

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:** 41K 210511-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** SUN RIVER VALLEY DITCH CO  
PO BOX 463  
VAUGHN, MT 59487-0032

**Priority Date:** JANUARY 1, 1921

**Enforceable Priority Date:** JANUARY 1, 1921

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD/FURROW

**Maximum Flow Rate:** 60.00 CFS

COMBINED FLOW RATE FOR FILES NO. W210511-00, W210513-00, W210514-00, W210515-00 AND W210516-00 IS LIMITED TO THE HISTORIC CAPACITY OF THE DIVERSION STRUCTURES AND CONVEYANCE SYSTEM.

**Maximum Volume:**

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 6,535.00

**Source Name:** MILL COULEE 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		SWNWSW	26	21N	1W	CASCADE

**Period of Diversion:** APRIL 15 TO DECEMBER 4

**Diversion Means:** HEADGATE

**Period of Use:** APRIL 15 to DECEMBER 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	320.00		S2	25	21N	1W	CASCADE
2	160.00		S2N2	25	21N	1W	CASCADE
3	320.00		S2	26	21N	1W	CASCADE
4	80.00		E2NW	35	21N	1W	CASCADE
5	10.00		NWNW	35	21N	1W	CASCADE
6	110.00		NE	35	21N	1W	CASCADE
7	160.00		N2	36	21N	1W	CASCADE
8	40.00		N2SW	36	21N	1W	CASCADE
9	20.00		NESE	36	21N	1W	CASCADE
10	40.00		SENW	36	21N	1W	CASCADE
11	320.00		S2	20	21N	1E	CASCADE
12	160.00		S2N2	21	21N	1E	CASCADE
13	320.00		S2	21	21N	1E	CASCADE
14	320.00		S2	22	21N	1E	CASCADE
15	160.00		S2N2	22	21N	1E	CASCADE
16	320.00		S2	23	21N	1E	CASCADE
17	160.00		S2N2	23	21N	1E	CASCADE
18	160.00		SW	24	21N	1E	CASCADE
19	160.00		NW	24	21N	1E	CASCADE
20	80.00		E2SE	24	21N	1E	CASCADE
21	120.00		NW	25	21N	1E	CASCADE
22	100.00		NE	25	21N	1E	CASCADE
23	10.00		SESW	25	21N	1E	CASCADE
24	15.00		SWSE	25	21N	1E	CASCADE
25	160.00		NE	26	21N	1E	CASCADE
26	40.00		SE	26	21N	1E	CASCADE
27	160.00		NW	26	21N	1E	CASCADE
28	150.00		NE	27	21N	1E	CASCADE
29	160.00		N2N2	27	21N	1E	CASCADE

**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>
30	140.00		S2NW	27	21N	1E	CASCADE
31	40.00		NWSW	27	21N	1E	CASCADE
32	320.00		N2	28	21N	1E	CASCADE
33	160.00		SW	28	21N	1E	CASCADE
34	80.00		N2SE	28	21N	1E	CASCADE
35	40.00		SWSE	28	21N	1E	CASCADE
36	320.00		N2	29	21N	1E	CASCADE
37	110.00		SW	29	21N	1E	CASCADE
38	110.00		SE	29	21N	1E	CASCADE
39	320.00		N2	30	21N	1E	CASCADE
40	160.00		N2S2	30	21N	1E	CASCADE
41	130.00		SW	30	21N	1E	CASCADE
42	140.00		SE	30	21N	1E	CASCADE
43	30.00		NE	31	21N	1E	CASCADE
44	90.00		NW	31	21N	1E	CASCADE
45	10.00		N2NE	32	21N	1E	CASCADE
<b>Total:</b>	6,535.00						

THIS WATER RIGHT IS LIMITED TO IRRIGATION OF 2,392.00 ACRES WITHIN THE TOTAL PLACE OF USE IN ANY IRRIGATION SEASON. SEE CLAIM FILE OR WATER COURT CASE 41K-271 FILE FOR MORE INFORMATION.

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

**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME .

10557-00 210511-00 210513-00 210514-00 210515-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE ASSOCIATED. THEY SHARE AN OVERLAPPING PLACE OF USE. W210511-00, W210513-00, W210514-00, W210575-00, W210516-00.

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

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. W210511-00, W210513-00, W210514-00, W210515-00, W210516-00.

THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT MAY BE ADDRESSED AT THE OBJECTION STAGE. IT APPEARS THAT 5424 ACRES ARE ACTUALLY IRRIGATED AND PROBLEMS COULD EXIST WITH FLOW RATE AND VOLUME.