

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:** 40I 155313-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:**  
DUSTIN D HOFELDT  
20495 BARNEY OLSON RD  
CHINOOK, MT 59523-9241  
  
VICKI HOFELDT  
20495 BARNEY OLSON RD  
CHINOOK, MT 59523-9241  
  
DOUGLAS F HOFELDT  
20485 BARNEY OLSON RD  
CHINOOK, MT 59523

**Priority Date:** SEPTEMBER 10, 1912  
**Enforceable Priority Date:** SEPTEMBER 10, 1912

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION  
**Irrigation Type:** FLOOD  
**Maximum Flow Rate:** 5.00 CFS  
**Maximum Volume:** 960.00 AC-FT  
**Climatic Area:** 2 - MODERATELY HIGH  
**Maximum Acres:** 710.00

**Source Name:** PEOPLES 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		NWNENE	10	29N	20E	BLAINE

**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE

**Reservoir:** OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NESESW	36	30N	20E	BLAINE

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 20.00 FEET  
**Depth:** 17.00 FEET  
**Surface Area:** 70.00 ACRES  
**Current Capacity:** 476.00 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

**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	11.00		N2N2NE	1	29N	20E	BLAINE
2	36.00		NWNE	4	29N	21E	BLAINE
3	8.00		E2NENW	4	29N	21E	BLAINE
4	3.00		N2NWNE	6	29N	21E	BLAINE
5	28.00		N2NW	6	29N	21E	BLAINE
6	73.00		SE	36	30N	20E	BLAINE
7	14.00		SESW	36	30N	20E	BLAINE
8	16.00		N2NE	31	30N	21E	BLAINE
9	193.00		S2	31	30N	21E	BLAINE
10	51.00		S2N2	32	30N	21E	BLAINE
11	159.00		S2	32	30N	21E	BLAINE
12	10.00		W2SWNE	33	30N	21E	BLAINE
13	8.00		S2S2NW	33	30N	21E	BLAINE
14	3.00		W2NWSE	33	30N	21E	BLAINE

**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>
15	20.00		SWSE	33	30N	21E	BLAINE
16	64.00		N2SW	33	30N	21E	BLAINE
17	13.00		SESW	33	30N	21E	BLAINE
<b>Total:</b>	710.00						

<u>Geocodes/Valid:</u>		
	24-4122-01-1-01-01-0000 - Y	24-4123-04-1-02-01-0000 - Y
	24-4123-06-1-01-01-0000 - Y	24-4229-36-4-01-01-0000 - Y
	24-4230-31-3-04-01-0000 - Y	24-4230-32-1-01-01-0000 - Y
	24-4230-32-2-01-01-0000 - Y	24-4230-32-2-02-01-0000 - Y
	24-4230-32-4-04-01-0000 - Y	24-4230-33-1-01-01-0000 - Y

**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.

155313-00 155323-00 155325-00 155333-00 155334-00 155335-00 155351-00  
 155353-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 06/02/1993: PLACE OF USE AND MAXIMUM ACRES.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 03/01/1984.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 41648 RECEIVED 09/18/2006.

OWNERSHIP UPDATE TYPE 608 # 115996 RECEIVED 12/11/2013.

DURING THE PROCEEDINGS IN CASE WC-2000-04 THE CLAIMANT FILED AN AMENDMENT SPECIFYING CHANGES TO THE MAXIMUM ACRES. THIS HAS NOT BEEN IMPLEMENTED AS IT IS CONTINGENT UPON RATIFICATION OF THE FORT BELKNAP-MONTANA COMPACT.

CLAIMANT DOCUMENTATION INDICATES THE PORTION OF THE PLACE OF USE MADE UP OF PARCELS NUMBER 01 THRU 05 WAS LAST IRRIGATED IN 1942.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 2.02 TIMES THE CAPACITY OF THE RESERVOIR.

VOLUME MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.