

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: 41O 109745-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Version Status: ACTIVE

Owners: EDWARD J KELLY
PO BOX 174
FORT BENTON, MT 59442

STEVEN R KELLY
PO BOX 1044
FORT BENTON, MT 59442

Priority Date: MARCH 1, 1919
Enforceable Priority Date: MARCH 1, 1919

Type of Historical Right: USE

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 3.52 CFS

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

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 51.00

Source Name: TETON 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		SWNWNW	34	25N	7E	CHOUTEAU

Period of Diversion: JUNE 1 TO SEPTEMBER 30

Diversion Means: PUMP

Ditch Name: TRS34 DITCH

Period of Use: JUNE 1 to SEPTEMBER 30

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	8.00		SENWNW	34	25N	7E	CHOUTEAU
2	9.00		SWNWNW	34	25N	7E	CHOUTEAU
3	4.00		NWSENW	34	25N	7E	CHOUTEAU
4	2.00		SWSENW	34	25N	7E	CHOUTEAU
5	10.00		NESWNW	34	25N	7E	CHOUTEAU
6	9.00		NWSWNW	34	25N	7E	CHOUTEAU
7	5.00		SESWNW	34	25N	7E	CHOUTEAU
8	4.00		SWSWNW	34	25N	7E	CHOUTEAU
Total:	51.00						

Geocodes/Valid: 19-3617-34-3-01-01-0000 - 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.

109745-00 109746-00

THE FLOW RATE WAS AMENDED BY THE CLAIMANT ON 04/18/2000.

THIS CLAIM IS SUBJECT TO THE TERMS OF AN AGREEMENT SUBMITTED TO THE MONTANA WATER COURT ON OCTOBER 12, 2011. SEE THE CLAIM FILE OR WATER COURT CASE 41O-224 FOR MORE INFORMATION.

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

Remarks:

NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/05/95.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 15518 RECEIVED 07/21/2004.

OWNERSHIP UPDATE TYPE DOR # 85412 RECEIVED 11/06/2009.

OWNERSHIP UPDATE TYPE DOR # 115342 RECEIVED 06/04/2013.

OWNERSHIP UPDATE TYPE DOR # 146835 RECEIVED 09/01/2016.