

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:** 42A 129374-00 STATEMENT OF CLAIM  
**Version:** 2 -- POST DECREE  
**Version Status:** ACTIVE

**Owners:** TAMMY R LUTHER  
1606 ROSEBUD CREEK RD  
FORSYTH, MT 59327-9423  
  
DARELL J LUTHER  
1606 ROSEBUD CREEK RD  
FORSYTH, MT 59327-9423

**Priority Date:** JUNE 10, 1959  
**Enforceable Priority Date:** JUNE 10, 1959

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Maximum Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**Maximum Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** UNNAMED TRIBUTARY OF EAGLE 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		NESWNW	35	4N	43E	ROSEBUD

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

**Reservoir:** ON STREAM  

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NESWNW	35	4N	43E	ROSEBUD

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 21.00 FEET  
**Surface Area:** 4.80 ACRES  
**Current Capacity:** 34.60 ACRE-FEET

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

**Period of Use:** JANUARY 1 to DECEMBER 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			W2NW	35	4N	43E	ROSEBUD

**Geocodes/Valid:** 29-1343-35-1-01-01-1640 - Y

**Remarks:**

WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/06/1999.  
WATER RIGHT OWNERSHIP UPDATE RECEIVED 09/04/1992.  
WATER RIGHT OWNERSHIP UPDATE RECEIVED 07/17/1991.  
WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/26/1983.  
WATER RIGHT OWNERSHIP UPDATE RECEIVED 12/04/1989.