

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 156088-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:**  
LOU ELLEN WANKEN  
PO BOX 571  
SHELBY, MT 59474  
  
TROY WANKEN  
PO BOX 571  
SHELBY, MT 59474

**Priority Date:** MAY 10, 1902  
**Enforceable Priority Date:** MAY 10, 1902

**Type of Historical Right:** FILED

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

**Maximum Flow Rate:** 7.50 CFS  
PRIMARILY A DIRECT FLOW SYSTEM; FLOW RATE RETAINED.

**Maximum Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.  
PRIMARILY A DIRECT FLOW SYSTEM; VOLUME NOT DECREED.

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 415.00

**Source Name:** UNNAMED TRIBUTARY OF PRICES BUTTE COULEE  
**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		SESENW	25	31N	3W	TOOLE

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

**Diversion Means:** DAM

**Ditch Name:** FOWLER DITCH

**Reservoir:** ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESENW	25	31N	3W	TOOLE

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 25.00 FEET

**Depth:** 15.00 FEET

**Surface Area:** 2.00 ACRES

**Current Capacity:** 12.00 ACRE-FEET

**Period of Use:** APRIL 15 to OCTOBER 15

**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	17.80		SESE	23	31N	3W	TOOLE
2	5.80		S2SWSE	23	31N	3W	TOOLE
3	0.60		SWSENE	24	31N	3W	TOOLE
4	25.40		NESE	24	31N	3W	TOOLE
5	18.40		E2NWSE	24	31N	3W	TOOLE
6	4.40		NWNWSE	24	31N	3W	TOOLE
7	0.50		NESESE	24	31N	3W	TOOLE
8	9.60		W2SESE	24	31N	3W	TOOLE
9	32.70		SWSE	24	31N	3W	TOOLE
10	0.80		S2NWSW	24	31N	3W	TOOLE
11	28.80		SESW	24	31N	3W	TOOLE
12	37.20		SWSW	24	31N	3W	TOOLE
13	8.00		W2NWNE	25	31N	3W	TOOLE
14	39.00		NENW	25	31N	3W	TOOLE
15	40.00		NWNW	25	31N	3W	TOOLE

**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>
16	3.00		NESENW	25	31N	3W	TOOLE
17	16.40		W2SENW	25	31N	3W	TOOLE
18	39.30		SWNW	25	31N	3W	TOOLE
19	31.20		NENE	26	31N	3W	TOOLE
20	10.90		N2NWNE	26	31N	3W	TOOLE
21	35.20		SENE	26	31N	3W	TOOLE
22	10.00		SESWNE	26	31N	3W	TOOLE
<b>Total:</b>	415.00						

**Geocodes/Valid:** 21-4316-23-4-03-01-0000 - Y 21-4316-24-3-01-01-0000 - Y  
 21-4316-24-3-01-02-0000 - Y 21-4316-25-2-01-01-0000 - Y  
 21-4316-25-2-03-01-0000 - Y 21-4316-26-1-01-01-0000 - Y  
 21-4316-26-2-01-01-0000 - 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.

156087-00 156088-00

NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/26/1988.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/19/1986.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.  
 THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. PART OF THE PLACE OF USE APPEARS TO BE ON BUREAU OF LAND MANAGEMENT LAND.  
 THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. PART OF THE PLACE OF USE APPEARS TO BE ON STATE OF MONTANA TRUST LANDS.  
 THE TOOLE COUNTY WATER RESOURCES SURVEY ( 1969 ) APPEARS TO INDICATE 104.80 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.  
 USDA AERIAL PHOTOGRAPH NO(S). 178-053 , DATED 08/10/1979 , APPEARS TO INDICATE 100.60 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.  
 THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.