

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: 41H 214888-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE
Late Claim: B

Owners: PETER G WERNER
17200 ROCKY MOUNTAIN RD
BELGRADE, MT 59714

Priority Date: FEBRUARY 14, 1919

Enforceable Priority Date: JUNE 30, 1973

CLAIM FILED LATE 10/06/95 . 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: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 5.00 CFS

Maximum Volume:

Climatic Area: 3 - MODERATE

Maximum Acres: 264.30

Source Name: NORTH COTTONWOOD 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		SWNWSW	13	2N	5E	GALLATIN

Period of Diversion: APRIL 1 TO OCTOBER 4

Diversion Means: HEADGATE

2		S2NESE	14	2N	5E	GALLATIN
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Period of Diversion: APRIL 1 TO OCTOBER 4

Diversion Means: HEADGATE

3		NESWSE	14	2N	5E	GALLATIN
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Period of Diversion: APRIL 1 TO OCTOBER 4

Diversion Means: HEADGATE

Period of Use: APRIL 1 to OCTOBER 4

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	160.00		SW	14	2N	5E	GALLATIN
2	60.00		S2NW	14	2N	5E	GALLATIN
3	37.00		W2SE	14	2N	5E	GALLATIN
4	7.30		SWSWNE	14	2N	5E	GALLATIN
Total:	264.30						

Geocodes/Valid: -- NO VALID GEOCODES --

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.

214888-00 214889-00

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

WATER RIGHT NO. ASSIGNED TO BOZEMAN ON 10/06/95.

Remarks:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
CLAIM WAS NOT INCLUDED IN THE BASIN 41H TEMPORARY PRELIMINARY DECREE ISSUED 12/26/85.
CLAIM FILED LATE 10/06/95 . 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. 179-303L, DATED 1979, APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
THE GALLATIN COUNTY WATER RESOURCES SURVEY (1953) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.