

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 109750-00 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:** AUGUST 2, 1897

**Enforceable Priority Date:** AUGUST 2, 1897

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 1.89 CFS

**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:** 50.00

**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:** APRIL 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** KELLY DITCH

THE ORIGINAL MEANS OF DIVERSION WAS A WATERWHEEL.

**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	1.25		NWSWNE	33	25N	7E	CHOUTEAU
2	1.25		SESWNE	33	25N	7E	CHOUTEAU
3	7.50		SWSWNE	33	25N	7E	CHOUTEAU
4	5.00		SESENE	33	25N	7E	CHOUTEAU
5	3.75		SWSENE	33	25N	7E	CHOUTEAU
6	1.25		NENWSE	33	25N	7E	CHOUTEAU
7	6.25		NWNWSE	33	25N	7E	CHOUTEAU
8	7.50		NENESW	33	25N	7E	CHOUTEAU
9	5.61		NWNESW	33	25N	7E	CHOUTEAU
10	3.45		SENESE	33	25N	7E	CHOUTEAU
11	1.25		SWNESE	33	25N	7E	CHOUTEAU
12	1.25		SENESE	33	25N	7E	CHOUTEAU
13	1.25		NESESE	33	25N	7E	CHOUTEAU
14	3.44		NWSESE	33	25N	7E	CHOUTEAU
<b>Total:</b>	50.00						

**Geocodes/Valid:** 19-3617-33-1-01-01-0000 - Y

**Remarks:**

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 04/18/2000: MAXIMUM ACRES, PLACE OF USE.

THIS CLAIM IS SUBJECT TO THE TERMS OF AN AGREEMENT SUBMITTED TO THE MONTANA WATER COURT ON OCTOBER 12, 2011. SEE THE CLAIM FILE OR WATER COURT CASE 41O-224 FOR MORE INFORMATION.

---

**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.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/05/1995.

**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.