

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 133453-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:**  
DONNA M BOYER  
320 SCHULER LN  
DILLON, MT 59725  
  
GARY L BOYER  
320 SCHULER LN  
DILLON, MT 59725  
  
LAWRENCE M RICHARDSON  
155 COAL MINE RD  
DARBY, MT 59829  
  
KATHY L RICHARDSON  
155 COAL MINE RD  
DARBY, MT 59829  
  
JUSTIN M RICHARDSON  
155 COAL MINE RD  
DARBY, MT 59829

**Priority Date:** MAY 31, 1889  
**Enforceable Priority Date:** MAY 31, 1889

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION  
**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 3.88 CFS  
THE FLOW RATE OF THIS CLAIM HAS BEEN REDUCED TO 17 GPM PER ACRE.  
THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

**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:** 102.50

**Source Name:** BITTERROOT RIVER  
**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		SENENW	14	3N	21W	RAVALLI

**Period of Diversion:** APRIL 1 TO NOVEMBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** TIEDT-NICHOLSON DITCH

**Period of Use:** APRIL 1 to NOVEMBER 1

**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	2.50		W2SWSW	26	4N	21W	RAVALLI
2	22.00		SESE	27	4N	21W	RAVALLI
3	45.00		N2NE	34	4N	21W	RAVALLI
4	31.00		N2S2NE	34	4N	21W	RAVALLI
5	2.00		W2NWNW	35	4N	21W	RAVALLI
<b>Total:</b>	<b>102.50</b>						

**Geocodes/Valid:** 13-1273-26-3-01-07-0000 - Y 13-1273-27-1-01-05-0000 - Y  
13-1273-34-1-01-18-0000 - Y 13-1273-34-1-01-19-0000 - Y  
13-1273-34-1-02-01-0000 - Y

**Remarks:**

**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.

99722-00    116613-00    116614-00    116615-00    123854-00    123855-00    123856-00  
123857-00    123858-00    133453-00    146775-00

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.

133453-00    133454-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 03/19/1991: PLACE OF USE, MAXIMUM ACRES.

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 03/04/91.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 04/09/98.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 120751 RECEIVED 04/29/2014.

AN AMENDMENT WAS SUBMITTED ON 05/13/2009 REQUESTING TO AMEND THE PLACE OF USE, MAXIMUM ACRES, FLOW RATE . THE AMENDMENT HAS NOT BEEN IMPLEMENTED AS IT HAS NOT BEEN SIGNED BY ALL OWNERS OF DNRC RECORD.

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

AS OF 02/11/2009 , THIS WATER RIGHT APPEARS TO BE OWNED BY CORINNE AFANASIEFF AND STANLEY & BARBARA A. RUTNER, C/O JONATHAN WEXLER, 5203 DESMOND ST, OAKLAND, CA 94618-1011.

THE RAVALLI COUNTY WATER RESOURCES SURVEY ( 1958 ) APPEARS TO INDICATE 77.07 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 179-76 , DATED 08/02/1979 , APPEARS TO INDICATE 80.86 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED APPROPRIATION ON BITTERROOT RIVER WITH A PRIORITY DATE PREDATING CASE NO. 1287, RAVALLI COUNTY.

THE COMBINED CLAIMED FLOW RATE FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS 113.18 GPM PER ACRE. THE FLOW RATE GUIDELINE FOR INDIVIDUAL CLAIMS IS 17 GPM PER ACRE.