

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:** 40A 198484-00 STATEMENT OF CLAIM  
**Version:** 2 -- SPLIT POST DECREE

**Version Status:** ACTIVE

**Owners:** STEVENS, DOROTHY W REVOCABLE TRUST  
% TRUSTEE  
18 E 41ST ST #800  
NEW YORK, NY 10017-6222

**Priority Date:** SEPTEMBER 5, 1902

**Enforceable Priority Date:** SEPTEMBER 5, 1902

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 36.65 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:** 863.50

**Source Name:** AMERICAN 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		NWSWNE	28	6N	13E	WHEATLAND

**Period of Diversion:** MARCH 1 TO NOVEMBER 4

**Diversion Means:** HEADGATE

**Ditch Name:** NORTON AND LYONS DITCH

THE DIVERSION THROUGH NORTON & LYONS DITCH DOES AFFECT THE FLOW IN THE MAIN STREAM OF THE AMERICAN FORK CREEK AFTER AUGUST 1 OF EACH YEAR.

WATER IS DIVERTED FROM AMERICAN FORK CREEK AND DITCHED NORTHEAST ABOUT 1.5 MILES TO LEBO CREEK. LEBO CREEK IS USED AS A NATURAL CARRIER FOR ABOUT 1/4 MILE TO AN UNNAMED TRIBUTARY OF BIG ELK CREEK AND FROM THERE TO LEBO LAKE. FROM LEBO LAKE, VARIOUS DITCHES AND NATURAL WATER COURSES, INCLUDING LEBO CREEK, DELIVER THE WATER TO THE PLACES OF USE.

THIS RIGHT TO DIVERT WATER THROUGH THE NORTON & LYONS DITCH IS SUBJECT TO THE AMERICAN FORK CREEK DECREE, CAUSE #374, SWEET GRASS CO.

**Reservoir:** OFF STREAM **Reservoir Name** LEBO LAKE

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NW	6	6N	14E	WHEATLAND

**Diversion to Reservoir:** DIVERSION # 1

THE SURFACE AREA OF LEBO RESERVOIR IS LOCATED: NE SEC 1 TWP 6N RGE 13E NW SEC 6 TWP 6N RGE 14E SE SEC 36 TWP 7N RGE 13E SW SEC 31 TWP 7N RGE 14E.

LEBO RESERVOIR CONSISTS OF TWO DAMS LOCATED IN GOVERNMENT LOT 4 NW SEC 06 TWP 06N RGE 14E AND NWNWSW SEC 31 TWP 07N RGE 14E WHEATLAND COUNTY.

**Period of Use:** MARCH 1 to NOVEMBER 4

**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	360.00		W2	2	6N	14E	WHEATLAND
2	244.00		E2	3	6N	14E	WHEATLAND
3	42.00		N2N2	4	6N	14E	WHEATLAND
4	12.00		NE	5	6N	14E	WHEATLAND
5	37.00		S2S2	33	7N	14E	WHEATLAND

**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>
6	65.00		S2S2	34	7N	14E	WHEATLAND
7	8.00		SENE	35	7N	14E	WHEATLAND
8	95.50		S2	35	7N	14E	WHEATLAND
<b>Total:</b>	863.50						

<b>Geocodes/Valid:</b>	44-1508-02-2-01-01-0000 - Y	44-1508-03-1-01-01-0000 - Y
	44-1508-04-1-01-01-0000 - Y	44-1603-24-1-01-01-0000 - Y
	44-1604-33-1-01-01-0000 - Y	44-1604-34-4-01-01-0000 - Y
	44-1604-35-1-01-01-0000 - 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.

198477-00	198478-00	198479-00	198480-00	198481-00	198482-00	198483-00
198484-00	198485-00	198486-00	198487-00	198488-00	198489-00	198490-00
198491-00	198492-00	198493-00	198494-00			

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

PLACE OF USE PARCEL NO. 004 IS IN GOVERNMENT LOTS 1 AND 8. PLACE OF USE PARCEL NO. 003 IS IN GOVERNMENT LOTS 2, 3, 4, 5, AND 6.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/29/88.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 04/19/88.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/30/85.

SPLIT CLAIM NO. 40A 30064417 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 70663 RECEIVED 04/12/2010.

OWNERSHIP UPDATE TYPE WATER COURT ORDER # 108636 RECEIVED 03/22/2013.

WHEN THIS CLAIM WAS ORIGINALLY DECREED, THE PERIOD OF DIVERSION WAS NOT INCLUDED AS AN ELEMENT OF THE CLAIM. IN 2008, THE PERIOD OF DIVERSION ELEMENT WAS ADDED TO ALL CLAIM ABSTRACTS. IT IS NOT CERTAIN IF THE PERIOD OF DIVERSION DATES ADDED TO THIS CLAIM ACCURATELY REFLECT THE HISTORICAL PERIOD OF DIVERSION. MORE INFORMATION IS REQUIRED.