

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: 41D 194310-00 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: KERRI L ANDERSON
50 SUGARLOAF MTN RD
GLEN, MT 59732-8409

MARK G ANDERSON
50 SUGARLOAF MTN RD
GLEN, MT 59732-8409

RICHARDSON FAMILY TRUST
DONALD & JANET RICHARDSON TRUSTEES
PO BOX 320033
GLEN, MT 59732-0033

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

Priority Date: OCTOBER 28, 1901

Enforceable Priority Date: OCTOBER 28, 1901

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

Maximum Flow Rate: NO FLOW RATE HAS BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Maximum Volume: 162.26 AC-FT
Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 180.00

Source Name: 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		NENESE	4	4S	10W	BEAVERHEAD

Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: DAM

WATER DIVERTED FROM BROWNS LAKE RESERVOIR IS CONVEYED TO ROCK CREEK WHICH IS USED AS A NATURAL CARRIER TO A SECONDARY POINT OF DIVERSION IN THE NWSENE AND THE NWNWSW SEC 32 TWP 3S RGE 9W BEAVERHEAD COUNTY.

Reservoir: ON STREAM **Reservoir Name** LAKE AGNES
Govt Lot **Qtr Sec** **Sec** **Twp** **Rge** **County**
NENESE 4 4S 10W BEAVERHEAD

Diversion to Reservoir: DIVERSION # 1

Dam Height: 13.00 FEET

Surface Area: 114.00 ACRES

Current Capacity: 1,860.00 ACRE-FEET

RESERVOIR DATA WAS OBTAINED FROM THE DAM SAFETY SECTION OF THE WATER RESOURCES DIVISION, DNRC.

Period of Use: APRIL 1 to OCTOBER 1

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	14.00		W2NWNW	3	4S	9W	BEAVERHEAD
2	4.00		SWSWNW	3	4S	9W	BEAVERHEAD
3	16.00		NWSW	3	4S	9W	BEAVERHEAD
4	16.00		SWSW	3	4S	9W	BEAVERHEAD
5	7.00		NENENE	4	4S	9W	BEAVERHEAD
6	10.00		NWNENE	4	4S	9W	BEAVERHEAD
7	10.00		SENENE	4	4S	9W	BEAVERHEAD
8	5.00		SWNENE	4	4S	9W	BEAVERHEAD
9	10.00		NENWNE	4	4S	9W	BEAVERHEAD
10	9.00		NWNWNE	4	4S	9W	BEAVERHEAD
11	2.00		SENWNE	4	4S	9W	BEAVERHEAD
12	1.00		SWNWNE	4	4S	9W	BEAVERHEAD
13	1.00		NWSENE	4	4S	9W	BEAVERHEAD
14	2.00		NESWNE	4	4S	9W	BEAVERHEAD
15	1.00		NWSWNE	4	4S	9W	BEAVERHEAD
16	6.00		NENENW	4	4S	9W	BEAVERHEAD
17	1.00		NWNENW	4	4S	9W	BEAVERHEAD
18	3.00		SENESE	4	4S	9W	BEAVERHEAD
19	18.00		SESE	4	4S	9W	BEAVERHEAD
20	18.00		NENE	9	4S	9W	BEAVERHEAD
21	14.00		SENE	9	4S	9W	BEAVERHEAD
22	12.00		NWNW	10	4S	9W	BEAVERHEAD
Total:	180.00						

Geocodes/Valid: 18-0588-03-2-01-01-0000 - Y 18-0588-04-1-01-01-0000 - 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.

194308-00 194309-00 194310-00 194311-00 194312-00 194313-00 194314-00
194315-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 03/10/1994: PLACE OF USE, MAXIMUM ACRES.

THIS RIGHT IS SUBJECT TO THE AUTHORITY OF COURT APPOINTED WATER COMMISSIONERS, IF AND WHEN APPOINTED, TO ADMEASURE AND DISTRIBUTE TO THE PARTIES USING WATER IN THE SOURCE OF SUPPLY, THE WATER TO WHICH THEY ARE ENTITLED. THE APPROPRIATOR SHALL PAY HIS PROPORTIONATE SHARE OF THE FEES, COMPENSATION AND EXPENSES, AS FIXED BY THE DISTRICT COURT, INCURRED IN THE DISTRIBUTION OF THE WATERS.

A SECONDARY POINT OF DIVERSION LOCATED IN THE NWSESW OF SEC 34, TWP 3S, RGE 9W, BEAVERHEAD COUNTY WAS ADDED TO THIS WATER RIGHT BY CHANGE NO. 19430900-41D. THE APPROPRIATOR SHALL DIVERT NO MORE THAN 3.87 CFS (154.66 MINERS INCHES) FROM ROCK CREEK UNDER WATER RIGHT NO. 194309, LEAVING .13 CFS (5 MINERS INCHES) TO BE USED BY THE TADOVICH-JENSEN DITCH USERS FOR CARRIAGE LOSS.

THE ACRES OF THIS RIGHT HAVE BEEN REDUCED BY 16.00 ACRES. THE 16.00 ACRES IN THE S2NE, SEC 4, TWP 4S, RGE 9W, BELONG TO GREG FELDER WHO DID NOT RECEIVE A PORTION OF THIS RIGHT.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 02/14/1995.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 10/20/1987.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 09/17/1990.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 08/11/2000.

THE RIGHT ISSUED ON 06/18/1998 WAS REISSUED. THE RIGHT WAS REISSUED BECAUSE THE FLOW MEASURING DEVICE CONDITION WAS REMOVED.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 45654 RECEIVED 01/18/2007.

OWNERSHIP UPDATE TYPE 608 # 63092 RECEIVED 08/01/2008.