

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: 43D 125724-00 STATEMENT OF CLAIM
Version: 3 -- REEXAMINED
Version Status: ACTIVE

Owners: SCOTT B MCGREGOR
166 COONEY RD
ROBERTS, MT 59070-9567
CHARLES R MCGREGOR
166 COONEY RD
ROBERTS, MT 59070-9567

Priority Date: JULY 2, 1917
Enforceable Priority Date: JULY 2, 1917

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 2.20 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: 40.00

Source Name: WASTE & SEEPAGE, UNNAMED TRIBUTARY OF ROCK 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		E2E2E2NE	30	5S	21E	CARBON

Period of Diversion: APRIL 1 TO OCTOBER 31
Diversion Means: PIT

2		E2E2NESE	30	5S	21E	CARBON
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Period of Diversion: APRIL 1 TO OCTOBER 31
Diversion Means: PIT

THE FOLLOWING REMARK IS ADDED TO DESCRIBE THE DIVERSION AND DELIVERY SYSTEM AS REQUESTED BY THE PARTIES IN CASE 43D-65: THE WASTE AND SEEPAGE THAT COMES OFF THE IRRIGATED FIELDS IN SECTION 30, T5S, R21E IS COLLECTED FOR ABOUT HALF OF A MILE IN THE BORROW PITS ADJACENT TO THE CARBON COUNTY RURAL ROUTE ROAD TO COONEY RESERVOIR GOING NORTH FROM ROBERTS, MONTANA. THE BORROW PITS SLOPE NORTH AND DIRECT THE COLLECTED WATER TO TWO CULVERTS. THE FIRST IS A CULVERT THAT CROSSES THE COUNTY ROAD IN THE NENESE SECTION 30, T5S, R21E AND DEPOSITS THE COLLECTED WATER INTO THE HUYCK DITCH. THE SECOND CULVERT IS AT THE INTERSECTION OF A SMALL GULLY AND HUYCK DITCH IN THE SWNWNW SECTION 29, T5S, R21E. THE WATER IS CARRIED THROUGH HUYCK DITCH TO DRY CREEK, THEN DIVERTED OUT OF DRY CREEK THROUGH SHOREY DITCH FOR DELIVERY TO THE PLACE OF USE.

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	40.00		NWSW	17	5S	21E	CARBON

Total: 40.00

Geocodes/Valid: -- NO VALID GEOCODES --

Remarks:

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

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

Remarks:

THE CARBON COUNTY WATER RESOURCES SURVEY (1966) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

THE CARBON COUNTY WATER RESOURCES SURVEY (1946) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO(S). 279-8 , DATED 10/30/1980 , APPEARS TO INDICATE 62.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE LOCATION OF THE SHOREY DITCH AS A SECONDARY DIVERSION OUT OF DRY CREEK AS DESCRIBED CANNOT BE CONFIRMED. MORE INFORMATION IS REQUIRED.

THE CLAIMED SPRINKLER SYSTEM WAS INSTALLED AFTER JUNE 30, 1973, AND DOES NOT REFLECT THE RIGHT AS IT EXISTED PRIOR TO JULY 1, 1973.