

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 161499-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners:
GERALD M LEAR
PO BOX 621
CHOTEAU, MT 59422-0621

MARY FAYE LANGEVIN
% GERALD M. LEAR
PO BOX 621
CHOTEAU, MT 59422

KAY BEHRENS
% GERALD M. LEAR
PO BOX 621
CHOTEAU, MT 59422

ANN OKEEFE
% GERALD M. LEAR
PO BOX 621
CHOTEAU, MT 59422

JOAN CAMPBELL
% GERALD M. LEAR
PO BOX 621
CHOTEAU, MT 59422

LOIS GIOVANINI
% GERALD M. LEAR
PO BOX 621
CHOTEAU, MT 59422

NANCY PEARSON
% GERALD M. LEAR
PO BOX 621
CHOTEAU, MT 59422

Priority Date: JUNE 13, 1900
Enforceable Priority Date: JUNE 13, 1900

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 7.50 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: 180.00

Source Name: SHEEP 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 | | SWSWNE | 33 | 28N | 9W | PONDERA |

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Period of Use: MAY 1 to SEPTEMBER 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 | 10.00 | | SWSWSE | 24 | 28N | 9W | PONDERA |
| 2 | 10.00 | | SESESW | 24 | 28N | 9W | PONDERA |
| 3 | 40.00 | | NWNE | 25 | 28N | 9W | PONDERA |
| 4 | 95.00 | | NW | 25 | 28N | 9W | PONDERA |
| 5 | 25.00 | | NWNE | 26 | 28N | 9W | PONDERA |

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|------------------------|--------------|-----------------------------|------------|------------|------------|-----------------------------|---------------|
| Total: | 180.00 | | | | | | |
| Geocodes/Valid: | | 26-3981-24-3-04-01-0000 - Y | | | | 26-3981-25-1-01-01-0000 - Y | |
| | | 26-3981-26-1-01-01-0000 - Y | | | | | |

Remarks:

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 01/20/2006: POINT OF DIVERSION, PLACE OF USE, PRIORITY DATE.

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

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 25936 RECEIVED 11/08/2005.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 600 MINER'S INCHES DECREED IN CASE NO. 5228, PONDERA COUNTY. 129636-00, 129644-00, 161499-00.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE PONDERA COUNTY WATER RESOURCES SURVEY (1964) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO(S). 282-72 , DATED 09/17/1982 , APPEARS TO INDICATE 10.40 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.