

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 40006-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** DAVID E SCHUETT  
2955 CARRIGAN LN  
DILLON, MT 59725-8542  
  
SHELLI SCHUETT  
2955 CARRIGAN LN  
DILLON, MT 59725-8542  
  
DUFFNER RANCHES  
19001 S VALLEY RD  
LIMA, MT 59739-9729

**Priority Date:** NOVEMBER 4, 1909  
**Enforceable Priority Date:** NOVEMBER 4, 1909

**Type of Historical Right:** FILED

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

**Maximum Flow Rate:** 25.00 CFS  
PRIMARILY A DIRECT FLOW SYSTEM; FLOW RATE RETAINED.

**Maximum Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.  
PRIMARILY A DIRECT FLOW SYSTEM; VOLUME NOT DECREED.

**Climatic Area:** 5 - LOW

**Maximum Acres:** 978.00

**Source Name:** WINSLOW CREEK  
**Source Type:** SURFACE WATER  
ALSO KNOWN AS MUD 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		NWSESW	16	14S	3W	BEAVERHEAD

**Period of Diversion:**  
**Diversion Means:** DAM

2		SESWSW	16	14S	3W	BEAVERHEAD
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**Period of Diversion:**  
**Diversion Means:** DAM

3		SWNENW	21	14S	3W	BEAVERHEAD
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**Period of Diversion:**  
**Diversion Means:** DAM

4		SESWSE	21	14S	3W	BEAVERHEAD
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**Period of Diversion:**  
**Diversion Means:** DAM

5		NWSESW	27	14S	3W	BEAVERHEAD
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**Period of Diversion:**  
**Diversion Means:** HEADGATE

WATER DIVERTED FROM WINSLOW CREEK IS CONVEYED TO TIPTON CREEK (ALSO KNOWN AS LITTLE CREEK) WHICH IS USED AS A NATURAL CARRIER TO CONVEY WATER TO THE PLACE OF USE.

**Reservoir:** ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
		NWSESW	16	14S	3W	BEAVERHEAD

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 13.00 FEET

**Depth:** 10.00 FEET  
**Surface Area:** 0.25 ACRES  
**Current Capacity:** 1.00 ACRE-FEET

**Reservoir:** ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESWW	16	14S	3W	BEAVERHEAD

**Diversion to Reservoir:** DIVERSION # 2

**Dam Height:** 13.00 FEET  
**Depth:** 10.00 FEET  
**Surface Area:** 1.00 ACRES  
**Current Capacity:** 4.00 ACRE-FEET

**Reservoir:** ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWNENW	21	14S	3W	BEAVERHEAD

**Diversion to Reservoir:** DIVERSION # 3

**Dam Height:** 13.00 FEET  
**Depth:** 10.00 FEET  
**Surface Area:** 1.00 ACRES  
**Current Capacity:** 4.00 ACRE-FEET

**Reservoir:** ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESWE	21	14S	3W	BEAVERHEAD

**Diversion to Reservoir:** DIVERSION # 4

**Dam Height:** 13.00 FEET  
**Depth:** 10.00 FEET  
**Surface Area:** 1.00 ACRES  
**Current Capacity:** 4.00 ACRE-FEET

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

**Period of Use:** APRIL 15 to OCTOBER 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	40.00		SWSW	15	14S	3W	BEAVERHEAD
2	200.00		S2	16	14S	3W	BEAVERHEAD
3	490.00			21	14S	3W	BEAVERHEAD
4	230.00		W2	22	14S	3W	BEAVERHEAD
5	9.00		NWNWNW	27	14S	3W	BEAVERHEAD
6	9.00		NENENE	28	14S	3W	BEAVERHEAD
<b>Total:</b>	<b>978.00</b>						

**Geocodes/Valid:** 18-0034-15-3-01-02-0000 - Y      18-0034-16-3-01-01-0000 - Y  
18-0034-21-4-01-01-0000 - Y      18-0034-22-2-01-01-0000 - Y  
18-0034-22-3-01-01-0000 - Y      18-0034-27-1-01-01-0000 - Y  
18-0034-28-1-01-02-0000 - 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.

40006-00    40007-00    40008-00    40009-00

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 10/25/1995.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 10/25/1995.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/05/1998.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 85889 RECEIVED 12/23/2009.

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**Remarks:**

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. 41A 40006-00, 41A 94944-00.

THE PERIOD OF DIVERSION FROM THE SOURCE INTO STORAGE CANNOT BE IDENTIFIED.