

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:** 41O 30052627 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** STEVEN R KELLY  
PO BOX 1044  
FORT BENTON, MT 59442  
  
EDWARD J KELLY  
PO BOX 174  
FORT BENTON, MT 59442

**Priority Date:** DECEMBER 31, 1959  
**Enforceable Priority Date:** DECEMBER 31, 1959

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION  
**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 4.89 CFS  
THE COMBINED FLOW RATE FOR THE FOLLOWING CLAIMS CANNOT EXCEED 4.89 CFS. 41O 109747-00, 41O 30052627.

**Maximum Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 63.00

**Source Name:** TETON RIVER  
**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		NESWSW	33	25N	7E	CHOUTEAU

**Period of Diversion:** MAY 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** KELLY DITCH

**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	1.00		NWNE	3	24N	7E	CHOUTEAU
2	9.00		NENW	3	24N	7E	CHOUTEAU
3	9.00		NWNW	3	24N	7E	CHOUTEAU
4	2.00		SENE	3	24N	7E	CHOUTEAU
5	10.00		NENW	3	24N	7E	CHOUTEAU
6	4.00		NWNE	3	24N	7E	CHOUTEAU
7	2.00		SESE	34	25N	7E	CHOUTEAU
8	5.00		SWSE	34	25N	7E	CHOUTEAU
9	8.00		NWSW	34	25N	7E	CHOUTEAU
10	9.00		SESW	34	25N	7E	CHOUTEAU
11	4.00		SWSW	34	25N	7E	CHOUTEAU
<b>Total:</b>	<b>63.00</b>						

**Geocodes/Valid:** 19-3497-03-1-01-01-0000 - Y 19-3617-34-3-01-01-0000 - Y

**Remarks:**

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

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41O TEMPORARY PRELIMINARY DECREE ISSUED 12/29/2005.

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41O 109747-00.

**OWNERSHIP UPDATE RECEIVED**

**Remarks:**

OWNERSHIP UPDATE TYPE DOR # 115342 RECEIVED 06/04/2013.  
OWNERSHIP UPDATE TYPE DOR # 146835 RECEIVED 09/01/2016.