

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: 41O 109746-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Version Status: ACTIVE

Owners: EDWARD J KELLY
PO BOX 174
FORT BENTON, MT 59442

STEVEN R KELLY
PO BOX 1044
FORT BENTON, MT 59442

Priority Date: NOVEMBER 15, 1895
Enforceable Priority Date: NOVEMBER 15, 1895

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: WATER SPREADING

Maximum Flow Rate: NO FLOW RATE HAS BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Maximum Volume: 264.00 AC-FT
THE VOLUME OF THIS WATER RIGHT HAS BEEN REDUCED TO THE GUIDELINE OF 2 ACRE FEET PER YEAR. THIS VOLUME MAY BE CONTESTED BY PROPER OBJECTION.

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 132.00

Source Name: DRY FORK 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		SWSENW	27	25N	7E	CHOUTEAU

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

2		NENWNW	34	25N	7E	CHOUTEAU
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Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: DIKE

Period of Use: JANUARY 1 to DECEMBER 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	2.00		SESENW	27	25N	7E	CHOUTEAU
2	10.00		SWSENW	27	25N	7E	CHOUTEAU
3	2.00		SESWNW	27	25N	7E	CHOUTEAU
4	7.00		NWNESW	27	25N	7E	CHOUTEAU
5	5.00		SESESW	27	25N	7E	CHOUTEAU
6	3.00		SWNESW	27	25N	7E	CHOUTEAU
7	6.00		NENWSW	27	25N	7E	CHOUTEAU
8	2.00		NESESW	27	25N	7E	CHOUTEAU
9	5.00		NWSESW	27	25N	7E	CHOUTEAU
10	2.00		SWSESW	27	25N	7E	CHOUTEAU
11	6.00		NESWSW	27	25N	7E	CHOUTEAU
12	8.00		SESWSW	27	25N	7E	CHOUTEAU
13	4.00		SWSWSW	27	25N	7E	CHOUTEAU
14	7.00		NWNENW	34	25N	7E	CHOUTEAU
15	10.00		NENWNW	34	25N	7E	CHOUTEAU
16	2.00		NWNWNW	34	25N	7E	CHOUTEAU
17	9.00		SENWNW	34	25N	7E	CHOUTEAU
18	10.00		SWNWNW	34	25N	7E	CHOUTEAU
19	5.00		NWSENW	34	25N	7E	CHOUTEAU
20	4.00		SWSENW	34	25N	7E	CHOUTEAU
21	10.00		NESWNW	34	25N	7E	CHOUTEAU

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>
22	9.00		SESWNW	34	25N	7E	CHOUTEAU
23	4.00		SWSWNW	34	25N	7E	CHOUTEAU
Total:	132.00						

Geocodes/Valid: 19-3617-27-4-01-02-0000 - Y 19-3617-34-2-01-01-0000 - Y
19-3617-34-3-01-01-0000 - Y

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.

109745-00 109746-00

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/05/95.

OWNERSHIP UPDATE RECEIVED

- OWNERSHIP UPDATE TYPE 608 # 15518 RECEIVED 07/21/2004.
- OWNERSHIP UPDATE TYPE DOR # 85412 RECEIVED 11/06/2009.
- OWNERSHIP UPDATE TYPE DOR # 115342 RECEIVED 06/04/2013.
- OWNERSHIP UPDATE TYPE DOR # 146835 RECEIVED 09/01/2016.