

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

Water Resources Division • Missoula Regional Office
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GREG GIANFORTE, GOVERNOR

1539 ELEVENTH AVENUE

STATE OF MONTANA

DIRECTOR'S OFFICE: (406) 444-2074
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PO BOX 201601
HELENA, MONTANA 59620-1601

June 29, 2023

KING RANCH HOMEOWNER'S ASSOCIATION
PO BOX 118
FRENCHTOWN, MT 59834

RE: WATER RIGHT CLAIM NUMBER(S): 76M 149107-00; 76M 149108-00

Dear Claimant(s):

Please Read This Letter Carefully As It Concerns Your Water Right

The Montana Water Court has begun the preliminary work necessary to issue an updated water rights decree in basin 76M, Clark Fork, Between Blackfoot & Flathead Rivers drainage. At the request of the Water Court, the Department of Natural Resources and Conservation (DNRC) staff are reviewing all water right Statements of Claim in the basin for compliance with the Water Court's Order Addressing Reexamination issued December 14, 2012 and the current Montana Supreme Court Rules. Updates to the previous decree regarding your water right claim(s) listed above have been made in accordance with the Order Addressing Reexamination.

Please review the enclosed abstract(s) which contain changes to your water rights. Asterisks next to a water right element indicate changes made by the Water Court or DNRC since the issuance of the last decree. Remarks on your abstracts may be informational or issue related. Issue remarks are underlined. These remarks if present are a combination of the previous decree and updates added during the reexamination process. Please read them carefully. At this time, the DNRC may be able to resolve certain issue remarks before the next decree or gather information to resolve issues in the future during Water Court Proceedings.

Please call me at 406-444-0483 or email me at RCANRIGHT@MT.GOV within the next 30 days if you have questions or wish to discuss these claims, To review issues in person, please call to make an appointment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rebecca Jensen".

Rebecca Jensen
Water Resource Specialist

June 29, 2023
76M 149107-00

Review Abstract

REVIEW ABSTRACT OF WATER RIGHT CLAIM

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED IN ACCORDANCE WITH THE SUPREME COURT RULES GOVERNING THE EXAMINATION OF THIS CLAIM.

Water Right Number: 76M 149107-00 STATEMENT OF CLAIM
Version: 2 -- REEXAMINED
Status: ACTIVE

Owners: KING RANCH HOMEOWNER'S ASSOCIATION
PO BOX 118
FRENCHTOWN, MT 59834

FORLORN HOPE LLC
4200 LOWER RIVER RD
GREAT FALLS, MT 59405-8200

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

Priority Date: JUNE 1, 1915
Enforceable Priority Date: JUNE 1, 1915

Type of Historical Right: USE

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 2.99 CFS

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

Climatic Area: 3 - MODERATE
Maximum Acres: 79.00

Source Name:: MILL CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NW	34	15N	21W	MISSOULA

Period of Diversion: MAY 1 TO SEPTEMBER 15
Diversion Means: PUMP/HEADGATE W/DITCH OR PIPELINE

2		NE	34	15N	21W	MISSOULA
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Period of Diversion: MAY 1 TO SEPTEMBER 15
Diversion Means: PUMP/HEADGATE W/DITCH OR PIPELINE

3		SW	34	15N	21W	MISSOULA
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Period of Diversion: MAY 1 TO SEPTEMBER 15
Diversion Means: PUMP/HEADGATE W/DITCH OR PIPELINE

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Review Abstract

THE CLAIMED MEANS OF DIVERSION CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE PUMP/HEADGATE/PIPELINE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

Period of Use: MAY 1 to SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	45.00		N2SW	34	15N	21W	MISSOULA
2	13.00		S2S2NW	34	15N	21W	MISSOULA
3	14.00		SENE	33	15N	21W	MISSOULA
4	7.00		N2NESE	33	15N	21W	MISSOULA
Total:	79.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

149105-00 149106-00 149107-00

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

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 09/15/97.

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 08/12/97.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 42602 RECEIVED 10/27/2006.

OWNERSHIP UPDATE TYPE 608 # 227458 RECEIVED 11/03/2021.

June 29, 2023
76M 149108-00

Review Abstract

REVIEW ABSTRACT OF WATER RIGHT CLAIM

IMPORTANT NOTICE

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OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

Priority Date: FEBRUARY 10, 1902

Enforceable Priority Date: FEBRUARY 10, 1902

Type of Historical Right: FILED

Purpose (use): STOCK

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

***Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name:: MILL CREEK

Source Type: SURFACE WATER

WATER IS NOT DIVERTED FROM THE SOURCE CLAIMED. A HISTORICAL APPROPRIATION FROM THE CLAIMED SOURCE CANNOT BE CONFIRMED.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SW	34	15N	21W	MISSOULA

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		S2NW	34	15N	21W	MISSOULA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

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<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
3		SENE	33	15N	21W	MISSOULA

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE

4		E2SE	33	15N	21W	MISSOULA
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Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SW	34	15N	21W	MISSOULA
2			S2NW	34	15N	21W	MISSOULA
3			SENE	33	15N	21W	MISSOULA
4			E2SE	33	15N	21W	MISSOULA

Remarks:

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

149105-00 149108-00

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