

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: 41M 114128-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: DARYLE E SWANSON
8056 VALIER HWY
VALIER, MT 59486-5222

PAMELA R SWANSON
8056 VALIER HWY
VALIER, MT 59486-5222

Priority Date: APRIL 1, 1954
Enforceable Priority Date: APRIL 1, 1954

Type of Historical Right: USE

Purpose (use): IRRIGATION
Irrigation Type: FLOOD
Maximum Flow Rate: 12.30 CFS
Maximum Volume: 294.00 AC-FT
Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 248.20
Source Name: FISH CREEK
Source Type: SURFACE WATER

NORTH FORK SHEEP CREEK IS USED AS A NATURAL CARRIER TO CONVEY WATER FROM FISH LAKE TO THE POINT OF DIVERSION.

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	5	SESWNE	30	28N	9W	PONDERA

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

2- SECONDARY	5	SESWNE	30	28N	9W	PONDERA
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Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: MILLER DITCH

Reservoir: ON STREAM **Reservoir Name** FISH LAKE
Govt Lot 5 **Qtr Sec** SESWNE **Sec** 30 **Twp** 28N **Rge** 9W **County** PONDERA

Diversion to Reservoir: DIVERSION # 1
Dam Height: 13.50 FEET
Depth: 10.50 FEET
Surface Area: 29.00 ACRES
Current Capacity: 121.80 ACRE-FEET

Reservoir: OFF STREAM **Reservoir Name** TWIN LAKES
Govt Lot **Qtr Sec** NWNWSE **Sec** 29 **Twp** 28N **Rge** 9W **County** PONDERA

Diversion to Reservoir: DIVERSION # 1
Dam Height: 14.00 FEET
Depth: 11.00 FEET
Surface Area: 39.00 ACRES
Current Capacity: 171.60 ACRE-FEET

Reservoir: OFF STREAM **Reservoir Name** ROUND LAKE
Govt Lot **Qtr Sec** S2SENW **Sec** 28 **Twp** 28N **Rge** 9W **County** PONDERA

Diversion to Reservoir: DIVERSION # 1
Dam Height: 13.00 FEET
Depth: 10.00 FEET

Surface Area: 2.00 ACRES

Current Capacity: 8.00 ACRE-FEET

THE CAPACITY, DAM HEIGHT, MAXIMUM DEPTH, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

Period of Use: APRIL 25 to OCTOBER 5

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	6.98		S2SENE	20	28N	9W	PONDERA
2	21.32		NESE	20	28N	9W	PONDERA
3	5.60		W2SWSE	20	28N	9W	PONDERA
4	4.74		SENWNE	21	28N	9W	PONDERA
5	31.06		SWNE	21	28N	9W	PONDERA
6	1.66		SENENW	21	28N	9W	PONDERA
7	24.12		SENE	21	28N	9W	PONDERA
8	9.11		S2SWNW	21	28N	9W	PONDERA
9	18.94		NWSE	21	28N	9W	PONDERA
10	6.95		N2NESW	21	28N	9W	PONDERA
11	9.47		NWSW	21	28N	9W	PONDERA
12	5.98		W2SWNE	28	28N	9W	PONDERA
13	12.92		NENW	28	28N	9W	PONDERA
14	7.69		NWNW	28	28N	9W	PONDERA
15	27.37		SENE	28	28N	9W	PONDERA
16	13.47		SWNW	28	28N	9W	PONDERA
17	0.59		NWNESW	28	28N	9W	PONDERA
18	2.27		NENWSW	28	28N	9W	PONDERA
19	4.37		SENE	29	28N	9W	PONDERA
20	0.50		SWNE	29	28N	9W	PONDERA
21	0.30		NWNWNE	29	28N	9W	PONDERA
22	28.64		SENE	29	28N	9W	PONDERA
23	2.29		NESWNE	29	28N	9W	PONDERA
24	1.38		NENESE	29	28N	9W	PONDERA
25	0.48		NWNESE	29	28N	9W	PONDERA
Total:	248.20						

Geocodes/Valid:	26-3981-20-1-03-01-0000 - Y	26-3981-21-1-02-01-0000 - Y
	26-3981-21-1-03-01-0000 - Y	26-3981-28-2-01-01-0000 - Y
	26-3981-28-3-01-01-0000 - Y	26-3981-28-3-02-01-0000 - Y
	26-3981-29-1-01-01-0000 - Y	26-3981-29-1-03-01-0000 - 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.

114128-00 114131-00 114132-00 114133-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 12/05/2003: PLACE OF USE, FLOW RATE, PERIOD OF USE.

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 2/20/2015: TYPE OF HISTORICAL RIGHT, MAXIMUM ACRES, PLACE OF USE.

THE PLACE OF USE WAS AMENDED BY THE CLAIMANT ON 09/13/2006.

THE VOLUME WAS AMENDED BY THE CLAIMANT ON 01/16/2004.

THE FLOW RATE WAS AMENDED BY THE CLAIMANT ON 10/23/2003.