

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:** 40M 170223-00 STATEMENT OF CLAIM  
**Version:** 2 -- POST DECREE

**Version Status:** ACTIVE

**Owners:** AMERICAN PRAIRIE FOUNDATION  
PO BOX 908  
BOZEMAN, MT 59771-0908

**Priority Date:** OCTOBER 8, 1909

**Enforceable Priority Date:** OCTOBER 8, 1909

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** WATER SPREADING

**Maximum Flow Rate:**

NO FLOW RATE HAS BEEN DECREED BECAUSE THIS RIGHT USES A SERIES OF ONSTREAM RESERVOIRS TO ACT AS CHECK STRUCTURES TO DISTRIBUTE WATER THROUGH A WATER SPREADING SYSTEM TO THE PLACE OF USE. AFTER A RESERVOIR FILLS TO CAPACITY, WATER SPREADS OUT THROUGH DITCHES TO ADJACENT FIELDS. THE STORED WATER IN AN UPSTREAM RESERVOIR CAN ALSO BE RELEASED TO FILL THE NEXT DOWNSTREAM RESERVOIR TO PERFORM THE SAME WATER SPREADING FUNCTION.

**Maximum Volume:** 4,548.00 AC-FT

THE VOLUME OF 4,548 ACRE FEET IS COMPOSED OF THE 1,900 AF COMBINED CAPACITY OF 6 RESERVOIRS (EACH FILLED ONCE A SEASON) AND A COMBINED WATER SPREADING IRRIGATION VOLUME OF 2,648 AF BASED ON 2 AF PER IRRIGATED ACRE. THE TOTAL COMBINED VOLUME FOR THE FOLLOWING CLAIMS SHALL NOT EXCEED 4,548 ACRE FEET. 40M 170220-00, 40M 170221-00, 40M 170222-00, 40M 170223-00, 40M 170230-00, 170231-00, 170233-00, AND 40M 170237-00.

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 1,324.00

**Source Name:** BEAVER 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		SWSWSW	22	26N	29E	PHILLIPS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DAM

2		NESENE	26	26N	29E	PHILLIPS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DAM

3		NENENE	27	26N	29E	PHILLIPS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DAM

4		SESESW	25	26N	29E	PHILLIPS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DAM

5		SESESE	19	26N	30E	PHILLIPS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DAM

6		SESENW	30	26N	30E	PHILLIPS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DAM

**Reservoir:** ON STREAM **Reservoir Name** WHITCOMB NO. 4 RESERVOIR  
**Govt Lot** **Qtr** **Sec** **Twp** **Rge** **County**

NESW 25 26N 29E

PHILLIPS

**Diversion to Reservoir:** DIVERSION # 4

**Dam Height:** 13.00 FEET

**Surface Area:** 35.00 ACRES

**Current Capacity:** 140.00 ACRE-FEET

**Reservoir:** ON STREAM **Reservoir Name** HAND NO. 1 RESERVOIR  
Govt Lot Qtr Sec Sec Twp Rge County  
W2SWSW 22 26N 29E PHILLIPS

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 20.00 FEET

**Current Capacity:** 600.00 ACRE-FEET

**Reservoir:** ON STREAM **Reservoir Name** HAND NO. 3 RESERVOIR  
Govt Lot Qtr Sec Sec Twp Rge County  
NESENE 26 26N 29E PHILLIPS

**Diversion to Reservoir:** DIVERSION # 2

**Dam Height:** 20.00 FEET

**Current Capacity:** 480.00 ACRE-FEET

**Reservoir:** ON STREAM **Reservoir Name** HAND NO. 2 RESERVOIR  
Govt Lot Qtr Sec Sec Twp Rge County  
NENENE 27 26N 29E PHILLIPS

**Diversion to Reservoir:** DIVERSION # 3

**Dam Height:** 20.00 FEET

**Current Capacity:** 480.00 ACRE-FEET

**Reservoir:** ON STREAM **Reservoir Name** WHITCOMB NO. 6 RESERVOIR  
Govt Lot Qtr Sec Sec Twp Rge County  
SESESE 19 26N 30E PHILLIPS

**Diversion to Reservoir:** DIVERSION # 5

**Dam Height:** 13.00 FEET

**Surface Area:** 22.00 ACRES

**Current Capacity:** 88.00 ACRE-FEET

**Reservoir:** ON STREAM **Reservoir Name** WHITCOMB NO. 5 RESERVOIR  
Govt Lot Qtr Sec Sec Twp Rge County  
E2SENEW 30 26N 30E PHILLIPS

**Diversion to Reservoir:** DIVERSION # 6

**Dam Height:** 13.00 FEET

**Surface Area:** 28.00 ACRES

**Current Capacity:** 112.00 ACRE-FEET

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

SEE THE MONTANA RESOURCES BOARD DAM INVENTORY WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

**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	5.00		SESESE	21	26N	29E	PHILLIPS
2	8.00		SWSW	22	26N	29E	PHILLIPS
3	10.00		S2SESE	24	26N	29E	PHILLIPS
4	292.00			25	26N	29E	PHILLIPS
5	167.50			26	26N	29E	PHILLIPS
6	166.00		N2	27	26N	29E	PHILLIPS
7	30.50		N2NE	28	26N	29E	PHILLIPS
8	10.00		S2SE	18	26N	30E	PHILLIPS
9	397.00			19	26N	30E	PHILLIPS
10	33.00		W2W2	29	26N	30E	PHILLIPS
11	205.00		N2	30	26N	30E	PHILLIPS
<b>Total:</b>	<b>1,324.00</b>						

**Geocodes/Valid:** 11-3767-21-1-01-01-0000 - Y 11-3767-22-2-01-01-0000 - Y  
11-3767-24-4-01-01-0000 - Y 11-3767-25-1-01-01-0000 - Y  
11-3767-26-1-01-01-0000 - Y 11-3767-27-2-01-01-0000 - Y

11-3767-28-1-01-01-0000 - Y

11-3768-18-1-01-01-0000 - Y

11-3768-19-1-01-01-0000 - Y

11-3768-29-2-01-02-0000 - Y

11-3768-30-1-01-01-0000 - Y

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**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT SHARE THE SAME RESERVOIRS.

170220-00 170221-00 170222-00 170223-00 170230-00 170231-00 170233-00 170237-00

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/08/86.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/17/85.

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 TOTAL VOLUME FOR THE COMBINED SUPPLEMENTAL RIGHTS IS LIMITED TO A MAXIMUM OF 4,548 AC-FT. THE SUM TOTAL OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

170220-00 170221-00 170222-00 170223-00 170230-00 170231-00 170233-00 170237-00

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 67071 RECEIVED 06/08/2009.