

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: 41E 93873-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: EDWARD K MCCAULEY
PO BOX 393
BOULDER, MT 59632

ANITA L MCCAULEY
PO BOX 393
BOULDER, MT 59632

Priority Date: MAY 1, 1904
Enforceable Priority Date: MAY 1, 1904

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 3.75 CFS
Maximum Volume: 1,575.00 AC-FT
Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 160.00

Source Name: BOULDER SLOUGH
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		NENESE	33	6N	4W	JEFFERSON
Period of Diversion: APRIL 1 TO NOVEMBER 4						
Diversion Means: HEADGATE						
2		NWNWSW	34	6N	4W	JEFFERSON
Period of Diversion: APRIL 1 TO NOVEMBER 4						
Diversion Means: HEADGATE						
3		SENWSW	34	6N	4W	JEFFERSON
Period of Diversion: APRIL 1 TO NOVEMBER 4						
Diversion Means: HEADGATE						
4		SWNESW	34	6N	4W	JEFFERSON
Period of Diversion: APRIL 1 TO NOVEMBER 4						
Diversion Means: HEADGATE						

Period of Use: APRIL 1 to NOVEMBER 4

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		NWSE	33	6N	4W	JEFFERSON
2	40.00		NESE	33	6N	4W	JEFFERSON
3	40.00		NWSW	34	6N	4W	JEFFERSON
4	40.00		NESW	34	6N	4W	JEFFERSON
Total:	160.00						

Geocodes/Valid: -- NO VALID GEOCODES --

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.

93859-00	93860-00	93861-00	93862-00	93864-00	93867-00	93868-00
93870-00	93871-00	93872-00	93873-00	93874-00	93875-00	93876-00

Remarks:

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 11/15/85.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 10/21/87.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 04/27/88.

THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT MAY BE ADDRESSED AT THE OBJECTION STAGE. THERE MAY BE PROBLEMS WITH VOLUME. TO ASSURE THE ORDERLY ADMINISTRATION OF WATER RIGHTS, THE WATER COURTS WILL SET A HEARING TO DETERMINE THESE ISSUES IF NO OBJECTIONS ARE MADE.

THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT MAY BE ADDRESSED AT THE OBJECTION STAGE. IT APPEARS THAT 140.0 ACRES ARE ACTUALLY IRRIGATED AND PROBLEMS COULD EXIST WITH FLOW RATE AND VOLUME.

THE WATER COURT HAS BEEN PRESENTED WITH EVIDENCE INDICATING THE SOURCE AND POINT OF DIVERSION MAY BE INCORRECT. THE SOURCE MAY BE THE BOULDER RIVER. THE POINT OF DIVERSION MAY BE NWNWNW SEC 32 TWP 06N RGE 04W JEFFERSON COUNTY.