

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: 40EJ 12505-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: MICHAEL J MONTGOMERY
22270 US HWY 191
HILGER, MT 59451-9804

LORI K MONTGOMERY
22270 US HWY 191
HILGER, MT 59451-9804

CARRIE E MONTGOMERY
22270 US HWY 191
HILGER, MT 59451-9804

MICHAEL JOHN MONTGOMERY
22270 US HWY 191
HILGER, MT 59451-9804

OWNER C JOHN MONTGOMERY RETAINED. CONTRACT FOR DEED INTEREST.

Priority Date: MAY 1, 1901
Enforceable Priority Date: MAY 1, 1901

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: 392.04 AC-FT
Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 121.00

Source Name: UNNAMED TRIBUTARY OF ARMELLS CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	31	18N	20E	FERGUS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM
HEADGATE USED AS AN ADDITIONAL MEANS OF DIVERSION.

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	E2NE	31	18N	20E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Dam Height: 13.00 FEET

Depth: 10.00 FEET

Surface Area: 12.80 ACRES

Current Capacity: 51.20 ACRE-FEET
THE DAM EXTENDS INTO THE SENENE SEC 31 TWP 18N RGE 20E FERGUS COUNTY.

Period of Use: MARCH 1 to NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	15.00		NWSE	29	18N	20E	FERGUS
2	105.00		SW	29	18N	20E	FERGUS
3	1.00		NENENE	31	18N	20E	FERGUS
Total:	121.00						

Geocodes/Valid: 08-2795-29-2-03-01-0000 - Y 08-2795-31-1-01-01-0000 - Y

Remarks:

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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.

12505-00 15767-00

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/05/96.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 18482 RECEIVED 12/16/2004.

OWNERSHIP UPDATE TYPE DOR # 128603 RECEIVED 11/04/2009.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1971) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO(S). 278-261 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

THE RESERVOIR IS NOT SHOWN IN THE FERGUS COUNTY WATER RESOURCES SURVEY (1971). IT APPEARS TO HAVE BEEN BUILT AFTER THE ORIGINAL APPROPRIATION AND MAY INDICATE AN EXPANSION OF THE WATER RIGHT.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 8 TIMES THE CAPACITY OF THE RESERVOIR.

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