

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:** 41M 120072-00 STATEMENT OF CLAIM

**Version:** 2 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** PONDERA COUNTY CANAL & RESERVOIR CO  
PO BOX 245  
VALIER, MT 59486

**Priority Date:** AUGUST 31, 1897

**Enforceable Priority Date:** AUGUST 31, 1897

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**Maximum Flow Rate:** 6.62 CFS

**Maximum Volume:** 1,539.80 AC-FT

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 669.50

**Source Name:** BIRCH 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		NENWSW	27	29N	8W	PONDERA

**Period of Diversion:** APRIL 20 TO OCTOBER 14

**Diversion Means:** HEADGATE

**Ditch Name:** B CANAL

WATER DIVERTED FROM B CANAL IS CONVEYED TO CARTWRIGHT COULEE WHICH IS USED AS A NATURAL CARRIER TO A SECONDARY POINT OF DIVERSION IN THE SENESE SEC 19 TWP 29N RGE 7W PONDERA COUNTY.

SECONDARY POINT OF DIVERSION ALSO KNOWN AS ARMSTRONG DITCH.

**Period of Use:** APRIL 20 to OCTOBER 14

**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	35.20		S2NE	11	29N	7W	PONDERA
2	80.30		SE	11	29N	7W	PONDERA
3	17.80		SESW	11	29N	7W	PONDERA
4	58.10		NW	12	29N	7W	PONDERA
5	5.70		W2NWSW	12	29N	7W	PONDERA
6	257.50		N2	14	29N	7W	PONDERA
7	18.70		N2N2SW	14	29N	7W	PONDERA
8	88.90		NE	15	29N	7W	PONDERA
9	24.10		S2NW	15	29N	7W	PONDERA
10	83.20		N2S2	15	29N	7W	PONDERA

**Total:** 669.50

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

**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.

120066-00 120071-00 120072-00 120073-00 120074-00 120075-00 120076-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 06/02/2006: POINT OF DIVERSION, PLACE OF USE, MAXIMUM ACRES, PERIOD OF USE.

ELEMENTS OF THIS CLAIM WERE CHANGED PURSUANT TO THE WATER COURT'S DECISION IN CURRY V. PONDERA (WC-2006-01 (APRIL 25, 2014)). THE CURRY DECISION IS CURRENTLY ON APPEAL BEFORE

**Remarks:**

THE MONTANA SUPREME COURT. SOME OR ALL OF THE ELEMENTS OF THIS CLAIM MAY BE ALTERED AS A RESULT OF THE SUPREME COURT'S DECISION.

THE COMPLETE SET OF DOCUMENTATION, MAPS AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. 120069.

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

PARENT FILE FOR THIS RIGHT IS 120068.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 38166 RECEIVED 06/02/2006.

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

USDA AERIAL PHOTOGRAPH NO(S). 278-227 , DATED 09/22/1979 , APPEARS TO INDICATE 332.6 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE COMBINED CLAIMED FLOW RATE FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS 98.77 GPM PER ACRE. THE FLOW RATE GUIDELINE FOR INDIVIDUAL CLAIMS IS 17 GPM PER ACRE.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.