

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: 41A 25427-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners:
ROGER D PETERS
6000 MT HIGHWAY 324
DILLON, MT 59725-9624

CARRIE A PETERS
6000 MT HIGHWAY 324
DILLON, MT 59725-9624

Priority Date: MAY 1, 1899

Enforceable Priority Date: MAY 1, 1899

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 6.25 CFS

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

Climatic Area: 5 - LOW

Maximum Acres: 1,071.56

Source Name: COTTONWOOD CREEK

Source Type: SURFACE WATER

THE SOURCE IS A TRIBUTARY OF NICHOLIA CREEK.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SE	SE	15S	11W	BEAVERHEAD

Period of Diversion: APRIL 1 TO SEPTEMBER 15

Diversion Means: DIVERSION DAM

2		NENW	NE	16S	11W	BEAVERHEAD
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Period of Diversion: APRIL 1 TO SEPTEMBER 15

Diversion Means: DIVERSION DAM

Period of Use: APRIL 1 to SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>		
1	9.08		NE	SE	13	15S	11W	BEAVERHEAD	
2	36.27		NW	SE	13	15S	11W	BEAVERHEAD	
3	4.56		SE	SE	13	15S	11W	BEAVERHEAD	
4	36.74		SW	SE	13	15S	11W	BEAVERHEAD	
5	9.31		NE	SW	13	15S	11W	BEAVERHEAD	
6	40.00		SE	SW	13	15S	11W	BEAVERHEAD	
7	7.57		S	SW	13	15S	11W	BEAVERHEAD	
8	56.04		E	NE	23	15S	11W	BEAVERHEAD	
9	18.10		E	NW	SE	23	15S	11W	BEAVERHEAD
10	37.27		SW	SE	23	15S	11W	BEAVERHEAD	
11	7.53		NW	NE	24	15S	11W	BEAVERHEAD	
12	40.00		NENW	NE	24	15S	11W	BEAVERHEAD	
13	28.22		SE	NW	24	15S	11W	BEAVERHEAD	
14	76.43		W	NE	24	15S	11W	BEAVERHEAD	
15	4.76		S	SE	NE	26	15S	11W	BEAVERHEAD
16	80.00		W	NE	26	15S	11W	BEAVERHEAD	
17	35.79		E	NE	26	15S	11W	BEAVERHEAD	
18	21.55		NE	SE	26	15S	11W	BEAVERHEAD	
19	7.04		W	SE	SE	26	15S	11W	BEAVERHEAD
20	80.00		W	SE	26	15S	11W	BEAVERHEAD	
21	121.34		SW	SE	26	15S	11W	BEAVERHEAD	
22	32.57		S	SE	27	15S	11W	BEAVERHEAD	

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>
23	16.32		S2SESW	27	15S	11W	BEAVERHEAD
24	4.16		S2SWSW	27	15S	11W	BEAVERHEAD
25	80.00		N2NE	34	15S	11W	BEAVERHEAD
26	40.00		SENE	34	15S	11W	BEAVERHEAD
27	32.34		NENW	34	15S	11W	BEAVERHEAD
28	11.15		NWNW	34	15S	11W	BEAVERHEAD
29	19.08		NWNE	35	15S	11W	BEAVERHEAD
30	78.34		N2NW	35	15S	11W	BEAVERHEAD
Total:	1,071.56						

<u>Geocodes/Valid:</u>		
	18-0009-13-3-01-01-0000 - Y	18-0009-13-4-01-02-0000 - Y
	18-0009-23-1-01-01-0000 - Y	18-0009-24-1-01-01-0000 - Y
	18-0009-24-2-01-01-0000 - Y	18-0009-26-2-01-01-0000 - Y
	18-0009-27-4-01-01-0000 - Y	18-0009-34-1-01-01-0000 - Y
	18-0009-35-1-01-01-0000 - 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.

564-00 9371-00 9372-00 25427-00 25429-00 25430-00 25433-00
25434-00 25435-00 25436-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 05/12/2006: POINT OF DIVERSION, MEANS OF DIVERSION, PLACE OF USE, MAXIMUM ACRES, FLOW RATE, PERIOD OF USE, PRIORITY DATE, TYPE OF HISTORICAL RIGHT.

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 12/14/1992.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 8154 RECEIVED 04/15/2003.

OWNERSHIP UPDATE TYPE 608 # 54470 RECEIVED 02/06/2008.

AN AMENDMENT WAS SUBMITTED ON 05/12/2006 TO AMEND THE POINT OF DIVERSION, MEANS OF DIVERSION, PLACE OF USE, FLOW RATE, PERIOD OF USE, MAXIMUM ACRES, TYPE OF RIGHT AND PRIORITY DATE. THE AMENDMENT SUBSTANTIALLY CHANGES THE ORIGINALLY FILED STATEMENT OF CLAIM.

CASE NO. 3717, FILED JUNE 1928, DECREES 250 MINER'S INCHES FROM COTTONWOOD CREEK, PRIORITY DATE MAY 1, 1899 TO E.I. HARKNESS. CASE NO. 3808, FILED MAY 1940, INCLUDES APPROPRIATIONS DECREED IN CASE NO. 3717. CASE NO. 3808 DECREES 200 MINER'S INCHES FROM COTTONWOOD CREEK, PRIORITY DATE MAY 1, 1899, TO E.I. HARKNESS. IT IS UNCLEAR IF THE APPROPRIATION IS FOR 250 MINER'S INCHES OR 200 MINER'S INCHES.

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

USDA AERIAL PHOTOGRAPH NO(S). 879-95 , DATED 09/18/1979 , APPEARS TO INDICATE 1001.28 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). CXM-11B-61, CXM-11B-63, CXM-11B-85 , DATED 08/23/1942 , APPEARS TO INDICATE 852.31 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.