

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: 41K 210516-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: SUN RIVER VALLEY DITCH CO
PO BOX 463
VAUGHN, MT 59487-0032

Priority Date: MARCH 1, 1946

Enforceable Priority Date: MARCH 1, 1946

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 65.00 CFS

COMBINED FLOW RATE FOR FILES NO. W210511-00, W210513-00, W210514-00, W210515-00 AND W210516-00 IS LIMITED TO THE HISTORIC CAPACITY OF THE DIVERSION STRUCTURES AND CONVEYANCE SYSTEM.

Maximum Volume:

Climatic Area: 3 - MODERATE

Maximum Acres: 7,185.00

Source Name: SUN RIVER

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		SE	25	21N	1W	CASCADE

Period of Diversion: APRIL 15 TO DECEMBER 4

Diversion Means: HEADGATE

Period of Use: APRIL 15 to DECEMBER 4

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	320.00		S2	25	21N	1W	CASCADE
2	160.00		S2N2	25	21N	1W	CASCADE
3	320.00		S2	26	21N	1W	CASCADE
4	320.00		S2	27	21N	1W	CASCADE
5	80.00		S2SE	28	21N	1W	CASCADE
6	40.00		SESW	28	21N	1W	CASCADE
7	120.00		NW	33	21N	1W	CASCADE
8	80.00		N2NW	34	21N	1W	CASCADE
9	10.00		N2NE	34	21N	1W	CASCADE
10	80.00		E2NW	35	21N	1W	CASCADE
11	10.00		NWNW	35	21N	1W	CASCADE
12	110.00		NE	35	21N	1W	CASCADE
13	160.00		N2	36	21N	1W	CASCADE
14	40.00		N2SW	36	21N	1W	CASCADE
15	20.00		NESE	36	21N	1W	CASCADE
16	40.00		SESW	36	21N	1W	CASCADE
17	320.00		S2	20	21N	1E	CASCADE
18	160.00		S2N2	21	21N	1E	CASCADE
19	320.00		S2	21	21N	1E	CASCADE
20	320.00		S2	22	21N	1E	CASCADE
21	160.00		S2N2	22	21N	1E	CASCADE
22	320.00		S2	23	21N	1E	CASCADE
23	160.00		S2N2	23	21N	1E	CASCADE
24	160.00		SW	24	21N	1E	CASCADE
25	160.00		NW	24	21N	1E	CASCADE
26	80.00		E2SE	24	21N	1E	CASCADE
27	120.00		NW	25	21N	1E	CASCADE
28	100.00		NE	25	21N	1E	CASCADE
29	10.00		SESW	25	21N	1E	CASCADE

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>
30	15.00		SWSE	25	21N	1E	CASCADE
31	160.00		NE	26	21N	1E	CASCADE
32	40.00		SE	26	21N	1E	CASCADE
33	160.00		NW	26	21N	1E	CASCADE
34	150.00		NE	27	21N	1E	CASCADE
35	160.00		N2N2	27	21N	1E	CASCADE
36	140.00		S2NW	27	21N	1E	CASCADE
37	40.00		NWSW	27	21N	1E	CASCADE
38	320.00		N2	28	21N	1E	CASCADE
39	160.00		SW	28	21N	1E	CASCADE
40	80.00		N2SE	28	21N	1E	CASCADE
41	40.00		SWSE	28	21N	1E	CASCADE
42	320.00		N2	29	21N	1E	CASCADE
43	110.00		SW	29	21N	1E	CASCADE
44	110.00		SE	29	21N	1E	CASCADE
45	320.00		N2	30	21N	1E	CASCADE
46	160.00		N2S2	30	21N	1E	CASCADE
47	130.00		SW	30	21N	1E	CASCADE
48	140.00		SE	30	21N	1E	CASCADE
49	30.00		NE	31	21N	1E	CASCADE
50	90.00		NW	31	21N	1E	CASCADE
51	10.00		N2NE	32	21N	1E	CASCADE
Total:	7,185.00						

THIS WATER RIGHT IS LIMITED TO IRRIGATION OF 6,100.00 ACRES WITHIN THE PLACE OF USE IN ANY IRRIGATION SEASON. SEE CLAIM FILE OR WATER COURT CASE 41K-271 FILE FOR MORE INFORMATION.

Geocodes/Valid: -- NO VALID GEOCODES --

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME POINT OF DIVERSION.

5436-00 210516-00 216272-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE ASSOCIATED. THEY SHARE AN OVERLAPPING PLACE OF USE. W210511-00, W210513-00, W210514-00, W210515-00, W210516-00, P010557-00.

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

ALL DOCUMENTATION AND MAPS CAN BE OBTAINED BY REVIEWING THE FILE FOR CLAIM NUMBER W210513-00.

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. W210511-00, W210513-00, W210514-00, W210515-00, W210516-00.

THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT MAY BE ADDRESSED AT THE OBJECTION STAGE. IT APPEARS THAT 5703 ACRES ARE ACTUALLY IRRIGATED AND PROBLEMS COULD EXIST WITH FLOW RATE AND VOLUME.