

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:** 43Q 211762-00 STATEMENT OF CLAIM  
**Version:** 2 -- POST DECREE  
**Version Status:** ACTIVE  
**Late Claim:** B

**Owners:** BILLINGS BENCH WATER ASSN  
PO BOX 50150  
BILLINGS, MT 59105

**Priority Date:** APRIL 15, 1921

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

CLAIM FILED LATE 07/15/86 . 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:** NO FLOW RATE HAS BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVIOR.

**Maximum Volume:** 1,700.00 AC-FT  
**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 690.10

**Source Name:** UNNAMED TRIBUTARY OF FIVEMILE 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		NWNWNE	15	1N	26E	YELLOWSTONE

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

**Reservoir:** ON STREAM **Reservoir Name** LAKE ELMO  
**Govt Lot** **Qtr Sec** **Sec** **Twp** **Rge** **County**  
NWNWNE 15 1N 26E YELLOWSTONE

**Diversion to Reservoir:** DIVERSION # 1  
**Surface Area:** 63.36 ACRES  
**Current Capacity:** 1,700.00 ACRE-FEET

**Period of Use:** APRIL 1 to OCTOBER 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	60.00			10	1N	26E	YELLOWSTONE
2	85.80			11	1N	26E	YELLOWSTONE
3	30.70			12	1N	26E	YELLOWSTONE
4	187.80			13	1N	26E	YELLOWSTONE
5	253.20			14	1N	26E	YELLOWSTONE
6	72.60			15	1N	26E	YELLOWSTONE
<b>Total:</b>	<b>690.10</b>						

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

**Remarks:**

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

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

**Remarks:**

AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

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