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IN THE WATER COURT OF THE STATE OF MONTANA
CLARK FORK DIVISION
MAINSTEM BITTERROOT RIVER AND EAST SIDE SUBBASIN – BASIN 76HA

CLAIMANT: Daly Ditches Irrigation District	CASE 76HA-294
OBJECTOR: Daly Ditches Irrigation District; State of Montana Attorney General	76H 119912 00 76H 119934 00

CLAIMANT: Joan C. Heusted	CASE 76HA-384
OBJECTOR: Daly Ditches Irrigation District; State of Montana Attorney General	76H 7288 00 76H 9075 00 76H 150043 00

**STIPULATION TO RESOLVE DNRC ISSUE REMARKS AND AGREEMENT TO
PROPOSAL TO GENERATE IMPLIED CLAIMS**

Daly Ditches Irrigation District ("DDID") and the State of Montana, hereinafter referred to collectively as "Parties", enter into the following Stipulation to Resolve the

DNRC Issue Remarks on claims 76H 119912 00 and 76H 119934 00 and agreement with the reconsolidation proposal submitted to the Water Court by Daly Ditches Irrigation District.

Background

Case 76HA-294

Case 76HA-294 includes only two claims: 76H 119912 00 and 76H 119934 00. Daly Ditches Irrigation District is the current owner of both claims that were originally filed by the State of Montana. Claim 76H 119912 00 was filed for irrigation purposes and 76H 119934 00 is a multiple use stock water claim. The claims were filed on Irrigation District forms and though filed as use rights, documentation included in the claim file indicated the rights were actually meant to reflect decreed rights in District Court Case No. 2149, *Ravalli Land and Irrigation Co. vs. R.W. Nichols, et.al.* dated July 29, 1916, also known as the Skalkaho Creek Decree. The rights claimed were based on an exchange whereby Skalkaho Creek water was exchanged for Bitterroot River water diverted and conveyed through the Hedge and Republican Ditches. The “Skalkaho Swap” or “Skalkaho Exchange” totals 79.13 cfs of the rights decreed in Case No. 2149.

Claims 76H 119912 00 and 76H 119934 00 were included in Water Court Basin 76HA Preliminary Decree with the following DNRC issue remarks:

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON SKALKAHO CREEK WITH A PRIORITY DATE PREDATING CASE NO. 2149, RAVALLI COUNTY.

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

The Water Court joined the State of Montana Attorney General as a party after attempts to resolve the DNRC issue remarks with the DNRC were unsuccessful.

DDID, the Attorney General's Office, and DNRC worked together to devise a plan to address the DNRC issue remarks and have DDID's claims reflect the full extent of the Skalkaho Swap. The plan consists of amending claims 76H 119912 00 and 76H 119934 00 to reflect all the decreed rights included in Case No. 2149 that have a June 1, 1865 priority date. Copies of these decreed rights were included in the claim files. The total flow rate for all the June 1, 1865 rights is 8.11 cfs. These two claims will have a remark that relates them to all the other individual claims filed for June 1, 1865 decreed rights in Case No. 2149. Each individual right will also receive a remark that ties them to claims 76H 119912 00 and 76H 119934 00. A remark would be added that use of water under claims 76H 119912 00 and 76H 119934 00 in conjunction with the private individual rights cannot exceed the historical amount decreed in Case 2149, Ravalli County, Montana. The remarks serve to ensure that any combined usage is limited to the historical decreed flow rate and therefore are not duplicative rights independently exercised.

The plan then calls for the Water Court to authorize implied claims be generated for each of the other separate priority dates that comprises all the "Skalkaho Swap" rights. The District Court in proceedings that established the Daly Ditches Irrigation District which is the successor of the Daly Ditches project and delivery system from the DNRC, defined a swap or exchange user at the time as: an individual who owns a decreed water right out of Skalkaho Creek and who claims the right to substitute or exchange water from the Bitterroot River water which is currently delivered to the

exchange user by the DNRC via the Daly Ditch Water Project in an amount equal to the decreed water of the exchange user diverted by the Daly Ditch Water Project.

Each implied claim would be related and tied to each private individual claim filed for the same priority date and similar remarks would be added to each claim.

Any decree exceeded situation that has been identified by the DNRC for the private rights filed against individual decreed rights will be resolved through individual case proceedings. Resolving the individual private claim filings decree exceeded situations will ensure the historic flow rates decreed in Case No. 2149, Ravalli County, Montana are not exceeded. This will resolve concerns raised by both the Water Court and DNRC as to ensuring that decree exceeding issues will be resolved.

Additionally, DDID will identify each private individual claim that has a place of use for lands included in Daly Ditches Irrigation District and include a remark that the right is part of the "Skalkaho Swap" and is delivered water under the swap or exchange. Private individual claims for lands that are not included in DDID will receive a remark indicating the right cannot be diverted through any of the Daly Ditches Irrigation District's delivery system, unless or until the owners join the District.

76HA-384

Case 76HA-384 was combined with proceedings in Case 76HA-294 as associated claims within the parameters of the agreed upon plan. Claims, 76H 7288 00, 76H 9075 00, and 76H 150043 00 are based on May 1, 1873 decreed rights in Case No. 2149. Claims 76H 7288 00 and 76H 150043 00 are filed for lands that are included in DDID and are part of the Skalkaho Swap. Claim 76H 9075 00 is filed for lands that are not included in DDID but claims a diversion that is under the sole ownership and

authority of DDID. The plan calls for remarks to be added to individual claims based on whether the place of use is included or not included within DDID. The remarks are meant to address points of diversion issues which were the basis for DDID's objections to these and nearly all Skalkaho Creek claims. The remarks clarify the use of water under the exchange and use of DDID's diversion system.

RECITALS

1. Claims 76H 119912 00 and 76H 119934 00 were timely filed and included in the Water Court Basin 76HA Preliminary Decree with the following DNRC issue remarks:

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON SKALKAHO CREEK WITH A PRIORITY DATE PREDATING CASE NO. 2149, RAVALLI COUNTY.

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

2. Daly Ditches Irrigation District timely filed objections to both claims.
3. The Water Court placed claims 76H 119912 00 and 76H 119934 00 in Water Court Case 76HA-294. The Water Court subsequently joined the State of Montana's Attorney General as a party on October 29, 2018.
4. Claims 76H 7288 00, 76H 9075 00, and 76H 150043 00 were timely filed.
5. DDID timely filed objections to claims, 76H 7288 00, 76H 9075 00, and 76H 150043 00 to address point of diversion issues related to the claims being decreed for diversions that are solely owned and operated by DDID.
6. The Water Court placed claims, 76H 7288 00, 76H 9075 00, and 76H 150043 00 in Water Court Case 76HA-384.
7. The Water Court combined Cases 76HA-294 and 76HA-384 to address various related issues and scenarios.

STIPULATION

THEREFORE, in mutual consideration for the terms and conditions set forth and described herein, the Parties stipulate and agree as follows:

1. The above recitals are incorporated herein as terms of this Agreement.
2. The Parties agree that the plan described above should be implemented by the Water Court.
3. Claim 76H 119912 00 should be adjusted to reflect the total flow rate of 8.11 cfs for all the rights decreed in Ravalli County Case No. 2149 with a June 1, 1865 priority date.
4. The type of right for both claims 76H 119912 00 and 76H 119934 00 should be adjusted to a Decreed Right.
5. The following remarks should be placed on the abstracts for claims 76H 119912 00 and 76H 119934 00:

THIS WATER RIGHT IS BASED ON A COMBINATION OF SEVERAL DECREEED RIGHTS INCLUDED IN CASE NO. 2149, RAVALLI COUNTY, MONTANA, WITH PRIORITY DATES OF JUNE 1, 1865. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

USE OF THIS WATER UNDER THIS RIGHT IS EXCHANGED WITH THE FOLLOWING RIGHTS. USE OF THIS RIGHT IN COMBINATION WITH ANY OR ALL OF THE FOLLOWING RIGHTS CANNOT EXCEED THE INDIVIDUAL DECREEED FLOW RATES DECREEED FOR THE JUNE 1, 1865 RIGHTS DECREEED IN CASE 2149, RAVALLI COUNTY, MONTANA:¹

76H 2080 00	76H 7422 00	76H 26331 00	76H 107878 00	76H 148170 00
76H 3255 00	76H 7750 00	76H 26336 00	76H 108809 00	76H 148191 00
76H 4106 00	76H 9094 00	76H 26337 00	76H 109008 00	76H 148217 00
76H 4107 00	76H 15442 00	76H 31066 00	76H 109009 00	76H 148218 00
76H 4852 00	76H 15471 00	76H 36285 00	76H 109615 00	76H 148219 00
76H 4853 00	76H 15476 00	76H 36286 00	76H 115328 00	76H 148220 00
76H 4894 00	76H 15945 00	76H 47454 00	76H 116800 00	76H 148221 00
76H 4895 00	76H 15949 00	76H 100564 00	76H 118395 00	76H 148222 00
76H 4896 00	76H 15953 00	76H 101728 00	76H 118449 00	76H 148223 00
76H 4897 00	76H 15954 00	76H 103395 00	76H 119912 00	76H 148224 00

¹ The list of rights is based on the proposed reconsolidation. Alterations maybe made during subsequent proceedings with individual claimants. Any adjustments to the claim numbers is acknowledged as compliance with this Stipulation.

76H 4906 00	76H 15964 00	76H 104511 00	76H 119934 00	76H 149818 00
76H 4909 00	76H 15965 00	76H 104566 00	76H 131626 00	76H 151017 00
76H 4911 00	76H 19725 00	76H 104967 00	76H 147914 00	76H 169836 00
76H 4912 00	76H 20093 00	76H 105111 00	76H 147915 00	76H 211718 00
76H 5113 00	76H 21168 00	76H 105121 00	76H 147943 00	76H 211719 00
76H 5760 00	76H 21232 00	76H 105239 00	76H 147944 00	
76H 6622 00	76H 21233 00	76H 105356 00	76H 148023 00	
76H 7306 00	76H 24811 00	76H 105357 00	76H 148166 00	
76H 7309 00	76H 24812 00	76H 107547 00	76H 148167 00	
76H 7421 00	76H 25679 00	76H 107859 00	76H 148169 00	

6. The Parties agree that implied claims for each of the other priority dates included in the Skalkaho Creek decree that were identified in DDID's plan reconsolidation memo and information submitted to the Water Court, should be generated by the Water Court.

7. The plan calls for similar remarks to be placed on each DDID implied claim and the associated individual claims as outlined in the plan reconsolidation memo.

8. The plan methodology to limit any combined use of individual rights by the inclusion of the remarks, ensures compliance with the original Skalkaho Creek decree, while acknowledging the historic use of the water by DDID under the Skalkaho Swap or Exchange.

9. There is a unique relationship between DDID's use of water under the Skalkaho Swap or Exchange and the individual claim filings for those same decreed rights. The generation of the implied claims as outlined in the plan reconsolidation memo acknowledges this relationship and the continual use of all water under these claims and the associated historically decreed right in Case No. 2149.

10. Redline versions of the abstracts for claims 76H 119912 00 and 76H 119934 00 are attached hereto and incorporated into this Stipulation².

11. The following remarks should be included on claims 76H 7288 00 and 76H 150043 00:

² See footnote No. 1.

THE PLACE OF USE FOR THIS RIGHT IS INCLUDED IN THE DALY DITCHES IRRIGATION DISTRICT.

THIS WATER RIGHT IS PART OF THE SKALKAHO CREEK EXCHANGE ("SWAP") WHERE WATER HISTORICALLY DIVERTED FROM SKALKAHO CREEK IS EXCHANGED FOR WATER DIVERTED FROM THE BITTERROOT RIVER. THE POINT OF DIVERSION IS THE LOCATION OF THE EXCHANGE AND DOES NOT REFLECT AN ACTUAL DIVERSION OR DITCH FOR THIS WATER RIGHT. THIS WATER RIGHT IS EXCHANGED AND USED IN CONJUNCTION WITH DALY DITCHES IRRIGATION DISTRICT WATER RIGHT 76H [REDACTED] 00 AND CANNOT BE DIVERTED AND USED SEPARATE FROM WATER RIGHT 76H [REDACTED] 00. THE EXCHANGE WATER IS DIVERTED AND MANAGED BY DALY DITCHES IRRIGATION DISTRICT UNDER WATER RIGHT 76H [REDACTED] 00. WATER RIGHT 76H [REDACTED] 00 LISTS THE EXCHANGE DIVERSIONS WHICH ARE OWNED EXCLUSIVELY BY DALY DITCHES IRRIGATION DISTRICT AS PER DISTRICT COURT ORDER CAUSE NO. DV-82-95. THE DIVERSIONS INCLUDE THE FOLLOWING DITCHES: REPUBLICAN DITCH; HEDGE DITCH; SKALKAHO HILINE DITCH; HUGHES DITCH; WARD DITCH; REESER DITCH, THOMPSON DITCH.

12. The following remarks should be included on claim 76H 9075 00:

THE PLACE OF USE FOR THIS RIGHT IS NOT INCLUDED IN THE DALY DITCHES IRRIGATION DISTRICT.

THIS WATER RIGHT IS NOT CURRENTLY PART OF THE SKALKAHO CREEK EXCHANGE ("SWAP") WHERE WATER HISTORICALLY DIVERTED FROM SKALKAHO CREEK IS EXCHANGED FOR WATER DIVERTED FROM THE BITTERROOT RIVER. THE POINT OF DIVERSION LISTED ON THIS CLAIM IS THE LOCATION OF THE EXCHANGE AND DOES NOT REFLECT AN ACTUAL DIVERSION OR DITCH. THIS WATER RIGHT HAS NO RIGHT TO DIVERT WATER THROUGH ANY DIVERSION OR DITCH OWNED BY DALY DITCHES IRRIGATION DISTRICT AS PER DISTRICT COURT ORDER CASE NO. DV-82-95. IF THE OWNER(S) OF THIS WATER RIGHT BECOME MEMBER(S) OF THE DISTRICT THIS RIGHT WILL BE ASSOCIATED AND USED IN CONJUNCTION WITH WATER RIGHT 76H [REDACTED] 00. WATER RIGHT 76H [REDACTED] 00 LISTS THE EXCHANGE DIVERSIONS WHICH ARE OWNED EXCLUSIVELY BY DALY DITCHES IRRIGATION DISTRICT: REPUBLICAN DITCH; HEDGE DITCH; SKALKAHO HILINE DITCH; HUGHES DITCH; WARD DITCH; REESER DITCH; THOMPSON DITCH.

13. The Parties agree that the changes proposed and incorporated into this Stipulation address and resolves all DNRC issue remarks and the State of Montana Attorney General joinder in these proceedings. Furthermore, the plan and methodology described and incorporated herein resolves all issues regarding the generation of

implied claims and how to describe the Skalkaho Swap on both the implied claims and relation to individual claims as a matter of law. Any factual issue with individual claims will be resolved through individual case proceedings as matters of fact and does not at this juncture require enjoining the Attorney General unless necessary on an individual basis.

14. It is mutually understood and agreed that this Stipulation sets forth the entire agreement between the Parties pertaining to the matters addressed herein.

15. The parties execute this Stipulation fully understanding it, voluntarily, in good faith, and without any fraud, misunderstanding, misrepresentation, overreaching, duress, or undue influence, with the legal capacity to enter into it, and after having the opportunity to obtain any desired independent professional or other advice pertaining to the terms and conditions of this Stipulation.

16. This Stipulation shall be governed by and accordance with Montana law.

17. Each Party agrees to bear its own costs and attorney fees arising from the negotiation and execution of this Stipulation and the proceedings before the Montana Water Court.

18. The effective date of this Stipulation shall be the date of the last signature below.

19. Each Party represents it has the authority to execute this Stipulation and is bound by the terms and conditions herein.

20. This Stipulation may be executed by the Parties in several counterparts, each of which when executed and delivered shall be an original, but all of which together shall constitute one instrument. Facsimile or electronically transmitted copies of signatures will be deemed the equivalent of original signatures. The effective date of this Stipulation shall be the date of the last signature below:

20. This Stipulation may be executed by the Parties in several counterparts, each of which when executed and delivered shall be an original, but all of which together shall constitute one instrument. Facsimile or electronically transmitted copies of signatures will be deemed the equivalent of original signatures. The effective date of this Stipulation shall be the date of the last signature below:

Daly Ditches Irrigation District

By: 

4/7/2020
Date

State of Montana
Attorney General

By: _____
Jeremiah Langston

Date

20. This Stipulation may be executed by the Parties in several counterparts, each of which when executed and delivered shall be an original, but all of which together shall constitute one instrument. Facsimile or electronically transmitted copies of signatures will be deemed the equivalent of original signatures. The effective date of this Stipulation shall be the date of the last signature below:

Daly Ditches Irrigation District

By: _____

Date

State of Montana
Attorney General

By: /s/ Jeremiah Langston
Jeremiah Langston

04/08/2020
Date

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601
GENERAL ABSTRACT

Water Right Number: 76H 7288-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: JOAN C HEUSTED
389 GRANTS DALE RD
HAMILTON, MT 59840-3333

Priority Date: MAY 1, 1873

Enforceable Priority Date: MAY 1, 1873

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER

Maximum Flow Rate: 39.60 GPM

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

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 2.35

Source Name: SKALKAHO CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	7	5N	20W	RAVALLI

Period of Diversion: APRIL 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: ~~REPUBLICAN DITCH~~

Add attached
remark

~~THE POINT OF DIVERSION FOR THIS CLAIM IS NENENW SEC 7 T5N R20W THE
POINT WHERE THE REPUBLICAN DITCH INTERSECTS SKALKAHO CREEK. THIS
CLAIM IS PART OF THE SKALKAHO CREEK AND BITTERROOT RIVER WATER
EXCHANGE. WATER FROM THE BITTERROOT RIVER IS EXCHANGED FOR WATER
FROM SKALKAHO CREEK THAT IS DIVERTED INTO THE SKALKAHO HI LINE
(SWSWNE SEC 30 T5N R19W) AND WARD DITCHES (SWSESW SEC 15 T5N R20W).
THE EXCHANGED WATER RELATIONSHIP IS DESCRIBED IN - RE THE PETITION
FOR ORGANIZATION AND ESTABLISHMENT OF AN IRRIGATION DISTRICT IN
RAVALLI COUNTY, TO BE KNOWN AS DALY DITCHES IRRIGATION DISTRICT,
FOURTH JUDICIAL DISTRICT IN AND FOR THE COUNTY OF RAVALLI, CAUSE NO.
DV-82-95, AND 209 MONT. 218 (1984).~~

Period of Use: APRIL 1 to OCTOBER 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	2.35		SESESW	31	6N	20W	RAVALLI

Subdivision: LEFLER ADD TRACT/LOT 6

Total: 2.35

Geocodes/Valid: 13-1468-31-3-03-51-0000 - Y

Remarks:

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

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 92925 RECEIVED 02/22/2010.

THE PLACE OF USE FOR THIS RIGHT IS INCLUDED IN THE DALY DITCHES IRRIGATION DISTRICT.

THIS WATER RIGHT IS PART OF THE SKALKAHO CREEK EXCHANGE ("SWAP") WHERE WATER HISTORICALLY DIVERTED FROM SKALKAHO CREEK IS EXCHANGED FOR WATER DIVERTED FROM THE BITTERROOT RIVER. THE POINT OF DIVERSION IS THE LOCATION OF THE EXCHANGE AND DOES NOT REFLECT AN ACTUAL DIVERSION OR DITCH FOR THIS WATER RIGHT. THIS WATER RIGHT IS EXCHANGED AND USED IN CONJUNCTION WITH DALY DITCHES IRRIGATION DISTRICT WATER RIGHT 76H _____ 00 AND CANNOT BE DIVERTED AND USED SEPARATE FROM WATER RIGHT 76H _____ 00. THE EXCHANGE WATER IS DIVERTED AND MANAGED BY DALY DITCHES IRRIGATION DISTRICT UNDER WATER RIGHT 76H _____ 00. WATER RIGHT 76H _____ 00 LISTS THE EXCHANGE DIVERSIONS WHICH ARE OWNED EXCLUSIVELY BY DALY DITCHES IRRIGATION DISTRICT AS PER DISTRICT COURT ORDER CAUSE NO. DV-82-95. THE DIVERSIONS INCLUDE THE FOLLOWING DITCHES: REPUBLICAN DITCH; HEDGE DITCH; SKALKAHO HILINE DITCH; HUGHES DITCH; WARD DITCH; REESER DITCH, THOMPSON DITCH.

**PRELIMINARY DECREE
MAINSTEM BITTERROOT RIVER AND EAST SIDE
SUBBASIN 76HA
ABSTRACT OF WATER RIGHT CLAIM
IMPORTANT NOTICE**

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

OBJECTIONS MAY BE FILED ACCORDING TO THE PROCEDURES OUTLINED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."

Water Right Number: 76H 119912-00 STATEMENT OF CLAIM

Version: 1 - ~~ORIGINAL RIGHT~~ POST DECREE

Status: ACTIVE

Owners: DALY DITCHES IRRIGATION DISTRICT
566 TAMMANY LN
HAMILTON, MT 59840
THIS IRRIGATION DISTRICT WAS ESTABLISHED UNDER TITLE 85, CHAPTER 7, MCA.

Priority Date: JUNE 1, 1865

Type of Historical Right: ~~USE~~ DECREED

Purpose(use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: ~~70.17 CFS~~ 8.11 CFS

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

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 15,650.00

Source Name: SKALKAHO CREEK

Source Type: SURFACE WATER

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWSWNE	30	5N	19W	RAVALLI

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: SKALKAHO HIGHLINE DITCH

2		NENENW	7	5N	20W	RAVALLI
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Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: REPUBLICAN DITCH

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
3		NWNESW	8	5N	20W	RAVALLI
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
Ditch Name: HEDGE DITCH						
4		SWSESW	15	5N	20W	RAVALLI
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
Ditch Name: HUGHES DITCH						
5		SWSESW	15	5N	20W	RAVALLI
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
Ditch Name: WARD DITCH						
6		NESWNE	16	5N	20W	RAVALLI
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
Ditch Name: REESER DITCH						
7		NWNWNW	16	5N	20W	RAVALLI
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
Ditch Name: THOMPSON DITCH						
Period of Use: APRIL 1 TO OCTOBER 31						

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	225.00		N2	3	5N	20W	RAVALLI
2	160.00		SW	3	5N	20W	RAVALLI
3	640.00			4	5N	20W	RAVALLI
4	640.00			5	5N	20W	RAVALLI
5	620.00			6	5N	20W	RAVALLI
6	320.00		E2	7	5N	20W	RAVALLI
7	110.00		E2W2	7	5N	20W	RAVALLI
8	640.00			8	5N	20W	RAVALLI
9	640.00			9	5N	20W	RAVALLI
10	140.00		W2E2	10	5N	20W	RAVALLI
11	320.00		W2	10	5N	20W	RAVALLI
12	320.00		W2	15	5N	20W	RAVALLI
13	315.00		N2	16	5N	20W	RAVALLI
14	165.00		S2	16	5N	20W	RAVALLI
15	95.00		N2N2	17	5N	20W	RAVALLI
16	315.00		E2	18	5N	20W	RAVALLI
17	70.00		E2W2	18	5N	20W	RAVALLI
18	105.00		E2	1	5N	21W	RAVALLI
19	510.00			3	6N	20W	RAVALLI
20	620.00			4	6N	20W	RAVALLI
21	5.00		SESENE	5	6N	20W	RAVALLI

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>
22	80.00		SE	5	6N	20W	RAVALLI
23	295.00		E2	8	6N	20W	RAVALLI
24	10.00		SENE	8	6N	20W	RAVALLI
25	105.00		SW	8	6N	20W	RAVALLI
26	640.00			9	6N	20W	RAVALLI
27	55.00		N2NE	10	6N	20W	RAVALLI
28	640.00			16	6N	20W	RAVALLI
29	640.00			17	6N	20W	RAVALLI
30	80.00		NE	18	6N	20W	RAVALLI
31	225.00		S2	18	6N	20W	RAVALLI
32	565.00			19	6N	20W	RAVALLI
33	640.00			20	6N	20W	RAVALLI
34	640.00			21	6N	20W	RAVALLI
35	40.00		S2NE	22	6N	20W	RAVALLI
36	250.00		S2	22	6N	20W	RAVALLI
37	50.00		S2SW	23	6N	20W	RAVALLI
38	100.00		NW	26	6N	20W	RAVALLI
39	215.00		S2	26	6N	20W	RAVALLI
40	640.00			27	6N	20W	RAVALLI
41	640.00			28	6N	20W	RAVALLI
42	640.00			29	6N	20W	RAVALLI
43	605.00			30	6N	20W	RAVALLI
44	615.00			31	6N	20W	RAVALLI
45	640.00			32	6N	20W	RAVALLI
46	640.00			33	6N	20W	RAVALLI
47	635.00			34	6N	20W	RAVALLI
48	5.00		W2W2NE	35	6N	20W	RAVALLI
49	160.00		NW	35	6N	20W	RAVALLI
50	20.00		NWSW	35	6N	20W	RAVALLI
51	125.00		E2	36	6N	21W	RAVALLI
52	90.00		NW	22	7N	20W	RAVALLI
53	65.00		W2SE	22	7N	20W	RAVALLI
54	100.00		SW	22	7N	20W	RAVALLI
55	290.00		N2	27	7N	20W	RAVALLI
56	180.00		S2	27	7N	20W	RAVALLI
57	40.00		E2NE	28	7N	20W	RAVALLI
58	115.00		SE	28	7N	20W	RAVALLI
59	5.00		SESESW	28	7N	20W	RAVALLI
60	520.00			33	7N	20W	RAVALLI
61	545.00			34	7N	20W	RAVALLI
62	5.00		W2SWSW	35	7N	20W	RAVALLI
Total:	19,565.00						

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>
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ONLY 15650.00 ACRES ARE IRRIGATED DURING ANY GIVEN IRRIGATION SEASON WITHIN THE 19565.00 ACRES DESCRIBED UNDER THIS RIGHT.

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.

119837-00	119838-00	119839-00	119840-00	119847-00	119848-00	119849-00
119850-00	119851-00	119852-00	119860-00	119863-00	119864-00	119865-00
119870-00	119872-00	119874-00	119878-00	119879-00	119880-00	119881-00
119882-00	119883-00	119892-00	119893-00	119894-00	119895-00	119896-00
119897-00	119898-00	119899-00	119900-00	119901-00	119902-00	119903-00
119904-00	119905-00	119906-00	119907-00	119908-00	119909-00	119910-00
119911-00	119912-00					

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.

119912-00 119934-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 08/18/1989: PLACE OF USE, MAXIMUM ACRES.

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 05/31/2005: PLACE OF USE, MAXIMUM ACRES.

THE POINT OF DIVERSION WAS AMENDED BY THE CLAIMANT ON 06/13/1985.

THE COMPLETE SET OF DOCUMENTATION, MAPS AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. 119891-00 AND 119892-00.

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

PARENT FILE FOR THIS RIGHT IS 119891-00.

THE FOLLOWING ISSUES WERE IDENTIFIED BY THE DNRC DURING ITS EXAMINATION OF THIS WATER RIGHT CLAIM.

~~THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON SKALKAKHO CREEK WITH A PRIORITY DATE PREDATING CASE NO. 2149, RAVALLI COUNTY.~~

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

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

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

SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER EXPLANATION OF YOUR CLAIMED WATER RIGHT. THESE FINDINGS CAN BE FOUND AS INDICATED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY." IF YOU NEED OBJECTION FORMS, OR HAVE QUESTIONS ABOUT WATER COURT PROCEDURES OR CHANGES TO YOUR RIGHT, YOU CAN CONTACT THE WATER COURT BY CALLING 1-800-624-3270 (WITHIN MONTANA ONLY) OR 1-406-586-4364, OR BY WRITING TO P.O. BOX 1389, BOZEMAN, MT 59771-1389.

THIS WATER RIGHT IS BASED ON A COMBINATION OF SEVERAL DECREED RIGHTS INCLUDED IN CASE NO. 2149, RAVALLI COUNTY, MONTANA, WITH PRIORITY DATES OF JUNE 1, 1865. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

USE OF THIS WATER UNDER THIS RIGHT IS EXCHANGED WITH THE FOLLOWING RIGHTS. USE OF THIS RIGHT IN COMBINATION WITH ANY OR ALL OF THE FOLLOWING RIGHTS CANNOT EXCEED THE INDIVIDUAL DECREED FLOW RATES DECREED FOR THE JUNE 1, 1865 RIGHTS DECREED IN CASE 2149, RAVALLI COUNTY, MONTANA:

76H 2080 00	76H 7422 00	76H 26331 00	76H 107878 00	76H 148170 00
76H 3255 00	76H 7750 00	76H 26336 00	76H 108809 00	76H 148191 00
76H 4106 00	76H 9094 00	76H 26337 00	76H 109008 00	76H 148217 00
76H 4107 00	76H 15442 00	76H 31066 00	76H 109009 00	76H 148218 00
76H 4852 00	76H 15471 00	76H 36285 00	76H 109615 00	76H 148219 00
76H 4853 00	76H 15476 00	76H 36286 00	76H 115328 00	76H 148220 00
76H 4894 00	76H 15945 00	76H 47454 00	76H 116800 00	76H 148221 00
76H 4895 00	76H 15949 00	76H 100564 00	76H 118395 00	76H 148222 00
76H 4896 00	76H 15953 00	76H 101728 00	76H 118449 00	76H 148223 00
76H 4897 00	76H 15954 00	76H 103395 00	76H 119912 00	76H 148224 00
76H 4906 00	76H 15964 00	76H 104511 00	76H 119934 00	76H 149818 00
76H 4909 00	76H 15965 00	76H 104566 00	76H 131626 00	76H 151017 00
76H 4911 00	76H 19725 00	76H 104967 00	76H 147914 00	76H 169836 00
76H 4912 00	76H 20093 00	76H 105111 00	76H 147915 00	76H 211718 00
76H 5113 00	76H 21168 00	76H 105121 00	76H 147943 00	76H 211719 00
76H 5760 00	76H 21232 00	76H 105239 00	76H 147944 00	
76H 6622 00	76H 21233 00	76H 105356 00	76H 148023 00	
76H 7306 00	76H 24811 00	76H 105357 00	76H 148166 00	
76H 7309 00	76H 24812 00	76H 107547 00	76H 148167 00	
76H 7421 00	76H 25679 00	76H 107859 00	76H 148169 00	

**PRELIMINARY DECREE
MAINSTEM BITTERROOT RIVER AND EAST SIDE
SUBBASIN 76HA
ABSTRACT OF WATER RIGHT CLAIM**

IMPORTANT NOTICE

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

OBJECTIONS MAY BE FILED ACCORDING TO THE PROCEDURES OUTLINED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."

Water Right Number: 76H 119934-00 STATEMENT OF CLAIM

Version: 1 -- ~~ORIGINAL RIGHT~~ POST DECREE

Status: ACTIVE

Owners: DALY DITCHES IRRIGATION DISTRICT
566 TAMMANY LN
HAMILTON, MT 59840
THIS IRRIGATION DISTRICT WAS ESTABLISHED UNDER TITLE 85, CHAPTER 7, MCA.

Priority Date: JUNE 1, 1865

Type of Historical Right: ~~USE~~ DECREED

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 STOCK WATERING 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: SKALKAHO 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>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWSWNE	30	5N	19W	RAVALLI

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: SKALKAHO HIGHLINE DITCH

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
2		NENENW	7	5N	20W	RAVALLI
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: HEADGATE						
Ditch Name: REPUBLICAN DITCH						
3		NWNESW	8	5N	20W	RAVALLI
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: HEADGATE						
Ditch Name: HEDGE DITCH						
4		SWSESW	15	5N	20W	RAVALLI
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: HEADGATE						
Ditch Name: HUGHES DITCH						
5		SWSESW	15	5N	20W	RAVALLI
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: HEADGATE						
Ditch Name: WARD DITCH						
6		NESWNE	16	5N	20W	RAVALLI
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: HEADGATE						
Ditch Name: REESER DITCH						
7		NWNWNW	16	5N	20W	RAVALLI
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: HEADGATE						
Ditch Name: THOMPSON DITCH						
Period of Use: JANUARY 1 TO DECEMBER 31						

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			N2	3	5N	20W	RAVALLI
2			SW	3	5N	20W	RAVALLI
3				4	5N	20W	RAVALLI
4				5	5N	20W	RAVALLI
5				6	5N	20W	RAVALLI
6			E2	7	5N	20W	RAVALLI
7			E2W2	7	5N	20W	RAVALLI
8				8	5N	20W	RAVALLI
9				9	5N	20W	RAVALLI
10			W2E2	10	5N	20W	RAVALLI
11			W2	10	5N	20W	RAVALLI
12			W2	15	5N	20W	RAVALLI
13			N2	16	5N	20W	RAVALLI
14			S2	16	5N	20W	RAVALLI
15			N2N2	17	5N	20W	RAVALLI
16			E2	18	5N	20W	RAVALLI
17			E2W2	18	5N	20W	RAVALLI

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>
18			E2	1	5N	21W	RAVALLI
19				3	6N	20W	RAVALLI
20				4	6N	20W	RAVALLI
21			SESENE	5	6N	20W	RAVALLI
22			SE	5	6N	20W	RAVALLI
23			E2	8	6N	20W	RAVALLI
24			SENE	8	6N	20W	RAVALLI
25			SW	8	6N	20W	RAVALLI
26				9	6N	20W	RAVALLI
27			N2NW	10	6N	20W	RAVALLI
28				16	6N	20W	RAVALLI
29				17	6N	20W	RAVALLI
30			NE	18	6N	20W	RAVALLI
31			S2	18	6N	20W	RAVALLI
32				19	6N	20W	RAVALLI
33				20	6N	20W	RAVALLI
34				21	6N	20W	RAVALLI
35			S2NW	22	6N	20W	RAVALLI
36			S2	22	6N	20W	RAVALLI
37			S2SW	23	6N	20W	RAVALLI
38			NW	26	6N	20W	RAVALLI
39			S2	26	6N	20W	RAVALLI
40				27	6N	20W	RAVALLI
41				28	6N	20W	RAVALLI
42				29	6N	20W	RAVALLI
43				30	6N	20W	RAVALLI
44				31	6N	20W	RAVALLI
45				32	6N	20W	RAVALLI
46				33	6N	20W	RAVALLI
47				34	6N	20W	RAVALLI
48			W2W2NE	35	6N	20W	RAVALLI
49			NW	35	6N	20W	RAVALLI
50			NWSW	35	6N	20W	RAVALLI
51			E2	36	6N	21W	RAVALLI
52			NW	22	7N	20W	RAVALLI
53			W2SE	22	7N	20W	RAVALLI
54			SW	22	7N	20W	RAVALLI
55			N2	27	7N	20W	RAVALLI
56			S2	27	7N	20W	RAVALLI
57			E2NE	28	7N	20W	RAVALLI
58			SE	28	7N	20W	RAVALLI
59			SESESW	28	7N	20W	RAVALLI
60				33	7N	20W	RAVALLI

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>
61				34	7N	20W	RAVALLI
62			W2SWSW	35	7N	20W	RAVALLI

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.

119912-00 119934-00

THE PLACE OF USE WAS AMENDED BY THE CLAIMANT ON 05/31/2005.

THE PLACE OF USE WAS AMENDED BY THE CLAIMANT ON 08/18/1989.

THE POINT OF DIVERSION WAS AMENDED BY THE CLAIMANT ON 06/13/1985.

THE COMPLETE SET OF DOCUMENTATION, MAPS AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. 119913-00 AND 119914-00.

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

PARENT FILE FOR THIS RIGHT IS 119913-00.

THE FOLLOWING ISSUES WERE IDENTIFIED BY THE DNRC DURING ITS EXAMINATION OF THIS WATER RIGHT CLAIM.

~~THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON SKALKAKO CREEK WITH A PRIORITY DATE PREDATING CASE NO. 2149, RAVALLI COUNTY.~~

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

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

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

SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER EXPLANATION OF YOUR CLAIMED WATER RIGHT. THESE FINDINGS CAN BE FOUND AS INDICATED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY." IF YOU NEED OBJECTION FORMS, OR HAVE QUESTIONS ABOUT WATER COURT PROCEDURES OR CHANGES TO YOUR RIGHT, YOU CAN CONTACT THE WATER COURT BY CALLING 1-800-624-3270 (WITHIN MONTANA ONLY) OR 1-406-586-4364, OR BY WRITING TO P.O. BOX 1389, BOZEMAN, MT 59771-1389.

THIS WATER RIGHT IS BASED ON A COMBINATION OF SEVERAL DECREED RIGHTS INCLUDED IN CASE NO. 2149, RAVALLI COUNTY, MONTANA, WITH PRIORITY DATES OF JUNE 1, 1865. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

USE OF THIS WATER UNDER THIS RIGHT IS EXCHANGED WITH THE FOLLOWING RIGHTS. USE OF THIS RIGHT IN COMBINATION WITH ANY OR ALL OF THE FOLLOWING RIGHTS CANNOT EXCEED THE INDIVIDUAL DECREED FLOW RATES DECREED FOR THE JUNE 1, 1865 RIGHTS DECREED IN CASE 2149, RAVALLI COUNTY, MONTANA:

76H 2080 00	76H 7422 00	76H 26331 00	76H 107878 00	76H 148170 00
76H 3255 00	76H 7750 00	76H 26336 00	76H 108809 00	76H 148191 00
76H 4106 00	76H 9094 00	76H 26337 00	76H 109008 00	76H 148217 00
76H 4107 00	76H 15442 00	76H 31066 00	76H 109009 00	76H 148218 00
76H 4852 00	76H 15471 00	76H 36285 00	76H 109615 00	76H 148219 00
76H 4853 00	76H 15476 00	76H 36286 00	76H 115328 00	76H 148220 00
76H 4894 00	76H 15945 00	76H 47454 00	76H 116800 00	76H 148221 00
76H 4895 00	76H 15949 00	76H 100564 00	76H 118395 00	76H 148222 00
76H 4896 00	76H 15953 00	76H 101728 00	76H 118449 00	76H 148223 00
76H 4897 00	76H 15954 00	76H 103395 00	76H 119912 00	76H 148224 00
76H 4906 00	76H 15964 00	76H 104511 00	76H 119934 00	76H 149818 00
76H 4909 00	76H 15965 00	76H 104566 00	76H 131626 00	76H 151017 00
76H 4911 00	76H 19725 00	76H 104967 00	76H 147914 00	76H 169836 00
76H 4912 00	76H 20093 00	76H 105111 00	76H 147915 00	76H 211718 00
76H 5113 00	76H 21168 00	76H 105121 00	76H 147943 00	76H 211719 00
76H 5760 00	76H 21232 00	76H 105239 00	76H 147944 00	
76H 6622 00	76H 21233 00	76H 105356 00	76H 148023 00	
76H 7306 00	76H 24811 00	76H 105357 00	76H 148166 00	
76H 7309 00	76H 24812 00	76H 107547 00	76H 148167 00	
76H 7421 00	76H 25679 00	76H 107859 00	76H 148169 00	

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O. BOX 201801 HELENA, MONTANA 59620-1801
GENERAL ABSTRACT

Water Right Number: 76H 9075-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: JOAN C HEUSTED
389 GRANTS DALE RD
HAMILTON, MT 59840-3333

Priority Date: MAY 1, 1873

Enforceable Priority Date: MAY 1, 1873

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER

Maximum Flow Rate: 17.83 GPM

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

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 1.06

Source Name: SKALKAHO CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	7	5N	20W	RAVALLI

Period of Diversion: APRIL 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: ~~REPUBLICAN DITCH~~

Add attached remark

~~THE POINT OF DIVERSION FOR THIS CLAIM IS NENENW SEC 7 T5N R20W THE
POINT WHERE THE REPUBLICAN DITCH INTERSECTS SKALKAHO CREEK. THIS
CLAIM IS PART OF THE SKALKAHO CREEK AND BITTERROOT RIVER WATER
EXCHANGE. WATER FROM THE BITTERROOT RIVER IS EXCHANGED FOR WATER
FROM SKALKAHO CREEK THAT IS DIVERTED INTO THE SKALKAHO HI LINE
(SWSWNE SEC 30 T5N R19W) AND WARD DITCHES (SWSESW SEC 15 T5N R20W).
THE EXCHANGED WATER RELATIONSHIP IS DESCRIBED IN - RE THE PETITION
FOR ORGANIZATION AND ESTABLISHMENT OF AN IRRIGATION DISTRICT IN
RAVALLI COUNTY, TO BE KNOWN AS DALY DITCHES IRRIGATION DISTRICT,
FOURTH JUDICIAL DISTRICT IN AND FOR THE COUNTY OF RAVALLI, CAUSE NO.
DV-82-95, AND 209 MONT. 218 (1984).~~

Period of Use: APRIL 1 to OCTOBER 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	1.06		SESESW	31	6N	20W	RAVALLI

Subdivision: LEFLER ADD TRACT/LOT 8

Total: 1.06

Geocodes/Valid: 13-1468-31-3-03-53-0000 - Y

Remarks:

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 10/12/1988.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 09/10/1990.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 4857 RECEIVED 09/26/2002.

OWNERSHIP UPDATE TYPE 608 # 8986 RECEIVED 06/03/2003.

OWNERSHIP UPDATE TYPE DOR # 92925 RECEIVED 02/22/2010.

THE PLACE OF USE FOR THIS RIGHT IS NOT INCLUDED IN THE DALY
DITCHES IRRIGATION DISTRICT.

THIS WATER RIGHT IS NOT CURRENTLY PART OF THE SKALKAHO CREEK EXCHANGE
("SWAP") WHERE WATER HISTORICALLY DIVERTED FROM SKALKAHO CREEK IS
EXCHANGED FOR WATER DIVERTED FROM THE BITTERROOT RIVER. THE POINT OF
DIVERSION LISTED ON THIS CLAIM IS THE LOCATION OF THE EXCHANGE AND DOES NOT
REFLECT AN ACTUAL DIVERSION OR DITCH. THIS WATER RIGHT HAS NO RIGHT TO
DIVERT WATER THROUGH ANY DIVERSION OR DITCH OWNED BY DALY DITCHES
IRRIGATION DISTRICT AS PER DISTRICT COURT ORDER CASE NO. DV-82-95. IF THE
OWNER(S) OF THIS WATER RIGHT BECOME MEMBER(S) OF THE DISTRICT THIS RIGHT
WILL BE ASSOCIATED AND USED IN CONJUNCTION WITH WATER RIGHT 76H _____ 00.
WATER RIGHT 76H _____ 00 LISTS THE EXCHANGE DIVERSIONS WHICH ARE OWNED
EXCLUSIVELY BY DALY DITCHES IRRIGATION DISTRICT: REPUBLICAN DITCH; HEDGE
DITCH; SKALKAHO HILINE DITCH; HUGHES DITCH; WARD DITCH; REESER DITCH;
THOMPSON DITCH.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76H 150043-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: JOAN C HEUSTED
389 GRANTS DALE RD
HAMILTON, MT 59840-3333

Priority Date: MAY 1, 1873

Enforceable Priority Date: MAY 1, 1873

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER

Maximum Flow Rate: 17.83 GPM

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

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 1.06

Source Name: SKALKAHO CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	7	5N	20W	RAVALLI

Period of Diversion: APRIL 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: ~~REPUBLICAN DITCH~~

Add Attached Remark

~~THE POINT OF DIVERSION FOR THIS CLAIM IS NENENW SEC 7 T5N R20W THE
POINT WHERE THE REPUBLICAN DITCH INTERSECTS SKALKAHO CREEK. THIS
CLAIM IS PART OF THE SKALKAHO CREEK AND BITTERROOT RIVER WATER
EXCHANGE. WATER FROM THE BITTERROOT RIVER IS EXCHANGED FOR WATER
FROM SKALKAHO CREEK THAT IS DIVERTED INTO THE SKALKAHO HI LINE
(SWSWNE SEC 30 T5N R19W) AND WARD DITCHES (SWSESW SEC 15 T5N R20W).
THE EXCHANGED WATER RELATIONSHIP IS DESCRIBED IN - RE THE PETITION
FOR ORGANIZATION AND ESTABLISHMENT OF AN IRRIGATION DISTRICT IN
RAVALLI COUNTY, TO BE KNOWN AS DALY DITCHES IRRIGATION DISTRICT,
FOURTH JUDICIAL DISTRICT IN AND FOR THE COUNTY OF RAVALLI, CAUSE NO.
BY-82-95, AND 209 MONT. 218 (1984).~~

Period of Use: APRIL 1 to OCTOBER 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	1.06		NESESW	31	6N	20W	RAVALLI

Subdivision: LEFLER ADD TRACT/LOT 9

Total: 1.06

Geocodes/Valid: 13-1468-31-3-03-54-0000 - Y

Remarks:

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

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 56140 RECEIVED 03/19/2008.

OWNERSHIP UPDATE TYPE DOR # 92925 RECEIVED 02/22/2010.

THE PLACE OF USE FOR THIS RIGHT IS INCLUDED IN THE DALY DITCHES IRRIGATION DISTRICT.

THIS WATER RIGHT IS PART OF THE SKALKAHO CREEK EXCHANGE ("SWAP") WHERE WATER HISTORICALLY DIVERTED FROM SKALKAHO CREEK IS EXCHANGED FOR WATER DIVERTED FROM THE BITTERROOT RIVER. THE POINT OF DIVERSION IS THE LOCATION OF THE EXCHANGE AND DOES NOT REFLECT AN ACTUAL DIVERSION OR DITCH FOR THIS WATER RIGHT. THIS WATER RIGHT IS EXCHANGED AND USED IN CONJUNCTION WITH DALY DITCHES IRRIGATION DISTRICT WATER RIGHT 76H _____ 00 AND CANNOT BE DIVERTED AND USED SEPARATE FROM WATER RIGHT 76H _____ 00. THE EXCHANGE WATER IS DIVERTED AND MANAGED BY DALY DITCHES IRRIGATION DISTRICT UNDER WATER RIGHT 76H _____ 00. WATER RIGHT 76H _____ 00 LISTS THE EXCHANGE DIVERSIONS WHICH ARE OWNED EXCLUSIVELY BY DALY DITCHES IRRIGATION DISTRICT AS PER DISTRICT COURT ORDER CAUSE NO. DV-82-95. THE DIVERSIONS INCLUDE THE FOLLOWING DITCHES: REPUBLICAN DITCH; HEDGE DITCH; SKALKAHO HILINE DITCH; HUGHES DITCH; WARD DITCH; REESER DITCH, THOMPSON DITCH.