

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 15767-00 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: APRIL 25, 1889

Enforceable Priority Date: APRIL 25, 1889

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 7.50 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: 492.00

Source Name: ARMELLS CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS ARMELLS CREEK, WEST FORK

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		NENENE	36	18N	19E	FERGUS

Period of Diversion: MARCH 1 TO NOVEMBER 1

Diversion Means: PUMP

2		NWNWSE	36	18N	19E	FERGUS
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Period of Diversion: MARCH 1 TO NOVEMBER 1

Diversion Means: DITCH

3		SWSWSE	36	18N	19E	FERGUS
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Period of Diversion: MARCH 1 TO NOVEMBER 1

Diversion Means: PUMP

Period of Use: MARCH 1 to NOVEMBER 1

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	120.00		E2	36	18N	19E	FERGUS
2	13.00		SWNW	29	18N	20E	FERGUS
3	120.00		S2	29	18N	20E	FERGUS
4	105.00		S2	30	18N	20E	FERGUS
5	130.00		N2	31	18N	20E	FERGUS
6	4.00		N2NWNW	32	18N	20E	FERGUS

Total: 492.00

Geocodes/Valid: 08-2794-36-1-01-01-0000 - Y 08-2795-29-2-03-01-0000 - Y
08-2795-30-4-03-01-0000 - Y 08-2795-31-1-01-01-0000 - Y

08-2795-32-1-02-01-0000 - 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.

12505-00 15767-00

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

PLACE OF USE INCLUDES GOVT LOT 4 IN SEC 30 AND GOVT LOTS 1 AND 2 IN SEC 31, ALL IN TWP 18N RGE 20E FERGUS COUNTY.

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.

USE OF THE CLAIMED DITCH SYSTEM TO CONVEY WATER TO THE PLACE OF USE MAY BE QUESTIONABLE.

THE CLAIMED MEANS OF DIVERSION MAY BE INCORRECT AND CANNOT BE CONFIRMED DUE TO LACK OF DATA.

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

THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. PART OF THE PLACE OF USE APPEARS TO BE ON PROPERTY OWNED BY MICHAEL AND LORI MONTGOMERY, CARRIE ELIZABETH MONTGOMERY, MICHAEL JOHN MONTGOMERY.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1971) APPEARS TO INDICATE 29 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 278-261 , DATED 09/25/1979 , APPEARS TO INDICATE 82 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.