

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 186442-00 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Version Status:** ACTIVE

**Owners:**

CLAIR W WATERS  
PO BOX 1024  
MALTA, MT 59538

KATHLEEN F WATERS  
PO BOX 1024  
MALTA, MT 59538

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

OWNER CLAIR W WATERS RETAINED. CONTRACT FOR DEED INTEREST.  
OWNER KATHLEEN F WATERS RETAINED. CONTRACT FOR DEED INTEREST.

**Priority Date:** DECEMBER 31, 1944

**Enforceable Priority Date:** DECEMBER 31, 1944

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** WATER SPREADING

**Maximum Flow Rate:** NO FLOW RATE HAS BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

**Maximum Volume:** 95.00 AC-FT

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 43.50

**Source Name:** UNNAMED TRIBUTARY OF BEAVER 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		NWNE	7	25N	29E	PHILLIPS

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

**Diversion Means:** DAM

**Reservoir:** ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNE	7	25N	29E	PHILLIPS

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 12.00 FEET

**Surface Area:** 2.50 ACRES

**Current Capacity:** 8.00 ACRE-FEET

THE SURFACE AREA HAS BEEN ESTIMATED BY DNRC.

SEE THE STATE WATER CONSERVATION BOARD INVENTORY OF DAMS 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	15.60		NWNE	6	25N	29E	PHILLIPS
2	11.80		E2NENW	6	25N	29E	PHILLIPS
3	15.40		SENE	6	25N	29E	PHILLIPS
4	0.70		SESESW	31	26N	29E	PHILLIPS
<b>Total:</b>	<b>43.50</b>						

**Geocodes/Valid:** 11-3643-06-2-01-01-0000 - Y

11-3767-31-3-01-01-0000 - Y

**Remarks:**

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**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.

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THE PLACE OF USE IS IRRIGATED WHEN THE RESERVOIR FILLS TO THE FULL CAPACITY OF 8 AC-FT AND WATER OVERFLOWS THE SPILLWAY. THE VOLUME DECREED INCLUDES THE CAPACITY OF THE RESERVOIR AND THE VOLUME REQUIRED FOR WATER SPREADING IRRIGATION IN THIS CLIMACTIC AREA.

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

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 7529 RECEIVED 03/07/2003.

OWNERSHIP UPDATE TYPE 608 # 67072 RECEIVED 06/08/2009.