

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:** 40D 119681-00 STATEMENT OF CLAIM  
**Version:** 2 -- ORIGINAL RIGHT  
**Version Status:** DISMISSED

**Owners:** VIRGINIA L MURNION  
PO BOX 13  
JORDAN, MT 59337-0013  
  
LEE MURNION  
PO BOX 333  
JORDAN, MT 59337-0333

**Priority Date:** OCTOBER 7, 1936  
**Enforceable Priority Date:** OCTOBER 7, 1936

**Type of Historical Right:** FILED

**Purpose (use):** STOCK

**Maximum Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**Maximum 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:** BIG 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		SENE	14	18N	37E	GARFIELD

**Period of Diversion:**  
**Diversion Means:** DAM

**Reservoir:** ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SENE	14	18N	37E	GARFIELD

**Diversion to Reservoir:** DIVERSION # 1

**Surface Area:** 432.00 ACRES

**Current Capacity:** 4,360.00 ACRE-FEET

THE DAM EXTENDS INTO THE NWNW SEC 13 TWP 18N RGE 37E GARFIELD COUNTY.  
SEE THE 1982 MEMORANDUM IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

**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			W2NW	13	18N	37E	GARFIELD
2				14	18N	37E	GARFIELD
3				15	18N	37E	GARFIELD
4			N2NESE	16	18N	37E	GARFIELD
5			SENE	16	18N	37E	GARFIELD
6			SW	10	18N	37E	GARFIELD
7			S2S2	11	18N	37E	GARFIELD

**Geocodes/Valid:** -- NO VALID GEOCODES --

**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT DURING ADJUDICATION OF THE 40D PRELIMINARY DECREE.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 13913 RECEIVED 04/26/2004.

**Remarks:**

THIS CLAIM AND WATER RIGHT NO. 40D 119679-00 APPEAR TO BE REDUNDANT FILINGS. IT APPEARS ONLY ONE WATER RIGHT IS INVOLVED.

THE WATER COURT FINDS NO RIGHT FOR THIS CLAIM, AS IT IS DUPLICATED BY CLAIM NO. W119679-00.

THE PERIOD OF DIVERSION FROM THE SOURCE INTO STORAGE CANNOT BE IDENTIFIED.

THIS CLAIMED WATER RIGHT MAY BE QUESTIONABLE. ACCORDING TO INFORMATION IN THE CLAIM FILE, THE RIGHT MAY NOT HAVE BEEN USED FOR THE PAST 70 YEARS.

RESERVOIR APPEARS WASHED OUT ON USDA AERIAL PHOTOGRAPH NO. 278-202 , DATED 10/06/1978.

ACCORDING TO INFORMATION IN THE CLAIM FILE, THE DAM WASHED OUT IN 1944.

DNRC WAS UNABLE TO CONFIRM THE CLAIMED 1940 RESERVOIR CAPACITY AS THE RESERVOIR APPEARS TO HAVE WASHED OUT IN 1944 AND NEVER REPAIRED.

THE TYPE OF HISTORICAL RIGHT MAY BE QUESTIONABLE. DOCUMENTATION SUBMITTED WITH THE CLAIM INDICATES A USE RIGHT.