

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: 41A 95033-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners:
ROGER D PETERS
6000 MT HIGHWAY 324
DILLON, MT 59725-9624

CARRIE A PETERS
6000 MT HIGHWAY 324
DILLON, MT 59725-9624

Priority Date: MAY 15, 1873
Enforceable Priority Date: MAY 15, 1873

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 1.65 CFS

Maximum Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

Maximum Acres: 4,497.00

Source Name: UNNAMED TRIBUTARY OF MAIDEN CREEK

Source Type: SURFACE WATER

Source Name: MAIDEN CREEK, SOUTH FORK

Source Type: SURFACE WATER

Source Name: HORSE PRAIRIE CREEK

Source Type: SURFACE WATER

Source Name: MAIDEN CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENENW	31	9S	11W	BEAVERHEAD

Period of Diversion: APRIL 1 TO OCTOBER 31

Source Name: HORSE PRAIRIE CREEK

Diversion Means: HEADGATE

2		NWSENE	31	9S	11W	BEAVERHEAD
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Period of Diversion: APRIL 1 TO OCTOBER 31

Source Name: HORSE PRAIRIE CREEK

Diversion Means: HEADGATE

3		NESESE	31	9S	11W	BEAVERHEAD
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Period of Diversion: APRIL 1 TO OCTOBER 31

Source Name: HORSE PRAIRIE CREEK

Diversion Means: HEADGATE

4		SWSESE	32	9S	11W	BEAVERHEAD
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Period of Diversion: APRIL 1 TO OCTOBER 31

Source Name: HORSE PRAIRIE CREEK

Diversion Means: HEADGATE

5		NENWSW	32	9S	11W	BEAVERHEAD
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Period of Diversion: APRIL 1 TO OCTOBER 31

Source Name: HORSE PRAIRIE CREEK

Diversion Means: HEADGATE

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>				
6		SE	SE	SW	32	9S	11W	BEAVERHEAD			
Period of Diversion: APRIL 1 TO OCTOBER 31											
Source Name: HORSE PRAIRIE CREEK											
Diversion Means: HEADGATE											
7		S	W	S	W	33	9S	11W	BEAVERHEAD		
Period of Diversion: APRIL 1 TO OCTOBER 31											
Source Name: HORSE PRAIRIE CREEK											
Diversion Means: HEADGATE											
8		SE	S	W	SW	25	9S	12W	BEAVERHEAD		
Period of Diversion: APRIL 1 TO OCTOBER 31											
Source Name: HORSE PRAIRIE CREEK											
Diversion Means: HEADGATE											
9		N	E	S	W	27	9S	12W	BEAVERHEAD		
Period of Diversion: APRIL 1 TO OCTOBER 31											
Source Name: HORSE PRAIRIE CREEK											
Diversion Means: HEADGATE											
Ditch Name: COMPANY DITCH											
10		N	E	S	E	NE	36	9S	12W	BEAVERHEAD	
Period of Diversion: APRIL 1 TO OCTOBER 31											
Source Name: HORSE PRAIRIE CREEK											
Diversion Means: HEADGATE											
11		N	W	S	E	N	W	36	9S	12W	BEAVERHEAD
Period of Diversion: APRIL 1 TO OCTOBER 31											
Source Name: HORSE PRAIRIE CREEK											
Diversion Means: HEADGATE											
12		N	W	N	E	S	E	36	9S	12W	BEAVERHEAD
Period of Diversion: APRIL 1 TO OCTOBER 31											
Source Name: HORSE PRAIRIE CREEK											
Diversion Means: HEADGATE											
13		S	W	S	W	26	9S	13W	BEAVERHEAD		
Period of Diversion: APRIL 1 TO OCTOBER 31											
Source Name: HORSE PRAIRIE CREEK											
Diversion Means: HEADGATE											
Ditch Name: HORSE PRAIRIE CREEK DUNLAP SPLIT DITCH											
14		N	E	S	E	9	10S	11W	BEAVERHEAD		
Period of Diversion: APRIL 1 TO OCTOBER 31											
Source Name: HORSE PRAIRIE CREEK											
Diversion Means: HEADGATE											
15		N	W	N	W	SW	10	10S	11W	BEAVERHEAD	
Period of Diversion: APRIL 1 TO OCTOBER 31											
Source Name: HORSE PRAIRIE CREEK											
Diversion Means: HEADGATE											
16		S	E	N	W	SW	20	11S	13W	BEAVERHEAD	
Period of Diversion: APRIL 1 TO OCTOBER 31											
Source Name: MAIDEN CREEK											
Diversion Means: HEADGATE											
17		N	W	S	E	SW	20	11S	13W	BEAVERHEAD	
Period of Diversion: APRIL 1 TO OCTOBER 31											
Source Name: MAIDEN CREEK											
Diversion Means: HEADGATE											
18		S	W	S	E	SW	20	11S	13W	BEAVERHEAD	
Period of Diversion: APRIL 1 TO OCTOBER 31											
Source Name: MAIDEN CREEK											
Diversion Means: HEADGATE											

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
19		NESES	28	11S	13W	BEAVERHEAD

Period of Diversion: APRIL 1 TO OCTOBER 31

Source Name: MAIDEN CREEK, SOUTH FORK

Diversion Means: HEADGATE

20		NENWNE	29	11S	13W	BEAVERHEAD
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Period of Diversion: APRIL 1 TO OCTOBER 31

Source Name: MAIDEN CREEK

Diversion Means: HEADGATE

21		NESWNE	29	11S	13W	BEAVERHEAD
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Period of Diversion: APRIL 1 TO OCTOBER 31

Source Name: UNNAMED TRIBUTARY OF MAIDEN CREEK

Diversion Means: HEADGATE

22		NESWSE	31	11S	13W	BEAVERHEAD
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Period of Diversion: APRIL 1 TO OCTOBER 31

Source Name: HORSE PRAIRIE CREEK

Diversion Means: HEADGATE

23		SENESE	13	11S	14W	BEAVERHEAD
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Period of Diversion: APRIL 1 TO OCTOBER 31

Source Name: MAIDEN CREEK

Diversion Means: HEADGATE

24		NWSWNW	5	12S	13W	BEAVERHEAD
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Period of Diversion: APRIL 1 TO OCTOBER 31

Source Name: HORSE PRAIRIE CREEK

Diversion Means: HEADGATE

WATER DIVERTED FROM HORSE PRAIRIE CREEK IS CONVEYED TO AN UNNAMED TRIBUTARY OF HORSE PRAIRIE CREEK WHICH IS USED AS A NATURAL CARRIER TO TWO SECONDARY POINTS OF DIVERSION IN THE NE OF SECTION 05 T10S R11W, BEAVERHEAD COUNTY.

THE COMPANY DITCH CONVEYING WATER FROM A POINT OF DIVERSION IN NENESW OF SECTION 27 T9S R12W FLOWS INTO THE PAIMENT DITCH IN THE NWNW OF SECTION 01 T10S R12W.

WATER DIVERTED FROM HORSE PRAIRIE CREEK AT A POINT OF DIVERSION IN THE SWSWSW OF SECTION 26 T9S R13W IS CONVEYED THROUGH THE HORSE PRAIRIE CREEK-DUNLAP SPLIT DITCH TO DUNLAP CREEK WHICH IS USED AS A NATURAL CARRIER TO TWO SECONDARY POINTS OF DIVERSION 1) PIERCE DITCH (SWNESW SEC 26 T9S R13W, BEAVERHEAD COUNTY), 2) JAGGER DITCH (NWSWNE SEC 22 T9S R12W, BEAVERHEAD COUNTY).

THE POINT OF DIVERSION IN SECTION 27 T9S R12W (COMPANY DITCH) FALLS ON THE LINE IN TWO OUT OF THE THREE QUARTER SECTIONS. FOR DATABASE PURPOSES AND CONSISTENCY, THE LEGAL DESCRIPTION WILL BE THE NENESW QUARTER OF SECTION 27 T9S R12W.

THE POINT OF DIVERSION IN NESESW SEC 28 T11S R13WM BEAVERHEAD COUNTY, IS ON STATE OF MONTANA LAND.

PIERCE DITCH AND HANS PETERSON DITCH SHARE THE SAME POINT OF DIVERSION.

THE POINT OF DIVERSION IN NWSWNW SEC 5 T12S R13W, BEAVERHEAD COUNTY, IS ON UNITED STATES FOREST SERVICE LAND.

Period of Use: APRIL 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	21.00		SWNW	30	9S	11W	BEAVERHEAD
2	1.00		SWSWSE	30	9S	11W	BEAVERHEAD
3	131.00		SW	30	9S	11W	BEAVERHEAD
4	595.00			31	9S	11W	BEAVERHEAD
5	83.00		S2N2	32	9S	11W	BEAVERHEAD
6	255.00		S2	32	9S	11W	BEAVERHEAD
7	130.00		N2	33	9S	11W	BEAVERHEAD
8	166.00		S2	33	9S	11W	BEAVERHEAD
9	163.00		E2	25	9S	12W	BEAVERHEAD

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>
10	75.00		S2SE	36	9S	12W	BEAVERHEAD
11	571.00			4	10S	11W	BEAVERHEAD
12	544.00			5	10S	11W	BEAVERHEAD
13	278.00		N2	6	10S	11W	BEAVERHEAD
14	17.00		NESE	6	10S	11W	BEAVERHEAD
15	3.00		N2NWSE	6	10S	11W	BEAVERHEAD
16	189.00		N2	9	10S	11W	BEAVERHEAD
17	45.00		E2SE	9	10S	11W	BEAVERHEAD
18	3.00		E2NWSE	9	10S	11W	BEAVERHEAD
19	25.00		S2S2N2	10	10S	11W	BEAVERHEAD
20	71.00		W2SW	10	10S	11W	BEAVERHEAD
21	81.00		NE	1	10S	12W	BEAVERHEAD
22	45.00		S2SW	18	11S	13W	BEAVERHEAD
23	268.00		N2	19	11S	13W	BEAVERHEAD
24	89.00		N2S2	19	11S	13W	BEAVERHEAD
25	15.00		SWNW	20	11S	13W	BEAVERHEAD
26	36.00		NWSW	20	11S	13W	BEAVERHEAD
27	35.00		S2SW	20	11S	13W	BEAVERHEAD
28	20.00		SENE	29	11S	13W	BEAVERHEAD
29	6.00		N2NENW	29	11S	13W	BEAVERHEAD
30	112.00		SW	30	11S	13W	BEAVERHEAD
31	2.00		SWNWNE	31	11S	13W	BEAVERHEAD
32	86.00		NW	31	11S	13W	BEAVERHEAD
33	29.00		W2SE	31	11S	13W	BEAVERHEAD
34	27.00		NESW	31	11S	13W	BEAVERHEAD
35	112.00		SE	13	11S	14W	BEAVERHEAD
36	53.00		E2SW	13	11S	14W	BEAVERHEAD
37	106.00		NE	24	11S	14W	BEAVERHEAD
38	1.00		NENENW	24	11S	14W	BEAVERHEAD
39	8.00		N2NESE	24	11S	14W	BEAVERHEAD
Total:	4,497.00						

AN AFFIDAVIT WAS RECEIVED SEPTEMBER 26, 2002 FROM BUSTER BROWN. THE AFFIDAVIT DESCRIBES HISTORICAL IRRIGATION PRACTICES ON THE LC RANCH AND THE L DIAMOND RANCH. THE PLACES OF USE ARE SEVERAL MILES APART.

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.

95011-00	95012-00	95013-00	95014-00	95015-00	95016-00	95017-00
95018-00	95020-00	95023-00	95024-00	95025-00	95026-00	95033-00
95034-00	95035-00	95036-00	95037-00	95038-00	95039-00	95040-00
95041-00	95042-00	95043-00	95044-00	95045-00	95046-00	95047-00
95048-00	95049-00	95050-00	95051-00	95052-00	95053-00	95054-00
95055-00	95113-00	95115-00	95116-00	95117-00	95118-00	95119-00
95120-00	95121-00	95122-00	95123-00	95124-00	95125-00	95127-00
95128-00						

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 09/26/2002: POINT OF DIVERSION, PLACE OF USE, MAXIMUM ACRES.

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 8/31/2006: POINT OF DIVERSION, MEANS OF DIVERSION, PLACE OF USE, MAXIMUM ACRES.

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 6/1/2007: PLACE OF USE, MAXIMUM ACRES.

THE PERIOD OF USE WAS AMENDED BY THE CLAIMANT ON 2/20/2003.

THE POINT OF DIVERSION WAS AMENDED BY THE CLAIMANT ON 2/15/2007.

DUNLAP CREEK APPEARS TO BE A CHANNEL OF HORSE PRAIRIE CREEK, WHICH IS HIGHLY BRAIDED. THE EXHIBITS INCLUDED WITH CASE 1292 AND THE MORE RECENT TOPOGRAPHIC MAP BOTH NAME DUNLAP CREEK. IN BOTH INSTANCES, DUNLAP CREEK BRANCHES OFF OF HORSE PRAIRIE CREEK, IS FED BY UNNAMED TRIBUTARIES AND FLOWS BACK INTO HORSE PRAIRIE CREEK.

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

Remarks:

ONE.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 05/07/93.

AT THE TIME OF THE CLAIMED PRIORITY DATE, IT APPEARS THAT THE PLACE OF USE WAS PART OF AN INDIAN RESERVATION.

THIS CLAIM APPEARS TO DIVERT WATER FROM FOUR SEPARATE SOURCES. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.