

STATE OF MONTANA  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

# GENERAL ABSTRACT

**A version with a more recent operating authority date exists. Contact DNRC for details.**

**Water Right Number:** 41S 113224-00 STATEMENT OF CLAIM  
**Version:** 2 -- CHANGE AUTHORIZATION  
**Version Status:** ACTIVE

THIS AUTHORIZATION IS LIMITED TO THE AMOUNT OF THE HISTORIC USE RECOGNIZED BY THE DEPARTMENT IN THIS PROCEEDING AS SUBJECT TO CHANGE, AND WILL THEREAFTER NOT EXCEED THAT AMOUNT. IF THE HISTORIC USE IS REDUCED UNDER ADJUDICATION PROCEEDINGS PURSUANT TO TITLE 85, CHAPTER 2, PART 2, MCA, THIS AUTHORIZATION WILL BE LIMITED TO A LESSER AMOUNT.

**Owners:** ROBERTA J FRENCH  
HC 81 BOX 85  
HOBSON, MT 59452  
  
DANIEL T FRENCH  
HC 81 BOX 85  
HOBSON, MT 59452

**Priority Date:** OCTOBER 16, 1887  
**Enforceable Priority Date:** OCTOBER 16, 1887

**Purpose (use):** IRRIGATION  
**Irrigation Type:** SPRINKLER/FLOOD  
**Maximum Flow Rate:** 1.88 CFS  
**Maximum Volume:** 745.61 AC-FT  
**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 338.00  
**Source Name:** ANTELOPE 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         |                 | SESWE          | 25         | 14N        | 13E        | JUDITH BASIN  |

**Period of Diversion:** APRIL 15 TO OCTOBER 31  
**Diversion Means:** HEADGATE

|   |  |        |    |     |     |              |
|---|--|--------|----|-----|-----|--------------|
| 2 |  | NWNESE | 25 | 14N | 13E | JUDITH BASIN |
|---|--|--------|----|-----|-----|--------------|

**Period of Diversion:** APRIL 15 TO OCTOBER 31  
**Diversion Means:** PUMP

**Reservoir:** ON STREAM  

| <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------------|----------------|------------|------------|------------|---------------|
|                 | NWNESE         | 25         | 14N        | 13E        | JUDITH BASIN  |

**Depth:** 17.00 FEET  
**Surface Area:** 2.50 ACRES  
**Current Capacity:** 21.25 ACRE-FEET

**Period of Use:** APRIL 15 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         | 68.00        |                 | W2SE           | 25         | 14N        | 13E        | JUDITH BASIN  |
| 2         | 41.70        |                 | SW             | 25         | 14N        | 13E        | JUDITH BASIN  |
| 3         | 73.10        |                 | S2NE           | 25         | 14N        | 13E        | JUDITH BASIN  |
| 5         | 78.50        |                 | SE             | 24         | 14N        | 13E        | JUDITH BASIN  |
| 6         | 76.70        |                 | NW             | 25         | 14N        | 13E        | JUDITH BASIN  |

**Total:** 338.00

**Geocodes/Valid:** -- NO VALID GEOCODES --

**Remarks:**

APPLICANT MUST NOT IMPOUND WATER IN THEIR STORAGE RESERVOIR UNDER THIS APPLICATION

**Remarks:**

FROM AUGUST 1 THROUGH OCTOBER 31, UNLESS THEY HAVE FIRST CONTACTED APPROPRIATOR KELLY FRENCH OR HIS SUCCESSORS AND OBTAINED HIS CONSENT BASED UPON KELLY FRENCH OR KELLY FRENCH'S SUCCESSOR'S NEED FOR STOCK WATER FROM ANTELOPE CREEK BEING SATISFIED.

STATEMENTS OF CLAIM 41S 11321900, 41S 11322000, 41S 11322400, 41S 11322500 WITH ANTELOPE CREEK BEING THEIR SOURCE AND STATEMENTS OF CLAIM 41S 11321200, 41S 11321400, 41S 11321500, 41S 11321800, 41S 11322200 WITH THE JUDITH RIVER BEING THEIR SOURCE HAD OVERLAPPING PLACES OF USE ON THE 210.5 ACRES IN THE E½ OF SECTION 24, TOWNSHIP 14 NORTH, RANGE 13 EAST. OF THESE 210.5 ACRES, AUTHORIZATION TO CHANGE 41S 11321999 MOVED 132 ACRES TO SECTION 25, TOWNSHIP 14 NORTH, RANGE 13 EAST FOR THE ANTELOPE CREEK RIGHTS ONLY, EFFECTIVELY EXPANDING THE TOTAL IRRIGATED ACRES UNDER ALL THE RIGHTS BY 132.0 ACRES. THE JUDITH RIVER WATER RIGHTS PLACE OF USE REMAINED UNCHANGED. THE APPROPRIATOR SHALL NOT IRRIGATE BOTH OF THE 132.0 ACRE PARCELS IN ANY GIVEN YEAR WITH THE WATER RIGHTS PREVIOUSLY NAMED. THE APPROPRIATOR SHALL NOTIFY THE DNRC WATER RESOURCES REGIONAL OFFICE IN WRITING WITH A MAP ATTACHED INDICATING WHICH OF THE 132.0 ACRE PARCELS WILL BE IRRIGATED EACH YEAR. WHEN NOT IRRIGATING THE 132.0 ACRE PARCEL IN SECTION 25, TOWNSHIP 14 NORTH, RANGE 13, THE PLACE OF USE OF THE ANTELOPE CREEK RIGHTS MAY BE ADJUSTED TO ACCOMMODATE THE FUNCTION OF THE IRRIGATION SYSTEM. SUCH ADJUSTMENTS MUST BE DETAILED ON THE MAP SUBMITTED WITH THE NOTIFICATION. THE NOTIFICATION OF THE PLACE OF USE MUST BE MADE BY MAY 31 OF EACH YEAR. IF NO NOTIFICATION IS MADE, IT WILL BE ASSUMED THAT THE 132.0 ACRES IN SECTION 25, TOWNSHIP 14 NORTH, RANGE 13, WILL BE IRRIGATED FROM ANTELOPE CREEK AND THE 132.0 ACRES LYING PRIMARILY IN THE NE¼ OF SECTION 24, TOWNSHIP 14 NORTH, RANGE 13, WILL NOT BE IRRIGATED FROM THE JUDITH RIVER.

APPLICANT WILL REMOVE THE EXISTING POINT OF DIVERSION FROM ANTELOPE CREEK LOCATED IN SE¼SE¼SE¼ OF SECTION 24, TOWNSHIP 14 NORTH, RANGE 13 EAST, JUDITH BASIN COUNTY, MONTANA WHICH HISTORICALLY IRRIGATED 132 ACRES LOCATED IN E½ OF SECTION 24, TOWNSHIP 14 NORTH, RANGE 13 EAST.

APPLICANT SHALL INSTALL DEPARTMENT APPROVED WATER USE MEASURING DEVICES AT POINTS APPROVED BY THE DEPARTMENT ABOVE AND BELOW THE UPPER DAM AND ABOVE AND BELOW THE LOWER DAM TO BE USED TO MEASURE THE FLOWS IN ANTELOPE CREEK ENTERING AND EXITING EACH OF THE PONDS. THE APPROPRIATOR SHALL KEEP WRITTEN RECORDS OF THE FLOW RATE OF WATER MEASURED AT EACH OF THE FOUR DEVICES. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. ON A FORM PROVIDED BY THE DEPARTMENT OR COPIES THEREOF, THE APPROPRIATOR SHALL KEEP A WRITTEN WEEKLY RECORD OF THE FLOW RATE OF ALL WATER ENTERING AND EXITING THE PONDS INCLUDING THE PERIOD OF TIME AT TIMES WATER IS FLOWING INTO THE PONDS. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON MORE FREQUENT REQUEST BY THE DEPARTMENT AS NECESSARY AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE LEWISTOWN WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE AND VOLUME ACCURATELY.