

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: 41M 120075-00 STATEMENT OF CLAIM
Version: 2 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: PONDERA COUNTY CANAL & RESERVOIR CO
PO BOX 245
VALIER, MT 59486

Priority Date: MAY 11, 1901

Enforceable Priority Date: MAY 11, 1901

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 25.36 CFS

THE FLOW RATE OF THIS WATER RIGHT HAS BEEN REDUCED TO THE 17 GPM PER ACRE GUIDELINE. THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 669.50

Source Name: BIRCH 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		NENWSW	27	28N	8W	PONDERA

Period of Diversion: APRIL 20 TO OCTOBER 14

Diversion Means: HEADGATE

Ditch Name: B CANAL

SEC 19 TWP 29N RGE 7W PONDERA COUNTY. WHICH IS USED AS A NATURAL CARRIER TO A SECONDARY POINT OF DIVERSION IN THE SENESE IS CONVEYED TO CARTWRIGHT COULEE WATER DIVERTED FROM B CANAL

SECONDARY POINT OF DIVERSION ALSO KNOWN AS ARMSTRONG DITCH.

Period of Use: APRIL 20 to OCTOBER 14

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	35.20		S2NE	11	29N	7W	PONDERA
2	80.30		SE	11	29N	7W	PONDERA
3	17.80		SESW	11	29N	7W	PONDERA
4	58.10		NW	12	29N	7W	PONDERA
5	5.70		W2NWSW	12	29N	7W	PONDERA
6	257.50		N2	14	29N	7W	PONDERA
7	18.70		N2N2SW	14	29N	7W	PONDERA
8	88.90		NE	15	29N	7W	PONDERA
9	24.10		S2NW	15	29N	7W	PONDERA
10	83.20		N2S2	15	29N	7W	PONDERA
Total:	669.50						

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.

120066-00 120071-00 120072-00 120073-00 120074-00 120075-00 120076-00

Remarks:

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 06/02/2006: POINT OF DIVERSION, PLACE OF USE, MAXIMUM ACRES, PERIOD OF USE.

ELEMENTS OF THIS CLAIM WERE CHANGED PURSUANT TO THE WATER COURT'S DECISION IN CURRY V. PONDERA (WC-2006-01 (APRIL 25, 2014)). THE CURRY DECISION IS CURRENTLY ON APPEAL BEFORE THE MONTANA SUPREME COURT. SOME OR ALL OF THE ELEMENTS OF THIS CLAIM MAY BE ALTERED AS A RESULT OF THE SUPREME COURT'S DECISION.

THE COMPLETE SET OF DOCUMENTATION, MAPS AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. 120069.

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

PARENT FILE FOR THIS RIGHT IS 120068.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 38166 RECEIVED 06/02/2006.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

USDA AERIAL PHOTOGRAPH NO(S). 278-227 , DATED 09/22/1979 , APPEARS TO INDICATE 332.6 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE COMBINED CLAIMED FLOW RATE FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS 98.77 GPM PER ACRE. THE FLOW RATE GUIDELINE FOR INDIVIDUAL CLAIMS IS 17 GPM PER ACRE.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.