

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: 43D 17177-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Version Status: ACTIVE

Owners:
CELESTE M SCHWEND
391 CARBONADO RD
JOLIET, MT 59041-9592

GARY L EVERTZ
63 LOWER ELBOW CREEK RD
JOLIET, MT 59041-9591

ELAINE L EVERTZ
63 LOWER ELBOW CREEK RD
JOLIET, MT 59041-9591

Priority Date: JULY 8, 1895

Enforceable Priority Date: JULY 8, 1895

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 1.73 CFS
FLOW RATE EQUALS 69 MINER'S INCHES.

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: 110.00

Source Name: ROCK CREEK

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		NWNWSE	35	4S	21E	CARBON

Period of Diversion: MARCH 1 TO NOVEMBER 4

Diversion Means: HEADGATE

Ditch Name: CARBONADO DITCH
DITCH NAME: CARBONADO DITCH

Period of Use: MARCH 1 to NOVEMBER 4

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	43.00		W2	28	4S	22E	CARBON
2	67.00		E2	29	4S	22E	CARBON
Total:	110.00						

Geocodes/Valid: 10-0623-28-3-01-01-0000 - Y 10-0623-29-1-03-03-0000 - Y
10-0623-29-1-04-01-0000 - Y

Remarks:

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 02/27/87.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 142761 RECEIVED 05/24/2013.

OWNERSHIP UPDATE TYPE DOR # 128953 RECEIVED 12/19/2014.

ON NOVEMBER 22, 2004 ROBERT L. EVERTZ AND ELIZABETH F. EVERTS FILED AN AFFIDAVIT WHICH SPECIFIES CHANGING THE PERIOD OF USE. THIS IS DEEMED A LATE OBJECTION AND WILL BE HEARD AFTER PROPER NOTICE ON THE NEXT OBJECTION LIST.

Remarks:

THE CARBON COUNTY WATER RESOURCES SURVEY (1966) APPEARS TO INDICATE 57.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO. 279-56, DATED 10/03/80, APPEARS TO INDICATE 140.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE CARBON COUNTY WATER RESOURCES SURVEY (1946) APPEARS TO INDICATE 99.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.