

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:** 41S 104017-00 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:**

CORY MERRILL  
503 E DRY CREEK RD  
BUFFALO, MT 59418

CLARAJEAN MERRILL  
503 E DRY CREEK RD  
BUFFALO, MT 59418

GIBBS, DURL LIVING TRUST  
503 E DRY CREEK RD  
BUFFALO, MT 59418

OWNER GIBBS, DURL LIVING TRUST RETAINED. CONTRACT FOR DEED INTEREST.

**Priority Date:** APRIL 1, 1885

**Enforceable Priority Date:** APRIL 1, 1885

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 2.00 CFS

**Maximum Volume:** 240.00 AC-FT

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 68.00

**Source Name:** DRY 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		SENWNW	17	12N	16E	FERGUS

**Period of Diversion:** APRIL 15 TO OCTOBER 19

**Diversion Means:** DIKE

**Reservoir:** ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SENWNW	17	12N	16E	FERGUS

**Diversion to Reservoir:** DIVERSION # 1

**Period of Use:** APRIL 15 to OCTOBER 19

**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	38.00		NWNW	17	12N	16E	FERGUS
2	30.00		NENE	18	12N	16E	FERGUS
<b>Total:</b>	<b>68.00</b>						

**Geocodes/Valid:** 08-2137-17-3-01-01-0000 - Y      08-2137-18-1-01-01-0000 - Y

**Remarks:**

THE CLAIMED ACRES IRRIGATED AND PLACE OF USE HAVE BEEN RE-EXAMINED BY THE DNRC UNDER MONTANA WATER COURT ORDER DATED AUGUST 29, 1997. SEE CLAIM FILE FOR FURTHER INFORMATION.

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

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 19829 RECEIVED 03/08/2005.

OWNERSHIP UPDATE TYPE DOR # 103796 RECEIVED 09/01/2012.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

**Remarks:**

THE MAXIMUM NUMBER OF ACRES CLAIMED ON THE ORIGINAL STATEMENT OF CLAIM IS 80.00 ACRES. THE DNRC'S RE-EXAMINATION WAS OF THE ORIGINAL CLAIMED ACRES IRRIGATED AND PLACE OF USE.

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

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO. 30027-278-86, DATED 09/25/79, APPEARS TO INDICATE 0.00 ACRES IRRIGATED.