

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:** 76H 99725-00 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:**

PHYLLIS L CARTER  
\*\*\*DECEASED\*\*\*  
% GAYLE DONEY  
1587 GOLDEN EAGLE DR  
LEWISTOWN, MT 59457  
  
DELBERT R CARTER  
\*\*\*DECEASED\*\*\*  
% GAYLE DONEY  
1587 GOLDEN EAGLE DR  
LEWISTOWN, MT 59457  
  
JACQUELINE E PLUMMER  
1074 BIRCH CREEK LOOP  
CORVALLIS, MT 59828-9547  
  
WILLIAM D PLUMMER  
1074 BIRCH CREEK LOOP  
CORVALLIS, MT 59828-9547

**Priority Date:** MAY 13, 1910

**Enforceable Priority Date:** MAY 13, 1910

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 4.00 CFS

**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:** 160.00

**Source Name:** BIRCH 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		SESWSE	12	7N	20W	RAVALLI

**Period of Diversion:** APRIL 1 TO OCTOBER 20

**Diversion Means:** HEADGATE

**Period of Use:** APRIL 1 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	40.00		SWNE	12	7N	20W	RAVALLI
2	80.00		N2SE	12	7N	20W	RAVALLI
3	40.00		SWSE	12	7N	20W	RAVALLI
<b>Total:</b>	160.00						

**Geocodes/Valid:** 13-1565-12-1-01-07-0000 - Y 13-1565-12-1-01-08-0000 - Y  
13-1565-12-1-01-09-0000 - Y 13-1565-12-1-01-20-0000 - Y  
13-1565-13-1-01-02-0000 - Y

**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.

99725-00 99729-00

**Remarks:**

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

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 120797 RECEIVED 05/15/2014.

THE CLAIMED CONVEYANCE DITCH CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 01/24/1995, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY KAY CASSENS.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 11/28/2007, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY THEODORE AND DORINDA TROUTMAN.

THE RAVALLI COUNTY WATER RESOURCES SURVEY ( 1958 ) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO(S). 179-142 , DATED 08/02/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

THE CLAIMED POINT OF DIVERSION MAY BE INCOMPLETE. IT APPEARS THERE SHOULD BE ADDITIONAL POINTS OF DIVERSION ON BIRCH CREEK WHICH COULD NOT BE IDENTIFIED FROM INFORMATION IN THE CLAIM FILE.