

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 162057-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** PONDERA COUNTY CANAL & RESERVOIR CO  
PO BOX 245  
VALIER, MT 59486

**Priority Date:** DECEMBER 31, 1913

**Enforceable Priority Date:** DECEMBER 31, 1913

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**Maximum Flow Rate:** 150.00 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:** 34,586.78

**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		NENE	28	28N	3W	PONDERA

**Period of Diversion:** MARCH 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** P CANAL

**Period of Use:** MARCH 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	54.68		S2SE	7	28N	1W	PONDERA
2	11.12	4		7	28N	1W	PONDERA
3	106.93		S2S2	8	28N	1W	PONDERA
4	106.59		S2S2	9	28N	1W	PONDERA
5	112.30		S2S2	10	28N	1W	PONDERA
6	112.15		S2S2	11	28N	1W	PONDERA
7	113.42		S2S2	12	28N	1W	PONDERA
8	648.63			13	28N	1W	PONDERA
9	649.71			14	28N	1W	PONDERA
10	654.31			15	28N	1W	PONDERA
11	647.23			16	28N	1W	PONDERA
12	647.37			17	28N	1W	PONDERA
13	391.37	3		18	28N	1W	PONDERA
14	394.27			19	28N	1W	PONDERA
15	648.08			20	28N	1W	PONDERA
16	647.56			21	28N	1W	PONDERA
17	652.74			22	28N	1W	PONDERA
18	651.08			23	28N	1W	PONDERA
19	650.03			24	28N	1W	PONDERA
20	649.91			25	28N	1W	PONDERA
21	651.61			26	28N	1W	PONDERA
22	651.05			27	28N	1W	PONDERA
23	648.02			28	28N	1W	PONDERA
24	648.93			29	28N	1W	PONDERA
25	396.20	4		30	28N	1W	PONDERA
26	398.71			31	28N	1W	PONDERA
27	649.21			32	28N	1W	PONDERA
28	648.85			33	28N	1W	PONDERA
29	650.22			34	28N	1W	PONDERA
30	650.70			35	28N	1W	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>
31	650.12			36	28N	1W	PONDERA
32	27.32		S2SE	8	28N	2W	PONDERA
33	5.55		E2SESW	8	28N	2W	PONDERA
34	47.42		S2SE	11	28N	2W	PONDERA
35	38.76		S2S2	12	28N	2W	PONDERA
36	641.53			13	28N	2W	PONDERA
37	617.62			14	28N	2W	PONDERA
38	567.98			15	28N	2W	PONDERA
39	571.88			16	28N	2W	PONDERA
40	314.53		E2	17	28N	2W	PONDERA
41	154.89		SW	17	28N	2W	PONDERA
42	66.41		NW	17	28N	2W	PONDERA
43	203.20		S2	18	28N	2W	PONDERA
44	616.38			19	28N	2W	PONDERA
45	643.53			20	28N	2W	PONDERA
46	642.89			21	28N	2W	PONDERA
47	649.36			22	28N	2W	PONDERA
48	643.23			23	28N	2W	PONDERA
49	642.61			24	28N	2W	PONDERA
50	643.85			25	28N	2W	PONDERA
51	643.05			26	28N	2W	PONDERA
52	648.87			27	28N	2W	PONDERA
53	641.55			28	28N	2W	PONDERA
54	643.97			29	28N	2W	PONDERA
55	618.37			30	28N	2W	PONDERA
56	620.98			31	28N	2W	PONDERA
57	643.84			32	28N	2W	PONDERA
58	640.63			33	28N	2W	PONDERA
59	647.78			34	28N	2W	PONDERA
60	642.72			35	28N	2W	PONDERA
61	645.76			36	28N	2W	PONDERA
62	68.01		SE	22	28N	3W	PONDERA
63	167.00		S2S2	23	28N	3W	PONDERA
64	232.00		E2	24	28N	3W	PONDERA
65	116.78		SW	24	28N	3W	PONDERA
66	648.89			25	28N	3W	PONDERA
67	639.92			26	28N	3W	PONDERA
68	600.03			27	28N	3W	PONDERA
69	94.24		E2E2	28	28N	3W	PONDERA
70	106.32		E2E2	33	28N	3W	PONDERA
71	650.00			34	28N	3W	PONDERA
72	645.52			35	28N	3W	PONDERA
73	648.51			36	28N	3W	PONDERA
<b>Total:</b>	34,586.78						

ONLY 5059.00 ACRES ARE IRRIGATED DURING ANY GIVEN IRRIGATION SEASON WITHIN THE 34586.78 ACRES DESCRIBED UNDER THIS RIGHT.

**Geocodes/Valid:** -- NO VALID GEOCODES --

**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.

161998-00	161999-00	162000-00	162001-00	162005-00	162007-00	162008-00
162009-00	162010-00	162011-00	162012-00	162014-00	162015-00	162016-00
162017-00	162018-00	162019-00	162020-00	162021-00	162022-00	162023-00
162024-00	162025-00	162026-00	162027-00	162028-00	162030-00	162031-00
162032-00	162033-00	162034-00	162035-00	162036-00	162037-00	162038-00
162039-00	162041-00	162042-00	162043-00	162044-00	162045-00	162046-00
162047-00	162048-00	162049-00	162050-00	162052-00	162053-00	162054-00
162055-00	162057-00	162058-00	162059-00	162060-00	162062-00	162066-00
162067-00	162068-00	215770-00				

**Remarks:**

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.

162057-00 162105-00

THE SERVICE AREA MAP RECEIVED ON NOVEMBER 23, 2005 CAN BE OBTAINED BY REVIEWING FILE NO. 41P 161998-00.

DNRC MAP IDENTIFYING USDA AND WATER RESOURCE SURVEY VERIFIED ACRES CAN BE OBTAINED BY REVIEWING FILE NO. 41P 162052-00.

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

PARENT FILE FOR THIS RIGHT IS 41P 162056-00.

THE COMBINED FLOW RATE FOR WATER RIGHTS ON THE P CANAL IS 1105.00 CFS WHICH APPEARS TO EXCEED THE CAPACITY OF THE P CANAL. THE PONDERA COUNTY WATER RESOURCE SURVEY (1964) INDICATES THE CANAL CAPACITY TO BE 160.00 CFS.

THE PONDERA COUNTY WATER RESOURCES SURVEY ( 1964 ) APPEARS TO INDICATE 14668.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). 278-108, 278-110, 278-112, 278-114, 278-138, 278-140, 278-142, 278-144, 278-146 , DATED 9/22/1979 , APPEARS TO INDICATE 14162.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

DNRC EXAMINATION WAS UNABLE TO CONFIRM THE USE OF THIS WATER RIGHT. THE PONDERA COUNTY WATER RESOURCE SURVEY (1964) INDICATES THE CAPACITY OF THE P CANAL TO BE 160.00 CFS. WATER RIGHT NOS. 41P 162052-00 THROUGH 41P 162054-00 APPEARS TO FILL THE CANAL CAPACITY TO 52.50 CFS LEAVING 107.50 CFS TO BE USED BY WATER RIGHT NO. 41P 162055-00 BEFORE EXCEEDING THE CANAL CAPACITY. ALL SUBSEQUENT WATER RIGHTS APPEAR TO EXCEED THE CAPACITY OF THE CANAL. THIS WATER RIGHT MAY NOT HAVE BEEN PERFECTED.

THE COMBINED CLAIMED FLOW RATE FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS 71.00 GPM PER ACRE. THE FLOW RATE GUIDELINE FOR INDIVIDUAL CLAIMS IS 17 GPM PER ACRE.