

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: 40J 30103852 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners:
MARTIN E DAVEY
58575 COUNTY RD 34 S
HAVRE, MT 59501-8140

MICHAEL J DAVEY
58575 COUNTY RD 34 S
HAVRE, MT 59501-8140

Priority Date: DECEMBER 31, 1945
Enforceable Priority Date: DECEMBER 31, 1945

Type of Historical Right: USE

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

Maximum Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Maximum Volume: 70.00 AC-FT
THE VOLUME FOR 40J 160295-00, 40J 160296-00, AND 40J 30103852 IS CUMULATIVE. THE VOLUME FOR ALL THREE CLAIMS SHALL NOT EXCEED 120.00 ACRE-FEET.

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 25.00

Source Name: UNNAMED TRIBUTARY OF LITTLE BOXELDER 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		NESWNW	35	32N	17E	HILL

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: DAM

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NESWNW	35	32N	17E	HILL

Diversion to Reservoir: DIVERSION # 1

Dam Height: 30.00 FEET
Depth: 26.00 FEET
Surface Area: 7.00 ACRES
Current Capacity: 72.80 ACRE-FEET

THE DAM EXTENDS INTO THE NWSNW SEC 35 TWP 32N RGE 17E HILL COUNTY. SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

CLAIMS 40J 160296-00 AND 40J 30103852 SHARE THE SAME RESERVOIR. CLAIM 40J 160296-00 WAS EXPANDED IN 1945 TO INCLUDE RAISING THE DAM. THE RESERVOIR CAPACITY INCREASED FROM 1 AC-FT TO ITS PRESENT 72.80 AC-FT. THE 1945 EXPANSION IS THE BASIS OF IMPLIED CLAIM 40J 30103852.

Period of Use: APRIL 1 to NOVEMBER 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	20.00		E2NE	27	32N	17E	HILL
2	5.00		E2NWNE	27	32N	17E	HILL
Total:	25.00						

Geocodes/Valid: 12-4442-27-1-01-01-0000 - Y

Remarks:

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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.

160295-00 160296-00 30103852

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME RESERVOIR.

160296-00 161403-00 30103852

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 07/10/1991: PLACE OF USE, MAXIMUM ACRES, PERIOD OF USE.

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40J PRELIMINARY DECREE ISSUED 06/24/2010.

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 40J 160296-00.