

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 105010-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners:
FRED L WELDY
820 S BURNT FORK RD
STEVENSVILLE, MT 59870

JOYCE WELDY
820 S BURNT FORK RD
STEVENSVILLE, MT 59870

JAMES G SCHROEDER
484 PINE HOLLOW RD
STEVENSVILLE, MT 59870

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, 1877
Enforceable Priority Date: JUNE 1, 1877

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 353.43 GPM

Maximum 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: 240.00

Source Name: SOUTH SWAMP 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		SWNESW	5	8N	19W	RAVALLI

Period of Diversion: MARCH 1 TO OCTOBER 15
Diversion Means: HEADGATE
Ditch Name: BARROTT DITCH (HEADGATE 105)

2	4	NENWNW	6	8N	19W	RAVALLI
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Period of Diversion: MARCH 1 TO OCTOBER 15
Diversion Means: HEADGATE
Ditch Name: HEREFORD DITCH (HEADGATE 111)

3		NENESE	36	9N	20W	RAVALLI
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Period of Diversion: MARCH 1 TO OCTOBER 15
Diversion Means: HEADGATE
Ditch Name: LANCASTER DITCH

4- SECONDARY		SWNESW	5	8N	19W	RAVALLI
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Period of Diversion: MARCH 1 TO OCTOBER 15
Diversion Means: HEADGATE
Ditch Name: BITTERROOT IRRIGATION DISTRICT CANAL

5- SECONDARY	1	SENESE	1	8N	20W	RAVALLI
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Period of Diversion: MARCH 1 TO OCTOBER 15
Diversion Means: HEADGATE
Ditch Name: SIPHON EXCHANGE DITCH

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
6- SECONDARY		SWNESE	36	9N	20W	RAVALLI

Period of Diversion: MARCH 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: UNNAMED DITCH (HEADGATE 122)

WATER FROM BARROTT DITCH (POD #2) IS CONVEYED THROUGH THE BRID CANAL (POD #5) AND THE SIPHON EXCHANGE DITCH (POD #6) TO THE PLACE OF USE.

WATER FROM LANCASTER DITCH (POD #3) IS CONVEYED THROUGH AN UNNAMED DITCH AT HEADGATE 122 (POD #4) TO THE PLACE OF USE.

THE CLAIMED POINT OF DIVERSION IN THE NWNESW SEC 5 TWP 8N RGE 19W IS ON AN UPSTREAM TRIBUTARY WITHOUT ACCESS TO THE CLAIMED PLACE OF USE. THERE IS AN EXCHANGE USE AGREEMENT WITH BRID TO TAKE AN EQUAL AMOUNT OF WATER FROM A SIPHON. SEE CLAIM FILE FOR MORE INFORMATION.

Period of Use: MARCH 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	160.00		SE	31	9N	19W	RAVALLI
2	80.00		S2SE	36	9N	20W	RAVALLI
Total:	240.00						

Geocodes/Valid: 13-1764-36-4-03-01-0000 - Y 13-1765-31-4-01-01-0000 - Y

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.

105004-00 105008-00 105009-00 105010-00 105011-00 105012-00

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

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 11507 RECEIVED 11/05/2003.

OWNERSHIP UPDATE TYPE 608 # 17255 RECEIVED 10/07/2004.

OWNERSHIP UPDATE TYPE 608 # 51479 RECEIVED 11/26/2007.

THIS CLAIM DOES NOT APPEAR TO REFLECT THE WATER RIGHT AS IT WAS BEFORE JULY 1, 1973. INFORMATION AVAILABLE INDICATES THE PRE JULY 1, 1973 PLACE OF USE WAS IN SEC 31 TWP 9N RGE 19W RAVALLI COUNTY.

THE PRIORITY DATE MAY BE QUESTIONABLE. THE PLACE OF USE FOR THE A.C. ELLISON DECREED RIGHT, DESCRIBED AS SE SEC 31 TWP 9N RGE 19W IN CASE NO. 556 AM. , RAVALLI COUNTY, IS INCONSISTENT WITH THE CLAIMED PLACE OF USE.