

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 30030165 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: CURTIS B STENE
PO BOX 264
KEVIN, MT 59454

TANA A STENE
PO BOX 264
KEVIN, MT 59454

Priority Date: SEPTEMBER 2, 1907

Enforceable Priority Date: SEPTEMBER 2, 1907

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 5.00 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: 219.00

Source Name: HEALY 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		NWNWSW	12	34N	4W	TOOLE

Period of Diversion: MARCH 1 TO JUNE 30

Diversion Means: DIVERSION DAM

Period of Use: MARCH 1 to JUNE 30

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	1.00		SWSESE	7	34N	3W	TOOLE
2	19.00		SWSE	7	34N	3W	TOOLE
3	78.00		SW	7	34N	3W	TOOLE
4	21.00		E2SE	12	34N	4W	TOOLE
5	35.00		W2SE	12	34N	4W	TOOLE
6	43.00		E2SW	12	34N	4W	TOOLE
7	22.00		W2SW	12	34N	4W	TOOLE
Total:	219.00						

Geocodes/Valid: 21-4637-12-1-01-01-0000 - Y 21-4637-12-3-02-02-0000 - Y
21-4638-07-1-03-01-0000 - Y 21-4638-07-2-02-01-0000 - 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.

160630-00 30030165

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

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41P-160630-00.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 82722 RECEIVED 10/08/2008.

Remarks:

AN AMENDMENT WAS SUBMITTED ON 09/03/2014, REQUESTING TO AMEND THE POINTS OF DIVERSION, PERIOD OF DIVERSION, PLACE OF USE, MAXIMUM ACRES, AND PERIOD OF USE. THIS AMENDMENT HAS NOT BEEN IMPLEMENTED AS IT HAS NOT BEEN SIGNED BY ALL OWNERS OF THE CLAIMED PLACE OF USE.

THE PERIOD OF DIVERSION MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF THE PERIOD OF USE ISSUE.

THE CLAIMED PERIOD OF USE EXCEEDS THE USUAL GROWING SEASON FOR THIS CLIMATIC AREA WHICH IS APRIL 20 TO OCTOBER 10.

A PORTION OF THE CLAIMED PLACE OF USE APPEARS INCORRECT. THE CLAIMED PRIORITY DATE DOES NOT SUPPORT THE IRRIGATION CLAIMED IN SEC 12, TWP 34N, RGE 2W. THE CLAIMED PLACES OF USE IN SEC 12, TWP 34N, RGE 2W ARE REDUNDANT TO THE PLACES OF USE FOR IMPLIED CLAIM 41P 160630-00.

THE CLAIMED POINT OF DIVERSION MAY BE INCOMPLETE. IT APPEARS THERE SHOULD BE ADDITIONAL POINTS OF DIVERSION NECESSARY FOR WATER DISTRIBUTION WHICH COULD NOT BE IDENTIFIED FROM INFORMATION IN THE CLAIM FILE.