

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 109747-00 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:** DECEMBER 31, 1895  
**Enforceable Priority Date:** DECEMBER 31, 1895

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION  
**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 4.89 CFS  
THE COMBINED FLOW RATE FOR THE FOLLOWING CLAIMS CANNOT EXCEED 4.89 CFS. 41O 109747-00, 41O 30052627.

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

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 66.00

**Source Name:** TETON 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		NESWSW	33	25N	7E	CHOUTEAU

**Period of Diversion:** MAY 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** KELLY DITCH

**Period of Use:** MAY 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	3.00		NWNENE	33	25N	7E	CHOUTEAU
2	6.00		SWNENE	33	25N	7E	CHOUTEAU
3	8.00		NENWNE	33	25N	7E	CHOUTEAU
4	5.00		NWNWNE	33	25N	7E	CHOUTEAU
5	10.00		SENWNE	33	25N	7E	CHOUTEAU
6	4.00		SWNWNE	33	25N	7E	CHOUTEAU
7	9.00		NWSENE	33	25N	7E	CHOUTEAU
8	2.00		SESENE	33	25N	7E	CHOUTEAU
9	8.00		SWSENE	33	25N	7E	CHOUTEAU
10	8.00		NENESE	33	25N	7E	CHOUTEAU
11	3.00		NWNESE	33	25N	7E	CHOUTEAU
<b>Total:</b>	<b>66.00</b>						

**Geocodes/Valid:** 19-3617-34-3-01-01-0000 - Y

**Remarks:**

OWNERS AGREE NOT TO PLACE A CALL DURING THE PERIOD FROM OCTOBER 1 TO DECEMBER 31 EACH YEAR ON ANY WATER RIGHT CLAIM OWNED BY FARMERS COOPERATIVE CANAL COMPANY OR ANY PARTY WITH WATER RIGHTS IN BASIN 41O WITH A PRIORITY DATE EQUAL OR SENIOR TO FARMERS COOPERATIVE CANAL COMPANY'S RIGHTS TO STORE WATER IN ITS TWO OFFSTREAM RESERVOIRS, HARVEY LAKE AND FARMERS RESERVOIR, AS SET FORTH IN THE TEMPORARY PRELIMINARY DECREE FOR BASIN 41O.

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

**Remarks:**

IMPLIED CLAIM NO. 41O 30052627 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

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.