

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 18544-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: WITHDRAWN

Owners: MONTANA, STATE OF BOARD OF LAND COMMISSIONERS
TRUST LAND MANAGEMENT DIVISION
PO BOX 201601
HELENA, MT 59620-1601

Priority Date: APRIL 15, 1925

Enforceable Priority Date: APRIL 15, 1925

Type of Historical Right: FILED

Purpose (use): MUNICIPAL

Maximum Flow Rate: 50.00 GPM

Maximum Volume: 58.00 AC-FT

Source Name: SPRING, UNNAMED TRIBUTARY OF ROCKY SPRINGS COULEE

Source Type: GROUNDWATER

ALSO KNOWN AS SPRING NO. 2

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		SWNWSW	12	35N	4W	TOOLE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: SPRING BOX

PART OF A SYSTEM OF SEVERAL SPRINGS AND WELLS THAT DIVERT WATER INTO A COLLECTION FIELD (SPRING BOX) WHICH IS THEN DIVERTED INTO AN AQUEDUCT THAT RUNS APPROXIMATELY SEVEN MILES TO THE TOWN OF KEVIN.

Period of Use: JANUARY 1 to DECEMBER 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			W2	35	35N	3W	TOOLE

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.

18544-00 18545-00 18546-00 18547-00

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

THIS CLAIM WAS WITHDRAWN FROM THE ADJUDICATION PROCESS AT THE REQUEST OF THE CLAIMANT ON 10/03/2013.

THIS CLAIM APPEARS TO DUPLICATE CLAIM NO. 41P 39996-00 FILED BY THE TOWN OF KEVIN.

THE TYPE OF HISTORICAL RIGHT, PRIORITY DATE, AND FLOW RATE MAY BE QUESTIONABLE. THE CLAIMS FOLLOWING THIS STATEMENT USE THE SAME FILED APPROPRIATION TO DOCUMENT THE RIGHT. THE COMBINED FLOW RATE FOR THIS GROUP OF CLAIMS EXCEEDS THE TOTAL OF THE ORIGINAL APPROPRIATION. 41P 18544-00, 41P 39996-00.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 07/16/2013, THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY TOWN OF KEVIN.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. 41P 18544-00, 41P 39996-00.

THE COMBINED CLAIMED VOLUME FOR THE FOLLOWING CLAIMS IS 1422.69 GALLONS PER CAPITA PER DAY (GPCD) BASED ON THE 1970 CENSUS POPULATION OF 250 PEOPLE AND A TOTAL CLAIMED VOLUME OF 130 ACRE-FEET. THIS APPEARS EXCESSIVE FOR THE CLAIMED PURPOSE. 41P 18544-00, 41P 18545-00, 41P 18546-00, 41P 18547-00.