

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 129644-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** RAYMOND L LINDSETH  
PO BOX 183  
DUPUYER, MT 59432  
  
LORNA L LINDSETH  
PO BOX 183  
DUPUYER, MT 59432  
  
PHILIP E JOHNSON  
PO BOX 137  
FORT SHAW, MT 59443-0137  
  
PEGGY J JOHNSON  
PO BOX 137  
FORT SHAW, MT 59443-0137

**Priority Date:** JUNE 13, 1900  
**Enforceable Priority Date:** JUNE 13, 1900

**Type of Historical Right:** DECREED

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

**Maximum Flow Rate:** 15.00 CFS

**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:** 120.00

**Source Name:** SHEEP CREEK  
**Source Type:** SURFACE WATER  
ALSO KNOWN AS SOUTH FORK SHEEP CREEK

**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		SWSWNE	33	28N	9W	PONDERA

**Period of Diversion:** JUNE 1 TO AUGUST 15

**Diversion Means:** HEADGATE

WATER DIVERTED FROM SHEEP CREEK IS CONVEYED TO UNNAMED TRIBUTARY OF NORTH FORK SHEEP CREEK WHICH IS USED AS A NATURAL CARRIER TO CONVEY WATER TO THE PLACE OF USE.

**Period of Use:** JUNE 1 to AUGUST 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	58.00		S2SW	13	28N	9W	PONDERA
2	12.00		SESE	14	28N	9W	PONDERA
3	7.00		N2NENW	23	28N	9W	PONDERA
4	2.00		NWNWNW	24	28N	9W	PONDERA
5	15.00		S2NENW	26	28N	9W	PONDERA
6	3.00		SENWNW	26	28N	9W	PONDERA
7	15.00		SENW	26	28N	9W	PONDERA
8	8.00		SWNW	26	28N	9W	PONDERA
<b>Total:</b>	120.00						

**Geocodes/Valid:** 26-3981-13-3-03-01-0000 - Y      26-3981-14-4-03-03-0000 - Y  
26-3981-23-1-01-01-0000 - Y      26-3981-24-2-02-01-0000 - Y  
26-3981-26-2-01-01-0000 - 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.

129643-00 129644-00 129645-00 129646-00

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.

129636-00 129644-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 12/05/2003: PLACE OF USE, PRIORITY DATE.

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

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 12495 RECEIVED 01/20/2004.

OWNERSHIP UPDATE TYPE DOR # 129958 RECEIVED 03/31/2011.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 600 MINER'S INCHES DECREED IN CASE NO. 5228, PONDERA COUNTY. 129636-00, 129644-00, 161499-00.

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

THE CLAIMED FLOW RATE EXCEEDS THE 17 GPM PER ACRE GUIDELINE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA. THE FLOW RATE EQUALS 56.00 GPM PER ACRE.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 06/03/2013, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY PHILLIP AND PEGGY JOHNSON.

AERIAL PHOTOGRAPH NO(S). ZR-5T-68 , DATED 06/24/1957 , APPEARS TO INDICATE 81.55 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.