

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:** 41M 31653-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:**  
MARY BARTKOSKE  
PO BOX 157  
DUPUYER, MT 59432  
  
WAUNETA NIELSEN  
PO BOX 157  
DUPUYER, MT 59432  
  
MARCIA KEIM  
PO BOX 157  
DUPUYER, MT 59432

**Priority Date:** APRIL 4, 1904  
**Enforceable Priority Date:** APRIL 4, 1904

**Type of Historical Right:** FILED

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

**Maximum Flow Rate:** 2.65 CFS  
THE FLOW RATE OF THIS CLAIM HAS BEEN REDUCED TO 17 GPM PER ACRE.  
THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

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

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 65.00

**Source Name:** BIRCH 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	10	SWNWSW	23	28N	10W	PONDERA

**Period of Diversion:** JUNE 1 TO JULY 31

**Diversion Means:** HEADGATE

**Ditch Name:** JONES DITCH

**Period of Use:** JUNE 1 to JULY 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	18.00		SE	23	28N	10W	PONDERA
2	16.00	4	E2	24	28N	10W	PONDERA
3	17.00	5	E2	24	28N	10W	PONDERA
4	3.00	6	E2	24	28N	10W	PONDERA
5	3.00	7	E2	24	28N	10W	PONDERA
6	8.00	8	N2	24	28N	10W	PONDERA
<b>Total:</b>	65.00						

**Geocodes/Valid:** 26-3980-23-4-01-01-0000 - Y      26-3980-24-1-01-01-0000 - 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.

31652-00      31653-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 01/22/2004: PLACE OF USE AND MAXIMUM ACRES.

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 11/18/2014: PLACE OF USE,

**Remarks:**

MAXIMUM ACRES, TYPE OF RIGHT.

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 12/18/1998.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 3060 RECEIVED 05/31/2002.