

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 210813-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE
Late Claim: B

Owners: 3 JAY LLC
PO BOX 137
FORT SHAW, MT 59443-0137

Priority Date: APRIL 1, 1954

Enforceable Priority Date: JUNE 30, 1973

CLAIM FILED LATE 05/17/1984 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

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

Maximum Acres: 145.00

Source Name: FISH CREEK
Source Type: SURFACE WATER

NORTH FORK SHEEP CREEK IS USED AS A NATURAL CARRIER TO CONVEY WATER FROM FISH LAKE TO THE POINT OF DIVERSION.

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	5	SESWNE	30	28N	9W	PONDERA

Period of Diversion: MAY 15 TO SEPTEMBER 15

Diversion Means: DAM

2- SECONDARY	5	SESWNE	30	28N	9W	PONDERA
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Period of Diversion: MAY 15 TO SEPTEMBER 30

Diversion Means: HEADGATE

Ditch Name: MILLER DITCH

<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
		NWNWSE	29	28N	9W	PONDERA

Diversion to Reservoir: DIVERSION # 1

Dam Height: 14.00 FEET

Depth: 11.00 FEET

Surface Area: 39.00 ACRES

Current Capacity: 171.60 ACRE-FEET

<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
5	SESWNE	30	28N	9W	PONDERA

Diversion to Reservoir: DIVERSION # 1

Dam Height: 13.50 FEET

Depth: 10.50 FEET

Surface Area: 29.00 ACRES

Current Capacity: 260.00 ACRE-FEET

THE DAM HEIGHT HAS BEEN ESTIMATED BY DNRC.

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

Period of Use: MAY 15 to SEPTEMBER 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	25.00		NESE	21	28N	9W	PONDERA
2	40.00		S2NW	22	28N	9W	PONDERA
3	40.00		NWSE	22	28N	9W	PONDERA
4	40.00		N2N2SW	22	28N	9W	PONDERA
Total:	145.00						

Geocodes/Valid: 26-3981-21-1-01-01-0000 - Y 26-3981-22-3-01-01-0000 - Y
26-3981-22-3-02-02-0000 - Y

Remarks:

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.

210812-00 210813-00

WATER RIGHT OWNERSHIP UPDATE RECEIVED 08/30/1984.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 123949 RECEIVED 09/04/2014.

AN AMENDMENT WAS SUBMITTED ON 02/09/2004 WHICH HAS NOT BEEN IMPLEMENTED. THIS AMENDMENT WAS NOT SUBMITTED BY THE OWNER LISTED IN THE DNRC RECORDS.

CLAIM FILED LATE 05/17/1984 . IN ADDITION TO BEING SUBORDINATE TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW, THIS RIGHT MAY ALSO BE SUBORDINATE TO CERTAIN PERMITS AND RESERVATIONS OF WATER. SEE SECTION 85-2-221 MCA.

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

THE PONDERA COUNTY WATER RESOURCES SURVEY (1964) APPEARS TO INDICATE 120.73 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 282-79 , DATED 08/03/1978 , APPEARS TO INDICATE 99.42 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE MAXIMUM STORAGE CAPACITY OF THIS RESERVOIR MAY BE QUESTIONABLE. ACCORDING TO DNRC ESTIMATES, THE MAXIMUM STORAGE CAPACITY IS 121.80 ACRE-FEET.

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