

**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:** 41M 121582-00 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** BLACKFEET TRIBE  
PO BOX 850  
BROWNING, MT 59417

**Priority Date:** MAY 7, 1910

**Enforceable Priority Date:** MAY 7, 1910

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**Maximum Flow Rate:** 32.31 CFS

THE FLOW RATE OF THIS CLAIM HAS BEEN REDUCED TO 17 GPM PER ACRE.  
THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

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

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 853.10

**Source Name:** 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		NWNENE	27	29N	8W	PONDERA

**Period of Diversion:** MAY 1 TO OCTOBER 15

**Diversion Means:** HEADGATE

**Ditch Name:** BIRCH CREEK MAIN CANAL

**Period of Use:** MAY 1 to OCTOBER 15

**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	22.00		NWNW	1	29N	8W	PONDERA
2	11.00		SENW	1	29N	8W	PONDERA
3	40.00		SWNW	1	29N	8W	PONDERA
4	8.00		NESW	1	29N	8W	PONDERA
5	38.00		NWSW	1	29N	8W	PONDERA
6	20.00		SWSW	1	29N	8W	PONDERA
7	25.00		SENE	2	29N	8W	PONDERA
8	12.00		SWNE	2	29N	8W	PONDERA
9	30.00		NESE	2	29N	8W	PONDERA
10	6.00		NWSE	2	29N	8W	PONDERA
11	26.50		SESE	2	29N	8W	PONDERA
12	6.00		SWSE	2	29N	8W	PONDERA
13	15.00		NESW	2	29N	8W	PONDERA
14	20.00		NWSW	2	29N	8W	PONDERA
15	10.00		NESE	3	29N	8W	PONDERA
16	10.00		NWSE	3	29N	8W	PONDERA
17	11.00		NENE	10	29N	8W	PONDERA
18	2.20		SENE	10	29N	8W	PONDERA
19	1.00		SWNE	10	29N	8W	PONDERA
20	10.00		NESE	10	29N	8W	PONDERA
21	6.50		SESE	10	29N	8W	PONDERA
22	30.00		NENE	11	29N	8W	PONDERA
23	30.00		NWNE	11	29N	8W	PONDERA
24	19.00		SENE	11	29N	8W	PONDERA
25	30.00		SWNE	11	29N	8W	PONDERA
26	22.00		SENW	11	29N	8W	PONDERA
27	5.00		SWNW	11	29N	8W	PONDERA
28	15.00		NESE	11	29N	8W	PONDERA

**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>
29	40.00		NWSE	11	29N	8W	PONDERA
30	1.00		SESE	11	29N	8W	PONDERA
31	30.30		SWSE	11	29N	8W	PONDERA
32	10.00		NWSW	11	29N	8W	PONDERA
33	7.00		NWNW	12	29N	8W	PONDERA
34	1.00		SWNW	12	29N	8W	PONDERA
35	38.40		SWNW	14	29N	8W	PONDERA
36	37.50		NWSW	14	29N	8W	PONDERA
37	11.70		NENE	15	29N	8W	PONDERA
38	20.00		NESE	15	29N	8W	PONDERA
39	25.00		SWNE	36	30N	8W	GLACIER
40	30.00		SENE	36	30N	8W	GLACIER
41	12.00		NESE	36	30N	8W	GLACIER
42	25.00		NWSE	36	30N	8W	GLACIER
43	6.00		SESE	36	30N	8W	GLACIER
44	27.00		SWSE	36	30N	8W	GLACIER
45	18.00		NESW	36	30N	8W	GLACIER
46	20.00		SESW	36	30N	8W	GLACIER
47	12.00		SWSW	36	30N	8W	GLACIER
<b>Total:</b>	853.10						

**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.

121582-00 121583-00 121584-00 121585-00 121586-00 121587-00 121588-00

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

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE BLACKFEET INDIAN RESERVATION.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 27837 RECEIVED 12/22/2005.

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

THE TYPE OF HISTORICAL RIGHT, PRIORITY DATE, AND FLOW RATE MAY BE QUESTIONABLE. THE CLAIMS FOLLOWING THIS STATEMENT USE THE SAME FILED APPROPRIATION TO DOCUMENT THE RIGHT. THE COMBINED FLOW RATE FOR THIS GROUP OF CLAIMS EXCEEDS THE TOTAL OF THE ORIGINAL APPROPRIATION. 121582-00, 175871-00, 189930-00.

THE PONDERA COUNTY WATER RESOURCES SURVEY ( 1964 ) APPEARS TO INDICATE 578.15 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 278-229 , DATED 09/22/1979 , APPEARS TO INDICATE 628.93 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE COMBINED CLAIMED FLOW RATE FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS 124.00 GPM PER ACRE. THE FLOW RATE GUIDELINE FOR INDIVIDUAL CLAIMS IS 17 GPM PER ACRE.

IT IS NOT CLEAR WHETHER THIS CLAIM IS A STATE-BASED WATER RIGHT OR PART OF THE TRIBAL WATER RIGHT AS DEFINED IN THE BLACKFEET TRIBE - MONTANA COMPACT. ADDITIONAL EVIDENCE MAY BE REQUIRED BEFORE THIS CLAIM CAN BE DECREED.