

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: 41P 162058-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

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

Priority Date: DECEMBER 31, 1913

Enforceable Priority Date: DECEMBER 31, 1913

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 50.00 CFS

Maximum Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 62,321.15

Source Name: SPRING 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		NWSW	6	28N	3W	PONDERA

Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: P CANAL

Period of Use: MARCH 1 to OCTOBER 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	657.68			1	28N	1W	PONDERA
2	668.39			2	28N	1W	PONDERA
3	693.47			3	28N	1W	PONDERA
4	711.45			4	28N	1W	PONDERA
5	732.08			5	28N	1W	PONDERA
6	452.80			6	28N	1W	PONDERA
7	388.49	2		7	28N	1W	PONDERA
8	649.40			8	28N	1W	PONDERA
9	650.39			9	28N	1W	PONDERA
10	653.19			10	28N	1W	PONDERA
11	648.97			11	28N	1W	PONDERA
12	651.08			12	28N	1W	PONDERA
13	648.63			13	28N	1W	PONDERA
14	649.71			14	28N	1W	PONDERA
15	654.31			15	28N	1W	PONDERA
16	647.23			16	28N	1W	PONDERA
17	647.37			17	28N	1W	PONDERA
18	391.37	3		18	28N	1W	PONDERA
19	394.27			19	28N	1W	PONDERA
20	648.08			20	28N	1W	PONDERA
21	647.56			21	28N	1W	PONDERA
22	652.74			22	28N	1W	PONDERA
23	651.08			23	28N	1W	PONDERA
24	650.03			24	28N	1W	PONDERA
25	649.91			25	28N	1W	PONDERA
26	651.61			26	28N	1W	PONDERA
27	651.05			27	28N	1W	PONDERA
28	648.02			28	28N	1W	PONDERA
29	648.93			29	28N	1W	PONDERA
30	396.20	4		30	28N	1W	PONDERA

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>
31	398.71			31	28N	1W	PONDERA
32	649.21			32	28N	1W	PONDERA
33	648.85			33	28N	1W	PONDERA
34	650.22			34	28N	1W	PONDERA
35	650.70			35	28N	1W	PONDERA
36	650.12			36	28N	1W	PONDERA
37	764.33	1		1	28N	2W	PONDERA
38	750.12			2	28N	2W	PONDERA
39	765.58			3	28N	2W	PONDERA
40	753.88	4		4	28N	2W	PONDERA
41	708.98			5	28N	2W	PONDERA
42	564.33			6	28N	2W	PONDERA
43	615.18			7	28N	2W	PONDERA
44	646.02			8	28N	2W	PONDERA
45	641.11			9	28N	2W	PONDERA
46	648.86			10	28N	2W	PONDERA
47	638.42			11	28N	2W	PONDERA
48	645.21			12	28N	2W	PONDERA
49	643.12			13	28N	2W	PONDERA
50	641.86			14	28N	2W	PONDERA
51	649.42			15	28N	2W	PONDERA
52	641.72			16	28N	2W	PONDERA
53	644.07			17	28N	2W	PONDERA
54	614.82			18	28N	2W	PONDERA
55	616.38			19	28N	2W	PONDERA
56	643.53			20	28N	2W	PONDERA
57	642.89			21	28N	2W	PONDERA
58	649.36			22	28N	2W	PONDERA
59	643.23			23	28N	2W	PONDERA
60	642.61			24	28N	2W	PONDERA
61	643.85			25	28N	2W	PONDERA
62	643.05			26	28N	2W	PONDERA
63	648.87			27	28N	2W	PONDERA
64	641.55			28	28N	2W	PONDERA
65	643.97			29	28N	2W	PONDERA
66	618.37			30	28N	2W	PONDERA
67	620.98			31	28N	2W	PONDERA
68	643.84			32	28N	2W	PONDERA
69	640.63			33	28N	2W	PONDERA
70	647.78			34	28N	2W	PONDERA
71	642.72			35	28N	2W	PONDERA
72	645.76			36	28N	2W	PONDERA
73	642.75			1	28N	3W	PONDERA
74	565.06	3		2	28N	3W	PONDERA
75	607.96			3	28N	3W	PONDERA
76	564.99	1		4	28N	3W	PONDERA
78	140.57		E2	5	28N	3W	PONDERA
79	39.26		SW	5	28N	3W	PONDERA
80	45.95		S2	6	28N	3W	PONDERA
81	15.89		N2NE	7	28N	3W	PONDERA
82	33.08		N2N2	8	28N	3W	PONDERA
83	270.78		E2	9	28N	3W	PONDERA
84	133.01		W2	9	28N	3W	PONDERA
85	603.71			10	28N	3W	PONDERA
86	643.71			11	28N	3W	PONDERA
87	650.92			12	28N	3W	PONDERA
88	649.50			13	28N	3W	PONDERA
89	641.01			14	28N	3W	PONDERA
90	322.37		E2	15	28N	3W	PONDERA
91	39.02		E2NW	15	28N	3W	PONDERA
92	137.76		SW	15	28N	3W	PONDERA
93	58.30		NE	21	28N	3W	PONDERA
94	2.76		E2NESE	21	28N	3W	PONDERA
95	6.59		S2S2SESE	21	28N	3W	PONDERA
96	617.31			22	28N	3W	PONDERA
97	641.04			23	28N	3W	PONDERA
98	649.26			24	28N	3W	PONDERA
99	648.89			25	28N	3W	PONDERA

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>
100	639.92			26	28N	3W	PONDERA
101	645.96			27	28N	3W	PONDERA
102	114.34		E2E2	28	28N	3W	PONDERA
103	106.32		E2E2	33	28N	3W	PONDERA
104	650.00			34	28N	3W	PONDERA
105	645.52			35	28N	3W	PONDERA
106	648.51			36	28N	3W	PONDERA
107	640.40			31	29N	1W	PONDERA
108	305.07		S2	26	29N	2W	PONDERA
109	139.00		NE	26	29N	2W	PONDERA
110	13.17		SENW	26	29N	2W	PONDERA
111	281.24		S2	27	29N	2W	PONDERA
112	23.81		S2NE	27	29N	2W	PONDERA
113	3.24		SESENW	27	29N	2W	PONDERA
114	22.79		SESE	28	29N	2W	PONDERA
115	15.19		E2SESE	32	29N	2W	PONDERA
116	315.57		S2	33	29N	2W	PONDERA
117	124.44		S2N2	33	29N	2W	PONDERA
118	65.96		N2NE	33	29N	2W	PONDERA
119	640.18			34	29N	2W	PONDERA
120	640.26			35	29N	2W	PONDERA
121	639.11			36	29N	2W	PONDERA
Total:	62,321.15						

ONLY 14707.00 ACRES ARE IRRIGATED DURING ANY GIVEN IRRIGATION SEASON WITHIN THE 62321.00 ACRES DESCRIBED UNDER THIS RIGHT.

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.

161998-00	161999-00	162000-00	162001-00	162005-00	162007-00	162008-00
162009-00	162010-00	162011-00	162012-00	162014-00	162015-00	162016-00
162017-00	162018-00	162019-00	162020-00	162021-00	162022-00	162023-00
162024-00	162025-00	162026-00	162027-00	162028-00	162030-00	162031-00
162032-00	162033-00	162034-00	162035-00	162036-00	162037-00	162038-00
162039-00	162041-00	162042-00	162043-00	162044-00	162045-00	162046-00
162047-00	162048-00	162049-00	162050-00	162052-00	162053-00	162054-00
162055-00	162057-00	162058-00	162059-00	162060-00	162062-00	162066-00
162067-00	162068-00	215770-00				

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.

162058-00 162102-00

THE COMPLETE SET OF DOCUMENTATION, MAPS AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. 41P 162057-00.

DNRC MAP IDENTIFYING USDA AND WATER RESOURCE SURVEY VERIFIED ACRES CAN BE OBTAINED BY REVIEWING FILE NO. 41P 162052-00.

THE SERVICE AREA MAP RECEIVED ON NOVEMBER 23, 2005 CAN BE OBTAINED BY REVIEWING FILE NO. 41P 161998-00.

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

PARENT FILE FOR THIS RIGHT IS 41P 162056-00.

THE COMBINED FLOW RATE FOR WATER RIGHTS ON THE P CANAL IS 1105.00 CFS WHICH APPEARS TO EXCEED THE CAPACITY OF THE P CANAL. THE PONDERA COUNTY WATER RESOURCE SURVEY (1964) INDICATES THE CANAL CAPACITY TO BE 160.00 CFS.

THE PONDERA COUNTY WATER RESOURCES SURVEY (1964) APPEARS TO INDICATE 14668.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

Remarks:

AERIAL PHOTOGRAPH NO(S). 278-108, 278-110, 278-112, 278-144, 278-138, 278-140, 278-142, 278-144, 278-146 , DATED 9/22/1979 , APPEARS TO INDICATE 14162.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

DNRC EXAMINATION WAS UNABLE TO CONFIRM THE USE OF THIS WATER RIGHT. THE PONDERA COUNTY WATER RESOURCE SURVEY (1964) INDICATES THE CAPACITY OF THE P CANAL TO BE 160.00 CFS. WATER RIGHT NOS. 41P 162052-00 THROUGH 41P 162054-00 APPEARS TO FILL THE CANAL CAPACITY TO 52.50 CFS LEAVING 107.50 CFS TO BE USED BY WATER RIGHT NO. 41P 162055-00 BEFORE EXCEEDING THE CANAL CAPACITY. ALL SUBSEQUENT WATER RIGHTS APPEAR TO EXCEED THE CAPACITY OF THE CANAL. THIS WATER RIGHT MAY NOT HAVE BEEN PERFECTED.

THE COMBINED CLAIMED FLOW RATE FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS 73.00 GPM PER ACRE. THE FLOW RATE GUIDELINE FOR INDIVIDUAL CLAIMS IS 17 GPM PER ACRE.