

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:** 41M 199809-00 STATEMENT OF CLAIM  
**Version:** 2 -- CHANGE AUTHORIZATION  
**Version Status:** ACTIVE

THIS AUTHORIZATION IS LIMITED TO THE AMOUNT OF THE HISTORIC USE RECOGNIZED BY THE DEPARTMENT IN THIS PROCEEDING AS SUBJECT TO CHANGE, AND WILL THEREAFTER NOT EXCEED THAT AMOUNT. IF THE HISTORIC USE IS REDUCED UNDER ADJUDICATION PROCEEDINGS PURSUANT TO TITLE 85, CHAPTER 2, PART 2, MCA, THIS AUTHORIZATION WILL BE LIMITED TO A LESSER AMOUNT.

**Owners:** KINGSBURY DITCH CO  
600 KINGSBURY COLONY RD  
VALIER, MT 59486

**Priority Date:** JUNE 23, 1973

**Enforceable Priority Date:** JUNE 23, 1973

**Purpose (use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**Maximum Flow Rate:** 4.00 CFS

**Maximum Volume:**

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 294.10

**Source Name:** UNNAMED TRIBUTARY OF BIRCH CREEK

**Source Type:** SURFACE WATER

ALSO KNOWN AS WALLEY ADAMS SPRING

**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	3	SW	23	30N	7W	PONDERA

**Period of Diversion:** APRIL 20 TO OCTOBER 15

**Diversion Means:** HEADGATE W/DITCH OR PIPELINE/FLOOD AND DIKE

**Reservoir:** OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SENWSW	24	30N	7W	PONDERA

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 5.00 FEET

**Depth:** 5.50 FEET

**Surface Area:** 4.00 ACRES

**Current Capacity:** 8.80 ACRE-FEET

**Period of Use:** APRIL 20 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	12.70		E2SW	23	30N	7W	PONDERA
2	88.00		SE	23	30N	7W	PONDERA
3	63.80		S2S2	24	30N	7W	PONDERA
4	45.60		N2N2	25	30N	7W	PONDERA
5	18.00		S2SW	19	30N	6W	PONDERA
6	66.00		N2NW	30	30N	6W	PONDERA
<b>Total:</b>	294.10						

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

**Remarks:**

THE WATER RIGHTS SHALL BE ADMINISTERED AND WATER SHALL BE DISTRIBUTED BY THE PONDERA COUNTY CANAL & RESERVOIR COMPANY AS STATED IN THE AGREEMENT SIGNED BY THE PARTIES ON AUGUST 27, 1993.

THIS WATER RIGHT WAS RETAINED BY KINGSBURY DITCH CO WHEN OTHER WATER RIGHTS WERE TRANSFERRED TO PONDERA CO CANAL & RESERVOIR CO ON 12/14/2004. THE CLAIMED WATER RIGHT

**Remarks:**

WAS LATER AMENDED BY KINGSBURY DITCH CO. ON 11/13/2006 AND 11/22/2006.

THE ISSUANCE OF THIS RIGHT BY THE DEPARTMENT SHALL NOT REDUCE THE APPROPRIATOR'S LIABILITY FOR DAMAGES CAUSED BY THE APPROPRIATOR'S EXERCISE OF THIS RIGHT. NOR DOES THE DEPARTMENT IN ISSUING THE RIGHT IN ANY WAY ACKNOWLEDGE LIABILITY FOR DAMAGE CAUSED BY THE APPROPRIATOR'S EXERCISE OF THIS RIGHT.