW](https://waterdata.usgs.gov/mt/nwis/current?type=flow)

### 40C 177220 00

#### WATER MONITORING REQUIRED:

THE APPROPRIATOR MUST MEET CERTAIN MINIMUM STREAM FLOW CONDITIONS ON THE MUSSELHELL RIVER PRIOR TO DIVERTING WATER FOR IRRIGATION PURPOSES. ALTHOUGH THE FOLLOWING CONDITION SPECIFIES CERTAIN STREAM FLOW LEVELS, IT IS THE APPROPRIATOR'S RESPONSIBILITY TO ENSURE THAT ALL SENIOR WATER RIGHTS ARE BEING MET AT ALL TIMES. IT IS THE RESPONSIBILITY OF THE APPROPRIATOR TO CEASE DIVERSIONS WHEN ITS WATER RIGHT IS CALLED BY SENIOR WATER USERS ON THE MUSSELHELL RIVER.

THE APPROPRIATOR SHALL NOT DIVERT WATER FOR IRRIGATION PURPOSES UNLESS USGS STREAM GAGE NO. 06130500 (MUSSELHELL RIVER AT MOSBY MT) IS OPERATING AND REGISTERING STREAM FLOWS. THE APPROPRIATOR SHALL DIVERT WATER ONLY DURING THE PERIOD OF APPROPRIATION WHEN THE FLOW RATE AT USGS GAGE NO. 06130500 INDICATES A FLOW OF AT LEAST 70 CUBIC FEET PER SECOND. STREAM FLOWS AT THE REFERENCED USGS GAGE MUST BE CHECKED AT LEAST WEEKLY TO ENSURE CONDITIONS ARE APPROPRIATE FOR DIVERSIONS. ONCE THE FLOW AT THE REFERENCED GAGE DROPS TO OR BELOW 80 CFS, THE GAGE MUST BE CHECKED DAILY. THE CURRENT USGS STREAM GAGING WEBSITE IS: [HTTPS://WATERDATA.USGS.GOV/MT/NWIS/CURRENT?TYPE=FLOW](https://waterdata.usgs.gov/mt/nwis/current?type=flow)

# E001 - Musselshell River

Water Right Number

REMARK

**40C 187524 00**

THIS FLOW RATE IS BASED ON PUMP CAPACITY

**40A 189170 00**

A PUMP AND PIPELINE ARE USED TO SUPPLEMENT THE MILL DITCH AS AN EMERGENCY MEASURE WHEN THAT DITCH IS DAMAGED AND IN NEED OF REPAIR.

**40A 192538 00**

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

**40A 192539 00**

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

**40A 193160 00**

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

**40C 193408 00**

THIS FLOW RATE IS BASED ON PUMP CAPACITY.

**40C 10444 00**

FLOW RATE FOR THIS RIGHT IS BASED ON TOTAL CAPACITY OF TWO PUMPS

**40A 197900 00**

IMPORTANT INFORMATION

THE APPROPRIATION OF WATER UNDER WATER RIGHT NO. 40A 197900-00 SHALL NOT EXCEED 5.69 CFS VIA THE HEADGATE FOR THE PENWELL-ROSS DITCH, LOCATED IN THE SWSWNE SECTION 26, T8N, R15E, OR 3.79 CFS VIA THE CENTER PIVOT PUMPING SYSTEM LOCATED IN THE SWNE SECTION 32, T8N, R16E.

WATER MEASUREMENT RECORDS REQUIRED:

THE APPROPRIATOR SHALL INSTALL DEPARTMENT APPROVED WATER USE MEASURING DEVICES IN THE PENWELL-ROSS DITCH AND CENTER PIVOT PUMPING SYSTEM AT POINTS APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICES ARE 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 WATER DIVERTED FROM EACH DIVERSION POINT, 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 DEVICES SO THEY ALWAYS OPERATES PROPERLY AND MEASURE FLOW RATE AND VOLUME ACCURATELY.

SUBMIT RECORDS TO:

LEWISTOWN WATER RESOURCES OFFICE  
613 NE MAIN ST, SUITE E  
LEWISTOWN, MT  
PHONE: 406-538-7459  
FAX: 406-538-7012

**40A 198049 00**

# E001 - Musselshell River

Water Right Number

REMARK

**40A 198049 00**

IMPORTANT INFORMATION:

THE FLOW RATE ASSOCIATED WITH THIS CHANGE AUTHORIZATION IS 15.4 CUBIC FEET PER SECOND (CFS). THE IRRIGATION SYSTEM INCLUDES A PUMP AND CENTER PIVOT THAT OPERATE AT 1.0 CFS. WHEN BOTH STATEMENT OF CLAIM NOS. 40A 198049 00 AND 40A 212176 00 ARE ABLE TO BE EXERCISED, THE VARIABLE FLOW FLOOD PUMP CAN DIVERT UP TO 14.4 CFS. WHEN STATEMENT OF CLAIM NO. 40A 198049 00 IS THE ONLY RIGHT IN PRIORITY, THE FLOOD PUMP CAN BE OPERATED UP TO 10.4 CFS. APPROPRIATIONS FOR EITHER PUMPSITE CAN OCCUR IN COMBINATION WITH DEADMANS BASIN CONTRACT WATER, BUT CANNOT EXCEED A FLOW RATE OF 1.0 CFS AND 14.4 CFS RESPECTIVELY.

WATER MEASUREMENT RECORDS REQUIRED:

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 WATER DIVERTED INCLUDING THE PERIOD OF TIME. THE APPROPRIATOR SHALL KEEP A SEPARATE ACCOUNTING FOR THE FLOW RATE AND DIVERTED VOLUME OF EACH OF ITS WATER RIGHTS (40A 198049 00 AND 40A 212176 00). 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.

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PHONE: 406-538-7459  
FAX: 406-538-7012

**40A 198375 00**

SOURCE INCLUDES MULTIPLE BRAIDED CHANNELS OF MUSSELHELL RIVER, SOUTH FORK

**40C 199615 00**

THIS CLAIM AND CLAIM 40C 199619-00 HAVE HISTORICALLY SHARED THE USE OF ONE DIVERSION PUMP, WITH THE DIVERTED FLOW ALTERNATING BETWEEN THE TWO RIGHTS, NEVER AT THE SAME TIME.

**40C 199616 00**

USE OF THIS CLAIM HAS HISTORICALLY BEEN LIMITED TO IRRIGATION FOR UP TO 5 DAYS PER YEAR. THE ANNUAL FLOW RATE IS LIMITED TO 2200 GPM APPLIED CONTINUOUSLY OVER A 5 DAY PERIOD.

**40C 199617 00**

POINT OF DIVERSION REPLACED JANUARY 10, 2013 DUE TO DAMAGE FROM FLOOD OF 2011. POINT OF DIVERSION WAS MOVED APPROXIMATELY 730 FEET DOWNSTREAM TO STABLE BANK AREA.

THIS CLAIM AND CLAIM 40C 199618-00 HAVE HISTORICALLY SHARED THE USE OF ONE DIVERSION PUMP, WITH THE DIVERTED FLOW ALTERNATING BETWEEN THE TWO RIGHTS, NEVER AT THE SAME TIME.

**40C 199618 00**

POINT OF DIVERSION REPLACED JANUARY 10, 2013 DUE TO DAMAGE FROM FLOOD OF 2011. POINT OF DIVERSION WAS MOVED APPROXIMATELY 730 FEET DOWNSTREAM TO STABLE BANK AREA.

THIS CLAIM AND CLAIM 40C 199617-00 HAVE HISTORICALLY SHARED THE USE OF ONE DIVERSION PUMP, WITH THE DIVERTED FLOW ALTERNATING BETWEEN THE TWO RIGHTS, NEVER AT THE SAME TIME.

**40C 199619 00**

THIS FLOW RATE IS BASED ON PUMP CAPACITY

THIS CLAIM AND CLAIM 40C 199615-00 HAVE HISTORICALLY SHARED THE USE OF ONE DIVERSION PUMP, WITH THE DIVERTED FLOW ALTERNATING BETWEEN THE TWO RIGHTS, NEVER AT THE SAME TIME.

**40C 200399 00**

THIS FLOW RATE IS BASED ON PUMP CAPACITY.

**40C 200528 00**

PUMP IS MOVEABLE ALL ALONG SOURCE WITHIN LEGAL LAND DESCRIPTION.

**40A 201280 00**

# E001 - Musselshell River

## Water Right Number

## REMARK

### 40A 201280 00

WATER RIGHTS 40A 201280-00, 40A 201282-00, 40A 201283-00, 40A 201284-00 AND 40A 201286-00 ARE SUBJECT TO THE FOLLOWING LIMITATIONS AT THE POINTS OF DIVERSION IDENTIFIED BELOW:

THE DECREED POINT OF DIVERSION LOCATED IN THE SWNNWNW 1/4 OF SEC 19 TWP 08N RGE 13E IS THE POINT OF DIVERSION FOR THE TWO DOT CANAL, A STATE-OWNED CANAL. PURSUANT TO THE RIGHT-OF-WAY EASEMENT DEED, DATED DECEMBER 16, 1939 AND RECORDED AT BOOK A-7, PAGE 206- 207, MEAGHER COUNTY, MONTANA, NOT MORE THAN 20 CFS OF THE 51.85 CFS DECREED TO DENNIS VOSS AND ERICA BORBE OUT OF THE MUSSELHELL RIVER IN WATER RIGHT NOS. 40A 201280-00, 40A 201282-00, 40A 201283-00, 40A 201284-00 AND 40A 201286-00 MAY BE DIVERTED INTO AND CONVEYED THROUGH THE TWO DOT CANAL. THE DIVERSION LIMITATION CONTAINED IN THE EASEMENT AGREEMENT DOES NOT ESTABLISH OR LIMIT THE CLAIMANT'S DECREED WATER RIGHTS WHICH MAY BE DIVERTED FROM THE MUSSELHELL RIVER AT OTHER DECREED POINTS OF DIVERSION INTO OTHER CANALS AND/OR DITCHES. THE DIVERSION LIMITATION CONTAINED IN THE EASEMENT AGREEMENT APPLIES ONLY TO THE WATER RIGHTS DESIGNATED IN THIS REMARK AND DOES NOT APPLY TO WATER DECREED TO THE STATE OF MONTANA.

THE POINT OF DIVERSION LOCATED IN THE NENWSE 1/4 OF SEC 15, TWP 08N, RGE 12E IS THE POINT OF DIVERSION FOR THE MOE-HART DITCH, ALSO KNOWN AS THE HART DITCH. PURSUANT TO THE STIPULATION OF THE JOINT OWNERS OF THIS DITCH, NOT MORE THAN 10 CFS OF THE WATER DECREED IN THE ABOVE DESIGNATED WATER RIGHTS MAY BE DIVERTED AT THE POINT OF DIVERSION LOCATED IN THE NENWSE 1/4 OF SEC 15, TWP 08N, RGE 12E AND CONVEYED THROUGH THE MOE-HART DITCH FOR SUPPLEMENTAL IRRIGATION OF 120.6 ACRES LOCATED IN SEC 19, TWP 08N, RGE 13E.

### 40A 201283 00

WATER RIGHTS 40A 201280-00, 40A 201282-00, 40A 201283-00, 40A 201284-00 AND 40A 201286-00 ARE SUBJECT TO THE FOLLOWING LIMITATIONS AT THE POINTS OF DIVERSION IDENTIFIED BELOW:

THE DECREED POINT OF DIVERSION LOCATED IN THE SWNNWNW 1/4 OF SEC 19 TWP 08N RGE 13E IS THE POINT OF DIVERSION FOR THE TWO DOT CANAL, A STATE-OWNED CANAL. PURSUANT TO THE RIGHT-OF-WAY EASEMENT DEED, DATED DECEMBER 16, 1939 AND RECORDED AT BOOK A-7, PAGE 206- 207, MEAGHER COUNTY, MONTANA, NOT MORE THAN 20 CFS OF THE 51.85 CFS DECREED TO DENNIS VOSS AND ERICA BORBE OUT OF THE MUSSELHELL RIVER IN WATER RIGHT NOS. 40A 201280-00, 40A 201282-00, 40A 201283-00, 40A 201284-00 AND 40A 201286-00 MAY BE DIVERTED INTO AND CONVEYED THROUGH THE TWO DOT CANAL. THE DIVERSION LIMITATION CONTAINED IN THE EASEMENT AGREEMENT DOES NOT ESTABLISH OR LIMIT THE CLAIMANT'S DECREED WATER RIGHTS WHICH MAY BE DIVERTED FROM THE MUSSELHELL RIVER AT OTHER DECREED POINTS OF DIVERSION INTO OTHER CANALS AND/OR DITCHES. THE DIVERSION LIMITATION CONTAINED IN THE EASEMENT AGREEMENT APPLIES ONLY TO THE WATER RIGHTS DESIGNATED IN THIS REMARK AND DOES NOT APPLY TO WATER DECREED TO THE STATE OF MONTANA.

THE POINT OF DIVERSION LOCATED IN THE NENWSE 1/4 OF SEC 15, TWP 08N, RGE 12E IS THE POINT OF DIVERSION FOR THE MOE-HART DITCH, ALSO KNOWN AS THE HART DITCH. PURSUANT TO THE STIPULATION OF THE JOINT OWNERS OF THIS DITCH, NOT MORE THAN 10 CFS OF THE WATER DECREED IN THE ABOVE DESIGNATED WATER RIGHTS MAY BE DIVERTED AT THE POINT OF DIVERSION LOCATED IN THE NENWSE 1/4 OF SEC 15, TWP 08N, RGE 12E AND CONVEYED THROUGH THE MOE-HART DITCH FOR SUPPLEMENTAL IRRIGATION OF 120.6 ACRES LOCATED IN SEC 19, TWP 08N, RGE 13E.

### 40A 201284 00

THE DECREED POINT OF DIVERSION LOCATED IN THE SWNNWNW 1/4 OF SEC 19 TWP 08N RGE 13E IS THE POINT OF DIVERSION FOR THE TWO DOT CANAL, A STATE-OWNED CANAL. PURSUANT TO THE RIGHT-OF-WAY EASEMENT DEED, DATED DECEMBER 16, 1939 AND RECORDED AT BOOK A-7, PAGE 206- 207, MEAGHER COUNTY, MONTANA, NOT MORE THAN 20 CFS OF THE 51.85 CFS DECREED TO DENNIS VOSS AND ERICA BORBE OUT OF THE MUSSELHELL RIVER IN WATER RIGHT NOS. 40A 201280-00, 40A 201282-00, 40A 201283-00, 40A 201284-00 AND 40A 201286-00 MAY BE DIVERTED INTO AND CONVEYED THROUGH THE TWO DOT CANAL. THE DIVERSION LIMITATION CONTAINED IN THE EASEMENT AGREEMENT DOES NOT ESTABLISH OR LIMIT THE CLAIMANT'S DECREED WATER RIGHTS WHICH MAY BE DIVERTED FROM THE MUSSELHELL RIVER AT OTHER DECREED POINTS OF DIVERSION INTO OTHER CANALS AND/OR DITCHES. THE DIVERSION LIMITATION CONTAINED IN THE EASEMENT AGREEMENT APPLIES ONLY TO THE WATER RIGHTS DESIGNATED IN THIS REMARK AND DOES NOT APPLY TO WATER DECREED TO THE STATE OF MONTANA.

THE POINT OF DIVERSION LOCATED IN THE NENWSE 1/4 OF SEC 15, TWP 08N, RGE 12E IS THE POINT OF DIVERSION FOR THE MOE-HART DITCH, ALSO KNOWN AS THE HART DITCH. PURSUANT TO THE STIPULATION OF THE JOINT OWNERS OF THIS DITCH, NOT MORE THAN 10 CFS OF THE WATER DECREED IN THE ABOVE DESIGNATED WATER RIGHTS MAY BE DIVERTED AT THE POINT OF DIVERSION LOCATED IN THE NENWSE 1/4 OF SEC 15, TWP 08N, RGE 12E AND CONVEYED THROUGH THE MOE-HART DITCH FOR SUPPLEMENTAL IRRIGATION OF 120.6 ACRES LOCATED IN SEC 19, TWP 08N, RGE 13E.

WATER RIGHTS 40A 201280-00, 40A 201282-00, 40A 201283-00, 40A 201284-00, AND 40A 201286-00 ARE SUBJECT TO THE FOLLOWING LIMITATIONS AT THE POINTS OF DIVERSION IDENTIFIED BELOW:

### 40A 201286 00

THE DECREED POINT OF DIVERSION LOCATED IN THE SWNNWNW 1/4 OF SEC 19 TWP 08N RGE 13E IS THE POINT OF DIVERSION FOR THE TWO DOT CANAL, A STATE-OWNED CANAL. PURSUANT TO THE RIGHT-OF-WAY EASEMENT DEED, DATED DECEMBER 16, 1939 AND RECORDED AT BOOK A-7, PAGE 206- 207, MEAGHER COUNTY, MONTANA, NOT MORE THAN 20 CFS OF THE 51.85 CFS DECREED TO DENNIS VOSS AND ERICA BORBE OUT OF THE MUSSELHELL RIVER IN WATER RIGHT NOS. 40A 201280-00, 40A 201282-00, 40A 201283-00, 40A 201284-00 AND 40A 201286-00 MAY BE DIVERTED INTO AND CONVEYED THROUGH THE TWO DOT CANAL. THE DIVERSION LIMITATION CONTAINED IN THE EASEMENT AGREEMENT DOES NOT ESTABLISH OR LIMIT THE CLAIMANT'S DECREED WATER RIGHTS WHICH MAY BE DIVERTED FROM THE MUSSELHELL RIVER AT OTHER DECREED POINTS OF DIVERSION INTO OTHER CANALS AND/OR DITCHES. THE DIVERSION LIMITATION CONTAINED IN THE EASEMENT AGREEMENT APPLIES ONLY TO THE WATER RIGHTS DESIGNATED IN THIS REMARK AND DOES NOT APPLY TO WATER DECREED TO THE STATE OF MONTANA.

THE POINT OF DIVERSION LOCATED IN THE NENWSE 1/4 OF SEC 15, TWP 08N, RGE 12E IS THE POINT OF DIVERSION FOR THE MOE-HART DITCH, ALSO KNOWN AS THE HART DITCH. PURSUANT TO THE STIPULATION OF THE JOINT OWNERS OF THIS DITCH, NOT MORE THAN 10 CFS OF THE WATER DECREED IN THE ABOVE DESIGNATED WATER RIGHTS MAY BE DIVERTED AT THE POINT OF DIVERSION LOCATED IN THE NENWSE 1/4 OF SEC 15, TWP 08N, RGE 12E AND CONVEYED THROUGH THE MOE-HART DITCH FOR SUPPLEMENTAL IRRIGATION OF 120.6 ACRES LOCATED IN SEC 19, TWP 08N, RGE 13E.

WATER RIGHTS 40A 201280-00, 40A 201282-00, 40A 201283-00, 40A 201284-00, AND 40A 201286-00 ARE SUBJECT TO THE FOLLOWING LIMITATIONS AT THE POINTS OF DIVERSION IDENTIFIED BELOW:

### 40C 201447 00

PUMP IS MOVEABLE ALL ALONG SOURCE WITHIN LEGAL LAND DESCRIPTION.

THIS FLOW RATE IS BASED ON HISTORICAL PUMP CAPACITY.

### 40C 201651 00

THIS FLOW RATE IS BASED ON PUMP CAPACITY.

# E001 - Musselshell River

Water Right Number

REMARK

**40C 201654 00**

THIS FLOW RATE IS BASED ON PUMP CAPACITY.

**40A 201952 00**

IMPORTANT INFORMATION:

THE COMBINED DIVERTED VOLUME FOR STATEMENT OF CLAIM NOS. 40A 201952-00 AND 40A 201953-00 IS LIMITED TO 182.9 ACRE-FEET.

IMPORTANT INFORMATION:

THE COMBINED FLOW RATE OF THE TWO WATER RIGHTS ASSOCIATED WITH THIS CHANGE AUTHORIZATION IS 3.67 CUBIC FEET PER SECOND (CFS). THE COMBINATION OF IRRIGATION SYSTEMS INCLUDES DIVERSION OF WATER FROM THE LAVINA SOUTH CANAL FOR FLOOD IRRIGATION, AND A PUMPING SYSTEM IN THE MUSSELHELL RIVER FOR CENTER PIVOT IRRIGATION. THE DIVERTED FLOW RATE FROM THE LAVINA SOUTH CANAL SHALL NOT EXCEED 1.89 CUBIC FEET PER SECOND, AND THE DIVERTED FLOW RATE FROM THE PUMPING SYSTEM SHALL NOT EXCEED 1.78 CUBIC FEET PER SECOND.

WATER MEASUREMENT RECORDS REQUIRED:

THE APPROPRIATOR SHALL INSTALL DEPARTMENT APPROVED WATER USE MEASURING DEVICES IN THE LAVINA SOUTH CANAL AND CENTER PIVOT PUMPING SYSTEM AT POINTS APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICES ARE 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 WATER DIVERTED FROM EACH DIVERSION POINT, 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 DEVICES SO THEY ALWAYS OPERATE PROPERLY AND MEASURE FLOW RATE AND VOLUME ACCURATELY.

SUBMIT RECORDS TO:

LEWISTOWN WATER RESOURCES OFFICE  
613 NE MAIN ST, SUITE E  
LEWISTOWN, MT  
PHONE: 406-538-7459  
FAX: 406-538-7012

**40A 201953 00**

IMPORTANT INFORMATION:

THE COMBINED DIVERTED VOLUME FOR STATEMENT OF CLAIM NOS. 40A 201952-00 AND 40A 201953-00 IS LIMITED TO 182.9 ACRE-FEET.

IMPORTANT INFORMATION:

THE COMBINED FLOW RATE OF THE TWO WATER RIGHTS ASSOCIATED WITH THIS CHANGE AUTHORIZATION IS 3.67 CUBIC FEET PER SECOND (CFS). THE COMBINATION OF IRRIGATION SYSTEMS INCLUDES DIVERSION OF WATER FROM THE LAVINA SOUTH CANAL FOR FLOOD IRRIGATION, AND A PUMPING SYSTEM IN THE MUSSELHELL RIVER FOR CENTER PIVOT IRRIGATION. THE DIVERTED FLOW RATE FROM THE LAVINA SOUTH CANAL SHALL NOT EXCEED 1.89 CUBIC FEET PER SECOND, AND THE DIVERTED FLOW RATE FROM THE PUMPING SYSTEM SHALL NOT EXCEED 1.78 CUBIC FEET PER SECOND.

WATER MEASUREMENT RECORDS REQUIRED:

THE APPROPRIATOR SHALL INSTALL DEPARTMENT APPROVED WATER USE MEASURING DEVICES IN THE LAVINA SOUTH CANAL AND CENTER PIVOT PUMPING SYSTEM AT POINTS APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICES ARE 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 WATER DIVERTED FROM EACH DIVERSION POINT, 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 DEVICES SO THEY ALWAYS OPERATE PROPERLY AND MEASURE FLOW RATE AND VOLUME ACCURATELY.

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**40C 202075 00**

PLACE OF USE ID NO. 7 INCLUDES GOVT LOTS 4, 8, 9, 14, 15, AND 20.

PLACE OF USE ID NO. 8 INCLUDES GOVT LOTS 16, 17, 18, AND 19.

THE MAXIMUM COMBINED FLOW RATE FOR THE RIGHTS FOLLOWING THIS STATEMENT IS 5.00 CFS: 40C 169137-00, 40C 169138-00, 40C 169139-00, 40C 202075-00

**40A 203055 00**

THIS FLOW RATE REPRESENTS PUMP CAPACITY.

THIS PUMP IS USED IN 40A 203054-00, 40A 203055-00, 40A 203057-00, 40A 203058-00, 40A 203059-00, 40A 214290-00, 40A 214291-00, 40A 214292-00, 40A 214293-00.

**40A 203057 00**

# E001 - Musselshell River

## Water Right Number

## REMARK

### 40A 203057 00

THE CLAIMS LISTED AFTER THIS REMARK ARE BASED UPON THE SAME DECREED WATER RIGHT FOR 90 MINER'S INCHES. THE COMBINED FLOW RATES OF THESE THREE CLAIMS SHALL NOT EXCEED 90 MINER'S INCHES (2.50 CFS) AT ANY TIME.  
40A 203056-00, 40A 203057-00, AND 40A 203058-00

THIS PUMP IS USED IN 40A 203054-00, 40A 203055-00, 40A 203057-00, 40A 203058-00, 40A 203059-00, 40A 214290-00, 40A 214291-00, 40A 214292-00, 40A 214293-00.

### 40A 203058 00

THE CLAIMS LISTED AFTER THIS REMARK ARE BASED UPON THE SAME DECREED WATER RIGHT FOR 90 MINER'S INCHES. THE COMBINED FLOW RATES OF THESE THREE CLAIMS SHALL NOT EXCEED 90 MINER'S INCHES (2.50 CFS) AT ANY TIME.  
40A 203056-00, 40A 203057-00, AND 40A 203058-00

THIS PUMP IS USED IN 40A 203054-00, 40A 203055-00, 40A 203057-00, 40A 203058-00, 40A 203059-00, 40A 214290-00, 40A 214291-00, 40A 214292-00, 40A 214293-00.

### 40A 203066 00

STATEMENTS OF CLAIM 40A-203067-00, 40A-203066-00, 40A-146043-00, 40A-146041-00, 40A-203071-00, 40A-203372-00 & 40A-136936-00 SHARE A COMMON POINT OF DIVERSION.

### 40A 203067 00

STATEMENTS OF CLAIM 40A-203067-00, 40A-203066-00, 40A-146043-00, 40A-146041-00, 40A-203071-00, 40A-203372-00 & 40A-136936-00 SHARE A COMMON POINT OF DIVERSION.

UNDIVIDED ONE HALF INTEREST IN 200 MINERS INCHES

### 40A 203071 00

STATEMENTS OF CLAIM 40A-203067-00, 40A-203066-00, 40A-146043-00, 40A-146041-00, 40A-203071-00, 40A-203372-00 & 40A-136936-00 SHARE A COMMON POINT OF DIVERSION.

### 40A 203256 00

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

### 40A 203316 00

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

### 40A 203321 00

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15 TO OCTOBER 31 OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 15.00 CFS FROM MARCH 1ST TO MARCH 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 34.96 CFS.

40A 203321-00, 40A 203322-00, 40A 203324-00

### 40A 203322 00

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 15.00 CFS FROM MARCH 1ST TO MARCH 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 34.96 CFS.

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 15.00 CFS FROM MARCH 1ST TO MARCH 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 34.96 CFS.

40A 203321-00, 40A 203322-00, 40A 203324-00

# E001 - Musselshell River

## Water Right Number

## REMARK

### 40A 203324 00

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 15.00 CFS FROM MARCH 1ST TO MARCH 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 34.96 CFS.

40A 203321-00, 40A 203322-00, 40A 203324-00

### 40A 203453 00

STOCK USE IS RECOGNIZED AS A VALID ADDITIONAL PURPOSE FOR THIS RIGHT

### 40A 203454 00

STOCK USE IS RECOGNIZED AS A VALID ADDITIONAL PURPOSE FOR THIS RIGHT

### 40A 203529 00

#### IMPORTANT INFORMATION:

THE FLOW RATES ASSOCIATED WITH THIS CHANGE AUTHORIZATION ARE 3.75 CUBIC FEET PER SECOND (CFS) FOR THE PIVOT PUMP AND 4.90 CFS FOR THE FLOOD PUMP. APPLICANT'S SENIOR RIGHT, STATEMENT OF CLAIM NO. 40A 203529 00 IS INSUFFICIENT TO MEET THE PUMPING RATE (FLOW RATE) OF EITHER IRRIGATION SYSTEM BY ITSELF. STATEMENT OF CLAIM NO. 40A 203529 00 CANNOT EXCEED A FLOW RATE OF 1.25 CFS, AND THEREFORE MUST BE UTILIZED IN COMBINATION WITH ANOTHER MORE JUNIOR WATER RIGHT, OR IN COMBINATION WITH DEADMANS BASIN CONTRACT WATER.

#### IMPORTANT INFORMATION:

THE MAXIMUM APPROPRIATION FOR STATEMENT OF CLAIM NO. 40A 203529 00 IS A FLOW RATE OF 1.25 CFS UP TO A DIVERTED VOLUME OF 163.6 ACRE-FEET. THE MAXIMUM DIVERTED VOLUME FOR ANY COMBINATION OF THE REMAINING WATER RIGHTS SHALL NOT EXCEED 515.8 ACRE-FEET.

#### WATER MEASUREMENT RECORDS REQUIRED:

THE APPROPRIATOR SHALL INSTALL DEPARTMENT APPROVED WATER USE MEASURING DEVICES AT POINTS APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED FROM EITHER PUMP SITE UNTIL THE REQUIRED MEASURING DEVICES ARE 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 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.

#### SUBMIT RECORDS TO:

LEWISTOWN WATER RESOURCES OFFICE  
613 NE MAIN ST, SUITE E  
LEWISTOWN, MT  
PHONE: 406-538-7459  
FAX: 406-538-7012

### 40A 203531 00

#### IMPORTANT INFORMATION:

THE FLOW RATES ASSOCIATED WITH THIS CHANGE AUTHORIZATION ARE 3.75 CUBIC FEET PER SECOND (CFS) FOR THE PIVOT PUMP AND 4.90 CFS FOR THE FLOOD PUMP. APPLICANT'S SENIOR RIGHT, STATEMENT OF CLAIM NO. 40A 203529 00 IS INSUFFICIENT TO MEET THE PUMPING RATE (FLOW RATE) OF EITHER IRRIGATION SYSTEM BY ITSELF. STATEMENT OF CLAIM NO. 40A 203529 00 CANNOT EXCEED A FLOW RATE OF 1.25 CFS, AND THEREFORE MUST BE UTILIZED IN COMBINATION WITH ANOTHER MORE JUNIOR WATER RIGHT, OR IN COMBINATION WITH DEADMANS BASIN CONTRACT WATER.

#### IMPORTANT INFORMATION:

THE MAXIMUM APPROPRIATION FOR STATEMENT OF CLAIM NO. 40A 203529 00 IS A FLOW RATE OF 1.25 CFS UP TO A DIVERTED VOLUME OF 163.6 ACRE-FEET. THE MAXIMUM DIVERTED VOLUME FOR ANY COMBINATION OF THE REMAINING WATER RIGHTS SHALL NOT EXCEED 515.8 ACRE-FEET.

#### WATER MEASUREMENT RECORDS REQUIRED:

THE APPROPRIATOR SHALL INSTALL DEPARTMENT APPROVED WATER USE MEASURING DEVICES AT POINTS APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED FROM EITHER PUMP SITE UNTIL THE REQUIRED MEASURING DEVICES ARE 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 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.

#### SUBMIT RECORDS TO:

LEWISTOWN WATER RESOURCES OFFICE  
613 NE MAIN ST, SUITE E  
LEWISTOWN, MT  
PHONE: 406-538-7459  
FAX: 406-538-7012

### 40A 203532 00

# E001 - Musselshell River

Water Right Number

REMARK

**40A 203532 00**

IMPORTANT INFORMATION:

THE FLOW RATES ASSOCIATED WITH THIS CHANGE AUTHORIZATION ARE 3.75 CUBIC FEET PER SECOND (CFS) FOR THE PIVOT PUMP AND 4.90 CFS FOR THE FLOOD PUMP. APPLICANT'S SENIOR RIGHT, STATEMENT OF CLAIM NO. 40A 203529 00 IS INSUFFICIENT TO MEET THE PUMPING RATE (FLOW RATE) OF EITHER IRRIGATION SYSTEM BY ITSELF. STATEMENT OF CLAIM NO. 40A 203529 00 CANNOT EXCEED A FLOW RATE OF 1.25 CFS, AND THEREFORE MUST BE UTILIZED IN COMBINATION WITH ANOTHER MORE JUNIOR WATER RIGHT, OR IN COMBINATION WITH DEADMANS BASIN CONTRACT WATER.

IMPORTANT INFORMATION:

THE MAXIMUM APPROPRIATION FOR STATEMENT OF CLAIM NO. 40A 203529 00 IS A FLOW RATE OF 1.25 CFS UP TO A DIVERTED VOLUME OF 163.6 ACRE-FEET. THE MAXIMUM DIVERTED VOLUME FOR ANY COMBINATION OF THE REMAINING WATER RIGHTS SHALL NOT EXCEED 515.8 ACRE-FEET.

WATER MEASUREMENT RECORDS REQUIRED:

THE APPROPRIATOR SHALL INSTALL DEPARTMENT APPROVED WATER USE MEASURING DEVICES AT POINTS APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED FROM EITHER PUMP SITE UNTIL THE REQUIRED MEASURING DEVICES ARE 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 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.

SUBMIT RECORDS TO:

LEWISTOWN WATER RESOURCES OFFICE  
613 NE MAIN ST, SUITE E  
LEWISTOWN, MT  
PHONE: 406-538-7459  
FAX: 406-538-7012

**40A 203535 00**

IMPORTANT INFORMATION:

THE FLOW RATES ASSOCIATED WITH THIS CHANGE AUTHORIZATION ARE 3.75 CUBIC FEET PER SECOND (CFS) FOR THE PIVOT PUMP AND 4.90 CFS FOR THE FLOOD PUMP. APPLICANT'S SENIOR RIGHT, STATEMENT OF CLAIM NO. 40A 203529 00 IS INSUFFICIENT TO MEET THE PUMPING RATE (FLOW RATE) OF EITHER IRRIGATION SYSTEM BY ITSELF. STATEMENT OF CLAIM NO. 40A 203529 00 CANNOT EXCEED A FLOW RATE OF 1.25 CFS, AND THEREFORE MUST BE UTILIZED IN COMBINATION WITH ANOTHER MORE JUNIOR WATER RIGHT, OR IN COMBINATION WITH DEADMANS BASIN CONTRACT WATER.

IMPORTANT INFORMATION:

THE MAXIMUM APPROPRIATION FOR STATEMENT OF CLAIM NO. 40A 203529 00 IS A FLOW RATE OF 1.25 CFS UP TO A DIVERTED VOLUME OF 163.6 ACRE-FEET. THE MAXIMUM DIVERTED VOLUME FOR ANY COMBINATION OF THE REMAINING WATER RIGHTS SHALL NOT EXCEED 515.8 ACRE-FEET.

WATER MEASUREMENT RECORDS REQUIRED:

THE APPROPRIATOR SHALL INSTALL DEPARTMENT APPROVED WATER USE MEASURING DEVICES AT POINTS APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED FROM EITHER PUMP SITE UNTIL THE REQUIRED MEASURING DEVICES ARE 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 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.

SUBMIT RECORDS TO:

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613 NE MAIN ST, SUITE E  
LEWISTOWN, MT  
PHONE: 406-538-7459  
FAX: 406-538-7012

**40A 203537 00**

IMPORTANT INFORMATION:

THE FLOW RATES ASSOCIATED WITH THIS CHANGE AUTHORIZATION ARE 3.75 CUBIC FEET PER SECOND (CFS) FOR THE PIVOT PUMP AND 4.90 CFS FOR THE FLOOD PUMP. APPLICANT'S SENIOR RIGHT, STATEMENT OF CLAIM NO. 40A 203529 00 IS INSUFFICIENT TO MEET THE PUMPING RATE (FLOW RATE) OF EITHER IRRIGATION SYSTEM BY ITSELF. STATEMENT OF CLAIM NO. 40A 203529 00 CANNOT EXCEED A FLOW RATE OF 1.25 CFS, AND THEREFORE MUST BE UTILIZED IN COMBINATION WITH ANOTHER MORE JUNIOR WATER RIGHT, OR IN COMBINATION WITH DEADMANS BASIN CONTRACT WATER.

IMPORTANT INFORMATION:

THE MAXIMUM APPROPRIATION FOR STATEMENT OF CLAIM NO. 40A 203529 00 IS A FLOW RATE OF 1.25 CFS UP TO A DIVERTED VOLUME OF 163.6 ACRE-FEET. THE MAXIMUM DIVERTED VOLUME FOR ANY COMBINATION OF THE REMAINING WATER RIGHTS SHALL NOT EXCEED 515.8 ACRE-FEET.

# E001 - Musselshell River

Water Right Number

REMARK

**40A 203537 00**

WATER MEASUREMENT RECORDS REQUIRED:

THE APPROPRIATOR SHALL INSTALL DEPARTMENT APPROVED WATER USE MEASURING DEVICES AT POINTS APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED FROM EITHER PUMP SITE UNTIL THE REQUIRED MEASURING DEVICES ARE 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 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.

SUBMIT RECORDS TO:

LEWISTOWN WATER RESOURCES OFFICE

613 NE MAIN ST, SUITE E

LEWISTOWN, MT

PHONE: 406-538-7459

FAX: 406-538-7012

**40C 204028 00**

THIS FLOW RATE IS BASED ON PUMP CAPACITY.

**40C 204031 00**

THIS FLOW RATE IS BASED ON PUMP CAPACITY.

**40C 204053 00**

THE ALIQUOT PART W2 IS ADDED TO THE LEGAL DESCRIPTIONS ONLY TO FACILITATE LOCATION. THE ALIQUOT PART IS NOT AN ELEMENT OF THE LEGAL DESCRIPTION OF THE GOVERNMENT LOT.

THIS FLOW RATE IS BASED ON PUMP CAPACITY.

**40A 204374 00**

THE FLOW RATE OF THIS RIGHT IS 3.00 MINER'S INCHES.

**40C 204409 00**

THIS FLOW RATE IS BASED ON PUMP CAPACITY.

POINT OF DIVERSION REPLACED FEBRUARY 25, 2013 DUE TO DAMAGE FROM FLOOD OF 2011. POINT OF DIVERSION WAS MOVED APPROXIMATELY 2,750 FEET DOWNSTREAM TO STABLE BANK AREA.

**40C 204486 00**

A SECONDARY DIVERSION IS A 400 GPM PUMP IN GOVT LOT 05, W2 SEC 02 TWP 08N RGE 27E.

**40C 204630 00**

THIS FLOW RATE IS BASED ON PUMP CAPACITY.

**40C 204657 00**

PUMP IS MOVEABLE ALL ALONG SOURCE WITHIN LEGAL LAND DESCRIPTION.

**40C 204754 00**

PUMP IS MOVEABLE ALL ALONG SOURCE WITHIN LEGAL LAND DESCRIPTION.

THIS FLOW RATE IS BASED ON PUMP CAPACITY.

**40C 204985 00**

THE FLOW RATE IS BASED ON PUMP CAPACITY

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## Water Right Number

## REMARK

### 40C 204985 00

THE FLOW RATE IS BASED ON PUMP CAPACITY

### 40C 204993 00

CLAIM FILED LATE 05/03/82 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL FEDERAL AND INDIAN RESERVED WATER RIGHTS.

### 40C 205000 00

RUN OFF

### 40C 205012 00

FLOW RATE IS BASED ON HISTORICAL MAXIMUM PUMP CAPACITY.

POINT OF DIVERSION IS MOVEABLE ALL ALONG SOURCE WITHIN LEGAL LAND DESCRIPTION.

### 40A 205963 00

THIS RIGHT INCLUDES HIGH OR FLOOD WATERS OF NORTH FORK OF THE MUSSELHELL RIVER.

### 40A 206914 00

7,854.00 GPM IS 17.50 CFS.

POINT OF DIVERSION ID'S 1 AND 2 IRRIGATE ONLY PLACE OF USE ID'S 1 AND 2. POINT OF DIVERSION ID'S 3 AND 4 IRRIGATE THE OTHER PLACES OF USE.

### 40A 206915 00

#### IMPORTANT INFORMATION:

THE FLOW RATES ASSOCIATED WITH THIS CHANGE AUTHORIZATION ARE 3.75 CUBIC FEET PER SECOND (CFS) FOR THE PIVOT PUMP AND 4.90 CFS FOR THE FLOOD PUMP. APPLICANT'S SENIOR RIGHT, STATEMENT OF CLAIM NO. 40A 203529 00 IS INSUFFICIENT TO MEET THE PUMPING RATE (FLOW RATE) OF EITHER IRRIGATION SYSTEM BY ITSELF. STATEMENT OF CLAIM NO. 40A 203529 00 CANNOT EXCEED A FLOW RATE OF 1.25 CFS, AND THEREFORE MUST BE UTILIZED IN COMBINATION WITH ANOTHER MORE JUNIOR WATER RIGHT, OR IN COMBINATION WITH DEADMAN'S BASIN CONTRACT WATER.

#### IMPORTANT INFORMATION:

THE MAXIMUM APPROPRIATION FOR STATEMENT OF CLAIM NO. 40A 203529 00 IS A FLOW RATE OF 1.25 CFS UP TO A DIVERTED VOLUME OF 163.6 ACRE-FEET. THE MAXIMUM DIVERTED VOLUME FOR ANY COMBINATION OF THE REMAINING WATER RIGHTS SHALL NOT EXCEED 515.8 ACRE-FEET.

#### WATER MEASUREMENT RECORDS REQUIRED:

THE APPROPRIATOR SHALL INSTALL DEPARTMENT APPROVED WATER USE MEASURING DEVICES AT POINTS APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED FROM EITHER PUMP SITE UNTIL THE REQUIRED MEASURING DEVICES ARE 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 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.

#### SUBMIT RECORDS TO:

LEWISTOWN WATER RESOURCES OFFICE  
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### 40C 206955 00

THIS FLOW RATE IS BASED ON PUMP CAPACITY.

### 40A 207534 00

UNDIVIDED INTEREST IN 400 MINER'S INCHES.

### 40C 208230 00

# E001 - Musselshell River

Water Right Number

REMARK

**40C 208230 00**

PUMP IS MOVEABLE ALL ALONG SOURCE WITHIN LEGAL LAND DESCRIPTION.

**40C 211161 00**

THE APPROPRIATOR SHALL INSTALL A MEASURING DEVICE IN THE CONVEYANCE FACILITY AS NEAR AS PRACTICAL TO THE PUMP SITE, TO MEASURE APPROPRIATIONS. THE TYPE AND LOCATION OF THE DEVICE MUST BE APPROVED BY THE DEPARTMENT. THE APPROPRIATOR SHALL KEEP A WRITTEN RECORD OF THE FLOW RATE AND VOLUME OF WATER DIVERTED, INCLUDING THE PERIOD OF DIVERSION. RECORDS MUST ACCOUNT SEPARATELY FOR ANY APPROPRIATIONS UNDER THIS AUTHORIZATION FROM APPROPRIATIONS UNDER ANY OTHER WATER RIGHT USING THE SAME DIVERSION WORKS AND CONVEYANCE FACILITY. RECORDS SHALL BE SUBMITTED BY DECEMBER 31 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS AS REQUIRED BY THESE CONDITIONS MAY BE CAUSE FOR REVOCATION OF THE CHANGE. THE RECORDS MUST BE SENT TO THE LEWISTOWN WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING/MONITORING DEVICE, SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE ACCURATELY DURING PERIODS OF APPROPRIATION.

**40A 211381 00**

CLAIM FILED LATE 07/24/1985 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

**40A 211501 00**

CLAIM FILED LATE 09/27/1985 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

**40A 212178 00**

CLAIM FILED LATE 02/18/1988 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

**40A 214080 00**

FLOW RATE IS BASED ON PUMP CAPACITY.

**40A 214125 00**

CLAIM FILED LATE 10/06/1989 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

**40A 214226 00**

USE OF THIS FLOW RATE IS LIMITED TO THREE TIMES PER YEAR, THREE DAYS PER TIME, AT 5.50 CFS. MORE TIME MAY BE REQUIRED AT LOWER FLOWS.

**40C 214231 00**

CLAIM FILED LATE 05/20/91 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

**40A 214290 00**

THIS FLOW RATE REPRESENTS AN INCREASE AS TO 40A 203054-00 IN THE CAPACITY OF THE PUMP.

THIS PUMP IS USED IN 40A 203054-00, 40A 203055-00, 40A 203057-00, 40A 203058-00, 40A 203059-00, 40A 214290-00, 40A 214291-00, 40A 214292-00, 40A 214293-00.

**40A 214291 00**

THIS FLOW RATE REPRESENTS AN INCREASE AS TO 40A 203054-00 AND 40A 214290-00 IN THE CAPACITY OF THE PUMP.

THIS PUMP IS USED IN 40A 203054-00, 40A 203055-00, 40A 203057-00, 40A 203058-00, 40A 203059-00, 40A 214290-00, 40A 214291-00, 40A 214292-00, 40A 214293-00.

**40A 214293 00**

THIS FLOW RATE REPRESENTS AN INCREASE AS TO 40A 203057-00 IN THE CAPACITY OF THE PUMP.

THIS PUMP IS USED IN 40A 203054-00, 40A 203055-00, 40A 203057-00, 40A 203058-00, 40A 203059-00, 40A 214290-00, 40A 214291-00, 40A 214292-00, 40A 214293-00.

# E001 - Musselshell River

## Water Right Number

## REMARK

### 40C 214320 00

CLAIM FILED LATE 05/10/93 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

### 40A 214621 00

CLAIM FILED LATE 10/17/1994 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

### 40C 214765 00

CLAIM FILED LATE 05/01/95 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

### 40C 214813 00

CLAIM FILED LATE 07/13/95 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

### 40C 215290 00

CLAIM FILED LATE 06/26/96 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

THE APPROPRIATOR SHALL INSTALL A MEASURING DEVICE IN THE CONVEYANCE FACILITY AS NEAR AS PRACTICAL TO THE PUMPSITE, IN ORDER TO MEASURE APPROPRIATIONS. THE TYPE AND LOCATION OF THE DEVICE MUST BE APPROVED BY THE DEPARTMENT. THE APPROPRIATOR SHALL KEEP A WRITTEN RECORD OF THE FLOW RATE AND VOLUME OF WATER DIVERTED, INCLUDING THE PERIOD OF TIME OF DIVERSION. RECORDS MUST ACCOUNT SEPARATELY FOR ANY APPROPRIATIONS UNDER THIS AUTHORIZATION FROM APPROPRIATIONS UNDER ANY OTHER WATER RIGHT USING THE SAME DIVERSION WORKS AND CONVEYANCE FACILITY. RECORDS SHALL BE SUBMITTED BY DECEMBER 31 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS AS REQUIRED BY THESE CONDITIONS MAY BE CAUSE FOR REVOCATION OF THE CHANGE. THE RECORDS MUST BE SENT TO THE LEWISTOWN WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING/MONITORING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE ACCURATELY DURING PERIODS OF APPROPRIATION.

### 40A 17758 00

PUMP IS SECONDARY MEANS OF DIVERSION

### 40C 19338 00

THE FLOW RATE OF THIS RIGHT IS BASED ON PUMP CAPACITY.

### 40A 45691 00

THE NOVEMBER 2, 1998 STIPULATION INCLUDES AN AGREEMENT CONCERNING THE USE OF MILL DITCH. A COPY OF THE STIPULATION IS IN THE CLAIM FILE.

### 40A 106706 00

THE PRIMARY DIVERSION IS THE HEADGATE IN NESWNW 06. THE ADDENDUM TO THE STATEMENT OF CLAIM INDICATES SECONDARY MEANS OF DIVERSION AS PUMPS. THE DITCH LENGTH JUSTIFIES THE HIGH FLOW RATE.

### 40A 119518 00

PURSUANT TO AN AGREEMENT BETWEEN THE UPPER MUSSELHELL WATER USERS ASSOCIATION AND OWNERS OF SURFACE WATER RIGHTS, THIS FLOW RATE DOES NOT INCLUDE 84.52 CFS DIVERTED THROUGH THE MARTINSDALE SUPPLY CANAL UNDER WATER RIGHT CLAIM NOS. 40A 22964-00, 40A 22965-00, 40A 205648-00, 40A 112905-00, AND 40A 112908-00.

THE CLAIMANT MUST COMPLY WITH THE REQUIREMENTS OF TITLE 85, CHAPTER 2, PART 4 OF THE MONTANA CODE ANNOTATED BEFORE CONTRACTING TO SELL WATER TO ANY PARTY FOR ANY USE OTHER THAN IRRIGATION, STOCK WATER AND MUNICIPAL IN THE SERVICE AREA OF THE UPPER MUSSELHELL RIVER RESERVOIR PROJECT.

THE FLOW RATE IS THE CAPACITY OF THE MARTINSDALE SUPPLY CANAL.

THE PERIOD OF USE IS FOR SALE.

THIS FLOW RATE INCLUDES WATER DIVERTED FROM THE NATURAL FLOW OF NORTH FORK MUSSELHELL RIVER AND DELIVERED TO MARTINSDALE RESERVOIR THROUGH THE NORTH FORK DIVERSION CANAL.

THIS FLOW RATE INCLUDES WATER RELEASED FROM BAIR RESERVOIR AND DELIVERED TO MARTINSDALE RESERVOIR THROUGH THE NORTH FORK DIVERSION CANAL.

UNNAMED TRIBUTARY OF MUSSELHELL RIVER IS USED AS A NATURAL CARRIER FROM MARTINSDALE SUPPLY CANAL AT NENWSE SECTION 14 T08N R11E, MEAGHER COUNTY, TO MARTINSDALE RESERVOIR AND DAM AT NENWSE SECTION 18 T08N R12E, WHEATLAND COUNTY.

# E001 - Musselshell River

## Water Right Number

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### 40A 125926 00

CLAIMS 40A 125920-00 AND 40A 125926-00 ARE BASED UPON THE SAME NOTICE OF APPROPRIATION FOR 4.00 CFS. THE COMBINED FLOW RATE AND DIVERSION OF THESE CLAIMS SHALL NEVER EXCEED 4.00 CFS.

### 40A 130827 00

#### \*\*WATER MEASUREMENT RECORDS REQUIRED

THE APPROPRIATOR SHALL INSTALL DEPARTMENT-APPROVED MEASURING DEVICES IN THE SUPPLY LINES FOR THE CENTER PIVOT SYSTEMS AND FLOOD SYSTEM. THE LOCATION OF THE MEASURING DEVICES MUST BE APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICES ARE IN PLACE AND OPERATING. THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE FLOW RATE AND VOLUME OF ALL WATER DIVERTED UNDER EACH WATER RIGHT TO THE IRRIGATION SYSTEMS, INCLUDING THE PERIOD OF TIME. A SEPARATE ACCOUNTING OF THE VOLUME APPROPRIATED UNDER EACH RIGHT IS REQUIRED. THE RECORDS MUST ALSO DISTINGUISH THE APPROPRIATION OF WATER UNDER THE WATER RIGHTS AUTHORIZED IN THIS CHANGE AUTHORIZATION FROM CONTRACT WATER DIVERTED THROUGH THE SYSTEMS FROM THE UPPER MUSSELHELL WATER USERS ASSOCIATION.

THE RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT RECORDS MAY BE CAUSE FOR REVOCATION OF THE AUTHORIZATION. THE RECORDS MUST BE SENT TO THE LEWISTOWN WATER RESOURCES REGIONAL OFFICE BY NOVEMBER 30 OF EACH YEAR. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICES SO THEY ALWAYS OPERATE PROPERLY AND MEASURES THE FLOW RATE AND VOLUME OF WATER ACCURATELY.

SUBMIT RECORDS TO:  
LEWISTOWN WATER RESOURCES OFFICE  
613 NE MAIN ST, SUITE E  
LEWISTOWN, MT  
PHONE: 406-538-7459  
FAX: 406-538-7012

#### IMPORTANT INFORMATION

STATEMENT OF CLAIM NOS. 40A 130827, 40A 130837 AND 40A 130843 ARE ASSOCIATED, THEY IRRIGATE THE SAME PLACE OF USE. THE MAXIMUM DIVERTED VOLUME FOR ALL THREE RIGHTS COMBINED IS 174.6 AF ANNUALLY.

#### IMPORTANT INFORMATION

THE DIVERTED FLOW RATE FOR THE TRANSITORY PUMPING SYSTEM IS 2.7 CFS, WHICH IS GREATER THAN THE FLOW RATE (2.5 CFS) FOR STATEMENT OF CLAIM NO. 40A 130827. THEREFORE, 40A 130827 MUST BE USED IN COMBINATION WITH ONE OF THE OTHER AUTHORIZED WATER RIGHTS, 40A 130837 OR 40A 130843, AT ANY TIME THE TRANSITORY PUMP IS BEING OPERATED.

POINT OF DIVERSION ID #2 IS TRANSITORY THROUGHOUT SECTION 22 T8N R14E.

### 40C 177221 00

#### WATER MONITORING REQUIRED:

THE APPROPRIATOR MUST MEET CERTAIN MINIMUM STREAM FLOW CONDITIONS ON THE MUSSELHELL RIVER PRIOR TO DIVERTING WATER FOR IRRIGATION PURPOSES. ALTHOUGH THE FOLLOWING CONDITION SPECIFIES CERTAIN STREAM FLOW LEVELS, IT IS THE APPROPRIATOR'S RESPONSIBILITY TO ENSURE THAT ALL SENIOR WATER RIGHTS ARE BEING MET AT ALL TIMES. IT IS THE RESPONSIBILITY OF THE APPROPRIATOR TO CEASE DIVERSIONS WHEN ITS WATER RIGHT IS CALLED BY SENIOR WATER USERS ON THE MUSSELHELL RIVER.

THE APPROPRIATOR SHALL NOT DIVERT WATER FOR IRRIGATION PURPOSES UNLESS USGS STREAM GAGE NO. 06130500 (MUSSELHELL RIVER AT MOSBY MT) IS OPERATING AND REGISTERING STREAM FLOWS. THE APPROPRIATOR SHALL DIVERT WATER ONLY DURING THE PERIOD OF APPROPRIATION WHEN THE FLOW RATE AT USGS GAGE NO. 06130500 INDICATES A FLOW OF AT LEAST 70 CUBIC FEET PER SECOND. STREAM FLOWS AT THE REFERENCED USGS GAGE MUST BE CHECKED AT LEAST WEEKLY TO ENSURE CONDITIONS ARE APPROPRIATE FOR DIVERSIONS. ONCE THE FLOW AT THE REFERENCED GAGE DROPS TO OR BELOW 80 CFS, THE GAGE MUST BE CHECKED DAILY. THE CURRENT USGS STREAM GAGING WEBSITE IS: [HTTPS://WATERDATA.USGS.GOV/MT/NWIS/CURRENT?TYPE=FLOW](https://waterdata.usgs.gov/mt/nwis/current?type=flow)

### 40A 189173 00

A PUMP AND PIPELINE ARE USED TO SUPPLEMENT THE MILL DITCH AS AN EMERGENCY MEASURE WHEN THAT DITCH IS DAMAGED AND IN NEED OF REPAIR.

### 40C 189752 00

SPRINKLER PUMP CAPACITY IS 250.00 GPM.

### 40A 201282 00

WATER RIGHTS 40A 201280-00, 40A 201282-00, 40A 201283-00, 40A 201284-00 AND 40A 201286-00 ARE SUBJECT TO THE FOLLOWING LIMITATIONS AT THE POINTS OF DIVERSION IDENTIFIED BELOW:

THE DECREED POINT OF DIVERSION LOCATED IN THE SWNNW 1/4 OF SEC 19 TWP 08N RGE 13E IS THE POINT OF DIVERSION FOR THE TWO DOT CANAL, A STATE-OWNED CANAL. PURSUANT TO THE RIGHT-OF-WAY EASEMENT DEED, DATED DECEMBER 16, 1939 AND RECORDED AT BOOK A-7, PAGE 206- 207, MEAGHER COUNTY, MONTANA, NOT MORE THAN 20 CFS OF THE 51.85 CFS DECREED TO DENNIS VOSS AND ERICA BORBE OUT OF THE MUSSELHELL RIVER IN WATER RIGHT NOS. W201280-00, W201282-00, W201283-00, W201284-00 AND W201286-00 MAY BE DIVERTED INTO AND CONVEYED THROUGH THE TWO DOT CANAL. THE DIVERSION LIMITATION CONTAINED IN THE EASEMENT AGREEMENT DOES NOT ESTABLISH OR LIMIT THE CLAIMANT'S DECREED WATER RIGHTS WHICH MAY BE DIVERTED FROM THE MUSSELHELL RIVER AT OTHER DECREED POINTS OF DIVERSION INTO OTHER CANALS AND/OR DITCHES. THE DIVERSION LIMITATION CONTAINED IN THE EASEMENT AGREEMENT APPLIES ONLY TO THE WATER RIGHTS DESIGNATED IN THIS REMARK AND DOES NOT APPLY TO WATER DECREED TO THE STATE OF MONTANA.

THE POINT OF DIVERSION LOCATED IN THE NENWSE 1/4 OF SEC 15, TWP 08N, RGE 12E IS THE POINT OF DIVERSION FOR THE MOE-HART DITCH, ALSO KNOWN AS THE HART DITCH. PURSUANT TO THE STIPULATION OF THE JOINT OWNERS OF THIS DITCH, NOT MORE THAN 10 CFS OF THE WATER DECREED IN THE ABOVE DESIGNATED WATER RIGHTS MAY BE DIVERTED AT THE POINT OF DIVERSION LOCATED IN THE NENWSE 1/4 OF SEC 15, TWP 08N, RGE 12E AND CONVEYED THROUGH THE MOE-HART DITCH FOR SUPPLEMENTAL IRRIGATION OF 120.6 ACRES LOCATED IN SEC 19, TWP 08N, RGE 13E.

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## REMARK

### 40A 203054 00

THIS PUMP IS USED IN 40A 203054-00, 40A 203055-00, 40A 203057-00, 40A 203058-00, 40A 203059-00, 40A 214290-00, 40A 214291-00, 40A 214292-00, 40A 214293-00.

### 40A 203257 00

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

### 40C 204528 00

APPLICATION TO CHANGE THE POINT OF DIVERSION, PLACE AND PURPOSE OF USE RECEIVED 06/16/1992 TERMINATED 08/29/1992 SEE 40C-85116

### 40C 204631 00

THIS FLOW RATE IS BASED ON PUMP CAPACITY.

### 40C 208681 00

A FLOW RATE HIGHER THAN STANDARD IS JUSTIFIED BY THE LENGTH OF THE DITCH FROM THE DIVERSION IN SEC 26 TWP 09N RGE 28E.

### 40A 211380 00

CLAIM FILED LATE 07/24/1985 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

### 40A 212176 00

CLAIM FILED LATE 02/18/88 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

#### IMPORTANT INFORMATION:

THE FLOW RATE ASSOCIATED WITH THIS CHANGE AUTHORIZATION IS 15.4 CUBIC FEET PER SECOND (CFS). THE IRRIGATION SYSTEM INCLUDES A PUMP AND CENTER PIVOT THAT OPERATE AT 1.0 CFS. WHEN BOTH STATEMENT OF CLAIM NOS. 40A 198049 00 AND 40A 212176 00 ARE ABLE TO BE EXERCISED, THE VARIABLE FLOW FLOOD PUMP CAN DIVERT UP TO 14.4 CFS. WHEN STATEMENT OF CLAIM NO. 40A 198049 00 IS THE ONLY RIGHT IN PRIORITY, THE FLOOD PUMP CAN BE OPERATED UP TO 10.4 CFS. APPROPRIATIONS FOR EITHER PUMPSITE CAN OCCUR IN COMBINATION WITH DEADMANS BASIN CONTRACT WATER, BUT CANNOT EXCEED A FLOW RATE OF 1.0 CFS AND 14.4 CFS RESPECTIVELY.

#### WATER MEASUREMENT RECORDS REQUIRED:

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 WATER DIVERTED INCLUDING THE PERIOD OF TIME. THE APPROPRIATOR SHALL KEEP A SEPARATE ACCOUNTING FOR THE FLOW RATE AND DIVERTED VOLUME OF EACH OF ITS WATER RIGHTS (40A 198049 00 AND 40A 212176 00). 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.

#### SUBMIT RECORDS TO:

LEWISTOWN WATER RESOURCES OFFICE  
613 NE MAIN ST, SUITE E  
LEWISTOWN, MT  
PHONE: 406-538-7459  
FAX: 406-538-7012

### 40C 214230 00

CLAIM FILED LATE 05/20/91 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

### 40A 214292 00

THIS FLOW RATE REPRESENTS AN INCREASE AS TO 40A 203055-00 IN THE CAPACITY OF THE PUMP.

THIS PUMP IS USED IN 40A 203054-00, 40A 203055-00, 40A 203057-00, 40A 203058-00, 40A 203059-00, 40A 214290-00, 40A 214291-00, 40A 214292-00, 40A 214293-00.

# E001 - Musselshell River

## Water Right Number

## REMARK

### 40C 215107 00

CLAIM FILED LATE 06/18/96 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

### 40C 215305 00

CLAIM FILED LATE 06/26/96 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

### 40C 7638 00

TWO MEANS OF DIVERSION

### 40A 31437 00

POINT OF DIVERSION REPLACED MAY 23, 2012 DUE TO DAMAGE FROM FLOOD OF 2011. POINT OF DIVERSION WAS MOVED APPROXIMATELY 7000 FEET UPSTREAM TO STABLE BANK AREA.

### 40C 46310 00

THIS PERMIT WILL BE USED IN CONJUNCTION WITH CLAIM NO. 146483.

### 40C 96876 00

THE APPROPRIATOR SHALL CEASE EXERCISING THIS RIGHT WHEN THE FLOW IN THE MUSSELHELL RIVER IS LESS THAN WHAT CAN BE BENEFICIALLY USED BY THE DELPHIA-MELSTONE PROJECT AND WATER IS RELEASED FROM DEADMANS BASIN TO SATISFY THE DELPHIA-MELSTONE DEMAND AND/OR THE DEMAND BY ANY OTHER EXISTING WATER RIGHT.

THE APPROPRIATOR SHALL INSTALL AN IN-LINE FLOW METER THAT RECORDS THE FLOW RATE AS WELL AS TOTALIZE THE AMOUNT OF WATER USED. THE METER SHALL BE LOCATED ON THE PRESSURE SIDE OF THE PIPE, AS CLOSE TO THE PUMP AS MANUFACTURERS SPECIFICATIONS ALLOW, AND PRIOR TO THE FIRST SUBSTANTIAL LOSS OF WATER OCCURS. THE IN-LINE FLOW METER MUST BE MAINTAINED IN SUCH CONDITION AS TO ALLOW A RECORDING ACCURACY OF +-5%. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP MONTHLY WRITTEN RECORDS OF FLOW AND VOLUME OF WATER USED, AND SHALL SUBMIT SAID RECORDS TO THE WATER RESOURCES REGIONAL OFFICE BY NOVEMBER 30 OF EACH YEAR, OR UPON REQUEST BY THE DEPARTMENT. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OR MODIFICATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE AT: 613 NE MAIN STREET #E, LEWISTOWN, MT. 59457-2020. PH: (406)538-7459, FAX: (406)538-7089.

THIS APPLICATION IS SUPPLEMENTAL TO IRRIGATION WATER PURCHASED FROM DEADMANS BASIN.

### 40A 30002276

THE APPROPRIATOR SHALL DIVERT WATER DURING THE PERIOD OF APPROPRIATION ONLY WHEN THE FLOW RATES AT USGS GAUGING STATIONS NO.06126050 (MUSSELHELL RIVER NEAR LAVINA) AND NO.06126500 (MUSSELHELL RIVER NEAR ROUNDUP) BOTH INDICATE FLOWS IN EXCESS OF 80 CUBIC FEET PER SECOND. THESE FLOWS MUST BE CHECKED DAILY WHEN APPROPRIATING WATER. THE CURRENT INTERNET ADDRESS IS: <http://mt.waterdata.usgs.gov/nwis/current?type=flow>

### 40C 14127 00

THIS FLOW RATE IS BASED ON PUMP CAPACITY.

### 40C 14129 00

THIS FLOW RATE IS BASED ON PUMP CAPACITY.

### 40C 14130 00

THIS FLOW RATE IS BASED ON PUMP CAPACITY.

### 40C 30004952

INTERIM PERMIT ISSUED 5/2/2003. EXPIRES 6/30/2003.

THE APPROPRIATOR SHALL DIVERT WATER DURING THE PERIOD OF APPROPRIATION ONLY WHEN THE FLOW RATES AT USGS GAUGING STATION NO.06130500 (MUSSELHELL RIVER AT MOSBY) INDICATES A FLOW IN EXCESS OF 70 CUBIC FEET PER SECOND. THESE FLOWS MUST BE CHECKED DAILY WHEN APPROPRIATING WATER. THE CURRENT INTERNET ADDRESS IS: <http://mt.waterdata.usgs.gov/nwis/current?type=flow>

THE PROJECT COMPLETION NOTICE WAS FILED LATE AND THE PERMIT EXPIRED BY OPERATION OF LAW. THE PROJECT WAS COMPLETE PRIOR TO THE DEADLINE AND THEREFORE THE PERMIT AUTHORIZATION WAS REINSTATED.

### 40C 30009478

# E001 - Musselshell River

## Water Right Number

## REMARK

### 40C 30009478

AFTER REVIEWING THE PERMIT ISSUED 6/6/2006, THE PERIOD OF USE WAS CLARIFIED TO THE CORRECT DATES OF 10/01-12/31 AND 2/11-4/30.

PERMITTEE MUST COMPLY WITH THE REQUIREMENTS OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION ORDER (MARCH 31, 1995) FOR CHRONICALLY DEWATERED STREAMS.

PERMITTEE SHALL CEASE APPROPRIATION DURING PERIODS WHEN THE MUSSELHELL USGS MONITORING GAGE READS LESS THAN 76 CFS, AND THE MOSBY USGS MONITORING GAGE READS LESS THAN 70 CFS. THESE GAGE READINGS CAN BE ACCESSED AT THE FOLLOWING INTERNET ADDRESS: [HTTP://WATERDATA.USGS.GOV/MT/NWIS/CURRENT?TYPE=FLOW](http://waterdata.usgs.gov/mt/nwis/current?type=flow)

THE AMOUNT OF WATER FROM ALL WATER RIGHTS (PURCHASED, CLAIMED, PERMITTED) DIVERTED TO THIS PLACE OF USE IS NO MORE THAN THAT NECESSARY TO ACHIEVE THE IRRIGATION REQUIREMENT FOR THE CLIMATIC AREA, MINUS REASONABLE CONVEYANCE AND APPLICATION LOSSES.

### 40C 30009547

THE APPROPRIATOR SHALL DIVERT WATER DURING THE PERIOD OF APPROPRIATION ONLY WHEN THE FLOW RATES AT USGS GAUGING STATION NO.06130500 (MUSSELHELL RIVER AT MOSBY) INDICATES A FLOW IN EXCESS OF 70 CUBIC FEET PER SECOND. THESE FLOWS MUST BE CHECKED DAILY WHEN APPROPRIATING WATER. THE CURRENT INTERNET ADDRESS IS: [HTTP://MT.WATERDATA.USGS.GOV/NWIS/CURRENT?TYPE=FLOW](http://mt.waterdata.usgs.gov/nwis/current?type=flow)

### 40A 14975 00

WATER MEASUREMENT RECORDS REQUIRED:

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 WATER DIVERTED INCLUDING THE PERIOD OF TIME. THE APPROPRIATOR SHALL KEEP A SEPARATE ACCOUNTING FOR THE FLOW RATE AND DIVERTED VOLUME OF EACH OF ITS WATER RIGHTS (40A 14975 00 AND 40A 14976 00). 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.

SUBMIT RECORDS TO:

LEWISTOWN WATER RESOURCES OFFICE  
613 NE MAIN ST, SUITE E  
LEWISTOWN, MT  
PHONE: 406-538-7459  
FAX: 406-538-7012

### 40A 14976 00

IMPORTANT INFORMATION:

THE FLOW RATE ASSOCIATED WITH THIS CHANGE AUTHORIZATION IS 2.32 CUBIC FEET PER SECOND (CFS). THE IRRIGATION SYSTEM INCLUDES A PUMP AND CENTER PIVOT THAT OPERATE AT 2.32 CFS. STATEMENT OF CLAIM NO. 40A 14975 00 IS INSUFFICIENT TO MEET THE PUMPING RATE (FLOW RATE) OF THE IRRIGATION SYSTEM BY ITSELF. WHEN APPROPRIATIONS ARE OCCURRING FOR 40A 14975 00, THEY MUST OCCUR IN COMBINATION WITH 40A 14976 00 OR IN COMBINATION WITH DEADMANS BASIN CONTRACT WATER. A FLOW RATE OF 1.25 CFS AND DIVERTED VOLUME OF 106.9 AF CANNOT BE EXCEEDED FOR 40A 14975 00.

WATER MEASUREMENT RECORDS REQUIRED:

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 WATER DIVERTED INCLUDING THE PERIOD OF TIME. THE APPROPRIATOR SHALL KEEP A SEPARATE ACCOUNTING FOR THE FLOW RATE AND DIVERTED VOLUME OF EACH OF ITS WATER RIGHTS (40A 14975 00 AND 40A 14976 00). 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.

SUBMIT RECORDS TO:

LEWISTOWN WATER RESOURCES OFFICE  
613 NE MAIN ST, SUITE E  
LEWISTOWN, MT  
PHONE: 406-538-7459  
FAX: 406-538-7012

### 40A 30023131

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

### 40A 30023132

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

# E001 - Musselshell River

## Water Right Number

## REMARK

### 40A 30023132

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

### 40A 30028082

\*\*WATER MEASUREMENT RECORDS REQUIRED: THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED IN-LINE FLOW METER AT A POINT IN THE CENTER PIVOT DELIVERY LINE APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. THE AMOUNT OF WATER AUTHORIZED FOR APPROPRIATION AT THE SECONDARY DIVERSION POINT (PUMP SITE FOR THE CENTER PIVOTS) ARE 1,000 GPM UP TO 132 ACRE-FEET PER YEAR. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY 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.

THE APPROPRIATOR SHALL DIVERT WATER DURING THE PERIOD OF APPROPRIATION ONLY WHEN THE FLOW RATE AT USGS GAUGING STATION NO.06126050 (MUSSELHELL RIVER NEAR LAVINA) INDICATES A FLOW IN EXCESS OF 80 CUBIC FEET PER SECOND. IN THE EVENT GAUGE NO. 06126050 IS NOT IN OPERATION, THE APPROPRIATOR SHALL USE USGS GAUGING STATION NO. 06126500 (MUSSELHELL RIVER NEAR ROUNDUP) AS THE REFERENCE GAUGE. THESE FLOWS MUST BE CHECKED DAILY WHEN APPROPRIATING WATER. THE CURRENT INTERNET ADDRESS IS: [HTTP://WATERDATA.USGS.GOV/MT/NWIS/CURRENT?TYPE=FLOW](http://waterdata.usgs.gov/mt/nwis/current?type=flow).

WATER MAY BE APPROPRIATED FROM APRIL 1 THROUGH JUNE 30, AND OCTOBER 1 THROUGH OCTOBER 31 OF EACH YEAR. WATER SHALL NOT BE APPROPRIATED DURING THE MONTH OF SEPTEMBER.

### 40C 1381 00

POINT OF DIVERSION REPLACED MARCH 22, 2013 DUE TO DAMAGE FROM FLOOD OF 2011. POINT OF DIVERSION WAS MOVED APPROXIMATELY 785 FEET DOWNSTREAM TO STABLE BANK AREA.

### 40C 1382 00

POINT OF DIVERSION REPLACED MARCH 22, 2013 DUE TO DAMAGE FROM FLOOD OF 2011. POINT OF DIVERSION WAS MOVED APPROXIMATELY 785 FEET DOWNSTREAM TO STABLE BANK AREA.

THIS WATER RIGHT IS SUBJECT TO A PRIVATE SUBORDINATION AGREEMENT. SEE STIPULATION FILED 1/19/2006 IN CLAIM FILE.

### 40C 30044944

THE APPROPRIATOR SHALL DIVERT WATER DURING THE PERIOD OF APPROPRIATION ONLY WHEN THE FLOW RATE AT USGS GAUGING STATION NO.06127500 (MUSSELHELL RIVER AT MUSSELHELL, MT) INDICATES A FLOW IN EXCESS OF 80 CUBIC FEET PER SECOND. ALSO, THE GAGE MUST INDICATE A FLOW IN EXCESS OF THE SUM OF 70 CUBIC FEET PER SECOND PLUS THE FLOW BEING DIVERTED OR EXPECTED TO BE DIVERTED AT THE DELPHI-MELSTONE WATER USERS ASSOCIATION DIVERSION (LOCATED IN THE SW NW NW SEC. 28, TWP 9N, RGE 29E) PLUS THE FLOW BEING DIVERTED OR EXPECTED TO BE DIVERTED AT THE MUSSELHELL DITCH COMPANY DIVERSION (LOCATED IN THE NE SW SE SEC. 15, TWP 9N, RGE 29E). IT IS THE RESPONSIBILITY OF THE APPROPRIATOR TO CONTACT THE WATER USERS OF THE TWO DIVERSIONS LISTED ABOVE PRIOR TO DIVERTING AND AT LEAST WEEKLY TO ASSESS THE CURRENT AND FUTURE DIVERSIONS SO TO ENSURE THAT AT LEAST 70 CUBIC FEET PER SECOND REMAINS IN THE MUSSELHELL RIVER DOWNSTREAM OF THE MUSSELHELL DITCH COMPANY DIVERSION DAM.

IN THE EVENT GAUGING STATION NO. 06127500 IS NOT IN OPERATION, THE APPROPRIATOR SHALL USE USGS GAUGING STATION NO.06126500 (MUSSELHELL RIVER AT ROUNDUP, MT) AS THE REFERENCE GAGE. IN THIS CASE, THE ROUNDUP GAGE MUST ALSO SHOW A FLOW IN EXCESS OF THE SUM OF THE FLOW TO BE DIVERTED PLUS 80 CUBIC FEET PER SECOND BEFORE DIVERSION CAN OCCUR. ALSO, THE GAGE MUST INDICATE A FLOW IN EXCESS OF THE SUM OF THE FLOW TO BE DIVERTED PLUS 70 CUBIC FEET PER SECOND PLUS THE FLOW BEING DIVERTED OR EXPECTED TO BE DIVERTED AT THE DELPHI-MELSTONE WATER USERS ASSOCIATION DIVERSION (LOCATED IN THE SW NW NW SEC. 28, TWP 9N, RGE 29E) PLUS THE FLOW BEING DIVERTED OR EXPECTED TO BE DIVERTED AT THE MUSSELHELL DITCH COMPANY DIVERSION (LOCATED IN THE NE SW SE SEC. 15, TWP 9N, RGE 29E). IT IS THE RESPONSIBILITY OF THE APPROPRIATOR TO CONTACT THE WATER USERS OF THE TWO DIVERSIONS LISTED ABOVE PRIOR TO DIVERTING AND AT LEAST WEEKLY TO ASSESS THE CURRENT AND FUTURE DIVERSIONS SO TO ENSURE THAT AT LEAST 70 CUBIC FEET PER SECOND REMAINS IN THE MUSSELHELL RIVER DOWNSTREAM OF THE MUSSELHELL DITCH COMPANY DIVERSION DAM.

THE IMPORTANT INFORMATION REMARK SHOWN ABOVE APPLIES ONLY WHEN COURT APPOINTED WATER COMMISSIONERS ARE NOT ADMEASURING WATER ON THE MUSSELHELL RIVER. WHEN WATER IS DIVERTED, AND AT TIMES COURT APPOINTED WATER COMMISSIONERS ARE NOT ADMEASURING WATER ON THE MUSSELHELL RIVER, THE APPROPRIATOR SHALL KEEP A WEEKLY WRITTEN RECORD OF THE FLOW RATE DIVERTED BY THE WATER USERS NOTED ABOVE AND A DAILY WRITTEN RECORD OF THE FLOW RATE IDENTIFIED BY THE APPROPRIATE USGS GAGE SITE AT EITHER MUSSELHELL OR ROUNDUP. THE CURRENT USGS INTERNET ADDRESS IS: [HTTP://WATERDATA.USGS.GOV/NWIS/CURRENT?TYPE=FLOW](http://waterdata.usgs.gov/nwis/current?type=flow). THE RECORDS MUST BE MADE AVAILABLE TO THE WATER RESOURCES REGIONAL OFFICE UPON REQUEST.

### 40C 30047744

THE APPROPRIATOR IS SUBJECT TO ENFORCEMENT OF WATER RIGHTS ADMINISTERED BY THE FOURTEENTH JUDICIAL DISTRICT COURT. ALSO, AT TIMES WHEN THE ENFORCEMENT PROJECT IS NOT OCCURING, THE APPROPRIATOR MUST MEET CERTAIN MINIMUM STREAM FLOW CONDITIONS PRIOR TO DIVERTING WATER. ALTHOUGH THE FOLLOWING CONDITIONS SPECIFY CERTAIN STREAM FLOW LEVELS AND WATER RIGHT OWNERS, IT IS THE APPROPRIATORS RESPONSIBILITY TO ENSURE THAT ALL SENIOR WATER RIGHTS ARE BEING MET AT ALL TIMES. IT IS THE RESPONSIBILITY OF THE APPROPRIATOR TO CEASE DIVERSIONS WHEN ITS WATER RIGHT IS CALLED BY SENIOR WATER USERS.

THE APPROPRIATOR SHALL DIVERT WATER ONLY DURING THE PERIOD OF APPROPRIATION WHEN THE FLOW RATE AT USGS GAUGING STATION NO.06127500 (MUSSELHELL RIVER AT MUSSELHELL, MT) INDICATES A FLOW IN EXCESS OF THE SUM OF 70 CUBIC FEET PER SECOND, PLUS THE FLOW BEING DIVERTED BY THE MELSTONE CANAL AND THE MUSSELHELL DITCH COMPANY CANAL. THE POINT OF DIVERSION FOR THE MELSTONE CANAL IS LOCATED IN THE SW NW NW SEC. 28, TWP 9N, RGE 29E, AND THE DIVERSION FOR THE MUSSELHELL DITCH COMPANY CANAL IS LOCATED IN THE NE SW SE SEC. 15, TWP 9N, RGE 29E. THE APPROPRIATOR MUST ALSO CHECK USGS GAUGING STATION NO.06130500 (MUSSELHELL RIVER AT MOSBY, MT) TO ENSURE A FLOW IN EXCESS OF THE SUM OF THE FLOW TO BE DIVERTED BY THE APPROPRIATOR AND 70 CUBIC FEET PER SECOND ARE AVAILABLE BEFORE DIVERSION CAN OCCUR. IN THE EVENT THE MUSSELHELL, MT GAGE IS NOT IN OPERATION, THE APPROPRIATOR SHALL USE THE USGS GAGE AT MOSBY, MT AS THE REFERENCE GAGE. STREAM FLOWS AT THE REFERENCE USGS GAGE MUST BE CHECKED DAILY TO ENSURE CONDITIONS ARE APPROPRIATE FOR DIVERSIONS. IT IS THE RESPONSIBILITY OF THE APPROPRIATOR TO CONTACT THE WATER USERS OF THE TWO DIVERSIONS LISTED ABOVE PRIOR TO DIVERTING AND AT LEAST WEEKLY THEREAFTER TO ENSURE THAT A MINIMUM OF 70 CUBIC FEET PER SECOND REMAINS IN THE MUSSELHELL RIVER DOWNSTREAM OF THE MUSSELHELL DITCH COMPANY DIVERSION DAM AND ALL OTHER CONDITIONS ARE BEING MET. IN THE EVENT THE MUSSELHELL AND THE MOSBY GAGES ARE NOT IN OPERATION, THE APPROPRIATOR MAY USE A DEPARTMENT APPROVED METHOD OF MEASUREMENT TO RECORD FLOWS IN THE MUSSELHELL RIVER, ENSURING THE PROVISIONS LISTED ABOVE ARE MET PRIOR TO DIVERSION.

# E001 - Musselshell River

Water Right Number

REMARK

## 40C 30047744

THE IMPORTANT INFORMATION REMARKS SHOWN ABOVE APPLY WHEN COURT APPOINTED WATER COMMISSIONERS ARE NOT ADMEASURING WATER ON THE MUSSELHELL RIVER, INCLUDING THIS APPROPRIATION. WHEN WATER IS DIVERTED, AND AT TIMES COURT APPOINTED WATER COMMISSIONERS ARE NOT ADMEASURING WATER, THE APPROPRIATOR SHALL KEEP A MINIMUM OF A WEEKLY WRITTEN RECORD OF THE FLOW RATE DIVERTED BY THE WATER USERS NOTED ABOVE (MELSTONE CANAL AND MUSSELHELL DITCH CO. CANAL). THE APPROPRIATOR SHALL KEEP A DAILY WRITTEN RECORD OF ITS DIVERSIONS AND THE FLOW RATE IDENTIFIED BY A DEPARTMENT APPROVED METHOD OF MEASUREMENT OR THE APPROPRIATE USGS GAGE SITE AT EITHER MUSSELHELL OR MOSBY. THE CURRENT USGS INTERNET ADDRESS IS: [HTTP://WATERDATA.USGS.GOV/NWIS/CURRENT?TYPE=FLOW](http://waterdata.usgs.gov/nwis/current?type=flow). THE RECORDS MUST BE MADE AVAILABLE TO THE WATER RESOURCES REGIONAL OFFICE UPON REQUEST.

WATER MEASUREMENT RECORDS REQUIRED. THE APPROPRIATOR SHALL INSTALL DEPARTMENT APPROVED WATER USE MEASURING DEVICES AT THE FOLLOWING POINTS:

A. IN THE MELSTONE CANAL AT THE HEADGATE IN ORDER TO MEASURE APPROPRIATIONS FROM THE MUSSELHELL RIVER. THE APPROPRIATOR SHALL KEEP A WRITTEN WEEKLY RECORD OF THE FLOW RATE AND VOLUME OF WATER DIVERTED, INCLUDING THE PERIOD OF TIME. RECORDS MUST ACCOUNT SEPARATELY FOR ANY WATER APPROPRIATED UNDER THIS PERMIT AS OPPOSED TO WATER APPROPRIATED UNDER ANY OTHER WATER RIGHT, INCLUDING THOSE OWNED BY THE DELPHIA MELSTONE WATER USERS ASSOCIATION.

B. IN THE MELSTONE SOUTH CANAL UPGRADIENT AND AS NEAR AS PRACTICABLE TO THE REGULATING RESERVOIR IN ORDER TO MEASURE INFLOWS INTO THE RESERVOIR. THE APPROPRIATOR SHALL KEEP A WRITTEN WEEKLY RECORD OF THE FLOW RATE AND VOLUME OF WATER DISCHARGED INTO THE RESERVOIR, INCLUDING THE PERIOD OF TIME. THE RECORD SHALL ACCOUNT SEPARATELY FOR ANY AMOUNT OF WATER ASSOCIATED TO ANY OTHER WATER RIGHT OTHER THAN THIS PERMIT (FOR EXAMPLE, A WATER RIGHT OWNED BY THE DELPHIA-MELSTONE WATER USERS ASSOCIATION).

C. IN THE MELSTONE SOUTH CANAL DOWNGRADIENT AND AS NEAR AS PRACTICABLE TO THE REGULATING RESERVOIR IN ORDER TO MEASURE OUTFLOWS FROM THE RESERVOIR. THE APPROPRIATOR SHALL KEEP A WRITTEN WEEKLY RECORD OF THE OUTFLOW FROM THE RESERVOIR, INCLUDING THE PERIOD OF TIME. THE RECORD SHALL ACCOUNT SEPARATELY FOR ANY AMOUNT OF WATER ASSOCIATED TO ANY OTHER WATER RIGHT OTHER THAN THIS PERMIT (FOR EXAMPLE, A WATER RIGHT OWNED BY THE DELPHIA-MELSTONE WATER USERS ASSOCIATION).

THE PERMITTEE SHALL SUBMIT A PLAN INDICATING THE PROPOSED DESIGN OF EACH MEASURING DEVICE AND A MAP OF THE SPECIFIC LOCATION OF EACH MEASURING DEVICE, AND THE PLAN AND LOCATION MUST BE APPROVED BY THE DEPARTMENT BEFORE WATER IS DIVERTED. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICES ARE IN PLACE AND OPERATING. 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 LEWISTOWN WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICES SO THEY ALWAYS OPERATE PROPERLY AND MEASURE FLOW RATE AND VOLUME ACCURATELY.

## 40A 30052612

IMPORTANT INFORMATION:

THE APPROPRIATOR SHALL MEASURE DIVERSIONS INTO THE PLACE OF USE (WETLAND DEVELOPMENT) FROM ITS SECONDARY CONVEYANCE STRUCTURE, THE ROSTAD-BERG DITCH. APPROPRIATOR SHALL KEEP A SEPARATE ACCOUNTING FOR THE FLOW RATE AND DIVERTED VOLUME OF EACH OF ITS WATER RIGHTS (40A 30052612 AND 40A 30052613). RECORDS SHALL BE SUBMITTED TO THE DEPARTMENT UPON REQUEST.

THE CLAIMANT OWNS A CONSERVATION EASEMENT ON THE HISTORICAL PLACE OF USE, RECORDED ON 06/15/2010 IN MEAGHER COUNTY. THE FEE TITLE TO THE HISTORICAL PLACE OF USE REMAINS WITH CARL E. ROSTAD.

THE COMBINED DIVERTED VOLUME FOR STATEMENT OF CLAIM NOS. 40A 30052612 AND 40A 30052613 IS LIMITED TO 105.5 ACRE-FEET.

WATER MEASUREMENT RECORDS REQUIRED:

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 WATER DIVERTED INCLUDING THE PERIOD OF TIME. THE APPROPRIATOR SHALL KEEP A SEPARATE ACCOUNTING FOR THE FLOW RATE AND DIVERTED VOLUME OF EACH OF ITS WATER RIGHTS (40A 30052612 AND 40A 30052613). 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 THE 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.

SUBMIT RECORDS TO:

LEWISTOWN WATER RESOURCES OFFICE

613 NE MAIN ST, SUITE E

LEWISTOWN, MT

PHONE: 406-538-7459

FAX: 406-538-7012

## 40A 30052613

IMPORTANT INFORMATION:

THE APPROPRIATOR SHALL MEASURE DIVERSIONS INTO THE PLACE OF USE (WETLAND DEVELOPMENT) FROM ITS SECONDARY CONVEYANCE STRUCTURE, THE ROSTAD-BERG DITCH. APPROPRIATOR SHALL KEEP A SEPARATE ACCOUNTING FOR THE FLOW RATE AND DIVERTED VOLUME OF EACH OF ITS WATER RIGHTS (40A 30052612 AND 40A 30052613). RECORDS SHALL BE SUBMITTED TO THE DEPARTMENT UPON REQUEST.

THE CLAIMANT OWNS A CONSERVATION EASEMENT ON THE HISTORICAL PLACE OF USE, RECORDED ON 06/15/2010 IN MEAGHER COUNTY. THE FEE TITLE TO THE HISTOIRCAL PLACE OF USE REMAINS WITH CARL E. ROSTAD.

THE COMBINED DIVERTED VOLUME FOR STATEMENT OF CLAIM NOS. 40A 30052612 AND 40A 30052613 IS LIMITED TO 105.5 ACRE-FEET.

# E001 - Musselshell River

## Water Right Number

## REMARK

### 40A 30052613

#### WATER MEASUREMENT RECORDS REQUIRED:

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 WATER DIVERTED INCLUDING THE PERIOD OF TIME. THE APPROPRIATOR SHALL KEEP A SEPARATE ACCOUNTING FOR THE FLOW RATE AND DIVERTED VOLUME OF EACH OF ITS WATER RIGHTS (40A 30052612 AND 40A 30052613). 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 THE 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.

#### SUBMIT RECORDS TO:

LEWISTOWN WATER RESOURCES OFFICE  
613 NE MAIN ST, SUITE E  
LEWISTOWN, MT  
PHONE: 406-538-7459  
FAX: 406-538-7012

### 40C 30064810

THE POINTS OF DIVERSION (POD) AND PLACES OF USE (POU) FOR THIS WATER RIGHT DESCRIBE THE UPPER AND LOWER EXTENT OF THE RIVER REACH WITHIN THE CHARLES M. RUSSELL REFUGE BOUNDARY. DURING PERIODS OF LOW WATER LEVELS IN FORT PECK LAKE THE LOWER EXTENT OF THIS RIGHT IS THE MISSOURI RIVER.

### 40A 30065818

#### 1. WATER MEASUREMENT RECORDS REQUIRED:

THE APPROPRIATOR SHALL INSTALL DEPARTMENT APPROVED WATER USE MEASURING DEVICES AT THE FOLLOWING POINTS:

A. IN THE LAVINA NORTH CANAL AT THE HEADGATE IN ORDER TO MEASURE APPROPRIATIONS FROM THE MUSSELHELL RIVER. 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 WATER DIVERTED, INCLUDING THE PERIOD OF TIME. RECORDS MUST ACCOUNT SEPARATELY FOR ANY APPROPRIATIONS UNDER THIS PERMIT FROM APPROPRIATIONS UNDER ANY OTHER WATER RIGHT.

B. IN THE SECONDARY DIVERSION WORKS (PUMP/PIPELINE) THAT APPROPRIATES WATER FROM THE LAVINA NORTH CANAL TO THE CENTER PIVOT SPRINKLER SYSTEM. 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 WATER DIVERTED AT THE SECONDARY DIVERSION POINT, INCLUDING THE PERIOD OF TIME. RECORDS MUST ACCOUNT SEPARATELY FOR ANY APPROPRIATIONS UNDER THIS PERMIT FROM APPROPRIATIONS UNDER ANY OTHER WATER RIGHT.

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 LISTED BELOW. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE AND VOLUME ACCURATELY.

#### SUBMIT RECORDS TO:

LEWISTOWN WATER RESOURCES OFFICE  
613 NE MAIN ST, SUITE E  
LEWISTOWN, MT  
PHONE: 406-538-7459  
FAX: 406-538-7012

#### 2. IMPORTANT INFORMATION:

THE APPROPRIATOR IS SUBJECT TO ENFORCEMENT OF WATER RIGHTS ADMINISTERED BY THE FOURTEENTH JUDICIAL DISTRICT COURT. AT TIMES WHEN THE ENFORCEMENT PROJECT IS NOT OCCURRING, THE APPROPRIATOR MUST MEET CERTAIN MINIMUM STREAM FLOW CONDITIONS PRIOR TO DIVERTING WATER. ALTHOUGH THE FOLLOWING CONDITION SPECIFIES CERTAIN STREAM FLOW LEVELS, IT IS THE APPROPRIATORS RESPONSIBILITY TO ENSURE THAT ALL SENIOR WATER RIGHTS ARE BEING MET AT ALL TIMES. IT IS THE RESPONSIBILITY OF THE APPROPRIATOR TO CEASE DIVERSIONS WHEN ITS WATER RIGHT IS "CALLED" BY SENIOR WATER USERS.

THE APPROPRIATOR SHALL NOT DIVERT WATER UNLESS THE REFERENCE USGS STREAM GAGES ARE OPERATING AND REGISTERING STREAM FLOWS. THE APPROPRIATOR SHALL DIVERT WATER ONLY DURING THE PERIOD OF APPROPRIATION WHEN THE FLOW RATE AT USGS GAUGING STATIONS NO.06125600 (MUSSELHELL RIVER ABOVE BIG COULEE CREEK AT LAVINA, MT) AND NO. 06126500 (MUSSELHELL RIVER NEAR ROUNDUP, MT) INDICATE A FLOW OF AT LEAST 80 CUBIC FEET PER SECOND. STREAM FLOWS AT THE REFERENCE USGS GAGES MUST BE CHECKED DAILY TO ENSURE CONDITIONS ARE APPROPRIATE FOR DIVERSIONS. USGS GAUGING STATION NO. 06125600 (MUSSELHELL RIVER ABOVE BIG COULEE CREEK AT LAVINA, MT) IS A SEASONAL GAGE. IN THE EVENT THE LAVINA, MT GAGE IS NOT IN OPERATION, THE APPROPRIATOR SHALL USE USGS GAUGING STATION NO.06126500 (MUSSELHELL RIVER NEAR ROUNDUP, MT) AS THE REFERENCE GAGE. THE CURRENT USGS STREAM GAGING WEBSITE IS [HTTP://WATERDATA.USGS.GOV/MT/NWIS/CURRENT?TYPE=FLOW](http://waterdata.usgs.gov/mt/nwis/current?type=flow).

### 40C 19336 00

THE FLOW RATE OF THIS RIGHT IS BASED ON PUMP CAPACITY AND PEAK USE RATHER THAN CONSTANT USE.

### 40A 19352 00

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

# E001 - Musselshell River

## Water Right Number

## REMARK

### 40A 19353 00

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

### 40A 30103837

THIS CLAIM WAS ORIGINALLY DESCRIBED WITH THE POINT OF DIVERSION BEING IN THE SENWSE OF SECTION 2, 6N, R19E, GOLDEN COUNTY. THE POINT OF DIVERSION LEGAL LAND DESCRIPTION CHANGE CAME ABOUT BECAUSE THIS IS A CORRECTION SECTION AND DNRC DETERMINED THE NEWLY DESCRIBED POINT OF DIVERSION LEGAL LAND DESCRIPTION MORE ACCURATELY DESCRIBES WHAT IS ACTUALLY ON THE GROUND.

### 40C 30104097

1. WATER MEASUREMENT RECORDS REQUIRED:  
THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED WATER USE MEASURING DEVICE AT THE FOLLOWING POINT:

A. IN THE MEANS OF CONVEYANCE (PIPELINE) BETWEEN THE PUMP AND THE CENTER PIVOT, IN ORDER TO MEASURE APPROPRIATIONS FROM THE MUSSELHELL RIVER. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. THE DEVICE TYPE AND LOCATION MUST BE APPROVED BY THE DEPARTMENT BEFORE WATER IS DIVERTED UNDER THIS PERMIT. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE FLOW RATE AND VOLUME OF WATER DIVERTED, INCLUDING THE PERIOD OF TIME. RECORDS MUST ACCOUNT SEPARATELY FOR ANY APPROPRIATIONS UNDER THIS PERMIT FROM APPROPRIATIONS UNDER ANY OTHER WATER RIGHT (INCLUDING WATER ACQUIRED FROM DEADMANS BASIN).

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 LISTED BELOW. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE AND VOLUME ACCURATELY.

SUBMIT RECORDS TO:  
LEWISTOWN WATER RESOURCES OFFICE  
613 NE MAIN ST, SUITE E  
LEWISTOWN, MT  
PHONE: 406-538-7459  
FAX: 406-538-7012

2. IMPORTANT INFORMATION:  
THE APPROPRIATOR IS SUBJECT TO ENFORCEMENT OF WATER RIGHTS ADMINISTERED BY THE FOURTEENTH JUDICIAL DISTRICT COURT. AT TIMES WHEN THE ENFORCEMENT PROJECT IS NOT OCCURING, THE APPROPRIATOR MUST MEET CERTAIN MINIMUM STREAM FLOW CONDITIONS PRIOR TO DIVERTING WATER. ALTHOUGH THE FOLLOWING CONDITION SPECIFIES CERTAIN STREAM FLOW LEVELS, IT IS THE APPROPRIATORS RESPONSIBILITY TO ENSURE THAT ALL SENIOR WATER RIGHTS ARE BEING MET AT ALL TIMES. IT IS THE RESPONSIBILITY OF THE APPROPRIATOR TO CEASE DIVERSIONS WHEN ITS WATER RIGHT IS CALLED BY SENIOR WATER USERS.

THE APPROPRIATOR SHALL NOT DIVERT WATER UNLESS THE REFERENCE USGS STREAM GAGES ARE OPERATING AND REGISTERING STREAM FLOWS. THE APPROPRIATOR SHALL DIVERT WATER ONLY DURING THE PERIOD OF APPROPRIATION WHEN THE FLOW RATE AT USGS GAGE SITE 06127500 MUSSELHELL RIVER NEAR MUSSELHELL MT, INDICATES A FLOW OF AT LEAST 80 CUBIC FEET PER SECOND AND USGS GAGE SITE 06130500 MUSSELHELL RIVER AT MOSBY MT, INDICATES A FLOW OF AT LEAST 70 CUBIC FEET PER SECOND. STREAM FLOWS AT THE REFERENCE USGS GAGES MUST BE CHECKED DAILY TO ENSURE CONDITIONS ARE APPROPRIATE FOR DIVERSIONS. THE CURRENT USGS STREAM GAGING WEBSITE IS: [HTTP://WATERDATA.USGS.GOV/MT/NWIS/CURRENT?TYPE=FLOW](http://waterdata.usgs.gov/mt/nwis/current?type=flow).

### 40A 30107008

THE WATER RIGHT NUMBERS 40A 110251-00 AND 40A 30107008 SHARE A FLOW RATE OF 1.75 CFS. THE WATER RIGHT WILL BE OPERATED IN THE FOLLOWING MANNER: AS AGREED UPON BY THE PARTIES.

### 40C 30107308

LIVESTOCK DIRECT FROM SOURCE WILL OCCUR IN THE SE SECTION 4. ALL OTHER PLACES OF USE ARE STOCK TANKS SERVICED BY A PUMPSITE IN THE NWSWSE SECTION 4.

### 40A 30109835

SOURCE INCLUDES MULTIPLE BRAIDED CHANNELS OF MUSSELHELL RIVER, SOUTH FORK

### 40A 30109871

THE SOURCE, POINT OF DIVERSION, AND PLACE OF USE ARE LIMITED TO BRAIDED CHANNELS OF THE MUSSELHELL RIVER, SOUTH FORK, LYING SOUTH OF THE ABANDONED RAILROAD BED.

### 40A 20670 00

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

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## REMARK

### 40A 20670 00

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

### 40A 20674 00

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

### 40A 20676 00

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

### 40A 20679 00

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

### 40A 20680 00

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

### 40A 20700 00

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

### 40A 30153500

STOCK DRINK FROM DITCHES/LATERALS CONVEYING WATER FROM SIMMS DITCH TO THE PLACE OF USE FOR IRRIGATION CLAIMS 40A 117445-00 AND 40A 117464-00 IN SECTION 4, T6N, R20E.

### 40C 30154264

THE APPROPRIATOR SHALL INSTALL A MEASURING DEVICE IN THE CONVEYANCE FACILITY AS NEAR AS PRACTICAL TO THE PUMPSITE, IN ORDER TO MEASURE APPROPRIATIONS. THE TYPE AND LOCATION OF THE DEVICE MUST BE APPROVED BY THE DEPARTMENT. THE APPROPRIATOR SHALL KEEP A WRITTEN RECORD OF THE FLOW RATE AND VOLUME OF WATER DIVERTED, INCLUDING THE PERIOD OF TIME OF DIVERSION. RECORDS MUST ACCOUNT SEPARATELY FOR ANY APPROPRIATIONS UNDER THIS AUTHORIZATION FROM APPROPRIATIONS UNDER ANY OTHER WATER RIGHT USING THE SAME DIVERSION WORKS AND CONVEYANCE FACILITY. RECORDS SHALL BE SUBMITTED BY DECEMBER 31 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS AS REQUIRED BY THESE CONDITIONS MAY BE CAUSE FOR REVOCATION OF THE CHANGE. THE RECORDS MUST BE SENT TO THE LEWISTOWN WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING/MONITORING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE ACCURATELY DURING PERIODS OF APPROPRIATION.

# E001 - Musselshell River

## Water Right Number

## REMARK

### 40A 22842 00

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

### 40A 23271 00

POINT OF DIVERSION 01 IS THE HISTORICAL LOCATION OF THE HEADGATE FOR THE STRAND DITCH, ALSO KNOWN AS THE SAYRE DITCH (HOLIDAY).

POINTS OF DIVERSION 02 AND 03 ARE THE LOCATIONS WHERE WASTE AND SEEPAGE WATER IS COLLECTED IN THE LOWER STRAND DITCH, ALSO KNOWN AS THE SAYRE DITCH (CAMERON & HOLIDAY).

### 40C 25051 00

POINT OF DIVERSION REPLACED JANUARY 10, 2013 DUE TO DAMAGE FROM FLOOD OF 2011. POINT OF DIVERSION WAS MOVED APPROXIMATELY 730 FEET DOWNSTREAM TO STABLE BANK AREA.

### 40A 26235 00

TANK TRUCK USED TO CONVEY WATER.

THE PLACE OF USE GENERALLY INCLUDES AREAS WITHIN 25 MILES OF THE MUSSELHELL RIVER THROUGHOUT WHEATLAND, GOLDEN VALLEY, MUSSELHELL, AND PETROLEUM COUNTIES. WATER IS APPROPRIATED FROM THE MUSSELHELL RIVER AND TRANSPORTED TO VARIOUS SITES THROUGHOUT THE STATED COUNTIES.

THE POINT OF DIVERSION OF THIS WATER RIGHT IS TRANSITORY ALONG THE MUSSELHELL RIVER BETWEEN THE POINTS OF DIVERSION.

### 40A 29388 00

\*\*WATER MEASUREMENT AND RECORDS REQUIRED

THE APPROPRIATOR SHALL INSTALL A DEPARTMENT-APPROVED MEASURING / MONITORING DEVICE IN THE CHARLES HOLLIDAY DITCH. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE FLOW RATE AND VOLUME OF ALL WATER DIVERTED BY THE DIVERSION FACILITY, INCLUDING THE PERIOD OF TIME.

RECORDS OF APPROPRIATIONS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT RECORDS MAY BE CAUSE FOR REVOCATION OF THE AUTHORIZATION. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES THE FLOW RATE AND VOLUME OF WATER ACCURATELY.

SUBMIT RECORDS TO:

LEWISTOWN WATER RESOURCES REGIONAL OFFICE

613 NE MAIN ST, SUITE E

LEWISTOWN, MT

PHONE: 406-538-7459

FAX: 406-538-7012

IMPORTANT INFORMATION

THE WATER RIGHT CHANGED IN THIS MATTER, 40A 29388, IS SUPPLEMENTAL TO WATER RIGHT NO. 40A 29392. THE TWO WATER RIGHTS HAVE HISTORICALLY INCLUDED PARTIALLY OVERLAPPING PLACES OF USE. THIS CHANGE AUTHORIZATION SHALL BE REVOKED IF IRRIGATION OCCURS UNDER 40A 29392 ON ANY PORTION OF THE HISTORIC ACREAGE THAT IS AUTHORIZED TO BE RETIRED. THE RETIRED IRRIGATED ACREAGE WAS FORMERLY SITUATED IN THE SE1/4 SECTION 24, T9N, R10E; THE SW1/4 SECTION 19, AND SECTIONS 30 AND 31, T9N R11E.

### 40A 2279 00

THE TWO NEW ADDITIONAL POINTS OF DIVERSION WILL BE USED TO IRRIGATE 189.2 ACRES IN SECTION 21, TOWNSHIP 8 NORTH, RANGE 14 EAST, WHEATLAND COUNTY, MONTANA.

### 40A 2280 00

THE TWO NEW ADDITIONAL POINTS OF DIVERSION WILL BE USED TO IRRIGATE 189.2 ACRES IN SECTION 21, TOWNSHIP 8 NORTH, RANGE 14 EAST, WHEATLAND COUNTY, MONTANA.

### 40A 30966 00

THE VOLUME IS LIMITED TO 12.4 ACRE-FEET IN ORDER TO REFLECT HISTORIC CONSUMTIVE USE OF WATER.

### 40C 36307 00

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**40C 36307 00**

THIS PERMIT DOES NOT INCREASE THE FLOW RATE DIVERTED FROM A COMMON DIVERSION, THE RIGHT IS ONLY AUTHORIZED FOR ADDITIONAL VOLUME.

WATER MONITORING REQUIRED:

THE APPROPRIATOR MUST MEET CERTAIN MINIMUM STREAM FLOW CONDITIONS ON THE MUSSELHELL RIVER PRIOR TO DIVERTING WATER FOR IRRIGATION PURPOSES. ALTHOUGH THE FOLLOWING CONDITION SPECIFIES CERTAIN STREAM FLOW LEVELS, IT IS THE APPROPRIATOR'S RESPONSIBILITY TO ENSURE THAT ALL SENIOR WATER RIGHTS ARE BEING MET AT ALL TIMES. IT IS THE RESPONSIBILITY OF THE APPROPRIATOR TO CEASE DIVERSIONS WHEN ITS WATER RIGHT IS CALLED BY SENIOR WATER USERS ON THE MUSSELHELL RIVER.

THE APPROPRIATOR SHALL NOT DIVERT WATER FOR IRRIGATION PURPOSES UNLESS USGS STREAM GAGE NO. 06130500 (MUSSELHELL RIVER AT MOSBY MT) IS OPERATING AND REGISTERING STREAM FLOWS. THE APPROPRIATOR SHALL DIVERT WATER ONLY DURING THE PERIOD OF APPROPRIATION WHEN THE FLOW RATE AT USGS GAGE NO. 06130500 INDICATES A FLOW OF AT LEAST 70 CUBIC FEET PER SECOND. STREAM FLOWS AT THE REFERENCED USGS GAGE MUST BE CHECKED AT LEAST WEEKLY TO ENSURE CONDITIONS ARE APPROPRIATE FOR DIVERSIONS. ONCE THE FLOW AT THE REFERENCED GAGE DROPS TO OR BELOW 80 CFS, THE GAGE MUST BE CHECKED DAILY. THE CURRENT USGS STREAM GAGING WEBSITE IS: [HTTPS://WATERDATA.USGS.GOV/MT/NWIS/CURRENT?TYPE=FLOW](https://waterdata.usgs.gov/mt/nwis/current?type=flow)

**40A 45591 00**

WATER DIVERTED FROM MUSSELHELL RIVER, NORTH FORK IS CONVEYED TO TRAIL CREEK WHICH IS USED AS A NATURAL CARRIER TO SECONDARY POINT(S) OF DIVERSION, DIVERSION NO(S). 2, 3, AND 4.

WATER DIVERTED FROM POINT OF DIVERSION NO. 2 USES AN UNNAMED TRIBUTARY OF TRAIL CREEK AS A NATURAL CARRIER TO SECONDARY POINT(S) OF DIVERSION, DIVERSION NO(S). 4.

**40A 45593 00**

WATER DIVERTED FROM MUSSELHELL RIVER, NORTH FORK IS CONVEYED TO TRAIL CREEK WHICH IS USED AS A NATURAL CARRIER TO SECONDARY POINT(S) OF DIVERSION, DIVERSION NO(S). 2, 3, AND 4.

WATER DIVERTED FROM POINT OF DIVERSION NO. 2 USES AN UNNAMED TRIBUTARY OF TRAIL CREEK AS A NATURAL CARRIER TO SECONDARY POINT(S) OF DIVERSION, DIVERSION NO(S). 4.

**40C 3370 00**

WATER IS DIVERTED FROM RIVER BY DELPHIA-MELSTONE CANAL AND CARRIED TO THE PIT BY THE NORTH CANAL.