

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: 41P 162059-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: PONDERA COUNTY CANAL & RESERVOIR CO
PO BOX 245
VALIER, MT 59486

Priority Date: JANUARY 14, 1913

Enforceable Priority Date: JANUARY 14, 1913

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 22.50 CFS

Maximum Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 104,641.00

Source Name: MARIAS RIVER, DRY FORK

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		NENENW	26	29N	4W	PONDERA

Period of Diversion: APRIL 1 TO OCTOBER 14

Diversion Means: HEADGATE

Ditch Name: P CANAL

Period of Use: APRIL 1 to OCTOBER 14

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	5.00		SESENE	36	29N	5W	PONDERA
2	130.00		S2	36	29N	5W	PONDERA
3	65.00		S2S2	21	29N	4W	PONDERA
4	126.00		S2	22	29N	4W	PONDERA
5	10.00		SWSW	23	29N	4W	PONDERA
6	10.00		S2S2SW	24	29N	4W	PONDERA
7	515.00			25	29N	4W	PONDERA
8	615.00			26	29N	4W	PONDERA
9	640.00			27	29N	4W	PONDERA
10	623.00			28	29N	4W	PONDERA
11	109.00		E2	29	29N	4W	PONDERA
12	20.00		S2SW	29	29N	4W	PONDERA
13	10.00		S2S2	30	29N	4W	PONDERA
14	499.00			31	29N	4W	PONDERA
15	635.00			32	29N	4W	PONDERA
16	640.00			33	29N	4W	PONDERA
17	640.00			34	29N	4W	PONDERA
18	640.00			35	29N	4W	PONDERA
19	640.00			36	29N	4W	PONDERA
20	534.00			31	29N	3W	PONDERA
21	270.00			32	29N	3W	PONDERA
22	10.00		S2S2SW	33	29N	3W	PONDERA
23	183.00		S2	12	29N	2W	PONDERA
24	554.00			13	29N	2W	PONDERA
25	109.00		E2	23	29N	2W	PONDERA
26	640.00			24	29N	2W	PONDERA
27	640.00			25	29N	2W	PONDERA
28	453.00			26	29N	2W	PONDERA
29	314.00			27	29N	2W	PONDERA
30	24.00		SESE	28	29N	2W	PONDERA

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>
31	16.00		E2E2SE	32	29N	2W	PONDERA
32	507.00			33	29N	2W	PONDERA
33	640.00			34	29N	2W	PONDERA
34	640.00			35	29N	2W	PONDERA
35	640.00			36	29N	2W	PONDERA
36	640.00			1	29N	1W	PONDERA
37	640.00			2	29N	1W	PONDERA
38	640.00			3	29N	1W	PONDERA
39	640.00			4	29N	1W	PONDERA
40	640.00			5	29N	1W	PONDERA
41	469.00			6	29N	1W	PONDERA
42	598.00			7	29N	1W	PONDERA
43	640.00			8	29N	1W	PONDERA
44	640.00			9	29N	1W	PONDERA
45	640.00			10	29N	1W	PONDERA
46	640.00			11	29N	1W	PONDERA
47	640.00			12	29N	1W	PONDERA
48	640.00			13	29N	1W	PONDERA
49	640.00			14	29N	1W	PONDERA
50	640.00			15	29N	1W	PONDERA
51	640.00			16	29N	1W	PONDERA
52	640.00			17	29N	1W	PONDERA
53	640.00			18	29N	1W	PONDERA
54	640.00			19	29N	1W	PONDERA
55	640.00			20	29N	1W	PONDERA
56	640.00			21	29N	1W	PONDERA
57	640.00			22	29N	1W	PONDERA
58	640.00			23	29N	1W	PONDERA
59	640.00			24	29N	1W	PONDERA
60	640.00			25	29N	1W	PONDERA
61	640.00			26	29N	1W	PONDERA
62	640.00			27	29N	1W	PONDERA
63	640.00			28	29N	1W	PONDERA
64	640.00			29	29N	1W	PONDERA
65	640.00			30	29N	1W	PONDERA
66	640.00			31	29N	1W	PONDERA
67	640.00			32	29N	1W	PONDERA
68	640.00			33	29N	1W	PONDERA
69	640.00			34	29N	1W	PONDERA
70	640.00			35	29N	1W	PONDERA
71	640.00			36	29N	1W	PONDERA
72	649.00			1	28N	3W	PONDERA
73	561.00	3		2	28N	3W	PONDERA
74	606.00			3	28N	3W	PONDERA
75	689.00	1		4	28N	3W	PONDERA
76	640.00	1		5	28N	3W	PONDERA
77	640.00			6	28N	3W	PONDERA
78	640.00			7	28N	3W	PONDERA
79	640.00			8	28N	3W	PONDERA
80	640.00			9	28N	3W	PONDERA
81	640.00			10	28N	3W	PONDERA
82	640.00			11	28N	3W	PONDERA
83	640.00			12	28N	3W	PONDERA
84	640.00			13	28N	3W	PONDERA
85	640.00			14	28N	3W	PONDERA
86	640.00			15	28N	3W	PONDERA
87	640.00			16	28N	3W	PONDERA
88	640.00			17	28N	3W	PONDERA
89	640.00			18	28N	3W	PONDERA
90	640.00			19	28N	3W	PONDERA
91	640.00			20	28N	3W	PONDERA
92	640.00			21	28N	3W	PONDERA
93	640.00			22	28N	3W	PONDERA
94	640.00			23	28N	3W	PONDERA
95	640.00			24	28N	3W	PONDERA
96	640.00			25	28N	3W	PONDERA
97	640.00			26	28N	3W	PONDERA
98	640.00			27	28N	3W	PONDERA

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
99	640.00			28	28N	3W	PONDERA
100	640.00			29	28N	3W	PONDERA
101	640.00			30	28N	3W	PONDERA
102	640.00			31	28N	3W	PONDERA
103	640.00			32	28N	3W	PONDERA
104	640.00			33	28N	3W	PONDERA
105	640.00			34	28N	3W	PONDERA
106	640.00			35	28N	3W	PONDERA
107	640.00			36	28N	3W	PONDERA
108	640.00	1		1	28N	2W	PONDERA
109	640.00			2	28N	2W	PONDERA
110	640.00			3	28N	2W	PONDERA
111	640.00	4		4	28N	2W	PONDERA
112	713.00			5	28N	2W	PONDERA
113	570.00			6	28N	2W	PONDERA
114	640.00			7	28N	2W	PONDERA
115	640.00			8	28N	2W	PONDERA
116	640.00			9	28N	2W	PONDERA
117	640.00			10	28N	2W	PONDERA
118	640.00			11	28N	2W	PONDERA
119	640.00			12	28N	2W	PONDERA
120	640.00			13	28N	2W	PONDERA
121	640.00			14	28N	2W	PONDERA
122	640.00			15	28N	2W	PONDERA
123	640.00			16	28N	2W	PONDERA
124	640.00			17	28N	2W	PONDERA
125	640.00			18	28N	2W	PONDERA
126	640.00			19	28N	2W	PONDERA
127	640.00			20	28N	2W	PONDERA
128	640.00			21	28N	2W	PONDERA
129	640.00			22	28N	2W	PONDERA
130	640.00			23	28N	2W	PONDERA
131	640.00			24	28N	2W	PONDERA
132	640.00			25	28N	2W	PONDERA
133	640.00			26	28N	2W	PONDERA
134	640.00			27	28N	2W	PONDERA
135	640.00			28	28N	2W	PONDERA
136	640.00			29	28N	2W	PONDERA
137	640.00			30	28N	2W	PONDERA
138	640.00			31	28N	2W	PONDERA
139	640.00			32	28N	2W	PONDERA
140	640.00			33	28N	2W	PONDERA
141	640.00			34	28N	2W	PONDERA
142	640.00			35	28N	2W	PONDERA
143	640.00			36	28N	2W	PONDERA
144	640.00			1	28N	1W	PONDERA
145	640.00			2	28N	1W	PONDERA
146	640.00			3	28N	1W	PONDERA
147	640.00			4	28N	1W	PONDERA
148	640.00			5	28N	1W	PONDERA
149	640.00			6	28N	1W	PONDERA
150	640.00	2		7	28N	1W	PONDERA
151	640.00			8	28N	1W	PONDERA
152	640.00			9	28N	1W	PONDERA
153	640.00			10	28N	1W	PONDERA
154	640.00			11	28N	1W	PONDERA
155	640.00			12	28N	1W	PONDERA
156	640.00			13	28N	1W	PONDERA
157	640.00			14	28N	1W	PONDERA
158	640.00			15	28N	1W	PONDERA
159	640.00			16	28N	1W	PONDERA
160	640.00			17	28N	1W	PONDERA
161	640.00	3		18	28N	1W	PONDERA
162	640.00			19	28N	1W	PONDERA
163	640.00			20	28N	1W	PONDERA
164	640.00			21	28N	1W	PONDERA
165	640.00			22	28N	1W	PONDERA
166	640.00			23	28N	1W	PONDERA

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
167	640.00			24	28N	1W	PONDERA
168	640.00			25	28N	1W	PONDERA
169	640.00			26	28N	1W	PONDERA
170	640.00			27	28N	1W	PONDERA
171	640.00			28	28N	1W	PONDERA
172	640.00			29	28N	1W	PONDERA
173	640.00	4		30	28N	1W	PONDERA
174	640.00			31	28N	1W	PONDERA
175	640.00			32	28N	1W	PONDERA
176	640.00			33	28N	1W	PONDERA
177	640.00			34	28N	1W	PONDERA
178	640.00			35	28N	1W	PONDERA
179	640.00			36	28N	1W	PONDERA
Total: 104,641.00							

ONLY 16311.00 ACRES ARE IRRIGATED DURING ANY GIVEN IRRIGATION SEASON WITHIN THE 104641.00 ACRES DESCRIBED UNDER THIS RIGHT.

Geocodes/Valid: -- NO VALID GEOCODES --

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.

161998-00	161999-00	162000-00	162001-00	162005-00	162007-00	162008-00
162009-00	162010-00	162011-00	162012-00	162014-00	162015-00	162016-00
162017-00	162018-00	162019-00	162020-00	162021-00	162022-00	162023-00
162024-00	162025-00	162026-00	162027-00	162028-00	162030-00	162031-00
162032-00	162033-00	162034-00	162035-00	162036-00	162037-00	162038-00
162039-00	162041-00	162042-00	162043-00	162044-00	162045-00	162046-00
162047-00	162048-00	162049-00	162050-00	162052-00	162053-00	162054-00
162055-00	162057-00	162058-00	162059-00	162060-00	162062-00	162066-00
162067-00	162068-00	215770-00				

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

162059-00 162103-00

THE COMPLETE SET OF DOCUMENTATION, MAPS AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. 41P 162057-00.

DNRC MAP IDENTIFYING USDA AND WATER RESOURCE SURVEY VERIFIED ACRES CAN BE OBTAINED BY REVIEWING FILE NO. 41P 162052-00.

THE SERVICE AREA MAP RECEIVED ON NOVEMBER 23, 2005 CAN BE OBTAINED BY REVIEWING FILE NO. 41P 161998-00.

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

PARENT FILE FOR THIS RIGHT IS 41P 162056-00.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT APPEAR TO BE REDUNDANT FILINGS. IT APPEARS ONLY ONE WATER RIGHT IS INVOLVED. 41P 162053-00, 41P 162059-00.

THE COMBINED FLOW RATE FOR WATER RIGHTS ON THE P CANAL IS 1105.00 CFS WHICH APPEARS TO EXCEED THE CAPACITY OF THE P CANAL. THE PONDERA COUNTY WATER RESOURCE SURVEY (1964) INDICATES THE CANAL CAPACITY TO BE 160.00 CFS.

THE PONDERA COUNTY WATER RESOURCES SURVEY (1964) APPEARS TO INDICATE 17639.53 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). 278-108, 278-110, 278-112, 278-144, 278-138, 278-140, 278-142, 278-144, 278-146 , DATED 9/22/1979 , APPEARS TO INDICATE 14162.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

Remarks:

DNRC EXAMINATION WAS UNABLE TO CONFIRM THE USE OF THIS WATER RIGHT. THE PONDERA COUNTY WATER RESOURCE SURVEY (1964) INDICATES THE CAPACITY OF THE P CANAL TO BE 160.00 CFS. WATER RIGHT NOS. 41P 162052-00 THROUGH 41P 162054-00 APPEARS TO FILL THE CANAL CAPACITY TO 52.50 CFS LEAVING 107.50 CFS TO BE USED BY WATER RIGHT NO. 41P 162055-00 BEFORE EXCEEDING THE CANAL CAPACITY. ALL SUBSEQUENT WATER RIGHTS APPEAR TO EXCEED THE CAPACITY OF THE CANAL. THIS WATER RIGHT MAY NOT HAVE BEEN PERFECTED.

THE COMBINED CLAIMED FLOW RATE FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS 71.00 GPM PER ACRE. THE FLOW RATE GUIDELINE FOR INDIVIDUAL CLAIMS IS 17 GPM PER ACRE.