

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:** 42A 129378-00 STATEMENT OF CLAIM  
**Version:** 2 -- POST DECREE  
**Version Status:** ACTIVE

**Owners:**  
TAMMY R LUTHER  
1606 ROSEBUD CREEK RD  
FORSYTH, MT 59327-9423  
  
DARELL J LUTHER  
1606 ROSEBUD CREEK RD  
FORSYTH, MT 59327-9423  
  
DONALD D POLICH  
1470 ROSEBUD CREEK RD  
FORSYTH, MT 59327

**Priority Date:** OCTOBER 24, 1896  
**Enforceable Priority Date:** OCTOBER 24, 1896

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION  
**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 3.28 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:** 1 - HIGH

**Maximum Acres:** 86.50

**Source Name:** ROSEBUD 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		W2SWSE	32	4N	43E	ROSEBUD

**Period of Diversion:** MARCH 15 TO NOVEMBER 15  
**Diversion Means:** PUMP

2		SW	32	4N	43E	ROSEBUD
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**Period of Diversion:** MARCH 15 TO NOVEMBER 15  
**Diversion Means:** PUMP

PUMP IS MOVEABLE ALL ALONG SOURCE WITHIN LEGAL LAND DESCRIPTION.

**Period of Use:** MARCH 15 to NOVEMBER 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	30.00		W2NW	32	4N	43E	ROSEBUD
2	3.00		W2SWSE	32	4N	43E	ROSEBUD
3	53.50		SW	32	4N	43E	ROSEBUD
<b>Total:</b>	<b>86.50</b>						

**Geocodes/Valid:** 29-1343-32-1-01-01-1178 - Y      29-1343-32-3-01-01-0000 - 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.

129376-00    129377-00    129378-00

WATER RIGHT OWNERSHIP UPDATE RECEIVED 12/04/1989.

**Remarks:**

WATER RIGHT OWNERSHIP UPDATE RECEIVED 09/04/1992.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/26/1983.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/06/1999.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 07/17/1991.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 138171 RECEIVED 12/30/2015.