

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 160630-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: CURTIS B STENE
PO BOX 264
KEVIN, MT 59454

TANA A STENE
PO BOX 264
KEVIN, MT 59454

WEST RIM AGRICULTURE INC
PO BOX 789
CUT BANK, MT 59427-0789

KARLA WAGNER
16909 EL CAMINO COURT
PIEDMONT, SD 57769-2102

Priority Date: DECEMBER 31, 1922
Enforceable Priority Date: DECEMBER 31, 1922

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 8.30 CFS
THE FLOW RATE OF THIS CLAIM HAS BEEN REDUCED TO 17 GPM PER ACRE.
THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

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: 219.00

Source Name: HEALY 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 | | NWNWSW | 12 | 34N | 4W | TOOLE |

Period of Diversion: MARCH 1 TO JUNE 30

Diversion Means: DIVERSION DAM

Period of Use: MARCH 1 to JUNE 30

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 | 1.00 | | SWSESE | 7 | 34N | 3W | TOOLE |
| 2 | 19.00 | | SWSE | 7 | 34N | 3W | TOOLE |
| 3 | 78.00 | | SW | 7 | 34N | 3W | TOOLE |
| 4 | 21.00 | | E2SE | 12 | 34N | 4W | TOOLE |
| 5 | 35.00 | | W2SE | 12 | 34N | 4W | TOOLE |
| 6 | 43.00 | | E2SW | 12 | 34N | 4W | TOOLE |
| 7 | 22.00 | | W2SW | 12 | 34N | 4W | TOOLE |
| Total: | 219.00 | | | | | | |

Geocodes/Valid: 21-4637-12-1-01-01-0000 - Y 21-4637-12-3-02-02-0000 - Y
21-4638-07-1-03-01-0000 - Y 21-4638-07-2-02-01-0000 - Y

Remarks:

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.

160630-00 30030165

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 11/16/2007: PLACE OF USE AND TOTAL ACRES.

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

IMPLIED CLAIM NO. 41P-30030165 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 82722 RECEIVED 10/08/2008.

OWNERSHIP UPDATE TYPE DOR # 122831 RECEIVED 12/30/2008.

THE PERIOD OF DIVERSION MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF THE PERIOD OF USE ISSUE.

THE CLAIMED PERIOD OF USE EXCEEDS THE USUAL GROWING SEASON FOR THIS CLIMATIC AREA WHICH IS APRIL 20 TO OCTOBER 10.

A PORTION OF THE CLAIMED PLACE OF USE APPEARS INCORRECT. THE CLAIMED PRIORITY DATE DOES NOT SUPPORT THE IRRIGATION CLAIMED IN SEC 7, TWP 34N, RGE 2W. THE CLAIMED PLACES OF USE IN SEC 7, TWP 34N, RGE 2W ARE REDUNDANT TO THE PLACES OF USE FOR IMPLIED CLAIM 41P 30030165.

THE CLAIMED POINT OF DIVERSION MAY BE INCOMPLETE. IT APPEARS THERE SHOULD BE ADDITIONAL POINTS OF DIVERSION NECESSARY FOR WATER DISTRIBUTION WHICH COULD NOT BE IDENTIFIED FROM INFORMATION IN THE CLAIM FILE.