

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:** 41C 190905-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** THREE CREEKS WATER CO  
PO BOX 691  
SHERIDAN, MT 59749-0691

**Priority Date:** SEPTEMBER 29, 1903

**Enforceable Priority Date:** SEPTEMBER 29, 1903

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**Maximum Flow Rate:** 7.50 CFS

COMBINED FLOW RATE FOR CLAIM NOS. W190905-00, W190906-00, W190907-00, W190908-00, W190909-00, W190910-00, W190911-00, W190912-00, W190913-00, W190914-00, W190915-00, W190916-00, W190917-00, W190918-00, W190919-00, W190920-00, W190922-00 AND W211305-00 IS LIMITED TO THE HISTORIC CAPACITY OF THE DIVERSION STRUCTURES AND THE CONVEYANCE SYSTEM.

**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:** 3,170.00

**Source Name:** WISCONSIN 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		NESWSE	11	4S	5W	MADISON

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** WISCONSIN DITCH

2		NWSWNE	15	4S	5W	MADISON
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**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** THREE CREEKS DITCH

3		SENENW	16	4S	5W	MADISON
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**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** UPPER ED SCHULTZ DITCH

4		NWSWNW	17	4S	5W	MADISON
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**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** GREEN DITCH

5		SENENW	17	4S	5W	MADISON
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**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** BROKSLE-JENKINS DITCH

6		NENENE	17	4S	5W	MADISON
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**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** LOWER ED SCHULTZ DITCH

**Period of Use:** APRIL 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	320.00		W2	8	4S	5W	MADISON
2	80.00		W2NE	8	4S	5W	MADISON
3	80.00		W2SE	8	4S	5W	MADISON
4	10.00		W2NESE	8	4S	5W	MADISON
5	40.00		SESE	8	4S	5W	MADISON
6	150.00		S2S2	7	4S	5W	MADISON
7	320.00		S2	15	4S	5W	MADISON
8	80.00		S2NW	15	4S	5W	MADISON
9	20.00		W2SWNE	15	4S	5W	MADISON
10	320.00		S2	16	4S	5W	MADISON
11	150.00		NW	16	4S	5W	MADISON
12	640.00			17	4S	5W	MADISON
13	160.00		NE	18	4S	5W	MADISON
14	80.00		N2SE	18	4S	5W	MADISON
15	40.00		SESE	18	4S	5W	MADISON
16	310.00		W2	22	4S	5W	MADISON
17	120.00		NE	22	4S	5W	MADISON
18	160.00		E2E2	21	4S	5W	MADISON
19	40.00		NWNW	21	4S	5W	MADISON
20	5.00		N2SWNW	21	4S	5W	MADISON
21	5.00		SWNENW	21	4S	5W	MADISON
22	20.00		NENE	20	4S	5W	MADISON
23	20.00		SWSW	9	4S	5W	MADISON
<b>Total:</b>	<b>3,170.00</b>						

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

**Remarks:**

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

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 W190891-00, W190892-00, W190893-00, W190894-00, W190895-00, W190896-00, W190899-00, W190900-00, W190901-00, W190902-00, W190903-00, W190905-00, W190906-00, W190907-00, W190908-00, W190909-00, W190910-00, W190911-00, W190912-00, W190913-00, W190914-00, W190915-00, W190916-00, W190917-00, W190918-00, W190919-00, W190920-00, W190922-00, W211305-00.

THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT MAY BE ADDRESSED AT THE OBJECTION STAGE. IT APPEARS THAT 2925.0 ACRES ARE ACTUALLY IRRIGATED AND PROBLEMS COULD EXIST WITH FLOW RATE AND VOLUME. TO ASSURE THE ORDERLY ADMINISTRATION OF WATER RIGHTS, THE WATER COURTS WILL SET A HEARING TO DETERMINE THESE ISSUES IF NO OBJECTIONS ARE MADE.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT CLAIM OVERLAPPING PLACES OF USE. TO ASSURE THE ORDERLY ADJUDICATION OF WATER RIGHTS, THE WATER COURT WILL SET A HEARING TO DETERMINE THESE ISSUES IF NO OBJECTIONS ARE MADE. W190891-00, W190892-00, W190893-00, W190894-00, W190895-00, W190896-00, W190897-00, W190899-00, W190900-00, W190901-00, W190902-00, W190903-00, W190905-00, W190906-00, W190907-00, W190908-00, W190909-00, W190910-00, W190911-00, W190912-00, W190913-00, W190914-00, W190915-00, W190916-00, W190917-00, W190918-00, W190919-00, W190920-00, W190921-00, W190922-00, W190923-00, W211305-00.