

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 129645-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: RAYMOND L LINDSETH
PO BOX 183
DUPUYER, MT 59432

LORNA L LINDSETH
PO BOX 183
DUPUYER, MT 59432

PHILIP E JOHNSON
PO BOX 137
FORT SHAW, MT 59443-0137

PEGGY J JOHNSON
PO BOX 137
FORT SHAW, MT 59443-0137

Priority Date: MAY 1, 1914
Enforceable Priority Date: MAY 1, 1914

Type of Historical Right: USE

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 10.00 CFS

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: 300.00

Source Name: FISH 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		SESWNE	30	28N	9W	PONDERA

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Ditch Name: MILLER DITCH

WATER DIVERTED FROM FISH LAKE IS CONVEYED TO NORTH FORK SHEEP CREEK WHICH IS USED AS A NATURAL CARRIER TO CONVEY WATER TO THE PLACE OF USE.

WATER FROM FISH LAKE IS CONVEYED THROUGH DITCHES TO THE PLACE OF USE.

Period of Use: MAY 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	58.00		S2SW	13	28N	9W	PONDERA
2	12.00		SESE	14	28N	9W	PONDERA
3	14.00		E2SE	22	28N	9W	PONDERA
4	7.00		N2NENE	23	28N	9W	PONDERA
5	12.00		W2SW	23	28N	9W	PONDERA
6	2.00		NWNWNW	24	28N	9W	PONDERA
7	35.00		N2NW	26	28N	9W	PONDERA
8	1.00		NWSWNW	26	28N	9W	PONDERA
9	40.00		N2NE	27	28N	9W	PONDERA
10	2.00		SWSENE	27	28N	9W	PONDERA
11	8.00		SWNE	27	28N	9W	PONDERA
12	19.00		S2NENW	27	28N	9W	PONDERA
13	60.00		S2NW	27	28N	9W	PONDERA
14	6.00		S2NESE	27	28N	9W	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>
15	7.00		N2NESW	27	28N	9W	PONDERA
16	17.00		N2N2SE	28	28N	9W	PONDERA
Total:	300.00						

<u>Geocodes/Valid:</u>		
	26-3981-13-3-03-01-0000 - Y	26-3981-14-4-03-03-0000 - Y
	26-3981-22-1-01-01-0000 - Y	26-3981-23-1-01-01-0000 - Y
	26-3981-23-2-01-01-0000 - Y	26-3981-24-2-02-01-0000 - Y
	26-3981-26-2-01-01-0000 - Y	26-3981-27-1-01-01-0000 - Y
	26-3981-28-3-01-01-0000 - 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.

129643-00 129644-00 129645-00 129646-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

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THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 12/05/2003: POINT OF DIVERSION, PLACE OF USE, MAXIMUM ACRES, TYPE OF RIGHT.

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

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 12495 RECEIVED 01/20/2004.

OWNERSHIP UPDATE TYPE DOR # 129958 RECEIVED 03/31/2011.

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

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 06/04/2013, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY PHILIP & PEGGY JOHNSON.

USDA AERIAL PHOTOGRAPH NO(S). 282-79 , DATED 09/17/1982 , APPEARS TO INDICATE 125.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). ZR-5T-68 , DATED 06/29/1957 , APPEARS TO INDICATE 209.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.