

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: 43D 215152-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE
Late Claim: B

Owners: GENE J KLAMERT
2100 S 44TH ST W
BILLINGS, MT 59106-3945
RONNA J KLAMERT
2100 S 44TH ST W
BILLINGS, MT 59106-3945

Priority Date: OCTOBER 18, 1966

Enforceable Priority Date: JUNE 30, 1973

CLAIM FILED LATE 06/24/96 . 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: SPRINKLER

Maximum Flow Rate: 12.50 CFS

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

Climatic Area: 3 - MODERATE

Maximum Acres: 420.00

Source Name: CLEAR CREEK

Source Type: SURFACE WATER

ROCK CREEK IS USED AS A NATURAL CARRIER TO CONVEY WATER FROM CLEAR CREEK TO THE POINT OF DIVERSION.

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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		SWSE	21	5S	21E	CARBON

Period of Diversion: APRIL 1 TO NOVEMBER 30

Diversion Means: HEADGATE

Ditch Name: HIGHLINE DITCH

Period of Use: APRIL 1 to NOVEMBER 30

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	70.00		E2SW	12	5S	21E	CARBON
2	70.00		W2SE	12	5S	21E	CARBON
3	280.00		W2	13	5S	21E	CARBON
Total:	420.00						

Geocodes/Valid: 10-0534-12-3-01-01-0000 - Y 10-0534-13-3-01-01-0000 - Y

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.

200043-00 200044-00 200048-00 215152-00

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

Remarks:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 43D TEMPORARY PRELIMINARY DECREE ISSUED 06/09/1993.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 90515 RECEIVED 07/31/2008.

CLAIM FILED LATE 06/24/96 . 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.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED APPROPRIATION ON CLEAR CREEK WITH A PRIORITY DATE POSTDATING CASE NO. 646, CARBON COUNTY.

WATER IS NOT DIVERTED FROM THE SOURCE CLAIMED. IT APPEARS THAT NO HISTORICAL APPROPRIATION HAS OCCURRED FROM THE CLAIMED SOURCE.