

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:** 41P 159108-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** FARMLAND RESERVE INC  
% BRIAN POWER  
PO BOX 641  
HARLOWTON, MT 59036

**Priority Date:** FEBRUARY 10, 1909

**Enforceable Priority Date:** FEBRUARY 10, 1909

**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:** 210.40 AC-FT

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 105.20

**Source Name:** UNNAMED TRIBUTARY OF FAVOT COULEE

**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		SENESE	5	28N	1W	PONDERA

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

**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>
	SENESE	5	28N	1W	PONDERA

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 13.00 FEET

**Depth:** 10.00 FEET

**Surface Area:** 2.15 ACRES

**Current Capacity:** 8.60 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

**Period of Use:** MAY 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	42.40		S2NW	4	28N	1W	PONDERA
2	62.80		S2NE	5	28N	1W	PONDERA
<b>Total:</b>	105.20						

**Geocodes/Valid:** 26-3989-04-1-01-01-0000 - Y      26-3989-05-4-04-01-0000 - 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.

159108-00    159110-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 03/25/2011: PLACE OF USE, MAXIMUM ACRES, VOLUME.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 3/2/1987.

**OWNERSHIP UPDATE RECEIVED**

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**Remarks:**

OWNERSHIP UPDATE TYPE 608 # 7876 RECEIVED 03/31/2003.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 24.47 TIMES THE CAPACITY OF THE RESERVOIR.