

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:** 40B 128654-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** CHAD V MARKS  
PO BOX 978  
BELGRADE, MT 59714-0978  
KEITH A MARKS  
/AKA/MARKS KIETH A  
BELGRADE, MT 59714-0978

**Priority Date:** MAY 29, 1952  
**Enforceable Priority Date:** MAY 29, 1952

**Type of Historical Right:** FILED

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

**Maximum Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

**Maximum Volume:** 705.26 AC-FT  
**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 161.00

**Source Name:** SHALE 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		NESENE	6	15N	27E	PETROLEUM

**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** DAM

WATER RELEASED FROM THIS RESERVOIR ON SHALE CREEK USES SHALE CREEK AND BOX ELDER CREEK AS A NATURAL CARRIER TO CONVEY WATER TO A SECONDARY POINT OF DIVERSION IN THE SWNENW SEC 8 TWP 15N RGE 27E PETROLEUM COUNTY.

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**Reservoir:** ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NESENE	6	15N	27E	PETROLEUM

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 26.00 FEET  
**Depth:** 18.50 FEET  
**Surface Area:** 56.00 ACRES  
**Current Capacity:** 420.00 ACRE-FEET

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

**Period of Use:** MARCH 1 to OCTOBER 15

**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	10.00		SWSW	5	15N	27E	PETROLEUM
2	8.00		SESE	6	15N	27E	PETROLEUM
3	10.00		E2NENE	7	15N	27E	PETROLEUM
4	103.00		N2N2	8	15N	27E	PETROLEUM
5	24.00		SWNE	8	15N	27E	PETROLEUM
6	4.00		N2SENE	8	15N	27E	PETROLEUM
7	2.00		NENWSE	8	15N	27E	PETROLEUM
<b>Total:</b>	<b>161.00</b>						

**Geocodes/Valid:** 55-2476-05-2-02-01-0000 - Y 55-2476-06-4-03-01-0000 - Y  
55-2476-07-1-01-01-0000 - Y 55-2476-08-1-01-01-0000 - Y  
55-2476-08-4-02-01-0000 - Y

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**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.

128653-00 128654-00 128655-00 128656-00 128657-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

128642-00 128654-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 12/06/2006: PLACE OF USE, PRIORITY DATE.

THIS WATER RIGHT IS ASSOCIATED WITH WATER RIGHT NO. 43162-00 . THEY ARE BASED ON THE SAME HISTORIC WATER RIGHT.

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/24/01.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 122326 RECEIVED 05/08/2014.

OWNERSHIP UPDATE TYPE DOR # 132154 RECEIVED 03/13/2015.

OWNERSHIP UPDATE TYPE DOR # 131961 RECEIVED 04/02/2015.

USDA AERIAL PHOTOGRAPH NO(S). 478-119 , DATED 07/27/1980 , APPEARS TO INDICATE 124 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

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