

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:** 41O 167274-00 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Version Status:** ACTIVE

**Owners:** KENNETH C RICE  
PO BOX 795  
BYNUM, MT 59419-0795

ELAINE M RICE  
PO BOX 795  
BYNUM, MT 59419-0795

**Priority Date:** MARCH 23, 1903

**Enforceable Priority Date:** MARCH 23, 1903

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 3.67 CFS

THE FLOW RATE OF THIS WATER RIGHT HAS BEEN REDUCED TO THE 17 GPM PER ACRE GUIDELINE. 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:** 97.00

**Source Name:** MUDDY CREEK

**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>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|------------|------------|------------|------------|---------------|
| 1         |                 | NENESE     | 22         | 26N        | 6W         | TETON         |

**Period of Diversion:** MARCH 1 TO NOVEMBER 30

**Diversion Means:** HEADGATE

**Ditch Name:** C DITCH

|   |  |        |    |     |    |       |
|---|--|--------|----|-----|----|-------|
| 2 |  | NWNESW | 23 | 26N | 6W | TETON |
|---|--|--------|----|-----|----|-------|

**Period of Diversion:** MARCH 1 TO NOVEMBER 30

**Diversion Means:** HEADGATE

**Ditch Name:** CANAL C

**Period of Use:** MARCH 1 to NOVEMBER 30

**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> |
|-----------|--------------|-----------------|------------|------------|------------|------------|---------------|
| 1         | 34.00        |                 | SE         | 23         | 26N        | 6W         | TETON         |
| 2         | 63.00        |                 | SW         | 24         | 26N        | 6W         | TETON         |

**Total:** 97.00

**Geocodes/Valid:** 31-3725-23-3-01-01-0000 - Y

31-3725-24-3-01-01-0000 - 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.

167272-00 167274-00 167275-00 167276-00

THE POINT OF DIVERSION WAS AMENDED BY THE CLAIMANT ON 11/01/2002.

THE POINT OF DIVERSION WAS AMENDED BY CLAIMANT ON 04/06/1988.

DISTRIBUTION OF WATER UNDER THIS RIGHT IS GOVERNED BY THE TERMS OF AN AGREEMENT FILED JANUARY 21, 2010 WITH THE MONTANA WATER COURT.

**Remarks:**

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

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 39576 RECEIVED 07/03/2006.