

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 135412-00 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

Priority Date: NOVEMBER 10, 1903
Enforceable Priority Date: NOVEMBER 10, 1903

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 2.27 CFS

Maximum Volume: 164.40 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 60.00

Source Name: UNNAMED TRIBUTARY OF UNNAMED TRIBUTARY OF ROSS FORK 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		SESWSE	10	11N	16E	FERGUS

Period of Diversion: MAY 15 TO AUGUST 19

Diversion Means: HEADGATE

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESWSE	10	11N	16E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Period of Use: MAY 15 to AUGUST 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	40.00		NENW	15	11N	16E	FERGUS
2	5.00		SESW	15	11N	16E	FERGUS
3	10.00		W2NWNE	15	11N	16E	FERGUS
4	5.00		SWSE	10	11N	16E	FERGUS
Total:	60.00						

Geocodes/Valid: 08-2025-10-4-03-01-0000 - Y 08-2025-15-3-02-01-0000 - 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.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 05/01/84.

OWNERSHIP UPDATE RECEIVED

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

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

Remarks:

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. 30027-278-76, DATED 09/25/79, APPEARS TO INDICATE 0.00 ACRES IRRIGATED.