

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM**

**MARIAS RIVER
BASIN 41P**

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 41P 139999-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: FOWLER, MARY T TRUST FOR KAREN
% KAREN JENSEN
491 JERRYS LN
LOMA, MT 59460

Priority Date: AUGUST 1, 1963

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.11 CFS

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

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 99.02

Source Name: MARIAS RIVER

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		NESESE	12	25N	9E	CHOUTEAU

Period of Diversion: APRIL 1 TO AUGUST 30

Diversion Means: PUMP

Period of Use: APRIL 1 TO AUGUST 30

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	1.56		NESESE	12	25N	9E	CHOUTEAU
2	6.09		S2NWSW	7	25N	10E	CHOUTEAU
3	33.12		SWSW	7	25N	10E	CHOUTEAU
4	5.61		S2NESW	7	25N	10E	CHOUTEAU
5	29.36		SESW	7	25N	10E	CHOUTEAU
6	23.09		SWSE	7	25N	10E	CHOUTEAU
7	0.19		SWNWSE	7	25N	10E	CHOUTEAU

Total: 99.02

Remarks:

AUTHORIZATION TO CHANGE (SEVER/SELL) POINT OF DIVERSION, PLACE OF USE COMPLETED 04/06/1983 . FILE REFLECTS RIGHT AS IT EXISTED PRIOR TO JULY 1973. APPROVED CHANGES WILL BE RECORDED AFTER FINAL DECREE.

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

THIS APPROPRIATION OF WATER TAKES WATER FROM THE MARIAS RIVER DRAINAGE (BASIN 41P) AND USES IT IN THE MARIAS RIVER DRAINAGE (BASIN 41P) AND THE MISSOURI RIVER, FROM SUN TO MARIAS RIVERS DRAINAGE (BASIN 41Q). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

THE FOLLOWING POTENTIAL ISSUES WERE IDENTIFIED DURING CLAIMS EXAMINATION OR DURING PREVIOUS WATER COURT PROCEEDINGS. THESE ISSUES MAY REMAIN UNRESOLVED IF NO OBJECTIONS ARE FILED DURING THE NEXT OBJECTION PERIOD.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THIS INTERBASIN TRANSFER CLAIM WAS NOT INCLUDED IN THE 41Q BASIN DECREE ISSUED 05/27/2010.

THE CHOUTEAU COUNTY WATER RESOURCES SURVEY (1964) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO. RCH-278-56 , DATED 07/20/1979 APPEARS TO INDICATE 23.09 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.