

**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:** 40EJ 184805-00 STATEMENT OF CLAIM  
**Version:** 2 -- POST DECREE

**Version Status:** DISMISSED

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

**Priority Date:** DECEMBER 31, 1952

**Enforceable Priority Date:** DECEMBER 31, 1952

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** WATER SPREADING

**Maximum Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

**Maximum Volume:** 374.00 AC-FT

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 187.00

**Source Name:** BEAUCHAMP 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		NESWSE	14	23N	27E	PHILLIPS

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

**Diversion Means:** DIKE

2		SWNE	23	23N	27E	PHILLIPS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DIKE

3		SENESE	23	23N	27E	PHILLIPS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DIKE

4		NWSESW	24	23N	27E	PHILLIPS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DIKE

**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	6.00		SE	14	23N	27E	PHILLIPS
2	68.00		NE	23	23N	27E	PHILLIPS
3	10.00		E2NESE	23	23N	27E	PHILLIPS
4	6.00		W2SWNW	24	23N	27E	PHILLIPS
5	2.00		SWSWSE	24	23N	27E	PHILLIPS
6	84.00		SW	24	23N	27E	PHILLIPS
7	11.00		N2N2N2	25	23N	27E	PHILLIPS
<b>Total:</b>	<b>187.00</b>						

ALL OR A PART OF THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT USED ON THE PUBLIC LANDS IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: NE SEC 23 T23N R27E, PHILLIPS COUNTY.

FIELD BOUNDARIES, DELIVERY DITCHES AND BORDER DIKES ARE VISIBLE ON 1959 WRS PHOTOS. PHOTOS WERE TAKEN (08/04) LATE IN YEAR AND IRRIGATION IS UNLIKELY TO BE VISIBLE DUE TO THE NORMALLY VERY DRY CONDITIONS THIS LATE IN THE YEAR.

FIELD BOUNDARIES, DISTRIBUTION DITCHES AND BORDER DIKES ARE VISIBLE IN 1979 AERIAL PHOTOS. DUE TO THE "LATE IN THE YEAR" DATES (10/04) FOR THE AERIAL PHOTOS AS WELL AS THE NORMALLY VERY DRY CONDITIONS LATE IN

THE YEAR IRRIGATION IS UNLIKELY TO BE VISIBLE.

**Geocodes/Valid:** -- NO VALID GEOCODES --

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**Remarks:**

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 11/05/2012: POINT OF DIVERSION, PLACE OF USE, FLOW RATE, VOLUME, TYPE OF IRRIGATION.

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

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT DURING ADJUDICATION OF THE 40EJ PRELIMINARY DECREE.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 83162 RECEIVED 11/09/2009.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 11/14/2012, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY USDI BUREAU OF LAND MANAGEMENT.

THE PHILLIPS COUNTY WATER RESOURCES SURVEY FIELD NOTES (1968) APPEAR TO INDICATE 0.00 ACRES IRRIGATED BY WATER DIVERTED FROM BEAUCHAMP CREEK.

USDA AERIAL PHOTOGRAPH NO(S). 178-116 , DATED 10/04/1980 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

VOLUME MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.