

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:** 41M 160284-00 STATEMENT OF CLAIM  
**Version:** 2 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** CHERYL S CURRY  
130 CURRY RD  
VALIER, MT 59486  
  
GENE R CURRY  
130 CURRY RD  
VALIER, MT 59486

**Priority Date:** JUNE 1, 1957  
**Enforceable Priority Date:** JUNE 1, 1957

**Type of Historical Right:** USE

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

**Maximum Flow Rate:** 1.33 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:** 35.00

**Source Name:** BIRCH 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		SWNE	1	29N	8W	PONDERA

**Period of Diversion:** APRIL 15 TO OCTOBER 15

**Diversion Means:** HEADGATE

**Ditch Name:** RYAN LAUFFER DITCH

**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	35.00		NWNW	35	30N	7W	PONDERA

**Total:** 35.00

**Geocodes/Valid:** 26-4201-35-1-01-01-0000 - 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.

159114-00 159115-00 159117-00 160284-00 30066093

THE PERIOD OF USE WAS AMENDED BY THE CLAIMANT ON 04/01/2005.

ELEMENTS OF THIS CLAIM WERE CHANGED PURSUANT TO THE WATER COURT'S DECISION IN CURRY V. PONDERA (WC-2006-01 (APRIL 25, 2014)). THE CURRY DECISION IS CURRENTLY ON APPEAL BEFORE THE MONTANA SUPREME COURT. SOME OR ALL OF THE ELEMENTS OF THIS CLAIM MAY BE ALTERED AS A RESULT OF THE SUPREME COURT'S DECISION.

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

IMPLIED CLAIM NO. 41M 30066093 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/25/1989.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 03/02/1987.

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**Remarks:**

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.  
CLAIM FORM NOT SIGNED OR NOTARIZED.  
THE PONDERA COUNTY WATER RESOURCES SURVEY ( 1964 ) APPEARS TO INDICATE 23 ACRES  
IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.