

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:** 41P 210724-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE  
**Late Claim:** B

**Owners:** ROBERT DEVRIES  
623 PROSPECTOR RD  
CONRAD, MT 59425-9126  
  
LINDA ENGBRETSON  
1255 LAND DR  
HAVRE, MT 59501-4674  
  
KAARE ENGBRETSON  
1255 LAND DR  
HAVRE, MT 59501-4674  
  
OWNER ROBERT DEVRIES RETAINED. CONTRACT FOR DEED INTEREST.

**Priority Date:** DECEMBER 31, 1946

**Enforceable Priority Date:** JUNE 30, 1973

CLAIM FILED LATE 09/15/1983 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**Maximum Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

**Maximum Volume:** 112.00 AC-FT

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 53.90

**Source Name:** UNNAMED TRIBUTARY OF MARIAS RIVER, DRY FORK

**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		NWNWSE	5	28N	2W	PONDERA

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

**Diversion Means:** DAM

PUMP IS SECONDARY MEANS OF DIVERSION.

**Reservoir:** ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNWSE	5	28N	2W	PONDERA

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 13.00 FEET

**Depth:** 10.00 FEET

**Surface Area:** 0.50 ACRES

**Current Capacity:** 2.00 ACRE-FEET

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

**Period of Use:** MAY 15 to SEPTEMBER 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	8.00		S2SENW	5	28N	2W	PONDERA
2	4.00		NENWSE	5	28N	2W	PONDERA
3	4.80		NWNWSE	5	28N	2W	PONDERA
4	16.10		S2NWSE	5	28N	2W	PONDERA

**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>
5	21.00		N2N2SW	5	28N	2W	PONDERA
<b>Total:</b>	53.90						

ACCORDING TO INFORMATION IN THE CLAIM FILE, THE 34.00 ACRES EXAMINED ONLY ON THE 1979 PHOTO DATA SOURCE, WERE ADDED IN 1961.

**Geocodes/Valid:** 26-3988-05-2-02-01-0000 - Y

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

210724-00 210725-00

AUTHORIZATION TO CHANGE (SEVER/SELL) POINT OF DIVERSION AND PLACE OF STORAGE COMPLETED 08/23/1983 . FILE REFLECTS RIGHT AS IT EXISTED PRIOR TO JULY 1973. APPROVED CHANGES WILL BE RECORDED AFTER FINAL DECREE.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 80583 RECEIVED 04/29/2009.

OWNERSHIP UPDATE TYPE DOR # 110976 RECEIVED 11/21/2012.

FILING FEE INSUFFICIENT TO COVER CLAIM. TOTAL AMOUNT DUE \$40.00

CLAIM FILED LATE 09/15/1983 . IN ADDITION TO BEING SUBORDINATE TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW, THIS RIGHT MAY ALSO BE SUBORDINATE TO CERTAIN PERMITS AND RESERVATIONS OF WATER. SEE SECTION 85-2-221 MCA.

AERIAL PHOTOGRAPH NO(S). ZR-01T-181 , DATED 06/01/1957 , APPEARS TO INDICATE 20.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 56 TIMES THE CAPACITY OF THE RESERVOIR.

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