

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: 40D 119680-00 STATEMENT OF CLAIM
Version: 2 -- ORIGINAL RIGHT
Version Status: DISMISSED

Owners: VIRGINIA L MURNION
PO BOX 13
JORDAN, MT 59337-0013

LEE MURNION
PO BOX 333
JORDAN, MT 59337-0333

Priority Date: OCTOBER 7, 1936
Enforceable Priority Date: OCTOBER 7, 1936

Type of Historical Right: FILED

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: 1,523.00 AC-FT
Climatic Area: 1 - HIGH

Maximum Acres: 385.00

Source Name: BIG DRY 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		SENE	14	18N	37E	GARFIELD

Period of Diversion:
Diversion Means: DAM

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SENE	14	18N	37E	GARFIELD

Diversion to Reservoir: DIVERSION # 1

Surface Area: 432.00 ACRES

Current Capacity: 4,360.00 ACRE-FEET

THE DAM EXTENDS INTO THE NWNW SEC 13 TWP 18N RGE 37E GARFIELD COUNTY.
SEE THE 1982 MEMORANDUM IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

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	20.00		W2SENW	13	18N	37E	GARFIELD
2	85.00		NE	13	18N	37E	GARFIELD
3	10.00		N2SE	13	18N	37E	GARFIELD
4	10.00		NENESW	13	18N	37E	GARFIELD
5	35.00		S2SW	9	18N	38E	GARFIELD
6	35.00		S2SE	9	18N	38E	GARFIELD
7	25.00		NWSW	11	18N	38E	GARFIELD
8	50.00		S2SE	11	18N	38E	GARFIELD
9	15.00		NESE	11	18N	38E	GARFIELD
10	15.00		NWSW	12	18N	38E	GARFIELD
11	65.00		S2SW	12	18N	38E	GARFIELD
12	20.00		SWSE	12	18N	38E	GARFIELD
Total:	385.00						

Geocodes/Valid: -- NO VALID GEOCODES --

Remarks:

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THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT DURING ADJUDICATION OF THE 40D PRELIMINARY DECREE.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 13913 RECEIVED 04/26/2004.

THE CONVEYANCE DITCH APPEARS TO BE WASHED OUT. SEE CLAIM FILE FOR MORE INFORMATION.

THIS CLAIM AND WATER RIGHT NO. 40D 119678-00 APPEAR TO BE REDUNDANT FILINGS. IT APPEARS ONLY ONE WATER RIGHT IS INVOLVED.

THE WATER COURT FINDS NO RIGHT FOR THIS CLAIM, AS IT IS DUPLICATED BY CLAIM NO. W119678-00.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 10/06/2014, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY O'CONNOR, HENSLEIGH, HAGEMAN & MURNION.

THE PERIOD OF DIVERSION FROM THE SOURCE INTO STORAGE CANNOT BE IDENTIFIED.

USDA AERIAL PHOTOGRAPH NO(S). 278-202 & 278-174 , DATED 10/06/1978 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

AERIAL PHOTOGRAPH NO(S). AZO-8JJ-239, AZO-8JJ-153 & AZO-8JJ-104 , DATED 08/02/1968 & 08/01/1968 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

THIS CLAIMED WATER RIGHT MAY BE QUESTIONABLE. ACCORDING TO INFORMATION IN THE CLAIM FILE, THE RIGHT MAY NOT HAVE BEEN USED FOR THE PAST 70 YEARS.

RESERVOIR APPEARS WASHED OUT ON USDA AERIAL PHOTOGRAPH NO. 278-202 , DATED 10/06/1978.

ACCORDING TO INFORMATION IN THE CLAIM FILE, THE DAM WASHED OUT IN 1944.

DNRC WAS UNABLE TO CONFIRM THE CLAIMED 1940 RESERVOIR CAPACITY AS THE RESERVOIR APPEARS TO HAVE WASHED OUT IN 1944 AND NEVER REPAIRED.

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