

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: 41P 155577-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: DG FARMS LLC
118 VALLEY DR
BOZEMAN, MT 59718

JOSHUA P BILLMAYER
PO BOX 715
CONRAD, MT 59425-0715

Priority Date: APRIL 21, 1903
Enforceable Priority Date: APRIL 21, 1903

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 14.90 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: 3 - MODERATE

Maximum Acres: 393.50

Source Name: PONDERA COULEE
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		NESWNE	31	28N	1E	PONDERA

Period of Diversion: APRIL 15 TO OCTOBER 20
Diversion Means: PUMP

2		NESWNE	31	28N	1E	PONDERA
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Period of Diversion: APRIL 15 TO OCTOBER 20
Diversion Means: PUMP

Period of Use: APRIL 15 to OCTOBER 20

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	110.10		NW	6	27N	1E	PONDERA
2	69.50		W2NE	31	28N	1E	PONDERA
3	76.40		W2SE	31	28N	1E	PONDERA
4	137.50		SW	31	28N	1E	PONDERA
Total:	393.50						

Geocodes/Valid: 26-3859-06-1-03-03-0000 - Y 26-3859-06-2-01-01-0000 - Y
26-3859-06-2-03-01-0000 - Y 26-3990-31-1-02-01-0000 - Y
26-3990-31-3-01-01-0000 - 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.

155571-00 155575-00 155576-00 155577-00

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

Remarks:

WATER RIGHT OWNERSHIP UPDATE RECEIVED 05/21/1992.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 27630 RECEIVED 12/16/2005.

OWNERSHIP UPDATE TYPE DOR # 124054 RECEIVED 12/07/2009.

OWNERSHIP UPDATE TYPE DOR # 120493 RECEIVED 04/18/2014.

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. 41P 155573-00, 41P 155574-00, 41P-155577-00.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 03/28/2012, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY JOSHUA BILLMAYER.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 03/28/2012, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY LAVONNE HASTINGS.

USDA AERIAL PHOTOGRAPH NO. 278-155 , DATED 09/22/1979 APPEARS TO INDICATE 309.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). ZR-01T-121 , DATED 05/27/1957 , APPEARS TO INDICATE 118.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE PRIORITY DATE MAY BE QUESTIONABLE. THE SOURCE DESCRIBED ON THE FILED NOTICE OF APPROPRIATION IS INCONSISTENT WITH THE CLAIMED SOURCE.