

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 95013-00 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: AUGUST 1, 1886
Enforceable Priority Date: AUGUST 1, 1886

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 7.00 CFS

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: 3,447.00

Source Name: HORSE PRAIRIE 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		SENENW	31	9S	11W	BEAVERHEAD
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
2		NWSEW	31	9S	11W	BEAVERHEAD
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
3		NESESE	31	9S	11W	BEAVERHEAD
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
4		SWSESE	32	9S	11W	BEAVERHEAD
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
5		NENWSW	32	9S	11W	BEAVERHEAD
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
6		SESESW	32	9S	11W	BEAVERHEAD
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
7		SWSWSW	33	9S	11W	BEAVERHEAD
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
8		SESWSW	25	9S	12W	BEAVERHEAD
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
9		NWNESW	27	9S	12W	BEAVERHEAD

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: COMPANY DITCH

10		NESENE	36	9S	12W	BEAVERHEAD
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Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

11		NWSENE	36	9S	12W	BEAVERHEAD
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Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

12		NWSENE	36	9S	12W	BEAVERHEAD
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Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

13		SWSWSW	26	9S	13W	BEAVERHEAD
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Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: HORSE PRAIRIE CREEK DUNLAP SPLIT DITCH

14		NESENE	9	10S	11W	BEAVERHEAD
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Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

15		NWNWSW	10	10S	11W	BEAVERHEAD
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Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

THE COMPANY DITCH (POINT OF DIVERSION NWNESW SECTION 27 T9S R12W) FLOWS INTO THE PAIMENT DITCH IN THE NWNW OF SECTION 01 T10S R12W, BEAVERHEAD COUNTY.

WATER DIVERTED FROM HORSE PRAIRIE CREEK AT A POINT OF DIVERSION IN THE SWSWSW OF SECTION 26, T9S R13W IS CONVEYED THROUGH THE HORSE PRAIRIE CREEK-DUNLAP SPLIT DITCH TO DUNLAP CREEK WHICH IS USED AS A NATURAL CARRIER TO TWO SECONDARY POINTS OF DIVERSION 1) PIERCE DITCH IN THE SWNESW OF SECTION 26 T9S R13W, BEAVERHEAD COUNTY AND 2) JAGGER DITCH IN THE NWSWNE OF SECTION 22 T9S R12W, BEAVERHEAD COUNTY.

WATER DIVERTED FROM HORSE PRAIRIE CREEK IS CONVEYED TO AN UNNAMED TRIBUTARY OF HORSE PRAIRIE CREEK WHICH IS USED AS A NATURAL CARRIER TO TWO SECONDARY POINTS OF DIVERSION IN THE NE OF SECTION 05 T10S R11W, BEAVERHEAD COUNTY.

PIERCE DITCH AND HANS PETERSON DITCH SHARE THE SAME POINT OF DIVERSION.

THE POINT OF DIVERSION IN SECTION 27 T9S R12W (COMPANY DITCH) FALLS ON THE LINE IN TWO OUT OF THE THREE QUARTER SECTIONS. FOR DATABASE PURPOSES AND CONSISTENCY, THE LEGAL DESCRIPTION WILL BE THE NENESW QUARTER OF SECTION 27 T9S R12W.

Period of Use: APRIL 1 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	21.00		SWNW	30	9S	11W	BEAVERHEAD
2	1.00		SWSWSE	30	9S	11W	BEAVERHEAD
3	131.00		SW	30	9S	11W	BEAVERHEAD
4	595.00			31	9S	11W	BEAVERHEAD
5	83.00		S2N2	32	9S	11W	BEAVERHEAD
6	255.00		S2	32	9S	11W	BEAVERHEAD
7	130.00		N2	33	9S	11W	BEAVERHEAD
8	166.00		S2	33	9S	11W	BEAVERHEAD
9	163.00		E2	25	9S	12W	BEAVERHEAD
10	75.00		S2SE	36	9S	12W	BEAVERHEAD
11	571.00			4	10S	11W	BEAVERHEAD
12	544.00			5	10S	11W	BEAVERHEAD
13	278.00		N2	6	10S	11W	BEAVERHEAD
14	17.00		NESE	6	10S	11W	BEAVERHEAD

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>
15	3.00		N2NWSE	6	10S	11W	BEAVERHEAD
16	189.00		N2	9	10S	11W	BEAVERHEAD
17	45.00		E2SE	9	10S	11W	BEAVERHEAD
18	3.00		E2NWSE	9	10S	11W	BEAVERHEAD
19	25.00		S2S2N2	10	10S	11W	BEAVERHEAD
20	71.00		W2SW	10	10S	11W	BEAVERHEAD
21	81.00		NE	1	10S	12W	BEAVERHEAD
Total:	3,447.00						

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.

95011-00	95012-00	95013-00	95014-00	95015-00	95016-00	95017-00
95018-00	95020-00	95023-00	95024-00	95025-00	95026-00	95033-00
95034-00	95035-00	95036-00	95037-00	95038-00	95039-00	95040-00
95041-00	95042-00	95043-00	95044-00	95045-00	95046-00	95047-00
95048-00	95049-00	95050-00	95051-00	95052-00	95053-00	95054-00
95055-00	95113-00	95115-00	95116-00	95117-00	95118-00	95119-00
95120-00	95121-00	95122-00	95123-00	95124-00	95125-00	95127-00
95128-00						

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 8/31/2006: POINT OF DIVERSION, PLACE OF USE, MAXIMUM ACRES.

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 6/1/2007: PLACE OF USE, MAXIMUM ACRES.

THE PERIOD OF USE WAS AMENDED BY THE CLAIMANT ON 2/20/2003.

THE POINT OF DIVERSION WAS AMENDED BY THE CLAIMANT ON 2/15/2007.

DUNLAP CREEK APPEARS TO BE A CHANNEL OF HORSE PRAIRIE CREEK, WHICH IS HIGHLY BRAIDED. THE EXHIBITS INCLUDED WITH CASE 1292 AND THE MORE RECENT TOPOGRAPHIC MAP BOTH NAME DUNLAP CREEK. IN BOTH INSTANCES, DUNLAP CREEK BRANCHES OFF OF HORSE PRAIRIE CREEK, IS FED BY UNNAMED TRIBUTARIES AND FLOWS BACK INTO HORSE PRAIRIE CREEK.

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 05/07/93.

THE CLAIMED FLOW RATE APPEARS TO EXCEED THE DITCH CAPACITY. THE HISTORIC COURT DECREE (CASE 1292) SPECIFIES THE DITCH CAPACITY AS 117 MINER'S INCHES AND 134 MINER'S INCHES FOR DITCHES NO. 6 AND NO. 7, RESPECTIVELY. THIS CLAIMED APPROPRIATION OF 280 INCHES EXCEEDS THE COMBINED DITCH CAPACITY OF 251 INCHES. SEE FILE FOR ADDITIONAL INFORMATION (DNRC MEMORANDUM APRIL 2007).