

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: 41S 126194-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Version Status: ACTIVE

Owners: ROBERT K PHILLIPS
616 7TH AVE N
LEWISTOWN, MT 59457
FAE TAYLOR PHILLIPS
616 7TH AVE N
LEWISTOWN, MT 59457

Priority Date: JANUARY 27, 1891
Enforceable Priority Date: JANUARY 27, 1891

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 1.36 CFS
THE FLOW RATE OF THIS WATER RIGHT HAS BEEN REDUCED TO THE 17 GPM PER ACRE GUIDELINE. THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

Maximum Volume: 98.64 AC-FT
Climatic Area: 3 - MODERATE

Maximum Acres: 36.00

Source Name: SPRING, UNNAMED TRIBUTARY OF WARM SPRING 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		SENWNW	18	17N	18E	FERGUS

Period of Diversion: APRIL 1 TO OCTOBER 31
Diversion Means: HEADGATE W/DITCH OR PIPELINE/FLOOD AND DIKE

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	10.00		E2SESE	13	17N	17E	FERGUS
2	2.00		NENENE	24	17N	17E	FERGUS
3	24.00		W2SW	18	17N	18E	FERGUS
Total:	36.00						

Geocodes/Valid: -- NO VALID GEOCODES --

Remarks:

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/21/91.

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

ON JULY 2, 1985 ROBERT K. PHILLIPS FILED A SUPPLEMENTAL MEMORANDUM STATING THAT THE POINT OF DIVERSION LEGAL DESCRIPTION SHOULD BE CORRECTED TO THE W2SW OF SECTION 18, T17N, R18E. THIS IS DEEMED A LATE OBJECTION AND WILL BE HEARD AFTER PROPER NOTIOCE ON THE NEXT OBJECTION LIST. UPON REVIEW OF THE MARKED AERIAL PHOTOGRAPH ATTACHED TO THE SUPPLEMENTAL MEMORANDUM, IT APPEARS A MORE SPECIFIC DESCRIPTION WOULD BE THE SENWSW OF SECTION 18, T17N, R18E.

USDA AERIAL PHOTOGRAPH NO. 30027-178-61, DATED 9/18/1979, APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) (UNPUBLISHED) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.