

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:** 40N 168164-00 STATEMENT OF CLAIM  
**Version:** 4 -- POST DECREE

**Version Status:** ACTIVE

**Owners:** KINNEY, MICHAEL T LLC  
PO BOX 935  
OTIS ORCHARDS, WA 99027

**Priority Date:** DECEMBER 31, 1931

**Enforceable Priority Date:** DECEMBER 31, 1931

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 7,900.00 GPM

THE POINTS OF DIVERSION IDENTIFIED BY THIS CLAIM HAVE SEPARATE PUMPS. FOR THE POINT OF DIVERSION IDENTIFIED AS THE NWNESE SECTION 21, TOWNSHIP 31 NORTH, RANGE 36 EAST, VALLEY COUNTY, THE HISTORICAL FLOW RATE OF THE PUMP IS 5,400.00 GPM. FOR THE POINT OF DIVERSION IDENTIFIED AS THE NWNWNE SECTION 28, TOWNSHIP 31 NORTH, RANGE 36 EAST, VALLEY COUNTY THE HISTORICAL FLOW RATE OF THE PUMP IS 2,500.00 GPM.

FOR THE POINT OF DIVERSION IDENTIFIED AS THE NWNESE SECTION 21, TOWNSHIP 31 NORTH, RANGE 36 EAST, VALLEY COUNTY, THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT USE THE SAME PUMP. THE COMBINED FLOW RATE FOR THESE RIGHTS IS LIMITED TO THE HISTORICAL PUMP CAPACITY OF 5,400.00 GPM. 40N 168164-00, 40N 188624-00, 40O 30046559, 40O 30064388.

FOR THE POINT OF DIVERSION IDENTIFIED AS THE NWNWNE, SECTION 28, TOWNSHIP 31 NORTH, RANGE 36 EAST, VALLEY COUNTY, THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT USE THE SAME PUMP. THE COMBINED FLOW RATE FOR THESE RIGHTS IS LIMITED TO THE HISTORICAL PUMP CAPACITY OF 2,500.00 GPM. 40N 168164-00, 40O 30046559.

**Maximum Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 650.00

**Source Name:** ROCK 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		NWNESE	21	31N	36E	VALLEY

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** PUMP

2		NWNWNE	28	31N	36E	VALLEY
---	--	--------	----	-----	-----	--------

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** PUMP

**Period of Use:** APRIL 1 to OCTOBER 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	100.00		E2E2	21	31N	36E	VALLEY
2	23.00		W2SE	21	31N	36E	VALLEY
3	4.00		SWSESW	21	31N	36E	VALLEY
4	56.00		SW	22	31N	36E	VALLEY
5	20.00		SWNW	22	31N	36E	VALLEY
6	12.50		NWNW	27	31N	36E	VALLEY
7	282.50		N2	28	31N	36E	VALLEY
8	152.00		N2S2	28	31N	36E	VALLEY

**Total:** 650.00

<b>Geocodes/Valid:</b>	20-4357-21-1-04-01-0000 - Y	20-4357-21-3-03-01-0000 - Y
	20-4357-22-3-03-03-0000 - Y	20-4357-27-2-02-01-0000 - Y
	20-4357-28-1-01-01-0000 - Y	

---

**Remarks:**

THE POINT OF DIVERSION WAS AMENDED BY THE WATER COURT PURSUANT TO SECTION 85-2-233(6), MCA.

IMPLIED CLAIM NO. 400 30046559 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

THIS APPROPRIATION OF WATER TAKES WATER FROM THE ROCK CREEK, TRIBUTARY TO MILK RIVER DRAINAGE (BASIN 40N ) AND USES IT IN THE ROCK CREEK, TRIBUTARY TO MILK RIVER DRAINAGE (BASIN 40N ) AND THE MILK RIVER, BELOW WHITEWATER INCLUDING PORCUPINE CREEK DRAINAGE (BASIN 400 ). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/07/97.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/07/97.

WHENEVER THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE COMBINED TO SUPPLY WATER FOR THE CLAIMED PURPOSE, EACH IS LIMITED TO THE HISTORICAL 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. 40N 168164-00, 400 30046559-00.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 22284 RECEIVED 06/13/2005.

OWNERSHIP UPDATE TYPE DOR # 70436 RECEIVED 03/17/2009.