

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: 76H 99726-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: PHYLLIS L CARTER
DECEASED
% GAYLE DONEY
1587 GOLDEN EAGLE DR
LEWISTOWN, MT 59457

DELBERT R CARTER
DECEASED
% GAYLE DONEY
1587 GOLDEN EAGLE DR
LEWISTOWN, MT 59457

JACQUELINE E PLUMMER
1074 BIRCH CREEK LOOP
CORVALLIS, MT 59828-9547

WILLIAM D PLUMMER
1074 BIRCH CREEK LOOP
CORVALLIS, MT 59828-9547

Priority Date: AUGUST 31, 1963
Enforceable Priority Date: AUGUST 31, 1963

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER

Maximum Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Maximum Volume: 366.00 AC-FT
Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 89.00

Source Name: MANMADE PIT, UNNAMED TRIBUTARY OF 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		SENE SW	12	7N	20W	RAVALLI

Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: PIT

Subdivision: MOUNTAIN VIEW ORCHARDS TRACT/LOT: 4 BLOCK: 8
PUMP IS SECONDARY MEANS OF DIVERSION.

WATER FROM BIRCH CREEK IS DIVERTED BY MEANS OF A SUMP LOCATED ADJACENT TO THE SOURCE.

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		SENE SW	12	7N	20W RAVALLI

Diversion to Reservoir: DIVERSION # 1

Dam Height: 10.00 FEET

Surface Area: 0.24 ACRES

Current Capacity: 1.20 ACRE- FEET
THE SURFACE AREA HAS BEEN ESTIMATED BY DNRC.

Period of Use: APRIL 1 to OCTOBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	40.00		SWNE	12		7N	20W	RAVALLI
	Subdivision:	MOUNTAIN VIEW ORCHARDS TRACT/LOT 4 BLOCK: 8						
2	40.00		NWSE	12		7N	20W	RAVALLI
3	9.00		NESW	12		7N	20W	RAVALLI
	Subdivision:	MOUNTAIN VIEW ORCHARDS TRACT/LOT 3 BLOCK: 8						
Total:	89.00							
Geocodes/Valid:		13-1565-12-1-01-08-0000 - Y				13-1565-12-1-01-09-0000 - Y		
		13-1565-12-1-01-12-0000 - Y				13-1565-12-1-01-20-0000 - Y		

Remarks:

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 120797 RECEIVED 05/15/2014.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 01/19/1999, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY KENNETH AVERY SMITH.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 11/28/2007, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY THEODORE AND DORINDA TROUTMAN.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 11/28/2007, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY KAY S. CASSENS AND K. S. CASSENS, TRUSTEE.

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

USDA AERIAL PHOTOGRAPH NO. 179-142 , DATED 08/02/1979 APPEARS TO INDICATE 13.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 323.0 TIMES THE CAPACITY OF THE RESERVOIR.

VOLUME MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.