

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 25429-00 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 3, 1900  
**Enforceable Priority Date:** MAY 3, 1900

**Type of Historical Right:** DECREED

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

**Maximum Flow Rate:** 6.00 CFS  
CASE NO. 3808, BEAVERHEAD COUNTY, DECREED 240 MINER'S INCHES FROM NICHOLIA CREEK, PRIORITY DATE MAY 3, 1900 AND 240 MINER'S INCHES FROM ROCK CREEK, PRIORITY DATE MAY 3, 1900, SPECIFYING THAT THE SUCCESSOR IS ENTITLED TO WITHDRAW FROM EITHER OR BOTH OF SAID STREAMS A QUANTITY OF WATER NOT EXCEEDING 240 MINER'S INCHES AT ANY GIVEN TIME: 41A 25429-00, 41A 25430-00.

**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:** 240.00

**Source Name:** ROCK 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 Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNWSE	23	15S	11W	BEAVERHEAD

**Period of Diversion:** APRIL 25 TO SEPTEMBER 15

**Diversion Means:** DIKE

**Ditch Name:** ROSENBAUM DITCH

**Period of Use:** APRIL 25 to SEPTEMBER 15

**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	20.00		NESW	13	15S	11W	BEAVERHEAD
2	80.00		S2SW	13	15S	11W	BEAVERHEAD
3	60.00		NE	23	15S	11W	BEAVERHEAD
4	80.00		NW	24	15S	11W	BEAVERHEAD
<b>Total:</b>	240.00						

**Geocodes/Valid:** 18-0009-13-3-01-01-0000 - Y 18-0009-23-1-01-01-0000 - Y  
18-0009-23-3-01-01-0000 - Y 18-0009-24-1-01-01-0000 - 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

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

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**Remarks:**

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.

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.

USDA AERIAL PHOTOGRAPH NO(S). 879-95 , DATED 09/18/1979 , APPEARS TO INDICATE 172.31 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). CXM-11B-61 , DATED 08/23/1942 , APPEARS TO INDICATE 174.19 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.