

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:** 41B 88896-00 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:**

DICK OWENBY  
1600 WEBSTER LN  
DILLON, MT 59725-9433

SHIRLEY OWENBY  
1600 WEBSTER LN  
DILLON, MT 59725-9433

DONNA WAYLETT  
40 RIVERSIDE DR  
DILLON, MT 59725

THOMAS A WEBSTER  
PO BOX 735  
DILLON, MT 59725--735

JUANITA SUE WEBSTER  
PO BOX 735  
DILLON, MT 59725-0735

RONALD R GUTZMER  
1490 WEBSTER LN  
DILLON, MT 59725-8861

CHERYCE L GUTZMER  
1490 WEBSTER LN  
DILLON, MT 59725-8861

HEARTLAND HOLDINGS LLC  
377 KEAHOLE ST STE E203  
HONOLULU, HI 96825-3413

FRED R COLEMAN  
2071 FIR DR  
ROCK SPRINGS, WY 82901-4143

KATHLEEN COLEMAN  
2071 FIR DR  
ROCK SPRINGS, WY 82901-4143

IT APPEARS THE OWNER IS A SHAREHOLDER IN THE CLARK CANYON WATER SUPPLY COMPANY.

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

**Priority Date:** MAY 1, 1885

**Enforceable Priority Date:** MAY 1, 1885

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 104.80 CFS

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

THIS WATER RIGHT IS SUBJECT TO CERTAIN CURTAILMENT PROVISIONS AS DETAILED IN THE 1958 CONTRACT (NO. 14-06-600-3592) BETWEEN THE UNITED STATES (BOR) AND THE CLARK CANYON WATER SUPPLY COMPANY. A COPY OF THE CONTRACT IS AVAILABLE FROM THE DNRC HELENA WATER RESOURCES REGIONAL OFFICE.

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 252.00

**Source Name:** BEAVERHEAD RIVER

**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		NWSENW	8	7S	8W	BEAVERHEAD

**Period of Diversion:** MAY 1 TO OCTOBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** REINHARDT DITCH

**Period of Use:** MAY 1 to OCTOBER 1

**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	101.00		N2NW	4	7S	8W	BEAVERHEAD
2	151.00		E2	5	7S	8W	BEAVERHEAD
<b>Total:</b>	252.00						

<u>Geocodes/Valid:</u>		
	18-0326-04-2-01-01-0000 - Y	18-0326-05-1-03-01-0000 - Y
	18-0326-05-1-03-02-0000 - Y	18-0326-05-1-03-03-0000 - Y
	18-0326-05-1-03-04-0000 - Y	18-0326-05-1-03-10-0000 - Y
	18-0326-05-1-04-10-0000 - Y	18-0326-05-4-01-07-0000 - Y
	18-0326-05-4-01-11-0000 - Y	18-0326-05-4-01-12-0000 - Y
	18-0326-05-4-01-13-0000 - Y	18-0326-05-4-01-14-0000 - Y
	18-0326-05-4-03-01-0000 - Y	18-0326-05-4-03-10-0000 - Y

**Remarks:**

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 01/11/1983: POINT OF DIVERSION, PLACE OF USE.

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 03/14/2007. OUID #44963 WEBSTER TO OWENBY - SPLIT. OWENBY RECEIVES OWENBY MINOR SUB LOT 1 (10.7 ACRES IN THE NWSE OF SEC 5)

WATER RIGHT OWNERSHIP UPDATE RECEIVED 7/5/2006. OUID #39685 - WEBSTER TO GERRIE - SPLIT. GERRIE RECEIVES PARCEL 1 COS 917 (3.8 ACRES IN THE NESE OF SEC 5)

WATER RIGHT OWNERSHIP UPDATE RECEIVED 05/31/2006. OUID #47349 WEBSTER TO WAYLETT - SPLIT. WAYLETT RECEIVES (1) PARCEL 5 IN THE NENE OF SEC 5 AND (2) A TRACT OF LAND IN TAYLOR-WEBSTER SUB IN THE E2NE OF SEC 5 AND W2NW SEC 4.

**OWNERSHIP UPDATE RECEIVED**

- OWNERSHIP UPDATE TYPE 608 # 47349 RECEIVED 05/31/2006.
- OWNERSHIP UPDATE TYPE 608 # 39685 RECEIVED 07/05/2006.
- OWNERSHIP UPDATE TYPE 608 # 44963 RECEIVED 03/14/2007.
- OWNERSHIP UPDATE TYPE DOR # 90678 RECEIVED 01/14/2011.
- OWNERSHIP UPDATE TYPE DOR # 97385 RECEIVED 04/08/2011.
- OWNERSHIP UPDATE TYPE 608 # 97155 RECEIVED 07/22/2011.
- OWNERSHIP UPDATE TYPE DOR # 118677 RECEIVED 02/11/2014.
- OWNERSHIP UPDATE TYPE DOR # 137486 RECEIVED 03/18/2014.
- OWNERSHIP UPDATE TYPE 608 # 123504 RECEIVED 07/07/2014.
- OWNERSHIP UPDATE TYPE DOR # 125011 RECEIVED 08/05/2014.
- OWNERSHIP UPDATE TYPE DOR # 124349 RECEIVED 08/11/2014.
- OWNERSHIP UPDATE TYPE DOR # 133926 RECEIVED 07/29/2015.
- OWNERSHIP UPDATE TYPE DOR # 135204 RECEIVED 10/01/2015.
- OWNERSHIP UPDATE TYPE 608 # 138128 RECEIVED 01/08/2016.
- OWNERSHIP UPDATE TYPE DOR # 151403 RECEIVED 04/27/2016.
- OWNERSHIP UPDATE TYPE DOR # 147951 RECEIVED 09/09/2016.
- OWNERSHIP UPDATE TYPE WATER COURT ORDER # 150893 RECEIVED 12/26/2016.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 200 MINER'S INCHES DECREED IN CASE NO. 828, BEAVERHEAD COUNTY. 41B 2385-00, 41B 3480-00, 41B 18654-00, 41B 18655-00, 41B 18656-00, 41B 18657-00, 41B 49996-00, 41B 88417-00, 41B 88472-00, 41B 88692-00, 41B 88896-00, 41B 110685-00, 41B 127850-00.

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

THE CLAIMED FLOW RATE EXCEEDS THE 17 GPM PER ACRE GUIDELINE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA. THE FLOW RATE EQUALS 187.00 GPM PER ACRE.

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. 41B 2385-00, 41B 18654-00, 41B 18655-00, 41B 18656-00, 41B 18657-00, 41B 49996-00, 41B 88417-00, 41B 88472-00, 41B 88692-00, 41B 88896-00, 41B 127850-00, 41B 110685-00.

IT APPEARS AS THOUGH THE PLACE OF USE IS OWNED BY PARTIES OTHER THAN THE CLAIMANTS ACCORDING TO MONTANA CADASTRAL DATA (1/24/2008). SEE CLAIM FILE FOR MORE INFORMATION.

USDA AERIAL PHOTOGRAPH NO(S). 579-137 , DATED 09/13/1979 , APPEARS TO INDICATE 142.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). CXM-2FF-90 , DATED 07/31/1965 , APPEARS TO INDICATE 139.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE PRIORITY DATE MAY BE QUESTIONABLE. DECREE 828 BEAVERHEAD COUNTY, INDICATES AN APPROPRIATION FOR DAVID F REINHARDT FOR 200 MI WITH A PRIORITY DATE OF MAY 1, 1885, HOWEVER, THE PRIORITY DATE IS ADJUDGED AND DECREED AS APRIL 30, 1885.