

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 161023-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

JOAN M LAYNE
4689 WILLOW ROUNDS
VALIER, MT 59486

MARIAS RIVER BIRD PRESERVE
200 HUBBART DAM RD
MARION, MT 59925

MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS
PO BOX 200701
HELENA, MT 59620-0701

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

Priority Date: DECEMBER 1, 1968

Enforceable Priority Date: DECEMBER 1, 1968

Type of Historical Right: USE

Purpose (use): POWER GENERATION
FIRE PROTECTION, OIL WELL FLOODING, POWER GENERATION, RECREATION AND FISH & WILDLIFE.

Maximum Flow Rate:

Maximum Volume: THE FLOW RATE AND VOLUME ARE LIMITED TO THE MINIMUM AMOUNT NECESSARY TO SUSTAIN THIS PURPOSE. THIS RIGHT SHALL CONTINUE TO BE UTILIZED IN ACCORDANCE WITH HISTORICAL PRACTICES.

Source Name: UNNAMED TRIBUTARY OF ABBOTT COULEE

Source Type: SURFACE WATER

Source Name: MARIAS RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SW	10	31N	4W	PONDERA

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: MARIAS RIVER

Diversion Means: INSTREAM

2			N2	15	31N	4W	PONDERA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: MARIAS RIVER

Diversion Means: INSTREAM

3			W2NW	16	31N	4W	PONDERA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: UNNAMED TRIBUTARY OF ABBOTT COULEE

Diversion Means: INSTREAM

4			S2	16	31N	4W	PONDERA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: UNNAMED TRIBUTARY OF ABBOTT COULEE

Diversion Means: INSTREAM

5			NENE	23	31N	4W	PONDERA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: MARIAS RIVER

Diversion Means: INSTREAM

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
6		NW	24	31N	4W	PONDERA

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: MARIAS RIVER

Diversion Means: INSTREAM

7		NENWNW	24	31N	4W	PONDERA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: MARIAS RIVER

Diversion Means: INSTREAM

Period of Use: JANUARY 1 to DECEMBER 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			E2SE	7	31N	4W	PONDERA
2			SW	10	31N	4W	PONDERA
3			N2	15	31N	4W	PONDERA
4			W2NW	16	31N	4W	PONDERA
5			S2	16	31N	4W	PONDERA
6			NENE	23	31N	4W	PONDERA
7			NW	24	31N	4W	PONDERA

Geocodes/Valid:	21-4314-10-3-02-01-0000 - Y	21-4314-10-3-03-01-0000 - Y
	21-4314-15-2-01-01-0000 - Y	26-4313-15-1-01-03-0000 - Y
	26-4313-15-2-02-01-0000 - Y	26-4313-16-4-02-01-0000 - Y
	26-4313-23-1-01-01-0000 - Y	26-4313-24-2-02-01-0000 - Y

Remarks:

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 09/08/2004. FLOW CHART WILL BE ADDED WHEN MAP AND PORTIONAL INFORMATION IS RECEIVED FROM ATTORNEY.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 16877 RECEIVED 09/08/2004.

OWNERSHIP UPDATE TYPE 608 # 112932 RECEIVED 08/26/2013.

OWNERSHIP UPDATE TYPE DOR # 130689 RECEIVED 02/12/2015.

THE FLOW RATE HAS NOT BEEN EXAMINED AS NO QUANTIFIED FLOW RATE WAS CLAIMED.

THE CLAIMED FLOW RATE WAS NOT EXAMINED AS NO FLOW RATE GUIDELINES FOR THIS PURPOSE HAVE BEEN ESTABLISHED BY THE CLAIM EXAMINATION RULES.

THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. PART OF THE PLACE OF USE APPEARS TO BE ON MONTANA DEPARTMENT OF FISH, WILDIFE AND PARKS LAND.

THIS CLAIM DOES NOT APPEAR TO REFLECT THE WATER RIGHT AS IT WAS BEFORE JULY 1, 1973. INFORMATION AVAILABLE INDICATES A POST-JUNE 30, 1973 CHANGE IN PLACE OF USE.

IT APPEARS THAT AN UNAUTHORIZED POST-JUNE 30, 1973 CHANGE IN POINT OF DIVERSION MAY BE REFLECTED IN THIS CLAIM.

THE PRIORITY DATE IS IN QUESTION. SOME OF THE OTHER USES CLAIMED HAVE NOT BEEN PUT TO USE WHEN THE CLAIM WAS FILED ON 04/29/1982.

THE PURPOSE OF THIS CLAIM IS UNCLER AS MULTIPLE PURPOSES HAVE BEEN CLAIMED. THE CLAIMED PURPOSES INCLUDE POWER GENERATION, FIRE PROTECTION, OIL WELL FLOODING, RECREATION, AND FISH AND WILDLIFE . MORE THAN ONE WATER RIGHT MAY BE INVOLVED.

THIS CLAIM APPEARS TO DIVERT WATER FROM SEVERAL SEPARATE SOURCES. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.

THE CLAIMED VOLUME WAS NOT EXAMINED AS NO VOLUME GUIDELINES FOR THIS PURPOSE HAVE BEEN ESTABLISHED BY THE CLAIMS EXAMINATION RULES.

THE VOLUME HAS NOT BEEN EXAMINED AS NO QUANTIFIED VOLUME WAS CLAIMED.