

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 194268-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

JAMES C KENNEDY
PO BOX 530255
ATLANTA, GA 30353

IT APPEARS THE OWNER IS A SHAREHOLDER IN THE CLARK CANYON WATER SUPPLY COMPANY.

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

Priority Date: OCTOBER 18, 1871

Enforceable Priority Date: OCTOBER 18, 1871

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 15.00 CFS

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

THIS WATER RIGHT IS SUBJECT TO CERTAIN CURTAILMENT PROVISIONS AS DETAILED IN THE 1958 CONTRACT (NO. 14-06-600-3592) BETWEEN THE UNITED STATES (BOR) AND THE CLARK CANYON WATER SUPPLY COMPANY. A COPY OF THE CONTRACT IS AVAILABLE FROM THE DNRC HELENA WATER RESOURCES REGIONAL OFFICE.

Climatic Area: 3 - MODERATE

Maximum Acres: 1,190.00

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		NWSWNE	16	4S	6W	MADISON

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: EASTMAN DITCH

2		NENWNE	14	5S	7W	MADISON
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Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: ISLAND-MULE SHOE 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	20.00		S2S2	4	4S	6W	MADISON
2	315.00			9	4S	6W	MADISON
3	80.00		E2NE	16	4S	6W	MADISON
4	160.00		SE	16	4S	6W	MADISON
5	615.00			21	4S	6W	MADISON

Total: 1,190.00

Geocodes/Valid: 25-0592-09-2-01-10-1000 - Y 25-0592-16-1-01-01-0000 - Y

25-0592-21-2-01-01-0000 - Y 25-0592-21-4-01-01-0000 - Y

Remarks:

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 04/06/1994: MAXIMUM ACRES, PLACE OF USE.

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

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 # 134424 RECEIVED 08/10/2011.

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 194268-00, 41B 194264-00.

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 194271-00, 41B 194264-00.

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.

USDA AERIAL PHOTOGRAPH NO(S). 178-121 , DATED 09/07/1979 , APPEARS TO INDICATE 1118.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). MMA-1-161 AND MMA-1-162 , DATED 10/09/1951 , APPEARS TO INDICATE 1030.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED RIGHT ON THE BEAVERHEAD RIVER WITH A PRIORITY DATE PREDATING CASE NO. 1053, BEAVERHEAD COUNTY.