

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:** 41M 199792-00 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:** PONDERA COUNTY CANAL & RESERVOIR CO  
PO BOX 245  
VALIER, MT 59486

**Priority Date:** APRIL 9, 1884  
**Enforceable Priority Date:** APRIL 9, 1884

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

**Maximum Flow Rate:** 21.25 CFS  
**Maximum Volume:** 9,733.00 AC-FT  
**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 3,400.31  
**Source Name:** BIRCH 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         |                 | NENENE         | 1          | 29N        | 8W         | PONDERA       |

**Period of Diversion:** APRIL 1 TO NOVEMBER 19  
**Diversion Means:** HEADGATE W/DITCH OR PIPELINE/FLOOD AND DIKE

**Period of Use:** APRIL 1 to NOVEMBER 19

**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             | 237.47       |                 |                | 3          | 29N        | 7W         | PONDERA       |
| 2             | 274.03       |                 |                | 4          | 29N        | 7W         | PONDERA       |
| 3             | 378.50       |                 |                | 5          | 29N        | 7W         | PONDERA       |
| 4             | 182.50       |                 |                | 12         | 29N        | 8W         | PONDERA       |
| 5             | 155.10       |                 |                | 13         | 29N        | 8W         | PONDERA       |
| 6             | 272.30       |                 |                | 27         | 30N        | 7W         | PONDERA       |
| 7             | 370.39       |                 |                | 28         | 30N        | 7W         | PONDERA       |
| 8             | 65.94        |                 |                | 29         | 30N        | 7W         | PONDERA       |
| 9             | 485.95       |                 |                | 32         | 30N        | 7W         | PONDERA       |
| 10            | 448.80       |                 |                | 33         | 30N        | 7W         | PONDERA       |
| 11            | 529.33       |                 |                | 34         | 30N        | 7W         | PONDERA       |
| <b>Total:</b> | 3,400.31     |                 |                |            |            |            |               |

**Geocodes/Valid:** -- NO VALID GEOCODES --

**Remarks:**

THIS WATER RIGHT IS SUBJECT TO THE FINAL ORDER  
THE WATER RIGHTS SHALL BE ADMINISTERED AND WATER SHALL BE DISTRIBUTED BY THE PONDERA COUNTY CANAL & RESERVOIR COMPANY AS STATED IN THE AGREEMENT SIGNED BY THE PARTIES ON AUGUST 27, 1993.  
THE ISSUANCE OF THIS RIGHT BY THE DEPARTMENT SHALL NOT REDUCE THE APPROPRIATOR'S LIABILITY FOR DAMAGES CAUSED BY THE APPROPRIATOR'S EXERCISE OF THIS RIGHT. NOR DOES THE DEPARTMENT IN ISSUING THE RIGHT IN ANY WAY ACKNOWLEDGE LIABILITY FOR DAMAGE CAUSED BY THE APPROPRIATOR'S EXERCISE OF THIS RIGHT.

**Remarks:**

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 18277 RECEIVED 12/14/2004.