

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 138-00 STATEMENT OF CLAIM  
**Version:** 2 -- POST DECREE  
**Version Status:** ACTIVE

**Owners:**  
CURTIS M SCHWEND  
377 W BENCH RD  
ROBERTS, MT 59070  
  
JANICE S SCHWEND  
377 W BENCH RD  
ROBERTS, MT 59070  
  
KAREN S HOINES  
1302 RED LODGE CREEK RD  
RED LODGE, MT 59068

**Priority Date:** JUNE 1, 1895  
**Enforceable Priority Date:** JUNE 1, 1895

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION  
**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 1.00 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:** 145.00

**Source Name:** ROCK 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		SENWNE	2	7S	20E	CARBON

**Period of Diversion:** APRIL 15 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** CONSOLIDATED DITCH

THIS ROCK CREEK WATER RIGHT USES DRY CREEK AS A NATURAL CARRIER. THE CONSOLIDATED/HUNTER-NORTHY DITCH INTERSECTS DRY CREEK IN THE NENWNE SEC 22 T6S R20E. THE DIVERSIONS OUT OF DRY CREEK ARE LOCATED IN THE SWSESE SEC 11 T6S R20E AND THE SWSWNW SEC 12 T6S R20E.

**Period of Use:** APRIL 15 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	80.00		S2SW	1	6S	20E	CARBON
2	65.00		N2N2	12	6S	20E	CARBON
<b>Total:</b>	145.00						

**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.

137-00 138-00 143-00 213043-00 213050-00

THE MEANS OF DIVERSION WAS AMENDED BY THE WATER COURT PURSUANT TO SECTION 85-2-233(6), MCA.

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 12/21/88: PLACE OF USE, MAXIMUM ACRES, OWNERS.

**Remarks:**

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