

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

See most recent Authorization for current water right details.

Water Right Number: 41B 194264-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: JAMES C KENNEDY
PO BOX 530255
ATLANTA, GA 30353

Priority Date: OCTOBER 18, 1871

Enforceable Priority Date: OCTOBER 18, 1871

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 10.43 CFS

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: 278.00

Source Name: BEAVERHEAD RIVER

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		NWNESW	16	4S	6W	MADISON

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: EASTMAN DITCH

Period of Use: APRIL 15 to OCTOBER 15

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	9.00		S2SWSE	4	4S	6W	MADISON
2	1.00		SESESW	4	4S	6W	MADISON
3	30.00		NWNE	9	4S	6W	MADISON
4	27.00		SENE	9	4S	6W	MADISON
5	35.00		SWNE	9	4S	6W	MADISON
6	7.00		E2NENW	9	4S	6W	MADISON
7	29.00		SENE	9	4S	6W	MADISON
8	3.00		SESWNW	9	4S	6W	MADISON
9	12.00		NESE	9	4S	6W	MADISON
10	36.00		NWSE	9	4S	6W	MADISON
11	25.00		SWSE	9	4S	6W	MADISON
12	31.00		NESW	9	4S	6W	MADISON
13	8.00		E2NWSW	9	4S	6W	MADISON
14	23.00		SESW	9	4S	6W	MADISON
15	2.00		NESWSW	9	4S	6W	MADISON
Total:	278.00						

Geocodes/Valid: 25-0592-09-2-01-10-1000 - 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.

194264-00 194268-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 08/02/2001: SOURCE, POINT OF

Remarks:

DIVERSION, PLACE OF USE, MAXIMUM ACRES, FLOW RATE AND PRIORITY DATE.

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 01/20/93: PLACE OF USE, MAXIMUM ACRES.

THIS APPROPRIATION OF WATER TAKES WATER FROM THE BEAVERHEAD RIVER DRAINAGE (BASIN 41B) AND USES IT IN THE BEAVERHEAD RIVER DRAINAGE (BASIN 41B) AND THE RUBY RIVER DRAINAGE (BASIN 41C). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 06/04/2001.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 13003 RECEIVED 03/01/2004.

OWNERSHIP UPDATE TYPE 608 # 44029 RECEIVED 01/22/2007.

OWNERSHIP UPDATE TYPE DOR # 99077 RECEIVED 11/04/2011.

THE TYPE OF HISTORICAL RIGHT, PRIORITY DATE, AND FLOW RATE MAY BE QUESTIONABLE. THE CLAIMS FOLLOWING THIS STATEMENT USE THE SAME FILED APPROPRIATION TO DOCUMENT THE RIGHT. THE COMBINED FLOW RATE FOR THIS GROUP OF CLAIMS EXCEEDS THE TOTAL OF THE ORIGINAL APPROPRIATION. 41B 194264-00, 41B 194268-00.

THIS INTERBASIN TRANSFER CLAIM WAS NOT INCLUDED IN THE 41C BASIN TEMPORARY PRELIMINARY DECREE ISSUED 11/14/1990.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. 41B 194266-00, 41B 194267-00, 41B 194268-00, 41B 194269-00, 41B 194270-00, 41B 194271-00, 41B 194272-00, 41B 194264-00.

PART OF THE CLAIMED PLACE OF USE APPEARS TO BE OWNED BY PARTIES OTHER THAN THE CLAIMANT(S) ACCORDING TO MONTANA STATE CADASTRAL DATA. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED RIGHT ON THE BEAVERHEAD RIVER WITH A PRIORITY DATE PRECEEDING CASE NO. 828, BEAVERHEAD COUNTY.